



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:

Cabinet Member for Planning &
Economic Development

Date:

08 February 2023

Classification:

General Release

Title:

Agreement to establish and recruit a
Design Review Panel for Westminster

Wards Affected:

All

Policy Context:

Design Review is a requirement in both the National Planning Policy Framework and the London Plan. The Design Review Panel (DRP) will also support the delivery of a fairer Westminster, by ensuring the highest standards of design quality in new development which will allow us to meet our ambitious targets to be a net zero City by 2040, providing greener and more genuinely affordable housing and delivering growth and benefits for all residents today and in the future.

Key Decision:

No

Financial Summary:

The costs of the panel are to be met through fee income received by the authority. The DRP will be administered through existing staff resources in the Town Planning service.

Report of:

Director of Town Planning and Building
Control

1. Executive Summary

- 1.1 This report seeks agreement to establish a Design Review Panel for Westminster. It sets out some background to design review, reasons why this will be beneficial in the Westminster context and proposed next steps to implement this, including the preparation of terms of reference and recruitment of panel members.

2. Recommendations

- 2.1 That the Cabinet Member:
- resolves to establish a Design Review Panel for Westminster and initiate a recruitment process for panel members; and
 - agrees that officers should set out detailed working arrangements and terms of reference for the panel.

3. Reasons for Decision

- 3.1 To ensure we meet national and London Plan policy requirements in relation to design review and promote the highest standards of sustainable design in new development, which will contribute to achievement of the Council's wider objectives as a fairer Westminster.

4. Background, including Policy Context

- 4.1 Design Review Panels are made up of independent, multidisciplinary built environment experts (including architects, place-making, sustainability and planning professionals). They act in an independent, advisory capacity to local authorities, providing constructive review of development and public realm proposals and projects from a design perspective, usually at pre-application stage. They are widely used across London and nationally and are viewed as best practice.
- 4.2 Design Review is also a requirement within national and London Plan policy. The National Planning Policy Framework (NPPF) at Paragraph 133 identifies design review as a key tool for local planning authorities to ensure design quality, noting - *local planning authorities should ensure that they have access to design advice and review arrangements and should have regard to the outcome from these processes, including any recommendations made by design review panels.*
- 4.3 Further, the London Plan requires all boroughs to have design review arrangements in place and to demonstrate that referable applications have been through a design review process. The London Plan is accompanied by the London Design Review Charter which sets out principles for the running of design review panels.
- 4.4 Within Westminster, the council's vision for a Fairer Westminster sets out ambitious proposals including the delivery of more affordable housing and

creating a greener, cleaner city which will be net zero by 2040. To fully deliver on this vision will require new development to adopt innovative design solutions. A Design Review Panel will provide an expert, independent voice on design which will support internal decision makers to promote exemplary sustainable design standards and negotiate design improvements.

- 4.5 The changing landscape of planning has brought the need to consider a much wider range of issues as part of the design process, including detailed technical considerations relating to sustainability, urban greening and inclusive access. A significant benefit of the establishment of a design review panel is therefore providing access to a wider multidisciplinary skill set and expert advice to inform the design process, ensuring a holistic approach which will be highly sustainable, inclusive and promote health and well-being.
- 4.6 For applicants, early engagement with the Design Review Panel should reduce the risk of delay at application stage, by providing access to a wide range of expertise, ensuring the full range of considerations has been addressed and that designs reach an acceptable standard. An independent Design Review Panel could also, in future, be used to support design training for staff, local communities and members and could comment or input into other work such as projects and policy, where appropriate.
- 4.7 Officers have undertaken research into different models for delivery of design review and it is proposed to start with a core service which is focused on independent review of major development proposals at pre-application stage and will be administered in-house. The Town Planning Service will identify schemes that are most likely to benefit from independent design review - typically major strategic proposals and council-own development.

Next Steps

- 4.8 Applications to be on the Design Review Panel will be invited through advertisements in architectural and other relevant professional press, networks and social media, and applicants will be asked to explain their experience and set out how they are able to contribute positively to the role.
- 4.9 The Terms of Reference for the panel are being developed and will set out more detail of working arrangements as well as a code of conduct for members and the process for managing conflicts of interest. This will be published on the council website, including details of panel members, and will adhere to the principles set out in the London Design Review Charter. A separate Cabinet Member report will seek agreement to the final fee schedule for the panel, as set out below.
- 4.10 Once established, the impact and success of the panel will be monitored and evolve in response to demand and feedback from internal and external stakeholders and any changes in priorities and policies. A review of effectiveness of process will be undertaken after six months and an annual report published which considers the impact of the panel.

