

# Design Review

## A Guide for Local Authorities



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## Introduction

This document is for all those on the local planning authority side of the development and planning process, including development management case officers, planning policy officers, specialist officers such as conservation or urban design officers, planning managers and elected members, particularly those with planning committee or cabinet responsibilities. It explains how design review works and contains recommendations on how local planning authorities can get the most value from it.

Design review is a highly effective process that has been around for nearly 100 years. In summary; designs for new developments are presented to a mixed panel of experts, who discuss the project with the applicant and planning authority and give feedback on how the scheme could be improved. The recommendations are incorporated into a report for the applicant and the local authority.

Design South East is an independent not-for-profit organisation dedicated to design quality in the built environment and one of the leading providers of design review in the country.

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***"Early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel" - NPPF***

## What 'design quality' means

Design is not just about how things look, as the National Planning Policy Framework (NPPF) makes clear:

*"Planning policies and decisions should not attempt to impose architectural styles or particular tastes"*

When it comes to cars or vacuum cleaners we all understand that design is not just about the 'styling' of the outside but about how the whole thing fits together and works. It is the same for the built environment. The design of places is about responding to the landscape, connections, public space, the mix of uses, how buildings relate to their context as well as size, shape and appearance. It is about mundane but vital matters like refuse bins and car parking. As the NPPF says:

*"... securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

### Case Study:

#### Brighton & Hove Design/PLACE Review Panel

Design South East has a long history of working with Brighton and Hove City Council but a formal partnership began in April 2016. This enabled Brighton to work with Design South East to recruit a very high-powered city panel, and to take the Panel, officers and elected members through an induction process which has ensured the panel members fully understand the unique ambitions and constraints of the city and reinforced Brighton's commitment to design quality. A number of schemes have been reviewed, some of them two or three times to ensure that they are as good as they can be. In addition Design South East have introduced the idea of the Panel to local developers, businesses and civic societies, have provided training for members and officers and facilitated debates on the future of the city. This core package of activity has been delivered at no cost to the City Council.

## The value of design

The quality of our villages, towns and cities is essential to achieving many strategic objectives shared by local authorities regardless of their political control. Well-designed places:

- Improve the quality of people's lives
- Attract and retain skilled and ambitious people, visitors and investors
- Provide the space and connections for entrepreneurs to establish themselves and local businesses to thrive, encouraging growth and job creation
- Promote walking, cycling and access to green space, encouraging healthy lifestyles
- Use energy and water efficiently and cope better with extreme weather
- Are easy for everyone to use, whatever their age and abilities
- Reduce crime and anti-social behaviour

Well-designed new developments are more likely to be acceptable to local people.

Local authorities have numerous objectives to consider: ensuring there is sufficient housing and jobs, keeping traffic moving, providing community facilities, keeping people safe. Design is not just one more objective to be considered; it is the key to delivering these objectives as cost-effectively as possible.

*"Good design... is indivisible from good planning, and should contribute positively to making places better for people" - NPPF*

### Case Study:

#### Swale Design Review Panel

The Swale Design Review Panel was established in 2013 and since then has reviewed nearly all the major developments in this north Kent borough. Its members, some of whom are locally based, have developed a good knowledge of Sittingbourne, Faversham and the other Swale communities. Elected members attend the design review meetings and value the rigour it brings to examining planning proposals.



## How design review benefits local planning authorities

The aim of any design review process is to improve design quality in the built environment. Its role is to review development proposals and provide feedback to developers, clients and local authorities that will enhance the quality of the design and resolve design issues so that projects can go through the planning process faster.

A consistent application of design review, mainly at the pre-application stage, integrated into the planning process and used to reinforce learning for officers and members, can reap dividends for local authorities.

Design review is referred to in paragraph 62 of the National Planning Policy Framework. This says that local authorities should have local design review arrangements and that they should give weight to the findings of design review panels. This should give local authorities the confidence to insist on applicants coming to design review and use it as a tool to improve collaboration. Where a planning application goes to appeal and there are design issues involved, the inspector may well refer to the findings of the design review.

