



House of Commons

ODPM: Housing, Planning,  
Local Government and the  
Regions Committee

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# The Role and Effectiveness of CABE

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**Fifth Report of Session 2004–05**

*Report, together with formal minutes, oral and  
written evidence*

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## The ODPM: Housing, Planning, Local Government and the Regions Committee

The ODPM: Housing, Planning, Local Government and the Regions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Deputy Prime Minister and its associated bodies.

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### Committee staff

The current staff of the Committee are Lynn Gardner (Joint Committee Clerk), Jessica Mulley (Joint Committee Clerk), Charlotte Littleboy (Second Clerk), Ben Kochan (Committee Specialist), Ian Hook (Committee Assistant), Ian Blair (Chief Office Clerk) and Emma Carey (Secretary).

### Contacts

All correspondence should be addressed to the Clerk of the ODPM: Housing, Planning, Local Government and the Regions Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 1353; the Committee's email address is [odpmcom@parliament.uk](mailto:odpmcom@parliament.uk)

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## Summary

The Commission for Architecture and the Built Environment was set up by the Department for Culture, Media & Sport in 1999 to improve the design quality of new developments. It is now jointly funded by the DCMS and the Office of the Deputy Prime Minister. Its advice to developers, local authorities and Government departments about their development proposals, and its research and training, is widely valued. Its credibility as a public agency is, however, at stake because of a lack of transparency in its operation and potential conflicts of interests among the Commissioners and its Design Review Panel. The value of its advice is in danger of being undermined.

CABA's strength lies in it involving representatives of development interests – architects, planners, developers and wider built environment specialists - but this is also its potential weakness as some of our witnesses saw it as 'a self-serving clique'. The DCMS set up an audit of conflicts of interest in 2004 which recommended reforms to the way interests were internally recorded and notified and proposed that CABA's chairman should not be a developer. These recommendations are being implemented. The impact of these recent changes needs to be regularly reviewed; however, CABA should be prepared to carry out more radical reforms to alter public perceptions and to make it a more accountable and transparent organisation. Whilst the new chairman is not a developer, development interests are still too heavily represented on CABA which may skew its priorities in favour of new development rather than conservation. CABA should have targets for representatives from a wider range of different interest groups and with different style preferences.

CABA's design review function has raised the most concern because its views on schemes can have a significant influence on a local authority's treatment of a scheme, particularly as some local authorities rely exclusively on CABA's views on the architectural design. CABA reviewed about 480 schemes in 2003/2004, giving each of them what it describes as 'light touch' consideration. There are major concerns that the quality of consideration on some schemes is cursory and does not appear to be based on a clear set of criteria. CABA should consider fewer schemes more thoroughly. The Pin Up sessions when the Design Panel chairman and a member of CABA staff look at drawings of schemes should no longer take place. CABA's design review panel should meet in public, with full meeting notes setting out how the views are reached, including a list of the Panel members present, being forwarded to the local authority.

CABA's remit is to consider the design quality of new development but it appears to neglect the historic context in which schemes are located, so seriously reducing the value of its comments. CABA needs to demonstrate that it has considered the impact on the context when drawing up its views on new-build schemes and consider whether they enhance the historic environment. It should work more closely with English Heritage to ensure that the assessment of new buildings is more rounded.

The Government is promoting major development programmes funded through the Private Finance Initiative and as part of its Sustainable Communities Initiative. The quality of new public buildings funded under PFI is patchy. The Government needs to review how

design considerations are incorporated into the funding process to ensure uniformly high quality designs. The Government's Sustainable Communities initiative is seeking to promote a major house-building programme in the South East and is urging the greater use of offsite pre-fabrication to reduce costs and speed up development. There are major concerns that quality could be sacrificed with the Government's urgency to get housing built. CABE should monitor closely the quality of the new housing, particularly those using prefabrication.

# 1 Introduction

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1. The Commission for Architecture and the Built Environment (CABA) was set up by the Government in 1999 to raise the profile of architecture and urban design and the design quality of new developments. It is five years since the organisation was set up and with the Government promoting a major housebuilding programme, we decided it was an appropriate moment to hold an inquiry into its effectiveness.

2. We announced our inquiry on 15 September 2004. The terms of reference were to consider:

- CABA's overall priorities for investment and development
- The work of its Design Review Panel in terms of
  - the criteria used in reviewing schemes
  - the consistency in the application of the criteria
  - the choice of schemes reviewed
- CABA's relationships with other national and local agencies
- The future role for the organisation

3. We received 40 written submissions and held two evidence sessions. We would like to thank our specialist adviser Rob Cowan, the director of the Urban Design Group, for his guidance and assistance and all those organisations who made written submissions or gave oral evidence to this inquiry.

## 2 The Effectiveness of CABE

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4. CABE was set up by the Secretary of State for Culture, Media and Sport in 1999 replacing the Royal Fine Art Commission. It has a wider remit which is “to promote high quality architecture and design within the built environment.”<sup>1</sup> CABE is accountable to the Department for Culture, Media and Sport (DCMS) but is jointly funded with the Office of the Deputy Prime Minister (ODPM). In 2003/04 its income totalled £11.25m, made up of £7.53m from the ODPM and £3.35m from the DCMS, with the balance largely from service level agreements with other government departments, agencies and non-departmental public bodies.

5. CABE has the following areas of activity:

- The Design Review programme, led by a Design Review Panel, acts as a non-statutory consultee on significant planning applications.
- The Enabling team provides advice to clients from the earliest stages of a project or programme, focusing on areas in need of regeneration or renewal. A panel of experts provides advice mainly to public sector clients.
- The Learning and Development Directorate seeks to increase levels of knowledge, skills and opportunity amongst both professionals and public. CABE fosters the growth of England’s network of local Architecture and Built Environment Centres and has regional programmes to encourage greater understanding and ownership of built environment issues. It co-ordinates a professional skills learning programme.
- The Policy, Research and Communications team works with academics and experts to demonstrate the social and economic value of design, to expose the barriers to change, to promote diversity and best practice. The Policy team works with a network of partners, using evidence to influence decision-makers, arguing for changes to funding regimes, to systems of decision-making, to laws and regulations and to outdated ways of thinking about the built environment.
- CABE Space seeks to bring excellence to the design and management of public spaces. It helps local authorities to develop strategic approaches to the delivery of high quality space. It provides the measures and exemplars necessary to inspire improvement in our parks and spaces. It demonstrates the economic, environmental and social value of urban space and raises public and professional awareness of the importance of quality parks and spaces; and it improves skills within the professions responsible for the design, management and maintenance of public space.

6. We received much evidence which highlighted CABE’s success in raising the design quality of new developments, particularly by helping local authorities prepare masterplans and secure higher quality area redevelopments. Nottingham City Council said that its experience with CABE had included:

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<sup>1</sup> Ev 7

- General advice on our overall approach to urban design issues and master plans, including the establishment of a very effective Urban Design Forum.
- Detailed involvement in the brief and subsequent planning application for the re-development of the Broad Marsh shopping centre. This is one of the largest such schemes in England and CABE rightly identified it as being of national importance. Similar advice is being given on the current application for a 3 million sq. ft. scheme of redevelopment of the Eastside.
- Attending design review sessions with developers. These have been particularly useful. [It was] impressed with the understanding and insights that the Panel have given on complex schemes. This has been real added value which has significantly improved the quality of schemes.
- Advice on design competitions including the specific services of an 'enabler' to help run the international design competition for the Old Market Square, Nottingham's most important space. This advice and support has been invaluable and we are confident that a truly excellent scheme will result.
- Guidance in very high quality publications and web site, which greatly assist in creating imaginative development plans and in day to day negotiations with applicants and developers.<sup>2</sup>

7. Peter Babb, the head of planning at Manchester City Council told us:

I believe that CABE have an important role in challenging, say, masterplans which are put forward for areas and schemes which then come forward. A lot of the time...we work very much in the spirit of partnership with landowners, so when it comes to masterplans there is already a shared vision. Therefore, maybe the job of CABE is made a little bit easier because it can understand where the parties are coming from, but it can still intervene positively, I think, to influence schemes for the better. We have had schemes within that Spinning Fields area which have gone to CABE and we have taken notice of comments which have come back and we have acted upon them.<sup>3</sup>

8. There is considerable scope to raise further the quality of new developments. An audit by CABE of the design quality of 100 recent housing developments in the South East concluded that only 20% of the schemes were of a high standard. Flagship projects achieved high quality design whilst the rest tended to be mediocre. The report warned:

