

Merton Design Review Panel

Review 2021 Consultation

Proposed Changes to Operation

The key proposed changes are set out below. These have been informed by an analysis of how other London panels work, the London planning policy context, the London Quality Review Charter and the UCL research on London Panels informing it, the Nolan principles of public life and existing guidance on how to do design review by CABE and CABE Design Council.

The consultation material does not include a draft Terms of Reference (ToR). This is because the ToR will be based on the outcome of the consultation and member approval, and thus the eventual content is not fixed. Once approved the ToR will be written based on the documents approved by members. It will be a statement of how the Panel operates and will cover all aspects of the operation, similar to the content of the UCL research.

Key Changes

Format, Charging and Payment. Most panels offer the flexibility of different types of review. Monetising the process by charging applicants and paying reviewers creates a level of accountability and expectation of professionalism that adds legitimacy to a strong code of conduct and expectation of standards. Charging normally creates a surplus that can help fund staffing or projects.

The council will introduce charging for applicants and payment for reviewers and three review formats – Workshop, Full and Desktop.

Design Expert Chair. Merton is the only DRP that has direct councillor involvement as the Chair. This is a historical anomaly. It prevents the chair undertaking many of the critically important roles of a DRP chair as outlined in Reviewing Design Review in London. Appointing a design expert as chair will help the DRP be clearly more independent in the eyes of the public.

The council will appoint a design expert chair and deputy chairs as set out in the approved recruitment process.

Membership & Review. Most panels refresh membership periodically. This is encouraged by Reviewing Design Review in London to ensure panel members remain keen and that new people can come onto the DRP to ensure it remains fresh and relevant. Changes in members' professional and personal lives mean that the membership pool becomes depleted naturally over time and needs to be augmented. It is also important that this can be done efficiently.

The council will refresh membership periodically in order to maintain a workable pool of members with an appropriate and relevant mix of expertise, and this will be undertaken by the Future Merton team and Panel Chair as set out in the approved recruitment process.

Recruitment. Most panels, notably in the private sector, have a formal and clearly structured process for recruiting panel members. At inception the Merton panel appointed members for a three year period. Details of the method and process of appointment are unclear. The rotation method has become discontinued and new members have been appointed periodically when the membership pool became depleted. No formal process for appointment of new members has ever been established or agreed.

As part of this review the council will set out a process for recruitment and use it to re-appoint the whole DRP membership according to the newly agreed formal, code of Conduct and new Terms of Reference. This will be done by the FutureMerton team and approved by the cabinet member. A draft recruitment process has been prepared and will be circulated separately. Recruitment of the Chair and deputy chair will be undertaken first.

Terms of Reference & Code of Conduct. The current Terms of Reference (ToR) are brief and out of date. There is no actual Code of Conduct. These need writing/rewriting to ensure that panel members, the public and all others involved know how the DRP operates, and is part of the rules of governance of the DRP. This will include information on who the members are.

The Council will produce a new, up to date Terms of Reference and Code of Conduct.

Operational Changes

Timing and number of reviews and reviewers. Timekeeping is an ongoing problem and evening meetings make it difficult to attract a wide range of quality reviewers. Reducing the number of reviewers will enable a more free flowing discussion and daytime, paid meetings will attract a broader range of quality reviewers. Retention of reviewers is more difficult with evening meetings. Daytime paid reviews will be more compatible with busy modern lifestyles and travel patterns.

Reviews will take place during the working day with a maximum of three reviews per meeting, and a reduction in the number of reviewers, to five plus the Chair.

Meeting format. Timekeeping is also difficult due the short time given for reviews. This is because of the number of reviews and the time available at evening meetings. The proposed change will address this and allow a less rushed and better quality and depth of review.

The meeting format for a full review will be changed so that reviews for each proposal will take one hour. This will consist of a five minute briefing by the case officer/panel administrator, a 15 minute presentation by the applicant, a 30 minute review session and a 10 minute summary and verdict administered by the chair. Workshop and chair's reviews

will have their own formats and chair's reviews are likely to be shorter. The agenda and format for each item will be agreed beforehand by the chair and administrator based on the nature of the proposal.