For many local authorities design review has become an integral part of the development control process. This is for a number of reasons:

- It makes it easier to resolve design issues in the planning process
- Design review can help to improve the design of a project; identifying ways to make it function better and be more user-friendly.
- The process facilitates collaboration to achieve consensus around design objectives, and offers ways of engaging with interested parties e.g. highways, politicians and communities
- Design review offers a fresh perspective, providing solutions to seemingly intractable design issues
- Design review can help to address the viability question. In some cases projects can be simplified through more efficient design solutions or improved design can unlock higher sale or rental values

The overwhelming majority of local authority officers who come to design review meetings find it a positive and helpful process and one which helps their professional development.



## Making design review work for you

We have identified four factors that make design review work for local authorities:

### **1 Clarity on which schemes a local authority will refer for review**

If design review is used consistently by a local authority for all schemes over a certain threshold size (and for some sensitive schemes below that size) it can have a number of benefits:

- All schemes get the benefit of expert independent design advice to help them to be as good as they can be
- It breaks down resistance to design review because every applicant is being treated the same
- Design review becomes an integral part of the planning process with officers using the review meetings to resolve design issues and members looking out for the report to give them key design advice
- Officers and elected members are regularly attending design review and reading reports and so learning from the Panel's expertise and gaining in confidence around design issues
- The design review panel members really get to know the local area, the challenges it faces and the objectives of the local authority

### **2 Awareness of your commitment throughout your organisation and externally**

If design review is to be used consistently, it is important that all key stakeholders are aware of the local authority's commitment to it. This might start with a cabinet report confirming that design review is required by the authority. A clear message on the planning pages of the website should follow. A briefing for all relevant officers can familiarise them with design review, help overcome any fears and misgivings and give them the confidence to tell developers that they are expected to use it. Elected members should also be briefed. Allowing officers and members to attend design review as observers helps maintain awareness of design review and familiarity with the key design issues around schemes coming forward. Awareness works both ways and we can arrange a panel induction so that our panel members really understand your local area and the challenges it is facing, what is in your local plan and the objectives of the local authority.





### **3 Integration of design review with other design quality tools**

Design review is not an isolated process. If local authorities really want to benefit from a better-designed built environment they should develop a range of initiatives to make them a design-led local authority.

- This starts with pro-active plan-making, ensuring that design and place-making is at the heart of your local plans and planning documents, not just in separate policies.
- Skills are important, and basic design training for officers and members can build knowledge and confidence. Design South East can help with that.
- Leadership is key, and place-making should not be seen simply as the preserve of particular departments or divisions but a key concern right up to Chief Executive and Leader level.
- Initiatives like local design awards can underline the message that the authority is committed to good design and can be run at virtually no cost to the council.
- Finally, the local authority as a developer of public buildings, streets and spaces should ensure that its procurement processes have design at their heart.

### **4 Establishing a design dialogue through follow-up reviews**

Once a design review has happened there needs to be a clear process for analysing the report and making sure that the scheme promoters respond to it. This might be the responsibility of the case officer or a specialist officer. The opinions of design review panels and how the applicants have responded to them should be reported in planning application reports. If a review takes place once an application has been submitted the report should be included in the application documents.

Design South East will also follow-up on reviews by surveying all participants to ask them how they experienced the process and following up with the local authority to track what happened to the scheme. From time-to-time we will meet with senior officers to review how design review is working for their authority.



## Engaging with design review through Design South East

There are four ways that you can engage with design review through Design South East:

### **1 Through ad-hoc engagement**

It can be very helpful to bring a one-off scheme to design review, particularly if it is proving problematic. Design review can often have a mediation role helping to resolve an impasse between applicant and local planning authority. Applicants will often take the advice of an independent expert body when they have seemed unwilling to listen to the local authority.

Although these ad-hoc design reviews will be valuable in themselves it is not an ideal approach as it means that a lot of the planning case-load is not benefitting from our expert input. It also makes it more difficult to insist that developers come to design review as they can resent being singled out for review when others do not have to do it. That's why we recommend one of the approaches set out below.

