

To: City Executive Board

Date: 9th October 2013

Report of: Head of City Development

Title of Report: OXFORD DESIGN REVIEW PANEL

Summary and Recommendations

Purpose of report: The purpose of this paper is to set out proposals for refreshing the City Council's approach to promoting design quality in new developments.

Key decision: No

Executive lead member: Councillor Colin Cook

Policy Framework: The Core Strategy.

Recommendation(s): That City Executive Board:

1. Agree that a new Oxford Design Review Panel should be established.

Appendix 1: CABE Principles of Design Review

Appendix 2: Current membership of the West End Design Panel

Appendix 3: Draft Terms of Reference for the Oxford Design Review Panel

Appendix 4: Risk Assessment

Introduction

1. The purpose of this paper is to set out proposals for refreshing the City Council's approach to promoting design quality. The Council already has design review processes in place, but the scale of development being undertaken in the city, the ambition to raise design quality and the challenges to planning outcomes prompts a review. The principles of Design Review are summarised in Appendix 1.

Current Process

2. The process of external design review is independent and lies outside the formal planning application process. The review is undertaken by independent panels and their purpose is to engage with the developer as well as advise planning officers. The process is iterative and is generally

most effective if undertaken at each of the planning phases: initial design, outline and detailed.

3. The City Council has three levels of design review available.
 - **South East Design Panel (Kent Architecture Centre):** This sits under Design Council/CABE, and meets the role CABE used to provide in design review of major schemes. It draws on the same panel of experts as CABE and indeed many have CABE design panel experience. It carries out reviews in Oxford a number of times each year, most recently reviewing the pre-outline application Westgate proposal.
 - **BOB-MK Design Network (Berks/Oxford/Bucks):** This is a formally constituted design panel which provides design review services. The panel comprises local government officers, private practitioners and academics. It follows CABE design panel principles. Its focus tends to be local or sub-regional development. The practitioners are good, but varied in experience. It has provided a number of reviews for Oxford notably on the Barton Master Plan.
 - **West End Design Panel:** The local design review panel comprises a range of local practitioners. It was started at the time the West End Area Action Plan was Adopted to assist the City Council achieve high quality design in the West End. It met quite a number of times before the recession but has not met for a couple of years. Its list of current members is attached as Appendix 2.

Experience from Elsewhere

4. There is not a clear pattern of good practice from elsewhere. For example at Cambridge, Cambridge Horizons established a Quality Panel. It is very much focused on the development of new communities and the urban extension and serves a wider area. A feature of Cambridge is that the University has strong architectural and built environment schools as a focus for local expertise, whereas Oxford's expertise in Oxford Brookes is more focused in planning rather than design..
5. When CABE was absorbed into the Design Council some two years ago the future of its design review role was put in doubt. Very recently CABE has restructured and refreshed this service and officers have invited CABE to discuss how it could support the Council in developing design review in the city.

Outline Proposal

6. We want to continue to raise the quality of design in the city and send a clear signal to developers of the ambition. We also want to be more systematic in our approach and get more value out of the design review process.
7. The principal proposals are as follows:

- We will establish a new Oxford Design Review Panel by introducing new members drawn from leading architects and other disciplines, including members who have experience of delivering buildings of quality in the city. We already have some volunteers from leading architectural and design practices. Members will serve a maximum of two terms of three years.
- We will explore with Design Council CABE to what extent it is able to offer assistance.
- We will develop a clear terms of reference, selection criteria and process. Conflicts of interest will be managed transparently. An initial draft of these is attached as Appendix 3.
- A flyer will be drafted to promote the use of the panel.
- We will run an annual City Design Symposium with the Oxford Design Review Panel to develop a core ethos.

Climate change / environmental impact

8. High quality design is synonymous with reduced energy use and minimal impact on the climate together with careful consideration of environmental impacts.

Equalities impact

9. The selection process of prospective Panel Members will follow equalities impact principles and the Nolan principles of public life.

Financial implications

10. We will pay £500/day plus expenses. On the basis of a panel of 8 with annual attendance of 4 days per annum this equates to £16,000 plus expenses, say £18,000. However it is the norm now to charge applicants for the costs associated with design review, so the financial implications are neutral. A charge will be sought even if the referral takes place via the Council or Panel Chair triggering a design review.
11. There are the costs associated with an annual dinner, however these will be contained within existing budgets.