If we carry on this way we will leave a sorry legacy to future generations... – The flagship projects that appear on the covers of corporate brochures and annual reports often mask a raft of mediocrity. This is not an exercise in blame. The industry and local authorities have shown that they can get it right, and this should be applauded. But the conflict that too often arises in the development process – between developers and councils, between planners and highways – is stifling creativity and

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<sup>2</sup> Ev 26

<sup>3</sup> Q70

quality. In our haste to build new homes it would be a crime if future generations have to suffer the consequences of a lack of ambition to achieve design quality.<sup>4</sup>

9. One of the reasons for low quality new development is a lack of urban design skills in local authorities. The Landscape Institute pointed out:

The lack of design skills in local authorities is a fundamental problem when dealing with applications for schemes which may significantly affect the quality of life in regional towns and cities for many decades.<sup>5</sup>

10. The Government introduced a new planning delivery grant to encourage local authorities to improve the performance of their planning departments by speeding up the consideration of planning applications. About £350m has so far been distributed but it is very unclear how those funds have been spent, and there is evidence that few local authorities have design expertise. The Rt Hon Keith Hill MP, Minister of State (Housing and Planning), told us:

As to whether (the planning delivery grant) went into architects or urban design consultants, I have to say that I do not know the answer to that. What we do know is that about 15 per cent of authorities only have that kind of expertise at their disposal, which is very low, which is too low, but I think probably reflects the very scarce resources that local authorities have had for their planning departments historically and also, I suspect, the relative scarcity of that kind of expertise.<sup>6</sup>

11. During our inquiry, the Government published the Clean Neighbourhood and Environment Bill which would change the status of CABA from a non-departmental public body to a statutory corporation.<sup>7</sup> This is a rather fine distinction and is unlikely to make a great difference but the laying down of obligations and functions in statute could help CABA define its objectives more clearly and increase transparency.

**12. CABA is proving effective in improving the design quality of new development, particularly by supporting local authorities in securing higher quality area redevelopments. There is, however, considerable scope to improve the design quality of many new buildings, particularly housing developments. CABA should consider how it can be more effective in raising the general design quality of a broader range of developments.**

**13. The Government needs to monitor the use of the planning delivery grant to ensure that an increasing proportion is spent on improving local authority planning departments' performance not only in terms of speed in considering planning applications but also by more effective scrutiny of design quality. This will only be achieved by employing a diverse range of skills. CABA should also urge local authorities to employ a greater number of urban designers and architects.**

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<sup>4</sup> Housing Audit, Assessing the Design Quality of New Homes in London, the South East and the East of England CABA October 2004 p2

<sup>5</sup> Ev 58

<sup>6</sup> Q252

<sup>7</sup> The Clean Neighbourhood and Environment Bill 2004 was published on 8<sup>th</sup> December 2004

**14. The Clean Neighbourhood and Environment Bill proposes to make CAGE a statutory corporation. The Government should take this opportunity to define its objectives more clearly and increase its transparency.**

### 3 The Governance of CABE

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15. CABE is managed by Commissioners appointed by the Secretary of State for Culture, Media and Sport. Submissions to our inquiry raised concerns that CABE is dominated by two groups: architects with a particular interest in modern design and those with commercial interests. This can on occasion lead to possible conflicts of interest which require careful management.

16. In June 2004, the DCMS published an audit report by the accountants AHL into the way CABE treated the commercial interests of its staff and Commissioners and possible conflicts of interest. The report followed a number of complaints about potential conflicts of interest between the then Chairman's commercial interests and his public duties at CABE. The AHL report underlined the importance of rigorous procedures to ensure that conflicts of interest are avoided and confidence in the organisation is maintained.

Opinions expressed by CABE on design are respected and highly valued. The opinions have influence and are often relied upon by planning authorities when reviewing schemes as part of the planning approval process. The value of opinions is dependent upon the involvement of active experts across CABE's business. This gives rise to the inherent risk of potential conflict of interest...The inclusion of industry experts on the Commission results in higher risks of potential for conflict and therefore greater systems of internal control are necessary. CABE needs to operate to standards which exceed those required of many other NDPBs in managing conflicts of interest, in view of the inherent level of risk. CABE therefore needs to be able to demonstrate particularly robust and strictly applied procedures to manage any potential conflicts of interest which arise.<sup>8</sup>

17. The AHL report looked at the handling of conflicts of interests in the appointment of commissioners and the conduct of the Design Review function. It revealed public perceptions of conflicts of interests and a lack of transparency in the way CABE operates. In terms of the design review function, AHL said "it is essential that CABE is able to demonstrate publicly, the openness and integrity of the design review process".<sup>9</sup> We consider the issues associated with design review later in this report.

18. The AHL report set out 28 recommendations, which addressed issues associated with compliance with the Nolan principles relating to standards in public life.<sup>10</sup> It also proposed improvements to existing procedures to ensure CABE achieves standards commensurate with the risks involved. Some of the recommendations applied to CABE and others to the DCMS and ODPM. In the next section we consider progress in implementing the detailed recommendations. CABE has accepted and is implementing the detailed recommendations in the AHL report. Its Chief Executive Richard Simmons told the committee "If you are asking whether we have responded to the recommendations in the report, then the answer

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<sup>8</sup> CABE: Audit of Conflicts of Interest Report by AHL for DCMS, HC 678, June 2004

<sup>9</sup> CABE: Audit of Conflicts of Interest Report by AHL for DCMS, HC 678, June 2004 (AHL report) page2, para 6.3

<sup>10</sup> The Committee on the Standards in Public Life, whose first Chairman was Lord Nolan, set seven principles of public life which are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership

is yes, we are responding to all those recommendations that apply to us”.<sup>11</sup> A statement of progress on implementing AHL’s recommendations, drawn up at our request, suggested that 23 out of 28 action points had been addressed. The remainder, including the handling strategy for conflicts of interest and conflict of interest guidance, would be finalised by the end of March 2005.<sup>12</sup>

19. CABE, however, does not appear to be planning to make considerable changes to its operation which might alter the real public perceptions which prompted the investigation by AHL. Responding to the AHL report, its then acting Chairman, Paul Finch, commented: “We look forward to fine-tuning CABE in the light of the auditor’s report, and will do so in the spirit of constructive engagement”.<sup>13</sup> Its new Chairman, John Sorrell, told the magazine, *Building Design*, “It (CABE) carries on and I am not considering any changes”.<sup>14</sup>

### ***Managing the Commercial Interests of Commissioners***

20. The AHL report recommended that CABE’s Chairman should not be a property developer with significant commercial interests. In the light of this recommendation Sir Stuart Lipton, the Chairman of Stanhope plc, left CABE. The report also pointed out that nine of CABE’s Commissioners had commercial interests relevant to CABE’s core activities. Five of these nine Commissioners had provided commercial services directly to Stanhope plc. Additionally, three other Commissioners had worked with Stanhope in different capacities without commercial benefit. In addition, commercial services may be provided between Commissioners. AHL said, “This raises the potential for a public perception of non-compliance with the Nolan principles, such as those pertaining to objectivity or integrity. However, given the desire to have the expertise of active practitioners on the Commission, it is inevitable that such commercial relationships will exist”.<sup>15</sup>

21. The AHL report also highlighted problems in recording Commissioners’ commercial interests. It set out a range of measures to ensure that commercial interests were regularly and reliably declared and clearly recorded. These recommendations include

- Commissioners to be given annual training.
- The risk of conflicts of interests arising to be reviewed by its Audit Committee and reports made to the DCMS.
- CABE should consider the need to make the register of interests more publicly available, for example, by including it on the website.

