

The City of London's draft Local Plan – City Plan 2040 (the Plan)
MAIN MATTERS, ISSUES AND QUESTIONS (MIQs)

FR02 – Fred Rodgers Statement re Main Matter 8 – Design (Policies S8 and DE1 to DE8)

8.1 Are the requirements for Design set out in Policies S8 and DE1 to DE8 justified by appropriate available evidence, having regard to national guidance, and local context, and are they in 'general conformity' with the London Plan?

FR: Not as far as design review processes are concerned. According to Policy D4 – *Delivering good design* – of the London Plan 2021:

Design analysis and development certainty

- A *Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making based on the requirements set out in Part B of Policy D3 Optimising site capacity through the design-led approach.*
- B *Where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.*

Design scrutiny

- C *Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.*
- D *The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny, based on the principles set out in Part E if they:*
- 1) *include a residential component that exceeds 350 units per hectare; or*
 - 2) *propose a building defined as a tall building by the borough (see Policy D9 Tall buildings), or that is more than 30m in height where there is no local definition of a tall building.*
- E *The format of design reviews for any development should be agreed with the borough and comply with the Mayor's guidance on review principles, process and management, ensuring that:*

- 1) *design reviews are carried out transparently by independent experts in relevant disciplines*
- 2) *design review comments are mindful of the wider policy context and focus on interpreting policy for the specific scheme*
- 3) *where a scheme is reviewed more than once, subsequent design reviews reference and build on the recommendations of previous design reviews*
- 4) *design review recommendations are appropriately recorded and communicated to officers and decision makers*
- 5) *schemes show how they have considered and addressed the design review recommendations*
- 6) *planning decisions demonstrate how design review has been addressed.*

City Corporation's 2018 response, actually in bold, to the London Plan 2021 consultation – D4: Delivering good design included:

The City Corporation objects to the requirement in Policy D2 [D2 became D4 in the adopted plan] for boroughs to make use of external design review processes to assess and inform design options early in the planning process. This requirement would have a significant impact on development in the City of London, with most new development exceeding the 30m threshold and having to undergo additional assessment to the City's own consideration, adding additional cost, complexity and uncertainty to the development process. The City Corporation has an established reputation for delivering buildings of a high quality of design and layout, producing buildings that have been critically acclaimed and recognised through international design awards, and has good working relationships with the numerous international architecture practices often engaged by developers to work in the City. The City Corporation's design input is delivered by a strong team of experienced and highly regarded officers, with experience in design, historic buildings, archaeology as well as development management. Regular liaison with the City's developers has revealed no external perception that there is a design quality issue arising from the City's advice that needs to be addressed through the proposed external process.

There are already numerous design review bodies and statutory consultees who provide advice on aspects of design in the City, including the City's Conservation Area Advisory Committee, CABE/Design Council, the GLA, the Victorian Society and 20th Century Society and Historic England. There is no need to add further complexity through the introduction of an additional, and separate, design review panel.

The City Corporation fully supports the need to deliver high quality design and layout to ensure that development makes a positive contribution to London's built environment. However, the requirement for external design review to be applied across London irrespective of existing local circumstances is excessive. The City Corporation accepts that not all boroughs have the level of design resource available within the City Corporation and that design review panels can play an important role, but London Plan policy should provide

flexibility for boroughs to determine the need for design review, whilst delivering a high standard of design. Policy D2 (F & G) should be amended to encourage the use of external design where a local authority considers it will make a positive contribution. It should not be a requirement on all local planning authorities where they can demonstrate a robust existing design quality management process. Similarly, the requirement that schemes referable to the Mayor should have been through external design review is excessive and unnecessary and should be deleted.

The Design Council is stated to be one of the *already numerous design review bodies and statutory consultees who provide advice on aspects of design in the City*. According to the Design Council's website - <https://tinyurl.com/yck3bz8m>:

We pioneered the use of Design Review. It is now an established methodology for assessing and improving the quality of the built environment for public good. Recognised in the National Planning Policy Framework, it is an independent and impartial process of expert peer review. Since it was set up in 2009, over 3,500 Reviews have been delivered in the UK and internationally, with Design Council delivering just under 1/3. 95 design reviews for 26 clients in 2020-21, including seven local authorities and four national infrastructure bodies. 9 in 10 design review participants said design review helped to build consensus across stakeholders to help smooth the planning process.

The Design Review process focuses on outcomes for people, ensuring places better meet the needs of the people using them. An interdisciplinary panel of Design Council Experts assesses the design of a proposal using constructive advice to identify and communicate the strengths and weaknesses of the design. The panel also gives advice on how to achieve better outcomes to the quality of architecture, urban design, landscape and highway design, as well as social and environmental sustainability.

The panel provides advice on new development proposals, masterplans, individual buildings, infrastructure projects, design related policy, design visions and principles; and also can provide strategic support and training. We also run Paragraph 79 reviews.