Legal implications

12. There are none directly attributable to the Design Review process.

Risk assessment

13. A risk assessment has been undertaken, which is set out in the Risk Register attached as Appendix 4. All risks have been mitigated to an acceptable level.

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List of background papers: No

Appendix 1

CABE's ten principles of design review

Good design review is:

1. **Independent** It is conducted by people who are separate from the scheme promoter and decision maker and it protects against conflicts of interest
2. **Accountable** It records and explains its advice and is transparent about potential conflicts of interest
3. **Expert** It is conducted by suitable trained people who are experienced in design and know how to criticise constructively.
4. **Advisory** It does not make decisions but acts as a source of impartial advice for decision makers
5. **Accessible** Its findings are clearly expressed in terms that decision makers can understand and use
6. **Proportionate** It is used on projects whose significance warrants public investment in providing design review...
7. **Timely** It takes place as early as possible in the life of a design because this saves the most time and it costs less to make changes. If a planning application has already been made, review happens within the timeframe for considering. It is repeated when further opinion is required.
8. **Objective** It appraises schemes in the round according to reasoned, objective criteria rather than the stylistic tastes of individual panel members.
9. **Multidisciplinary** It combines different perspectives of architects, urban designers, urban and rural planners, landscape architects and other specialist experts to provide a complete, rounded assessment.
10. **Transparent** The panel's remit, membership, governance and funding should always be in the public domain.

Appendix 2. West End Design Panel. Current list of Panel Members

- **Urban Morphology** – Georgia Butina- Watson, Oxford Brookes University
- **Urban Design** – Roger Evans, Studio | REAL
- **Architecture** – Bryan Avery, Avery Associates Architects
- **Movement** – Ben Hamilton-Baillie, Hamilton-Baillie Associates Ltd
- **Property** – Richard Stansfield, Jesus College
- **Conservation and Heritage** – Kathryn Davies, English Heritage
- **Urban Design** – Jon Rowland, Jon Rowland Urban Design
- **Urban Design** – Sue McGlynn, Transform MKSM

Draft
TERMS OF REFERENCE, SELECTION CRITERIA AND
PROCESS FOR
THE OXFORD DESIGN REVIEW PANEL

Purpose of an Oxford Design Review Panel (ODRP)

The purpose of the ODRP is to promote the highest possible quality of street, building and open space design in Oxford and ensure that developments contribute to the renaissance of the City.

The quality of proposed developments will be evaluated using the established principles of good urban design at a range of scales, including urban structure and grain, landscape structure and setting, building form, building detail, access and appearance.

The Panel should be seen as a mechanism for developers and architects/designers to promote their ideas and show how they are embracing the new vision for the City. Presentations to the Panel will be an opportunity to explain design proposals and responses to context rather than just another part of a regulatory process for gaining planning permission.

The Panel would not have any statutory planning function in its own right, but its advice would be a material consideration for the City Council's statutory planning function.

The Panel would not undertake the normal planning case officer function and so would *not* review development proposals and plans against the statutory planning framework.

In undertaking its advisory role, the Panel seeks to give guidance that is:

- independent
- expert
- objective
- constructive
- balanced
- wide ranging

Role of the ODRP

The ODRP may consider the following design matters:

- Major development, infrastructure or public realm proposals or other major projects located within Oxford;

- Other major development, highway works or public realm proposals identified in the City that have an impact on the form and character of the City;
- Key strategic planning, design and transport strategies (LDF and LTP);
- Guidance documents, such as design briefs or guidance on the contents of design statements. A comment from the Panel will identify the degree of 'fit' between such documents and their expectations and the material being presented by developers and architects/designers;

Status of the Oxford Design Review Panel

The ODRP will be an independent group managed and supported by the City Council, giving guidance in its own name. The City Council will not be held responsible for the Panel's views. However, the Panel's views may be taken into account as a material consideration by the City Council in determining a planning application.

Criteria for Selection of the Oxford Design Review Panel

The ODRP will be created from a pool of new members drawn from leading architects and other disciplines, including members who have experience in the design of high quality buildings in the city. The intention is that the pool would consist of a number of people with particular professional expertise and who would be able to provide comments on any proposal from across a broad range of disciplines.