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<sup>11</sup> Q220

<sup>12</sup> Statement of the Recommendations made by AHL following its report on conflicts of interest, and their implementation

<sup>13</sup> Press release from CABE, 15 June 2004, <http://www.cabe.org.uk/news/press/showPRelease.asp?id=638>

<sup>14</sup> *Building Design*, December 10 2004, p2

<sup>15</sup> AHL Report, page 8, para 17.1

22. Many of the submissions pointed to the fact that whilst Sir Stuart Lipton had left, there were still eight Commissioners at CABE with associations with his company. Adam Wilkinson from SAVE Britain's Heritage said:

I am not quite sure what the changes are. We have lost Sir Stuart Lipton and that is about it, so far, really, is it not? I cannot see what else really has changed since then, in terms of personnel.<sup>16</sup>

**23. Much progress is being made in implementing the recommendations in AHL's audit report for DCMS on conflicts of interest. These procedural changes could avoid some future potential conflicts of interest. The DCMS and CABE now need to consider a more radical review of the organisation's style to change public perceptions and to make it a more accountable and transparent organisation. This would enable it to play an enhanced role as adviser to central and local government and developers on design issues.**

**24. With the involvement of experts active in the property development field as CABE's Commissioners and in other capacities, the danger of perceptions of conflicts of interest is much greater than with many other public bodies. Whilst Nolan principles are relevant, a higher level of supervision of Commissioner interests and transparency is required. As proposed in the AHL report, CABE must make its register of Commissioner interests readily available on its website as a matter of urgency. The AHL report has served as an important review of the effectiveness of CABE's internal procedures for handling conflicts of interest. The DCMS should require an annual external review to ensure that the new procedures are preventing conflicts of interests arising and to consider whether any other measures are necessary.**

### ***Balance of Interests on CABE***

25. Much of our evidence drew attention to the high level of representation of business and architectural interests amongst CABE's 16 Commissioners. This raised questions about CABE's objectivity and particularly its preference in favour of new development. The Bloomsbury Conservation Area Committee warned that CABE should avoid being seen as a clique: "CABE must acquire more of a public service ethos as a government sponsored body, rather than appearing to be a narrowly focused, self-serving clique".<sup>17</sup>

26. The AHL report suggested that there was an imbalance in the range of interests of Commissioners:

We recognise that it is important to CABE's credibility and reputation that the Commission reflects the expertise of CABE's stakeholders. In our view, there is currently an imbalance between the number of Commissioners active in the industry and those from an independent but relevant background. This balance should be addressed whilst ensuring that CABE objectives can be effectively met.<sup>18</sup>

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<sup>16</sup> Q33

<sup>17</sup> Ev p79

<sup>18</sup> AHL report, para 17.2, page 8

SAVE Britain's Heritage suggested that the high level of representation of professionals associated with the development industry has led to a bias in favour of new development rather than conservation:

We cannot help but conclude that the pro-development stance that is invariably adopted is the result not just of having insufficient conservation expertise available but of having too many professionals connected directly with the development industry either as Commissioners or as Design Review Panel members.<sup>19</sup>

27. Since the AHL review was published in June 2004, a new Chairman has been appointed and one commissioner replaced. CABE has also advertised publicly for applications to join the Design Review Panel, which has led to several new appointments. Nevertheless, there are some concerns that little has fundamentally changed. Councillor Dennis from Croydon Council commented that

The fact that the Chairman has gone, has not changed anything. There is still a very large proportion of the CABE Commissioners associated with one particular company, and I expect, if you looked at other development interests, there would be again a number of conflicting interests.<sup>20</sup>

**28. With Commissioners serving for four years and members of the Design Review Panel serving for three years, it will take time for the balance of interests to change. The DCMS should limit the number of Commissioners with commercial interests. DCMS should consider increasing the number of Commissioners to bring in more diverse interests more quickly.**

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<sup>19</sup> Ev p38

<sup>20</sup> Q48

## 4 Design Review

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29. CABE's review of the designs of new buildings is its most high profile activity, and one which has attracted considerable comment in the evidence to our inquiry. Development proposals may be referred to CABE for review or CABE may choose to review them because of their significance. In 2003/04, CABE reviewed about 480 planning applications out of a total of some 660,000, of which about 16,500 were categorised by the ODPM as 'major'. On many occasions its comments resulted in improvements to the quality of the proposals. There are, however, major concerns about the process by which CABE develops its views because of a lack of transparency and thoroughness and the composition of the panel reviewing the schemes.

30. CABE applies three levels of scrutiny to a planning application depending on its significance.

- at monthly full meetings of the Design Review Panel, chaired by one of a group of six CABE Commissioners. (At these meetings, schemes are presented to the committee by their promoters and representatives of the local authority and English Heritage are always invited, and usually attend);
- at fortnightly internal meetings with Design Review Panel members;
- at weekly officer-level review meetings chaired by a CABE Commissioner.

Following these meetings, a letter is written to the applicant and the local authority, setting out CABE's views on the scheme. CABE officers also hold meetings with developers to discuss their schemes before a planning application is made.

31. There are concerns that CABE is overstretching itself, commenting on far more schemes than was initially envisaged when it was set up and - perhaps as a consequence - offering only superficial comments on some. To achieve maximum impact, CABE says it has adopted a "light touch" approach to its consideration of schemes.

With the resources at the programme's disposal we have a choice between offering light touch, strategic advice on a larger number of schemes or getting more involved in fewer, and we have chosen the former.<sup>21</sup>

The Joint Committee of the National Amenity Societies, a standing committee of seven national amenity societies, said:

The throughput of cases coming before CABE's Design Review team, whether at officer or committee level, is far too great to allow for sufficiently detailed consideration to be given in all instances. The 2001 DETR letter referred to 30-40 projects coming to CABE annually. In the publication *Design Reviewed*, published by CABE in February 2004, the number is recorded as around 500 projects a year.<sup>22</sup>

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<sup>21</sup> Ev11

<sup>22</sup> Ev 43, *The Role and Effectiveness of CABE*, HC 1117-I The letter is also quoted in the ODPM's submission, Ev5

The Joint Committee then went on to criticise the quality of the information about schemes presented to the Design Review Panel, most of which is prepared by the team behind the planning proposal.

A problem with CABE's current approach is that the visual material submitted to the Design Review Panel is prepared by those who are promoting the scheme. Textual material is likewise supplied by the promoters, then reframed by CABE staff to fit within a consistent format. Meetings are generally held in camera and even if there is a representative present from the local planning authority (or English Heritage), he or she may be seeing a proposal for the first time and being asked for a view 'on the hoof'.<sup>23</sup>

32. The developer Grosvenor is concerned about the cursory consideration given to major schemes:

Grosvenor's experience with CABE's formal design panel reviews, however, has been somewhat less satisfactory. In our opinion, insufficient time and space is allocated for the proper explanation and discussion of sometimes very complex issues. Sometimes the lack of preparation and attention by some reviewers has not been worthy of the importance which clients and consultants attach to the reviews; nor commensurate with the weight that decision-makers attach to comments made at the reviews and to the published reports. In our opinion, the reviews would be more effective and much more useful if a small number of relevantly experienced reviewers were able to give sufficient time to properly listen to explanations and to discuss proposals in depth.<sup>24</sup>

### **Pin-up Sessions**

33. Those schemes which do not go to a full Design Review Panel meeting are viewed by staff and the committee Chairman at a 'pin-up' meeting where views are considered on the basis of the developers' drawings pinned up on the wall. The Joint Committee of the National Amenity Societies commented:

Views are given about developments in important locations on the basis of cursory consideration by a handful of people. This is questionable practice, given the influence a letter from CABE can have with local planning authorities.<sup>25</sup>

The Bloomsbury Conservation Area Group argues that the views given following 'pin-up' sessions should not be given the same weight as those subject to a full design review session.

The numerous letters of endorsement by CABE that are issued on the strength of an assessment by (the then Chairman of the Design Review Committee) Paul Finch and a staff member, where developments do not meet criteria for consideration by the Design Review Committee are a cause of particular concern. The controversial Camden Underground Station development and the UCL Cancer Unit in

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<sup>23</sup> Ev 43, *The Role and Effectiveness of CABE*, HC 1117-I, Session 2003-2004

<sup>24</sup> Ev71

<sup>25</sup> Ev 43, *The Role and Effectiveness of CABE*, HC 1117-I, Session 2003-2004

Bloomsbury are typical examples. The support which CABA offered to these schemes was relied on to a considerable extent at subsequent planning inquiries following appeals being lodged. It is unacceptable that these expressions of support should have the same weight as the properly considered views of locally based groups and the local planning authorities which represent their interests.<sup>26</sup>

34. The RIBA raised the concern that local authorities and developers may misinterpret the results of these reviews.

CABA should make it clearer, and planning authorities should better understand, that the absence of a full review or an inability to review does not imply tacit approval by CABA.