### **2 Through a policy commitment and preferred supplier**

A key factor in ensuring applicants will come to design review is to make a formal commitment to using it. This might involve specifying a threshold (for example a certain number of housing units or so many square meters of commercial space) over which schemes must come to design review. Below that threshold schemes can still be referred if they are particularly sensitive. This formal commitment might be crystallised by a cabinet decision or its inclusion in a local plan or local design policy. Whatever route is chosen it needs to be communicated to applicants through the council website or any written material. The policy can specify Design South East as a preferred supplier of design review. This arrangement means that Design South East deals with all the logistics and invoicing for design review and we use our existing very experienced Panel. An example of this approach is Surrey Heath Borough Council who agreed in the summer of 2016 to refer all schemes over 50 dwellings to design review through Design South East.

### 3

#### **By asking Design South East to develop a Local Panel**

Many local authorities like the idea of having their own local design review panel. This ensures that there is a feeling of local ownership of the panel and its opinions by officers and members and that the panel members really get to know the area and the development and planning challenges it faces. However, many authorities lack the capacity to set up and manage a design review panel themselves. An internally managed local panel may not be perceived as independent. Design South East manages local panels on behalf of a number of local authorities. This provides all the advantages of having a local panel while ensuring it is professionally managed, is clearly independent and is not a drain on council resources. Design South East will work with the local authority to recruit panel members, either from our main panel or beyond. We will also ensure there is a full briefing of the newly recruited panel. This arrangement generally means that Design South East deals with all the logistics and invoicing for design review.

### 4

#### **Through a partnership with Design South East**

The strongest and most effective way of committing to design review is through a partnership with Design South East. This combines all the benefits of a local panel with added value services agreed as part of the package. If we can confidently predict a certain level of design review income we can provide an agreed range of complementary activities which might include design surgeries for smaller schemes, presentations to stakeholder groups and place reviews. Through this sort of arrangement we become a strong partner for the council, understanding the challenges it faces and acting as an honest broker in dealing with developers and other local stakeholders. Beyond the agreed set of activities, further services can be commissioned if required. Under this arrangement the local authority may choose to invoice applicants for design review as part of an overall pre-application fee package. Design South East will then invoice the local authority. Other than that Design South East will manage all the logistics of design review.



## Design Review in detail

### Key steps in the design review process

<b>Initial enquiry</b>	At least 1 month before	Telephone or email our office, or make sure the promoter does, to get booked into the system and discuss possible dates. We will send the promoter a Project Submission Form and a Contract. We will contact you to discuss potential dates.
<b>Confirm review</b>	At least 3 weeks before	The promoter returns the Submission Form and Contract and we can confirm the design review date. We will ensure that this is a date that is convenient for the local planning authority.
<b>Promoter books venue</b>	As soon as possible	The promoter locates and books a venue for the review (this could be a site office, a local village hall, or the local authority's offices). They may need your help with this.
<b>Promoter submits plans</b>	At least 7 days before	The promoter submits documents to Design South East. We may ask you to provide additional documents such as relevant policies.
<b>Design Review</b>	On the day	Make sure you bring all the technology you need to make your presentation and provide additional copies of key documents for the Panel.
<b>Report</b>	Within 10 working days	You will receive our report. Consider carefully how you will respond to its recommendations.



## When design review should happen

Schemes should come to design review as early as possible. That way all parties can derive maximum benefit from the advice on offer before the designs become too advanced. Obviously some designing needs to have happened before we can review it, but design teams have sometimes come to us to discuss a brief and some very early concept sketches (RIBA stage 1) and gained a lot from the process. For these very early reviews the discussion focusses on establishing design principles and objectives and exploring a range of design options. Most design teams come to us when the first draft of their proposals have been completed (RIBA stage 2) but before they have done so much detailed work that it is difficult to make changes.

Many projects come to us once public consultation and discussions with key statutory consultees have been completed. This is not ideal as aspects of the design can become fixed. We suggest it is best to schedule the first design review before, or around the same time, as these early discussions.