Each Panel Member would be invited to serve for a maximum of two terms of three years. Replacement of Panel members would be staggered or phased to ensure that there was continuity over the years.

The appointment process will commence by invitation asking for confirmation of willingness to participate together with an appropriate CV. Decision to appoint will be taken at Executive Director level within the City Council, in consultation with the relevant Executive Board Member.

The Panel will be a Council appointed panel of individuals rather than a group of representatives from particular organisations.

It would be hoped that the panel would be able to reach a consensus view and give clear advice. The aim would be for the Panel to articulate what is perceived to be wrong with a design and to provide positive feedback to enable the development to be improved.

Conflict of Interest

It is imperative that the Panel is open and transparent about conflicts of interest. Successful panel members will be required to sign a confidentiality agreement and conflict of interest declaration as part of the appointment process. Panel members will not be able to attend the review of schemes that either they or their firm may be involved in or linked to.

Process of each Oxford Design Review Panel meeting

The Panel will meet four to six times a year for a whole day. Sessions would normally include a site visit. Meetings will normally be held in the Town Hall.

Review of each case will entail the following steps:

- the developer gives an overview of the scheme, describing the aspiration and concept for the project and the brief;
- the developer's professional team presents the project covering the nature of the intended development and its context and moving on to a broad description of the design proposal;
- local planning authority officers will be invited to comment;
- questions and discussion of the proposal between the Panel, the developer and his team, and the representatives of the local authorities;
- others withdraw and the Panel discusses the proposals *in closed session*.
- A report of the meeting will be drafted by the Panel Secretary and agreed with the Chair.

Occasionally, a special meeting, in addition to the meetings noted above, may be held at the discretion of the Panel.

Panel meetings will not be public meetings and attendance is by invitation only. Elected Members will be informed of meeting dates and agenda items and may attend the open session of the meetings as observers but should notify the Panel Secretary in advance.

Each meeting would seek to be composed of 5 or 6 Members drawn from the Pool. Co-option would be permissible of other experts for a particular proposal (eg. Archaeology) or where one of the Panel Members cannot participate through a conflict of interests.

A Chairman will be selected from the panel members.

City Council will pay a £500 per day plus expenses if requested.

In addition the following organisations would be represented as observers:

- Oxford City Council
- Oxfordshire County Council

The City Council's City Development Service will provide the secretariat for the Panel, or the Panel might prefer to appoint a Panel Secretary from its midst.

Guidance provided by the Oxford Design Review Panel

The Panel will issue a formal response to the City Council, copied to the developer of the scheme in the form of a letter, detailing the views of the

Panel, within two weeks of the meeting. It will focus on how well the scheme relates to the principles in Core Strategy and within the context of other adopted planning policies and make suggestions for improvement.

For proposals that the Panel considers before a planning application is made, the Panel's advice will not be in the public domain. Where the timing of the Panel's advice means that it will be considered as part of the City Council's formal decision-making procedure, advice will be made public through that process.

The suggested process of referral to the Oxford Design Review Panel

Development issues can be referred to the Panel in the following ways:

1. The City Council agrees with an applicant that a development proposal should be referred to the Panel as a result of a pre-application discussion.
2. An applicant requests that a development proposal at the pre-application stage is considered by the Panel.
3. The Chair of the Panel requests that a pre-application proposal, a planning application, public realm improvement or strategy document is referred to the Panel
4. The City Council refers a live planning application to the Panel

Appendix 4 Risk Register

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/Contracts Only)
Category -000- Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
	Quality of Panel Member	T	Lack of good pool of Panel Members	Unable to recruit a large enough pool of panel members of the quality, experience and range of professional required	Individuals approached too busy or not interested	Oct 13		4	3	3	2	4	3	DE		
	Influence over planning decisions	T	Panel recommendations not given appropriate weight by the City Council	Panel recommendations not understood or lack relevance. Other material considerations outweigh quality design	Panel loses heart and withers	Oct 13		4	3	3	2	4	3	DE		

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestone	Milestone Delivery Date	%Action Complete	Date Reviewed
	Quality of Panel Member	MCB	A	Letters, phone calls, visits to individuals to encourage participation. Annual symposium held to foster interest				
	Influence over planning decisions	MCB	A	Annual symposium held to foster interest and understanding				