While it has been argued that some local planning authorities tend to use CABA design review as a fall-back option instead of fully scrutinising planning applications themselves, other local authorities have conversely treated the work of the Design Review Committee rather lightly.<sup>27</sup>

35. There is potential to expand the role of the regional design panels which CABA is developing to advise the Regional Development Agencies and local authorities so that they could take over some of the design review functions. The Landscape Institute said:

The Landscape Institute supports the moves by CABA to develop its regional activities either in its own right or in partnership with other organisations. The lack of design skills in local authorities is a fundamental problem when dealing with applications for schemes which may significantly effect the quality of life in regional towns and cities for many decades. In this regard the regional panels such as the South East of England Development Agency's design panel should be promoted to work in collaboration with CABA to enable closer geographical connection and appreciation of specific context.<sup>28</sup>

**36. To maximise the impact from its limited resources, CABA should consider fewer schemes and increase the quality of the consideration given to those remaining schemes. The value of the pin-up sessions appears extremely dubious. These sessions cannot provide the basis for an informed view of a scheme and they put excessive influence in the hands of a few unaccountable people. We recommend that this practice is discontinued.**

**37. The work of the regional design panels could be extended to offer advice to developers and local authorities on emerging schemes. CABA should look at passing down consideration of planning applications which are not of national significance to these panels.**

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<sup>26</sup> Ev76

<sup>27</sup> Ev44

<sup>28</sup> Ev58

### **Pre-Planning Discussions**

38. CABE is keen to be involved in discussions about major development proposals before they become planning applications and many developers approach it for informal advice before making a planning application. CABE's advice is kept confidential for commercial reasons. Grosvenor Developments told us:

Whenever possible, Grosvenor has had informal discussions with CABE officers prior to submitting planning applications and before CABE formal reviews. Such discussions have been extremely useful in helping Grosvenor to ensure that it is achieving the standard of work to which we aspire and are being sufficiently creative. They have also enabled us to benefit from experience elsewhere and from arms length consideration of some issues in which the project team have become immersed. We are aware that CABE's involvement has also acted as a spur to our designers.<sup>29</sup>

39. There have been instances when developers have published parts of CABE's confidential advice to place pressure on local authorities to approve their schemes. This has been recognised by CABE but it seems relatively powerless to address this problem. Its acting Chairman, Paul Finch, told us:

if somebody gets a letter which perhaps makes four points and three of them are negative and one of them is positive, they are inclined to quote the positive one. Now of course, it is rather difficult to control that, but if it comes to our attention that it has happened, then we would just write to them and say, you should not be doing this.<sup>30</sup>

40. The AHL report suggested that CABE should require developers to sign a form requesting that the opinion remains confidential and that the developer should also be bound to maintaining confidentiality.<sup>31</sup> **Pre-planning discussions between developers and CABE are helping to improve the quality of subsequent planning applications but there are sometimes problems in the way they use CABE's advice. As a spur to encourage developers to create high quality designs at the outset, CABE should, as a matter of course, publish its pre-planning advice letters unless there are overwhelming arguments to keep them confidential.**

### **Composition of the Design Review Panel**

41. The Design Review Panel is chaired by a CABE Commissioner and has 28 members from outside CABE who are appointed for a three year term on the basis of their expertise and other criteria, including regional spread and gender/ethnic mix. The Design Review Panel of six members meets monthly, with membership rotating round the 28 panel members. Until Autumn 2004 panel members were appointed on the basis of personal contacts of suitable professionals. Since then it has been opened up and the latest appointments in December 2004 followed a public advertisement setting out areas of

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<sup>29</sup> Ev71

<sup>30</sup> Q199

<sup>31</sup> AHL report, paras 20.29/30/31

expertise being sought. There were concerns about the composition of the panel, particularly that they should represent a range of architectural fashions and not just the style favoured by the establishment at the time. The Royal Institute of British of Architects said:

It is just as important, however, to ensure that CABE continues to ensure a balance of opinion on Design Review Panels. Panels are drawn from a pool of well- and relatively well-established architects and will naturally reflect the changing nature of the architectural establishment. In order to avoid potential criticism that design review favours the fashionable, it is important, therefore, to have panels representing a range of architectural styles.<sup>32</sup>

We consider the panel's approach to historic buildings in the next section.

**42. We welcome the fact that appointments to the Design Review Panel have been opened up to public competition. To ensure that CABE is not perceived as favouring one style of architecture over another, it should appoint members who appreciate a range of architectural styles.**

### *Transparency and Openness*

43. CABE's views are taken increasingly seriously by local authorities. CABE is a non-statutory consultee on planning applications but its consideration of planning applications is now seen as an integral part of the planning process. Some local authorities rely on CABE to appraise the design quality of schemes, mainly due to a lack of design expertise within their own ranks. Some witnesses argued that its influence was too great or at least should not increase. However, to sustain this level of influence, CABE must be more transparent, showing how its conclusions are reached. The Law Society argued that:

CABE has assumed a voice in the planning system beyond its original remit, often going to the Press with its views in advance of meeting with developers and local authorities. It has insisted on imposing its own particular views on certain development proposals ...CABE should remain an advisory body at arms length from the Government...It should not become the equivalent of a statutory consultee, able to pass persuasive verdicts on development proposals.<sup>33</sup>

44. The British Property Federation commented:

The Design Review function of CABE is very important and useful, at present they are just a consultee, albeit a very influential one. Local Authorities are not bound to adhere to their decisions but more often than not they do, and as a result the Design Review Panels are fast becoming a planning hurdle over which there is no appeal. The property industry is anxious that although CABE does not have the statutory power to stop a scheme, their opinion is being treated as definitive and rigid adherence to it causes delays to projects.<sup>34</sup>

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<sup>32</sup> Ev 44

<sup>33</sup> Ev 23

<sup>34</sup> Ev 60

The BPF's Chief Executive Liz Peace added:

You could almost say CABA has become too successful, in that its opinions are so valued that it is seen then as a further hurdle in the formal planning application process.<sup>35</sup>

45. Confidence in CABA's views is undermined by the lack of transparency in the way it reaches its views. This was a case made in the evidence by many of the amenity groups. The Regent's Park Conservation Advisory Group wrote:

It is not clear to us that CABA took any account of community views and local considerations in undertaking its review. This again undermines policy which seeks to empower local communities, and further diminishes confidence in the decision making process. CABA's accountability is unclear to us as local people. CABA appears to us to be an unaccountable body, using inappropriate processes to give advice not clearly based in the necessary knowledge of specialist historic matters or local community concerns.<sup>36</sup>

The journalist Mira Bar-Hillel told said:

Nobody actually knows for sure who is reviewing their designs, what was said in the discussion, whether their review was a full review or a pin up...If I wanted to know who was on the Design Review Panel which assessed a particular scheme that was interesting to me, either for personal reasons or because a member of the public drew my attention to it, I would not be able to find out. I do not think that is right. I do not think that is democratic.<sup>37</sup>

The British Property Federation said to ensure complete transparency the following questions needed to be addressed:

- What are CABA to be consulted on?
- When are CABA to be consulted?
- How can CABA's policy formation be more transparent?
- How can it be assured that one school of architecture will not dominate the Commission's thinking on what constitutes 'good design'?<sup>38</sup>

46. CABA's acting Chairman, Paul Finch, said that it published the criteria used for deciding how schemes are considered by its Design Review Panel and should be assessed.<sup>39</sup> CABA accepted that it should publish the names of those present at the Design Review Panel meetings. Its Chief Executive, Richards Simmons, said:

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<sup>35</sup> Q92

<sup>36</sup> Ev 46

<sup>37</sup> Q143

<sup>38</sup> Ev 60

<sup>39</sup> Q176 and Q195

I think the point was well made that although we publish the names of our Design Review Panel members generally, we do not at the moment and have not in the past actually put onto each report the names of the people involved in the review and that is something which we will do in future. We publish a letter which effectively reflects the discussion that took place at the meeting. What we do not do is produce long sets of minutes of those meetings because we think it is more efficient to tell people what the conclusions of the meeting were. At the moment that feels to me to be about right.<sup>40</sup>

47. Lord McIntosh, the Minister for Media and Heritage, who is responsible for CABE at the DCMS, accepted the need for greater transparency in the deliberations of the Design Review Panel. He agreed that it would be beneficial to open CABE design review sessions to the public.