This is not to say that design review is not useful at a later stage – shortly before or after a planning submission. If the applicant and their design team retain an open mind about making revisions to their application to address the Panel's comments design review can still improve the project and help it through planning. It can also provide planning officers with guidance in recommending a decision and writing their report.

We discourage promoters and their design teams from making extensive preparations for a design review or postponing because they are 'not ready'. We want to see their work in progress and we encourage them to carry on working while waiting for the design review meeting. The local authority can help reinforce the message that they should come early and not over-prepare.

## Booking a review

Generally speaking the scheme promoter will book the review but if they are reluctant you can always get in touch to make the initial enquiry. It is best to email our office: [sarah@designsoutheast.org](mailto:sarah@designsoutheast.org) or telephone 01634 401166 to discuss dates for a review. We operate a system whereby a number of Panel meetings are scheduled in advance and if a scheme can slot into one of these dates it will make all our lives easier. However, if those dates are not convenient or are already booked up we can be flexible and arrange additional Panel meetings. We will send the scheme promoters a Project Submission Form and Contract. They need to return these as soon as possible to confirm the review date.

## Booking a venue

The review needs to take place at a venue no more than 30 minutes from the site (preferably less). We ask the scheme promoter to locate and book the venue, but the local authority can often help by hosting the review at their offices or helping to find a village hall or community centre.

## The Panel meeting

**There are four parts to the design review session:**

- 1 Site visit**

The Panel will go out on site with the design team/client and a local authority representative. The objective is to get a thorough feel for the site and the opportunities and challenges it presents. We would suggest that the group of people accompanying the Panel on site should not be too large (four at most). We will want to walk round within the site but also view the site from outside of its boundary and get a feel for the wider context. On very large sites we may need the applicant to provide a minibus to enable this.
- 2 Local authority briefing**

Once we return to the venue the Chair will ask the local authority to explain the planning context to the project and what they are looking for from the review. This should take no more than 10 minutes.
- 3 Presentation**

The scheme promoters will then have up to 30 minutes to present their project. We are flexible about how they do that and what visual aids they use (PowerPoint, display boards, models, etc).
- 4 Questions, discussion and feedback**

The chair will begin by inviting panel members to ask questions to clarify any issues with the project presenter(s). They will then give their feedback on the designs. At the end of the design review process, the chair will conclude the discussion with a verbal summary of the advice offered.



## Who should attend the design review meeting?

At each Panel meeting, there will be at least five panel members including the Chair and a panel manager from Design South East who will take notes and draft the report.

Officers who have been working on the scheme should attend the meeting; these may include planning case officers, urban design, conservation or highways officers. If there has been involvement from another part of the council please let us know. If there is involvement from another agency, such as Historic England or the county highways team, we will invite them to design review. If they cannot attend we may ask for their views in advance. We encourage elected members to observe design reviews so they can see the process in action and understand the discussion that led up to our report.

## Can design review happen without the local authority?

The most important quality of design review is independence. At Design South East we will always insist that the local authority is invited to a design review, even when we have been approached directly by the developer and even when they have had no contact with the local authority. Sometimes, if a formal pre-application process has not begun, the local authority will not have the resources to attend external meetings. In those circumstances the review will go ahead but we will still seek the local authority's views before the meeting and we will send them a copy of the design review report.

## More than one review?

Larger, more complex or sensitive projects may benefit from more than one design review, for example a first review at the concept stage and another when more detailed designs have been developed. When a project is reviewed more than once we will try to ensure that the same panel members are involved, or at least that a majority of the panel are the same. This removes the need for a full site visit.

For private houses hoping to gain planning permission via paragraph 55 of the NPPF we often have a number of reviews until the Panel are satisfied that the 'test' under paragraph 55 has been passed. Where we undertake multiple reviews the later ones may be conducted a smaller Panel, perhaps just the chair and one panel member.

## Following the design review meeting

After the design review session, a written report will be issued summarising the views of the Panel. As a guide we aim to email out the report within 10 working days. If the promoters or local authority need the report earlier, to meet a planning or funding deadline, we will do our best to oblige.