5. Financial Implications

- 5.1 The Design Review Panel will be a discretionary service and cost will be borne by applicants and the fee income received by the authority would cover costs to ensure the panel is cost neutral. Administering the panel at this stage is to be met through existing staff resources in the Town Planning service. A further Cabinet Member Report will be prepared setting out and seeking agreement to the fee structure for the panel.

6. Legal Implications

- 6.1 As set out above at paragraph 4.2 and 4.3, the National Planning Policy Framework (NPPF) and the London Plan emphasise the importance of sustainable development. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local authorities are encouraged to ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements and assessment frameworks.
- 6.2 The purpose of the DRP is not to duplicate or replace existing mechanisms for securing high quality design, but to provide additional expert advice to inform the planning process. By offering advice and review during the pre-application process and by commenting on planning applications, the DRP's role should support planning officers, planning committee and the community in securing high quality development.
- 6.3 Design Review is an independent and impartial evaluation process and carried out by expert practitioners with current experience in design and development. To ensure impartiality and confidence in the DRP, its work and members, consideration should be given in the terms of reference to securing the following:
- a) Independence – the review must be conducted by panel members who are unconnected with the scheme's promoters and decision makers and mechanisms should be in place to ensure that conflicts of interest do not arise. Each panel member must be required to register and declare any interests and/or conflict of interest and the register should be maintained and kept up to date;
 - b) Expertise and suitably trained people who are experienced in design and know how to criticise constructively. Panel members must be required to provide evidence of expertise and membership of a recognised professional body;
 - c) Accountability – the DRP and its advice must be clearly seen to work for the benefit of the public. This should be ingrained within the terms of reference;
 - d) Transparency - the DPR's remit, membership, governance processes and funding should always be in the public domain.
 - e) Confidentiality – to encourage open engagement DRP members should be required to agree and enter into a confidentiality agreement. DRP

discussions should be kept confidential before information is in the public domain.

- f) Recruitment should be based on agreed selection criteria, undertaken through an open transparent process with assessment of performance on an annual basis. The performance referenced refers to professional performance and expertise.
- g) The DRP members should be required to adhere to the Nolan Principles of Public Life. In other words, the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- h) Within reason, the DRP panel should include a range of knowledge and skills appropriate to the project under review. Consideration should be given as to whether some panels may find the attendance of the local ward members on behalf of amenity societies and residents as beneficial to the objective of the review.
- i) Equalities – DPR members should understand and be required to apply the Council's public sector equality duty when carrying out their advisory functions.

7. Carbon Impact

- 7.1 A key purpose in establishing the panel is to promote exemplary standards of sustainability as an integral part of good design. In recruiting members of the Design Review Panel, it is proposed to prioritise sustainability expertise within the panel, which will have a positive impact in helping to deliver on our target to be a net zero City by 2040.

8. Equalities Implications

- 8.1 Under the Equalities Act 2010 the council has a "public sector equality duty". This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
 - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 8.2 The council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to:
- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
 - take steps to meet the needs of persons sharing a protected characteristic that are connected with it;

- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

8.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to.

8.4 The Council has had due regard to the Public Sector Equality Duty in establishing the panel. Through the recruitment process, we are seeking to ensure diverse representation amongst panel members including through targeted advertising of the opportunity and introducing mentee panel members into the process to assist a wider range of people who may not feel they have a requisite experience or qualifications to gain experience and training by working with more experienced panel members.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

jhamilton@westminster.gov.uk

BACKGROUND PAPERS

None

For completion by the **Cabinet Member** for Planning & Economic Development

Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 08 February 2023

NAME: **Cllr Geoff Barraclough**

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

Establishment of a Westminster Design Review Panel and reject any alternative options which are referred to but not recommended.

Signed: 

Cabinet Member for Planning & Economic Development

Date: 08 February 2023

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2)

your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.