My view at that time was that in the cases which come before the Design Review Committee which are not confidential, those meetings ought to be in public and there is no conceivable reason why they should not be. I was enormously impressed by the way the design review queried a whole range of different factors, because a lot of people were standing around there. You do not sit down in the design review. I thought to myself, that if this were held in, for example, a small auditorium like the Royal Institution or in an anatomy lab in a university, that would be rather a good thing. A lot of students of architecture and planning and people in local government would want to come, would like to come and would benefit from the frank exchanges of views between developers and architects and the members of the review committee. In that sense, there is room for greater transparency, but I do not accept that that means that the existing procedures are secretive.<sup>41</sup>

Lord McIntosh told us that he would recommend to CABE that its design review meetings should be in public. In a subsequent letter, Lord McIntosh sought the views from CABE's new Chairman, John Sorrell, on taking this forward:

It seems to me that there would be much to be gained from allowing members of the public occasionally to observe...Obviously for schemes which were pre-planning application cases, this would not be suitable, and indeed there may be other circumstances in which this would not be appropriate. However, where schemes are already in the public domain, I believe that it would be very interesting for the public, and architecture and planning students in particular to gain an insight into the consideration given to schemes may affect them. It would also be very much in the spirit of this Government's 'open government agenda'.<sup>42</sup>

**48. Local authorities are giving considerable weight to CABE's views when making decisions on planning applications so it is vital that it is made clear to them how those views have been reached and how they should be treated. CABE's submissions to local authorities should include a detailed note on the meeting where the scheme was**

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<sup>40</sup> Q197

<sup>41</sup> Q233

<sup>42</sup> Q233

discussed, including the names of those attending it. DCMS and ODPM should jointly issue guidance on how local authorities should treat CABE's views.

49. CABE suggests that many of the criteria and procedures it uses are set out in public documents. Even so, there remains a lack of clarity regarding the criteria it uses to determine which projects it comments on, the consideration given and the basis of its comments. CABE should consider how it can set out these criteria and demonstrate how they are applied more clearly.

50. The most effective method to demonstrate how CABE's Design Review Panel reaches its views would be to open up the meetings to the public. We welcome the Minister's commitment to open up the deliberations of the Design Review Panel. However, he is proposing that the public would only be allowed in occasionally. The Design Review Panel, like a local authority planning committee, should be open to the public unless there are exceptional reasons, such as confidential issues being on the agenda. CABE should be required to draw up guidelines for when the Committee should not be open to the public.

## 5 CABE and Historic Buildings

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51. CABE's remit is to improve the design quality of new buildings while English Heritage's role is to protect historic buildings. However, there are concerns about CABE's attitude to historic buildings and their context when it considers new buildings. Witnesses were concerned that:

- The conservation of historic buildings is low on CABE's list of priorities
- CABE too often uncritically supports the principle of building new, rather than adapting and reusing, and on occasion has actively promoted new development and inadequately considered the buildings' impact on the surroundings
- CABE did not have the skills to assess the impact on historic buildings
- CABE and English Heritage did not work together sufficiently closely

### *Support for New Buildings*

52. Many witnesses suggested that CABE is obsessed with the quality of new buildings without looking at the context or the potential for conservation of existing buildings. Save Britain's Heritage argued that the historic environment was so low on CABE's list of priorities that it did not merit mention in its corporate strategy. SAVE pointed out:

Within CABE's Corporate Strategy there is currently no recognition that the existing historic fabric of towns and cities can be reused or adapted to meet its vision for 2010. CABE states that the "acceptance that good design contributes both to more functional and safer places, and also to the well-being of society, generating economic, social and environmental benefits". Yet it is widely acknowledged that the preservation and reuse of existing historic environment meets these same aims.<sup>43</sup>

On at least one occasion CABE seems to have crossed the line between assessing and positively promoting a new-build proposal affecting a Conservation Area. Several witnesses drew our attention to a letter setting out CABE's views on a scheme for South Kensington underground station. The Kensington Society pointed out that "The CABE letter offered 'warm support' for what it described as this 'long awaited scheme'.<sup>44</sup> The Society argued that the letter did not demonstrate that CABE had considered the impact on the conservation area and the loss of buildings of historic value.

### *Historic Context*

53. The Chelsea Society argued that historic settings were frequently overlooked when plans for new buildings were considered.

CABE seems to place higher value on lively new architecture, whatever its scale or bulk, than on the relationship of buildings to their settings. CABE should review its

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<sup>43</sup> Ev 36

<sup>44</sup> <http://www.cabe.org.uk/review/reports/reports.asp?id=183>

approach to the reuse of buildings located in historic towns and conservation areas. In such places context merits being given the highest value.<sup>45</sup>

Many submissions were concerned that CABE came to conclusions on schemes without visiting the site. The Regent's Park Conservation Area Advisory Committee said:

CABE can review applications without making a site visit. We understand that in the St Katharine's case CABE's advice was made without a site visit. In our view it is fundamentally unacceptable for advice on a planning application to be made in the absence of a good knowledge and understanding of the application site: normally this would involve a site visit. It is an accepted and fundamental principle of architectural design that a scheme should respond to the site: it is clearly very questionable whether a scheme can be properly assessed in the absence of a good knowledge and understanding of the site. In a case where the main considerations are the effect of a proposal on the character and appearance of a conservation area, and on the setting of neighbouring Listed Buildings, a detailed knowledge of the site is an essential element of the process of development control, to which CABE's comments are supposed to contribute.<sup>46</sup>

54. A recent inspector's report on a scheme in Chelsea suggested that the validity of CABE's comments on the design was reduced because the historic context had not been considered. The Inspector's report recognised that CABE's advice on design was acceptable but it did not consider the wider impact.

I recognise the record of achievement of the scheme's architect and the support the proposal has attracted from CABE. I have taken full account of the views expressed by CABE in its letter of 20 November 2003, much of which I agree with. However, whether or not this was written with knowledge of the contents of the Council's guidelines, I am unable to agree given the intended degree of extension and alteration of the main building, that his proposal in this respect is modest and would retain the integrity of the building. I also note that its advisory letter takes no account of the conservation area views and impact neighbouring amenity, on which I have reached unfavourable conclusions.<sup>47</sup>

55. CABE is working increasingly closely with English Heritage, particularly through the joint Urban Design panel, where Commissioners from both organisations consider the effectiveness of masterplans and strategies to regenerate town and city centres. English Heritage officers are also present at some of CABE's Design Review Panels. However, there is limited evidence that the organisations are jointly considering their input into individual planning applications. This has meant that planning applications are not considered in the 'round.' The Joint Committee of National Amenity Societies commented:

Opting out of addressing issues concerning the historic environment on the basis that English Heritage and others will address these issues when a scheme finally enters the public domain – as CABE did recently at Smithfield – is no substitute for

<sup>45</sup> Ev 27

<sup>46</sup> Ev 45

<sup>47</sup> Appeal Ref APP/K5600/A/03/1135903, The Power House, Alpha Place, London SW3 5SZ, Appeal Decision by Terry G Phillimore

proper rounded consideration of all the issues at the outset...What is needed is a Design Review body that can consider schemes in a genuinely contextual way. Issues such as townscape, an area's history, character, style and 'feel' are all ones that need to be considered when a new development is proposed.<sup>48</sup>

**56. CABE's priority is to consider the quality of new buildings but it must resist promoting them. CABE's lack of consideration of the context of schemes, particularly those involving historic buildings, can mean that its comments have less validity. It should demonstrate that it has considered the impact of new buildings on their surroundings, which will require undertaking site visits. To ensure a well-rounded assessment of major development proposals at the outset, CABE should work with English Heritage on considering individual proposals.**

### **Formal Designations**

57. On occasion CABE appears to challenge formal designations for historic buildings and conservation areas without setting out its reasons. Witnesses highlighted examples where they suggested that CABE had ignored the impact of a new building in a conservation area and in another supported the demolition of a Grade I listed building. One witness, Evelyn Cook, commented:

CABE's Design Review Panel appears to be working outside of its remit and apparent expertise where the historic environment is concerned and not only commenting on the quality of a proposed development, but actively engaging in making judgements on the quality of the historic architecture it is intended to replace. This is illustrated by a discussion of issues surrounding CABE's involvement in the process which led to the decision to demolish Span 4 at Paddington Railway Station, an important part of a Grade I Listed building...To allow demolition of a major and far from unimportant (in architectural and historic terms) part of a Grade I listed building and replace it with work of unproven merit, when it could and should be retained into any new scheme, is a disturbing national precedent. It calls into question the protection supposedly afforded to Grade I listed buildings. The fact that CABE went beyond its remit in this case to so very publicly dismiss the importance of Span 4 and promote a replacement building, without there being any official membership representing conservation bodies on CABE to provide an expert opinion, is a cause for great concern.<sup>49</sup>

58. Another witness suggested that CABE had appropriate policies but it did not always comply with them. The Bradford on Avon Preservation Trust commented:

We submit that the "secret agenda" followed by the Design Review Panel appears to be to promote incongruous designs in modern materials, regardless of the local character of the historic areas in which they are set. For CABE to act as guardian of