This report will be a concise written summary and may also include suggestions and recommendations. The aim of the design review report is to assist and encourage developers/advisors in achieving better quality development proposals. In the case of current planning applications, the contents of the Design Review report will become a public document and will be considered as a material planning consideration. We are happy to amend the report if we make a factual error. However, we cannot change the advice or opinions contained in the report.

Remember that the National Planning Policy Framework gives the opinions of design review panels weight in planning decisions. Where design review opinion differs from that of statutory consultees it is important to remember that in most cases the advice of statutory consultees is not mandatory.

## What if the design review does not support our views?

As well as being independent, one of the key features of design review is that it is 'advisory'. We are not there to make the planning decision for the local authority. Our advice is rarely 'black or white'; we will say if we think there are fundamental problems with a scheme or whether we broadly support it. Whatever we think of it, we will make suggestions as to how it could be improved. A confident local authority will be happy to enter into that constructive discussion and make best use of the advice the Panel gives. You do not have to follow the Panel's advice, just show you have given it weight. Sometimes the Panel will challenge the local authority. We may suggest that you should be more pro-active in planning the area around a development site, making improvements to the public realm or take a firmer line when statutory consultees are being unhelpful. Again, if you are open and confident about what you are doing you will view this as constructive advice, take it in the spirit it is given, and respond accordingly.

If you are worried about the design review Panel not really understanding your challenges and objectives a good way of overcoming that is to work with us to arrange a Panel induction.

## Costs

Generally speaking the promoter of the scheme (the developer) pays for design review. It can therefore be totally free for the local authority. If local authorities adopt a clear policy, apply it consistently and brief their staff well, they will not encounter much resistance from developers to pay for design review.

Occasionally when a developer absolutely refuses to come to design review a local authority will choose to pay for it themselves to ensure they get the benefit of a review. In these circumstances the developer should still be invited to present their scheme at the review to underline the independence of the process. Of course, when the local authority is the developer, they will pay for the design review.

Half day meeting to review one project	<b>£4,800</b>
Full day meeting to review a large or complex project which requires an extended site visit and discussion	<b>£6,300</b>
Follow-up review (without site visit)	<b>£3,300</b>

Normally fees will be invoiced from Design South East but in some areas we have arrangements where the local authority invoices and we recoup our fees from them. For reviews of single private houses, we require the fee to be paid in advance of the review.



## Recap: maximising the value of design review

To maximise the value of design review:

- Have a clear policy that applications over a certain size come to design review
- Encourage scheme promoters to come to design review as early as possible, preferably at the pre-application stage
- Make sure that staff working on an application attend the design review
- Invite other staff and elected members to attend as observers
- Consider the findings of the design review carefully and give them weight in planning decisions.
- Work with an independent not-for-profit design review provider like Design South East
- Consider working with Design South East to create a dedicated local panel, either just for your area or jointly with neighbouring local authorities



## Other services from Design South East

Design review is only one tool that local authorities can use to ensure design quality and smooth the planning process. We can also review policy documents. We can provide design advice through surgeries looking at schemes that fall below the design review threshold. Many local authorities turn to Design South East as a neutral facilitator of discussions with key stakeholders or the wider community.

Design South East can provide design workshops or place reviews where a more hands-on approach is needed. These can be valuable for establishing aspirations, principles and parameters for a place or site. We arrange and facilitate workshops, discussion events and conferences around design and place-making issues involving local stakeholders or the wider community. We provide design training for members and officers in the basics of urban design or more specific subjects to meet local needs. We can arrange and facilitate study tours of developments in other areas.

For larger complex sites which are being considered at an early stage we often undertake design workshops in partnership with the landowners and the local authority. These still make use of our expert Panel but in a more 'hands-on' role. Such workshops are useful to develop design principles and objectives for the site, establish a broad framework for the lay-out and strategies for dealing with key opportunities and constraints. A design review might follow a workshop once early designs have emerged.