Web-based meetings. Following the implementation of homeworking during 2020 due to coronavirus, the operation of the Panel has continued using electronic methods, namely using the Zoom application. This has proved very successful and more flexible due to there being no need to find a venue. This was the primary reason for not being able to be more flexible with dates in the past. Using Zoom has also helped with timekeeping, though good chair skills are still required. It has also aided in the structure of the meeting as pre-prepared presentations can form the basis of the discussion. It also allows the council to better manage attendees and any recording necessary. E-mail meetings have been proven to be less successful and responsive for a number of reasons. Whilst all forms of review meeting may not be suitable for electronic format, there is a strong case for them to become the norm.

All full reviews will be held by electronic means using the Zoom application or similar. They will include the administrator and an additional staff member to manage the meeting. A separate protocol on how this will be done will be included in the terms of reference. The council will also use other means of holding meetings as and when considered suitable, including e-mail and face-to-face meetings. Workshop meetings will be held face-to-face when possible as this involved a smaller number of people and is more practical.

Notes of Meetings.

The Panel operates as a single entity. Whilst members are appointed to the Panel as individuals based on their personal experience and expertise, the Panel is not a vehicle to promulgate personal agendas and views. Giving clear, good, sound and justifiable advice to the applicant is paramount. Therefore including individual or conflicting viewpoints in notes will work against this, be unhelpful to applicants and also enable any interested party to cherry pick what they feel is most important according to their own agenda. This will undermine the work of the Panel and bring its credibility and effectiveness into disrepute.

As set out in the proposed Code of Conduct, notes of Panel meetings will be written as a collective view of the Panel as a whole, which represents an objective summary of the review and is signed off by the Chair. This is in accordance with good practice, and how other independent companies such as Design SouthEast, DC CABE and Frame operate. It provides applicants with clear and unambiguous guidance, and guards against cherry picking by applicants and grandstanding by reviewers.

Permanent Members. This is partly a legacy of the transfer of the review role from the now defunct Conservation and Design Advisory Panel (CADAP), and a desire to provide some continuity for schemes returning for a second review. Other mechanisms exist to achieve this – and the appointment of a Design expert chair will improve this, as well as using more flexibility in setting the panel composition for each meeting.

The practice of permanent reviewers who attend all meetings will be discontinued.

Verdict. It is often too easy to give an Amber verdict for schemes in development and not always helpful to applicants. Reviewers also like to emphasise the ‘strength’ of the Amber. The verdict system is a good way of concentrating the minds of both reviewers and the applicants.

The current Red-Amber-Green verdict given at the end of DRP meetings will be changed to a four-stage verdict, namely Red – Amber (towards Red) – Amber (towards Green) – Green.

Scheme Identification. Currently there are no formal arrangements regarding scheme identification. This means that some proposals do not get reviewed that should be, or some come to review very late in the process. This is not helpful to applicants and reduces the effectiveness of the panel to influence design quality. All proposals that come to the Panel should have the opportunity of being reviewed at the pre-application stage.

A new more structured procedure will be set up to identify proposals suitable for review. All pre-applications, when they are received, will be marked by the relevant Development Management team leader as either suitable or not suitable for design review based on a set of parameters agreed with the future Merton team. From this, a list of pre-applications will be produced on a weekly basis containing this information. It will be sent to the FutureMerton Team and DRP management will agree, in discussion with the Development Control Team, which proposals will be invited to DRP. The Development Management Team will set up and agree procedures with the Future Merton Team to ensure this happens and keep under constant review to ensure all proposals that should be reviewed, are reviewed.

Timing of reviews. Design review is part of the planning process and must be embedded within it to ensure it is effective. To do so proposals must be reviewed at the right time in their development. This is usually at pre-application stage, where there is a coherent proposal to review, but where there remains real flexibility for changes that the Panel might suggest. Proposals at an earlier stage of development – particularly for larger developments – might be considered suitable for an initial workshop review. A first review at application stage is unlikely to enable the Panel to be effective and is not recommended.