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<sup>48</sup> Ev 43, *The Role and Effectiveness of CABE*, HC 1117-I, Session 2003-2004

<sup>49</sup> Ev 52

the quality of the built environment, it needs to apply the criteria which it writes about in its design guides.<sup>50</sup>

Other witnesses noted that CABE had developed with English Heritage a policy on tall buildings but it was not always applied when considering schemes. The Kensington Society pointed once again to the scheme at South Kensington: “All in all, it is hard to see how, if CABE had abided by its own guidance as set out in its own documents such as Building in Context, Design Review and the guidance on Tall Buildings it could have come to the views it did on South Kensington.”<sup>51</sup>

59. During our inquiry, CABE published a statement on its approach to the historic environment. Its new Chief Executive, Richard Simmons, accepted that it needed to be more open about its policies. He told us:

I think it is about time CABE started saying a bit more about its policies towards things, partly, clearly, because we have received a certain amount of criticism on some of those issues in the media, stimulated by some of the people who appeared before this Committee amongst others. We wanted to be clear about our position, which is that we do consider the historic environment as part of our consideration of schemes. We do think it is an important part of the context for schemes. We do think sometimes people will want to design something new which may change the historic environment.<sup>52</sup>

**60. We welcome CABE’s recent initiative to set out its policies on historic buildings. These policies should be developed and form the basis for all its decisions. It should demonstrate that it is adhering to them and, on the occasions when its views contradict them, offer a full explanation. CABE should work within the statutory designations set down by other public agencies. Its role is not to assess the value of the historic environment but to ensure that new schemes enhance it.**

### ***Expertise in the Historic Environment***

61. Some submissions suggested that there was a lack of staff, commissioners and members of the Design Review Panels with experience of managing the historic environment. SAVE Britain’s Heritage commented:

We are deeply concerned that there is insufficient expertise available to CABE on the historic environment or, if that experience does exist, it is not sufficiently represented or taken heed of. CABE’s record in terms of Design Review does not show it to be sympathetic to the historic environment.<sup>53</sup>

The Chelsea Society said that

CABE’s Design Review Panel embraces modernist and neo-classical architects but it is still too narrowly based. Even though English Heritage is represented at review

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<sup>50</sup> Ev 60

<sup>51</sup> Ev 50

<sup>52</sup> Q207

<sup>53</sup> Ev 37

meetings, the panel is lacking in conservation expertise and in understanding of the role of development control. Additional expertise is needed in architectural history and town planning and in the design and management of the public realm.<sup>54</sup>

62. When we asked CABE about expertise on the historic environment on the Design Review Panel, its acting Chairman and Chief Executive said that the members at each meeting were arranged about a year ahead.<sup>55</sup> It was not clear that the panel would include members with the relevant heritage expertise when buildings affecting the historic environment were considered. Since our inquiry, two new members of the Design Review Panel have been appointed who have particular expertise in the historic environment and conservation. **CABE should ensure that members with expertise in the historic environment and conservation are present at all meetings of the Design Review Panel.**

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<sup>54</sup> Ev 28

<sup>55</sup> Q200

## 6 Design and Government Programmes

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63. The Government is promoting a major development programme through its Sustainable Communities initiatives and public building programme. CABA is seeking to ensure that the new buildings are of a high design quality. This will only be achieved if the planning and funding requirements give sufficient priority to design issues. The public building programme is being funded mainly through the Private Finance Initiative. The quality of PFI funded projects developed so far is causing concern. Peter Babb, head of planning at Manchester City Council, said:

CABA has been less successful, in terms of this discussion, with certain government departments. Building schools for the future, I think, is an example, whereby if we are looking for top quality schools for the future there was an initiative about exemplar schools. Unfortunately, there does seem to be a little bit of a funding gap. I think it is important in those discussions that affordability issues are taken into account in terms of trying to look at design quality as well. It is all very well driving up aspirations if we cannot deliver those at the end of the day. I think it is particularly important that CABA are given sufficient opportunities to have good discussions with government departments at an early stage to ensure that there is the possibility of good design within the building programmes which are coming forward in education and in the health services as well.<sup>56</sup>

64. CABA is working with several Government departments to improve the design quality of the facilities they are funding through PFI. It acknowledged that there were problems with the PFI programme, but its acting Chairman, Paul Finch, pointed to recent progress. He told us:

It is really acknowledged by the whole profession, I think everybody including PFI suppliers, that there are aspects of PFI procedures which can militate against design quality. We have identified what many, if not all of those are and the discussions go on, in order to try to get the best outcomes. Fortunately, we are now at a point where buildings are starting to come through as built, where we can point to ones where we think that the PFI process has worked well, for example, Brighton Library.<sup>57</sup>

**65. The PFI funding mechanism does not give sufficient weight to the design of public facilities. The Government needs to review PFI to consider how design can be better incorporated into the procurement process. The fundamental role of CABA in overseeing the design quality at a national level should be recognised and it should be involved in the procurement process from the outset.**

### Housing

66. The Government is seeking to increase housebuilding in the wider south east in Ashford, Milton Keynes, the Thames Gateway and the Cambridge/Stansted corridor. Off-site manufacturing is being promoted to speed up the delivery of affordable housing in

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<sup>56</sup> Q81

<sup>57</sup> Q193

these areas. In the Committee's reports on the Housing Corporation and Affordable Housing, we expressed concern about the design quality of these homes, based on the experience when prefabrication was last used on a large scale in the 1960s. These concerns were supported in a report by CABE which looked at the quality of the housing designs funded under the first tranche of funds for housing associations schemes using off-site manufacturing. The report concludes:

Although some were satisfactory, none of the schemes reviewed exhibited outstanding design quality. Performance standards likewise were generally not exceptional. There are substantial risks for all those involved in take up and hence reduce the potential for improvements to be developed. There is still not enough information available about the more complex Modern Methods of Construction systems. This is lacking in terms of cost, general technical limitations, and the effect of integrating them into construction.<sup>58</sup>

67. The Government recently announced a competition being organised by English Partnerships to demonstrate that it is possible to build a good-quality home for a construction cost of £60,000. The competition is expected to produce a design and building method that could be replicated on a large scale. **The Government's initiative to create a model £60,000 house may secure low cost housing. However, while price is very important, it should not be at the cost of creating poorly designed homes that will not last, leading to the need for redevelopment within a very short time, and so fail to create sustainable neighbourhoods. CABE needs to be given a clear role in vetting the schemes. Homes of sufficiently high quality must be achieved within the target cost.**

68. **The design quality of the new housing in the Growth Areas in the South East will be crucial to the long term success of the programme. With the Government's urgency to boost housing development and the use of offsite manufacturing, there is a danger that design quality will suffer. CABE should be monitoring very carefully the design quality of the new housing, particularly those built using offsite manufacturing.**

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<sup>58</sup> *Design and modern methods of construction*, CABE 2004

# Conclusions and recommendations

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## The Effectiveness of CABE

1. CABE is proving effective in improving the design quality of new development, particularly by supporting local authorities in securing higher quality area redevelopments. There is, however, considerable scope to improve the design quality of many new buildings, particularly housing developments. CABE should consider how it can be more effective in raising the general design quality of a broader range of developments. (Paragraph 12)
2. The Government needs to monitor the use of the planning delivery grant to ensure that an increasing proportion is spent on improving local authority planning departments' performance not only in terms of speed in considering planning applications but also by more effective scrutiny of design quality. This will only be achieved by employing a diverse range of skills. CABE should also urge local authorities to employ a greater number of urban designers and architects. (Paragraph 13)
3. The Clean Neighbourhood and Environment Bill proposes to make CABE a statutory corporation. The Government should take this opportunity to define its objectives more clearly and increase its transparency. (Paragraph 14)

## The Governance of CABE

4. Much progress is being made in implementing the recommendations in AHL's audit report for DCMS on conflicts of interest. These procedural changes could avoid some future potential conflicts of interest. The DCMS and CABE now need to consider a more radical review of the organisation's style to change public perceptions and to make it a more accountable and transparent organisation. This would enable it to play an enhanced role as adviser to central and local government and developers on design issues. (Paragraph 23)
5. With the involvement of experts active in the property development field as CABE's Commissioners and in other capacities, the danger of perceptions of conflicts of interest is much greater than with many other public bodies. Whilst Nolan principles are relevant, a higher level of supervision of Commissioner interests and transparency is required. As proposed in the AHL report, CABE must make its register of Commissioner interests readily available on its website as a matter of urgency. The AHL report has served as an important review of the effectiveness of CABE's internal procedures for handling conflicts of interest. The DCMS should require an annual external review to ensure that the new procedures are preventing conflicts of interests arising and to consider whether any other measures are necessary. (Paragraph 24)
6. With Commissioners serving for four years and members of the Design Review Panel serving for three years, it will take time for the balance of interests to change. The DCMS should limit the number of Commissioners with commercial interests.