## About Design South East

Design South East is one of the leading providers of design review in the country. We have refined our approach to design review over 15 years. Expert, objective and impartial, we balance raising aspirations and promoting design ambition with realism about scheme viability and constraints. As a not-for-profit organisation with a lean operation, based outside London we can offer a well-resourced professional operation which is also keenly priced.

Our design review team is flexible and responsive, ensuring that the format of the review, its duration and the range of skills on the Panel reflect the needs of the project. We can arrange reviews at short notice when necessary.

We have a strong commitment to quality and continuous improvement which is demonstrated by:

- dealing with your enquiry efficiently and flexibly to ensure we do not delay the development of the project.
- ensuring that there is a suitable panel for the project. Our panels always consist of experts with a range of skills including architecture, urban design, landscape architecture, engineering.
- drawing up an agenda for the design review allowing sufficient time for a full panel site visit, travel between site and venue, presentation and discussion.
- ensuring that the design review meeting is conducted in a polite and constructive manner and is as helpful as it can be to all parties.
- maintaining an appropriate level of confidentiality, depending on the stage your project has reached.
- scrupulous attention to ensuring the design review process is independent and conflicts of interest are avoided.
- reports which are succinct and useful explaining clearly what you need to do to improve the design of the project.
- seeking your feedback on the design review process within three months of the meeting.
- dealing with any comments and complaints through a professional complaints procedure and act quickly to address any issues identified.
- ensuring panel members are well briefed on each scheme and on local plan objectives and other key issues of the local authority.



## Confidentiality

All information submitted to Design South East for design review will be treated as confidential.

If a planning application has not yet been submitted our report will be confidential and only released to the parties attending the review meeting and the local authority. Once a planning application is submitted the local authority may choose to make the review report public with the other planning documents. Even if they do not do this they may be subject to a Freedom of Information request.

If the project is being reviewed after a planning application has been submitted our report will become one of the planning documents and will be publicly accessible.

If you have a particularly sensitive project and there is a need for additional measures to ensure confidentiality, please discuss those with our Head of Design Advice.

## Conflicts and declarations of interest

Design South East has a conflicts of interest policy which includes a protocol for design review panel members. Panel members are excluded from reviewing projects where they may be exposed to conflicts of interest.

Sometimes there are indirect connections between panel members and parties to the project which are not sufficiently strong to constitute a conflict of interest. Declarations of interest are made where no conflict of interest arises but clarity and openness in the process requires this information to be declared for the avoidance of any doubt or misconceptions.

If you believe there is a conflict of interest which we have not been made aware of please ask to speak in private to a member of the Design South East team at the earliest opportunity.



## How we deal with complaints

Design South East is committed to delivering an efficient, high quality service. We aim to provide prompt, courteous, helpful and informative advice in response to all who approach us. We are always keen to hear the views of our customers and partners about our performance.

As with all organisations, from time to time things can go wrong, and we may not provide the standard of service that we have set ourselves. We are keen to hear about such instances, so that we can learn from our mistakes and get it right next time.

We aim to handle complaints quickly, fairly and helpfully. Examples of complaints about a service provided by Design South East might include:

- dissatisfaction with the way in which we responded to an enquiry, or the time that we took to respond
- a perceived injustice because of alleged maladministration on our part
- dissatisfaction at the way in which Design South East advice has been formed

When dealing with complaints Design South East endeavours to::

- ensure that making a complaint is as easy as possible
- treat a complaint seriously whether it is made by telephone, letter, fax or e-mail
- deal with it promptly, politely and, where appropriate, informally
- include in our response an apology where we have got things wrong, an explanation of the position, or information on any actions taken, etc.
- learn from complaints and use them to improve our service

We will do our best to:

- treat complaints thoroughly, fairly and politely, and investigate them sensitively;
- respond promptly. Your complaint will be acknowledged within five days and a response given within 18 working days from the date of receipt. If it is not possible to give you a full reply within this time - for instance because a detailed investigation is required - we will give you an interim response
- tell you what is being done to deal with your complaint, when you can expect the full reply and from whom.

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