For Local Authorities, the aim of Design Review is to support the authority in achieving their objectives and securing the best outcomes and quality of life for residents, workers and visitors through development, regeneration and renewal

We have provided design support to more than 1,000 unique schemes in local authorities and NGOs since 2011.

Current and past clients include: Network Rail, Highways England, London Borough of Brent, London Borough of Bromley, London Borough of Wandsworth, Royal Borough of Greenwich, Waltham Forest, Thurrock Council, Anglian Water, The Barbican, Portsmouth City Council, Calderdale Council, Exeter City Council, Oxford City Council and City of Melaka (Malaysia), Thessaloniki (Greece) and Irfan (Oman).

There is no evidence that City Corporation, as opposed to the Barbican Centre, has had any contact with the Design Council, which its response to the London Plan 2021 consultation seems to suggest. The City's Conservation Area Advisory Committee appears to be City Corporation's own, self-serving creation and there is no evidence of it having responded positively to comments from the GLA, the Victorian Society, the Twentieth Century Society or Historic England. If that is not the case, no doubt City Corporation can provide evidence in support.

The latest NPPF is dated 12 December 2024 and below are complete paragraphs from Chapter 12 - *Achieving well-designed places*:

131. *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
132. *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
133. *To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.*
134. *Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.*
137. *Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should, where applicable, provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy, and should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*
138. *Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The National Model Design Code is the primary basis for the preparation and use of local design codes. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the*

evolution of schemes and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

139. *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

I am only aware of one occasion where City Corporation had to submit its proposals to a design review process. That is its development of City of London Primary Academy Islington and the 66 flat Black Raven Court – still to be occupied despite being completed nearly 20 months ago - in Golden Lane, Islington. Here there were amendments to the submitted plans on, at least, two occasions subsequent to the application, reference 17/00770/FULL, being validated. The second and substantial revision introduced a basement for plant and storage with an improved active frontage through the creation of Class B1a workspace suitable for small/micro enterprises.

The most recent example of the need for a design review process is City Corporation's own London Wall West Scheme, where the applicant, owner and decision maker. The reference is 23/01304/FULEIA and the comments by architects, town planners and 20th Century Society were ignored. Worse though was a lack of public consultation for over 18 months and the 3-D model promised for viewing by its Chair of Policy and Resources Committee before submission never arrived. Historic England's role in issuing three consecutive Certificates of Immunity from Listing negated any objective design advice it could deliver.

City Corporation's response to the London Plan consultation states that an *internal design input is delivered by a strong team of experienced and highly regarded officers with experience in design, historic buildings and archaeology as well as development management*. Noticeably, there is no reference to *qualified*. I was under the impression that the current Director of Planning and Development is a qualified architect but this does not appear to be the case and it seems that there are no qualified architects within his Division. Although opinion of design may be subjective, in the absence of a design review process, design is determined by almost unassailable opinion.

In fact, a significant problem is the succession at the top of City Corporation's Planning and Development Division. Since 1985, there have only been three Chief Planning Officers, including the present one, with the first retiring in 2014; the second being with City Corporation from 1989 until 2020 and the current one having joined City Corporation in 2007. The Sterling Prize was introduced in 1995 and, since then, upto and including 2024, buildings in the City have been nominated on seven occasions with two winners emerging.

Ironically, many buildings approved during the first twenty or so years of that period are now being destroyed rather than retro-fitted because of poor design making the latter

“uneconomical”! Despite many of those buildings qualifying for consideration for listing under the “thirty year” rule and the hype, as set out in City Corporation’s response to the London Plan consultation, very few of those buildings have been identified as Non-Designated Heritage Assets (NDHA) let alone added to the national list! A change of emphasis on and appreciation of design is necessary and after 37 years, this must come externally.

In his report on the proposed construction of “the Tulip” at 20 Bury Street (18/01213/FULEIA), which City Corporation had approved before it was called in by the Mayor of London, the Planning Inspector, David Nicholson, was of the following opinion:

Presentation should not be confused with architectural quality, and even hiring the finest architects in the world will not always guarantee quality let alone that all the problems with a brief can be overcome.

In the circumstances, City Corporation must follow the requirements of Policy D4, D and E of the London Plan 2021 and the Plan amended accordingly.

8.2 Are the policies relating to Design positively prepared ‘in a way that is aspirational but deliverable’?

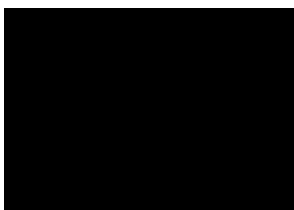
FR: Yes. However, the refusal to submit to a design review process, avoids the fact that those aspirations could be capable of being improved. That is unacceptable, particularly as residents should be able to expect the best expert advice available and certainly where residential amenity is concerned, that is essential in both the London Plan and the NPPF.

8.3 Are the Design policies clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

FR: There is a conflict between the way officers expect decision makers to react and the way residents want them to react. The subjective opinions on design by developers, officers and residents would be best addressed through seeking and taking the opinion of impartial third parties in a design review process..

02 March 2025

Fred Rodgers



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