DCMS should consider increasing the number of Commissioners to bring in more diverse interests more quickly. (Paragraph 28)

## Design Review

7. To maximise the impact from its limited resources, CABE should consider fewer schemes and increase the quality of the consideration given to those remaining schemes. The value of the pin-up sessions appears extremely dubious. These sessions cannot provide the basis for an informed view of a scheme and they put excessive influence in the hands of a few unaccountable people. We recommend that this practice is discontinued. (Paragraph 36)
8. The work of the regional design panels could be extended to offer advice to developers and local authorities on emerging schemes. CABE should look at passing down consideration of planning applications which are not of national significance to these panels. (Paragraph 37)
9. Pre-planning discussions between developers and CABE are helping to improve the quality of subsequent planning applications but there are sometimes problems in the way they use CABE's advice. As a spur to encourage developers to create high quality designs at the outset, CABE should, as a matter of course, publish its pre-planning advice letters unless there are overwhelming arguments to keep them confidential. (Paragraph 40)
10. We welcome the fact that appointments to the Design Review Panel have been opened up to public competition. To ensure that CABE is not perceived as favouring one style of architecture over another, it should appoint members who appreciate a range of architectural styles. (Paragraph 42)
11. Local authorities are giving considerable weight to CABE's views when making decisions on planning applications so it is vital that it is made clear to them how those views have been reached and how they should be treated. CABE's submissions to local authorities should include a detailed note on the meeting where the scheme was discussed, including the names of those attending it. DCMS and ODPM should jointly issue guidance on how local authorities should treat CABE's views. (Paragraph 48)
12. CABE suggests that many of the criteria and procedures it uses are set out in public documents. Even so, there remains a lack of clarity regarding the criteria it uses to determine which projects it comments on, the consideration given and the basis of its comments. CABE should consider how it can set out these criteria and demonstrate how they are applied more clearly. (Paragraph 49)
13. The most effective method to demonstrate how CABE's Design Review Panel reaches its views would be to open up the meetings to the public. We welcome the Minister's commitment to open up the deliberations of the Design Review Panel. However, he is proposing that the public would only be allowed in occasionally. The Design Review Panel, like a local authority planning committee, should be open to the public unless there are exceptional reasons, such as confidential issues being on

the agenda. CABE should be required to draw up guidelines for when the Committee should not be open to the public. (Paragraph 50)

### CABE and Historic Buildings

14. CABE's priority is to consider the quality of new buildings but it must resist promoting them. CABE's lack of consideration of the context of schemes, particularly those involving historic buildings, can mean that its comments have less validity. It should demonstrate that it has considered the impact of new buildings on their surroundings, which will require undertaking site visits. To ensure a well-rounded assessment of major development proposals at the outset, CABE should work with English Heritage on considering individual proposals. (Paragraph 56)
15. We welcome CABE's recent initiative to set out its policies on historic buildings. These policies should be developed and form the basis for all its decisions. It should demonstrate that it is adhering to them and, on the occasions when its views contradict them, offer a full explanation. CABE should work within the statutory designations set down by other public agencies. Its role is not to assess the value of the historic environment but to ensure that new schemes enhance it. (Paragraph 60)
16. CABE should ensure that members with expertise in the historic environment and conservation are present at all meetings of the Design Review Panel. (Paragraph 62)

### Design and Government Programmes

17. The PFI funding mechanism does not give sufficient weight to the design of public facilities. The Government needs to review PFI to consider how design can be better incorporated into the procurement process. The fundamental role of CABE in overseeing the design quality at a national level should be recognised and it should be involved in the procurement process from the outset. (Paragraph 65)
18. The Government's initiative to create a model £60,000 house may secure low cost housing. However, while price is very important, it should not be at the cost of creating poorly designed homes that will not last, leading to the need for redevelopment within a very short time, and so fail to create sustainable neighbourhoods. CABE needs to be given a clear role in vetting the schemes. Homes of sufficiently high quality must be achieved within the target cost. (Paragraph 67)
19. The design quality of the new housing in the Growth Areas in the South East will be crucial to the long term success of the programme. With the Government's urgency to boost housing development and the use of offsite manufacturing, there is a danger that design quality will suffer. CABE should be monitoring very carefully the design quality of the new housing, particularly those built using offsite manufacturing. (Paragraph 68)

## Formal minutes

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**Tuesday 1 March 2005**

Members present:

Mr Clive Betts, in the Chair

Andrew Bennett

Mr Bill O'Brien

Mr David Clelland

Mr Richard Page

Chris Mole

Christine Russell

The Sub-committee deliberated.

Draft Report (*The Role and Effectiveness of CABE*), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 68 agreed to.

Summary agreed to.

*Resolved*, That the Report be the First Report of the Sub-committee to the Committee. —  
(*The Chairman.*)

*Ordered*, That the Chairman do make the Report to the Committee.

[The Sub-committee adjourned.]

# Formal minutes

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**Tuesday 1 March 2005**

Members present:

Andrew Bennett, in the Chair

Mr Clive Betts

Mr Bill O'Brien

Mr David Clelland

Mr Richard Page

Chris Mole

Christine Russell

The Committee deliberated.

Draft Report from the Urban Affairs Sub-committee (*The Role and Effectiveness of CABE*), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 68 agreed to.

Summary agreed to.

Motion made, and Question put, That the Report be the Fifth Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (select committees (reports)) be applied to the Report.

*Ordered*, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[The Committee adjourned.]

## Witnesses

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<b>Monday 1 November 2004 [HC 1117-i, Session 2003-04]</b>	<i>Page</i>
<b>Mr Adam Wilkinson</b> , Secretary, SAVE Britain's Heritage	Ev 1
<b>Mr Terence Bendixson</b> , Secretary, Chelsea Society	Ev 1
<b>Mr Tony Tugnut</b> , Bloomsbury Conservation Area Advisory Group	Ev 1
<b>Councillor Adrian Dennis</b> , Croydon Council	Ev 6
<b>Mr Peter Babb</b> , Head of Planning, Manchester City Council	Ev 6
<b>Mr Richard Hastilow</b> , Chief Executive, and <b>Ms Wendy Shillam</b> , a RIBA member practising with Shillam & Smith, Royal Institute of British Architects	Ev 11
<b>Ms Liz Peace</b> , Chief Executive, and <b>Mr Mike Hussey</b> , Managing Director London Portfolio, Land Securities, British Property Federation	Ev 11
<b>Ms Mira Bar-Hillel</b> , Property and Planning Correspondent, London Evening Standard	Ev 16
<b>Mr Rory Coonan</b> , Hon. FRIBA, Independent Design Adviser	Ev 19
 <b>Monday 13 December 2004 [HC 59-i, Session 2004-05]</b>	
<b>Mr Paul Finch OBE</b> , Hon FRIBA, Acting Chairman and <b>Mr Richard Simmons</b> , Chief Executive, of the Commission for Architecture and the Built Environment (CABA)	Ev 23
<b>Lord McIntosh of Haringey</b> , a Member of the House of Lords, Parliamentary Under-Secretary (Media and Heritage), Department for Culture, Media and Sport	Ev 33
<b>Rt Hon Keith Hill</b> , a Member of the House, Minister of State (Housing and Planning), and <b>Mr Alastair Donald</b> , Urban Affairs Policy Adviser, Policy Directorate, Office of the Deputy Prime Minister	Ev 33

## List of supplementary written evidence

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Memoranda CAB 01 to CAB 34 were published as *The Role and Effectiveness of CABE: Written Evidence*, HC 1117-II, Session 2003-04

Sasha Karakusevic, Torbay Hospital (CAB 35)	Ev 39
Rory Coonan Hon FRIBA, independent design adviser (CAB 36)	Ev 40
Joint Committee of National Amenity Societies (CAB 38)	Ev 42
Supplementary Memorandum by the Bloomsbury Conservation Area Advisory Committee (CAB 34(b))	Ev 44
Supplementary Memorandum by SAVE Britain's Heritage (CAB 12(a))	Ev 45
Supplementary Memorandum by Councillor Adrian Dennis, London Borough of Croydon (CAB 28(e))	Ev 46
Letter copied to Clive Betts MP, Chairman of the Urban Affairs Sub-committee Inquiry into the Role and Effectiveness of CABE, from the Department for Culture, Media and Sport (CAB 40)	Ev 48
Supplementary Memorandum by Evelyn Cook (CAB 22(a))	Ev 48
Supplementary Memorandum by the Department for Culture, Media and Sport (CAB 33(a))	Ev 50