Proposals at application stage will not be reviewed unless they have previously been reviewed at pre-application stage. Proposals will not be reviewed until after a pre-application meeting has taken place.

Review as part of the Planning Process. Design review is not an alternative to internal professional officer comments, as stated in the NPPF. The DRP is part of the planning process and embedded in the NPPF and London Plan, and it is important that the range of comments applicants receive are not wildly contradictory. This also applies to the comments made by Panel members. These should sit within the relevant planning policy context. It does not follow that this would compromise the independence of the panel’s reviews. There is plenty of scope within this broad context for Panel members to express independent views. Not doing this could give conflicting advice to applicants, making it more difficult for them to know what advice to follow, and could undermine the credibility

of the Panel. Comments made by other officers can also be informative and help give Panel members a wider understanding of the relevant issues.

Panel members' comments should sit within the planning policy context. All internal officer comments – where they exist – will be included in the information pack for reviewers. Panel members should familiarise themselves with the relevant planning policy context and keep up to date with good practice in relevant built environment professions.

Public Realm Schemes. Public realm projects have a significant impact on the quality and appearance of the borough and effectiveness of modes of transport and implementing transport policies. They also hugely impact on how people use the built environment and how well it works in a broader context. However, they sit outside the planning process and are not subject to any wider scrutiny like planning applications. It is appropriate that such schemes are reviewed at a multi-disciplinary level early in their development.

Public realm and highways projects proposed and implemented by the council will be reviewed by the DRP at development stage in the workshop format. A schedule of planned projects will be produced and appropriate schemes selected for review.

Planning Policy Documents. Planning policy documents such as Supplementary Planning Documents (SPD) that have a strong design theme will have a significant impact on the quality of future development in the borough and it is appropriate that they are reviewed by the Design Review Panel as part of their consultation process.

Design related planning policy documents produced by the council will be reviewed by the Design Review Panel at an appropriate time in their consultation process. Depending on their scale and scope, it may be appropriate to review these more than once.

DRP Webpage. The current DRP webpage is not fully utilised. Given the proposed changes, the content of the webpage needs to be improved and increased to give a better picture of what the panel is and what it does. This is an important vehicle for giving people the confidence that the panel is a force for good, is professionally and equitably run. On one hand, reviewers are appointed by a selection process and meetings are held without public access. This is often due to the pre-application nature of the proposals, but also because the general public do not take part in the review, so have no reason to be present.

On the other hand, it is important that the workings of the Panel are seen to be in accordance with the good practice and the Nolan principles of public life. The webpage and the other changes to the panel operation are important in achieving this. Unplanned or unorganised oversight by self-appointed interested parties or individuals would also not be appropriate. There is currently confusion as to where information on the DRP is to be found within the council website. This needs to be addressed.

As the DRP is not a council committee, the DRP webpage will be the single point of contact for all DRP matters. As the public do not take part in the reviews and most are pre-application, it is not necessary to give non-participants advance notice of meeting dates or agenda items. It is however, considered appropriate to publish the results of reviews as and

when they become public and a system will be set up to ensure that relevant DRP notes become available at the appropriate time. These will then be made public on the webpage.

A protocol will be established between the Development Management and Future Merton teams to ensure this happens. For interested groups and the public, a system of alerts will be established that can be signed up to when there is a change made to the webpage. The DRP Webpage will be updated. It will include downloadable copies of the new Code of Conduct, Terms of Reference and Member profiles and a fuller explanation of what the Panel is and does. It will also include downloadable copies of or links to relevant policy and advice documents. In order to protect impartiality of Panel members' and enable them to remain so, and to protect copyright of applicants, the members' area of the webpage will be redesigned in conjunction with the council's IT team as part of a full re-design of the DRP webpage. The webpage will also be redesigned to automate and make more efficient the process for applicants submitting documentation for reviews.

Review. Review of DRPs work, and demonstrating its benefits, is one area that is generally lacking across all Panels. Doing this will help ensure the Panel is effective and highlight any problems.

The working of the Panel will be reviewed annually in the form of a short annual report. To help in this, forms will be produced to aid presentations and provide feedback and for other purposes where deemed beneficial.