## List of unprinted written evidence

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Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons library where they may be inspected by members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1 (Tel 020 7219 3074). Hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Supplementary papers sent by the Kensington Society (CAB 19):

Joint letter from the Brompton Association and the Kensington and Chelsea Societies to Cllr Cockell dated 3 March 2004 (CAB 19(a))

Joint letter from the Brompton Association and the Kensington and Chelsea Societies to Cllr Moylan dated 10 March 2004 (CAB 19(b))

Supplementary papers sent by Evelyn Cook (CAB 22):

Transcript of discussion on Radio 4's "Front Row" on Span 4 of Paddington Station (CAB 22(i))

Email re: research on Paddington Station (CAB 22(ii))

Copy of fax sent from President of ICOMOS to Sir Neil Cossons, Chair of English Heritage (CAB 22(iii))

Listing description for Paddington (CAB 22(iv))

Letter from Adam Wilkinson, SAVE Britain's Heritage to Westminster Council dated 12/05/03 (CAB 22(v))

A picture of proposed interior which will replace span 4 (CAB 22(vi))

Newspaper articles (CAB 22(vii))

Extracts from Planning Policy Guidance 15 (CAB 22 (viii))

# Reports from the ODPM Committee since 2003

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The following reports have been produced by the Committee since 2003. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2004-05

First Report	The Draft Regional Assemblies Bill	HC 62-I
Second Report	Annual Report to the Liaison Committee	HC 149
Third Report	Homelessness	HC 61-I
Fourth Report	ODPM Annual Report and Accounts 2004	HC 58

## Session 2003-04

First Report	ODPM Annual Report and Accounts 2003	HC 102-I (CM 6141)
Second Report	Annual Report to the Liaison Committee	HC 221
Third Report	The Fire Service	HC 43-I (CM 6154)
Fourth Report	Coalfield Communities	HC 44-I (CM 6265)
Fifth Report	Decent Homes	HC 46-I (CM 6266)
Sixth Report	Social Cohesion	HC 45-I (CM 6284)
Seventh Report	Postal Voting	HC 400-I (HC 973)
Eight Report	The Role and Effectiveness of the Housing Corporation	HC 401-I (CM 6351)
Ninth Report	Local Government Revenue	HC 402-I (CM 6328)
Tenth Report	Supporting Vulnerable and Older People: The Supporting People Programme	HC 504-I (CM 6348)
Eleventh Report	The Role of Historic Buildings in Urban Regeneration	HC 47-I (CM 6420)
Twelfth Report	Draft Planning Policy Statement 6: Planning for Town Centres	HC 952
Thirteenth Report	Gypsy and Traveller Sites	HC 633-I



# Oral evidence

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Taken before the Office of the Deputy Prime Minister:

Housing, Planning, Local Government and the Regions Committee

(Urban Affairs Sub-Committee)

on Monday 1 November 2004

Members present:

Mr Clive Betts, in the Chair

Sir Paul Beresford  
Andrew Bennett  
Chris Mole

Mr Bill O'Brien  
Christine Russell

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*Witnesses:* **Mr Adam Wilkinson**, Secretary, SAVE Britain's Heritage; **Mr Terence Bendixson**, Secretary, Chelsea Society; and **Mr Tony Tugnutt**, Bloomsbury Conservation Area Advisory Group; examined.

**Q1 Chairman:** Welcome to the first evidence session of the Urban Affairs Sub-Committee on the role and effectiveness of CABE, and thank you very much for coming this afternoon. For the sake of our records, could you say who you are, please?

**Mr Bendixson:** Terence Bendixson, representing the Chelsea Society.

**Mr Wilkinson:** Adam Wilkinson, Secretary of SAVE Britain's Heritage.

**Mr Tugnutt:** Tony Tugnutt, Chairman of the Bloomsbury Conservation Area Advisory Committee.

**Q2 Chairman:** Would any of you like to say anything brief by way of introduction or are you happy to go straight into questions?

**Mr Wilkinson:** Straight into questions.

**Q3 Mr O'Brien:** In your submissions, in your evidence submitted to the Committee, you are critical of CABE. Would you say that, overall, CABE has made a positive contribution to improving the design of new development?

**Mr Wilkinson:** I would not say that in relation to historic building specifically. There are many examples we have come across where CABE has not taken any cognisance of the surrounding environment with developments, which result therefore in a bad effect on the historic environment in the setting of these developments.

**Q4 Mr O'Brien:** If there were any changes that you could make, or suggest, in the way that it is operated, what would they be?

**Mr Bendixson:** I think they need more expertise on the Design Review Panel in the fields of building conservation, architectural history and planning—those aspects of expertise which touch on the conservation areas and historic quarters that we represent.

**Q5 Mr O'Brien:** Mr Bendixson, your Society says: "Ways must be found to make the design review process more open." What do you mean by that?

**Mr Bendixson:** We are in the midst of a very interesting exercise at the Royal Hospital, where CABE has been involved and delivered a really excellent review of what the Royal Hospital proposes. So far, the Royal Hospital has not paid any attention to those excellent proposals and so something awful is still about to happen. I think we ask ourselves the question, if CABE had been more open, if CABE had been in a position to make public its views on this important national site and the problems that it sees, might not things have changed rather more quickly? At the moment we may still be heading for a disaster.

**Q6 Mr O'Brien:** On that point, if you are saying that they should have had more consultation, how can CABE work effectively with local amenity societies, resident groups and organisations like yours?

**Mr Bendixson:** I would hope that in future they might invite us to take part in their review deliberations. I would hope too that in cases of national importance they might promote seminars of interested parties in the district where the case occurs.

**Q7 Mr O'Brien:** In your evidence you suggest that sometimes the process of design review can become merely the expression of one group of people's taste over that of another group, or one style over another style, and therefore you could have conflict within an open meeting, as you suggest. How could that be avoided so that the decisions of those discussions were constructive?

**Mr Bendixson:** I do not think the decision would be made at the public meeting. You are absolutely right, different people have different taste and taste might become a dominant theme at a public meeting, but I think it might also tease out all sorts

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of other, important local knowledge about the appropriateness of a development for a historic site or a historic quarter.

**Q8 Mr O'Brien:** Who should chair such a meeting?  
**Mr Bendixson:** CABE.

**Q9 Mr O'Brien:** You say that the conflict which could exist between the various groups should be decided by CABE as to resolving such a conflict?

**Mr Bendixson:** I think we are still talking about CABE's design review and this would be a widened process of design review, but I think therefore that CABE still should be managing it and Chair of it.

**Q10 Sir Paul Beresford:** If CABE took a role that you are suggesting for the Hospital site, is there not a risk nationwide that CABE will start to dictate design and, effectively, overrule local authorities, local individuals, people who are elected locally to make the decisions?

**Mr Bendixson:** I understand your point very well, but I do think, judging by the experience we have had so far, that a strong distinction needs to be made between design review, "Is this a good building, is it a building that's fit for its location, is it a building that's going to work?" (questions with which CABE has rightly concerned itself), and the concerns of the local which involves questions like, "Is this a suitable development for our city? or suburb, or whatever?" There is a difference between fitness in design and fitness in development and I think these two stages of the process enable the problem you have identified to be resolved.

**Q11 Sir Paul Beresford:** Do not frighten me. I think it is the other way round. Effectively, the scene is set before the local authority has even touched it, if your suggestion is carried forward?

**Mr Tugnutt:** That is a particular concern that we have, that in fact developers will approach CABE, and it is quite clear from the audit report that far more people are approaching them than really they can cope with adequately. I do not blame developers, because obviously it is in their interests to get CABE on side and so they will have discussions with CABE at a very early stage and then they will approach the local authority and they will already have the comfort of the support of CABE, albeit informally. Effectively, as I said in our evidence, the scheme is sewn up before ever it hits the street.

**Mr Wilkinson:** Unfortunately, in doing this, this is clear in "Design Reviewed", the document which CABE produced, they are not necessarily paying attention to national policies affecting planning or historic environment, and so the comments they are coming forward with are being used to argue against national policy. They state this quite clearly on page 17 of that document, where they ask the question "Do CABE's views about projects take into account national and local planning policies and guidance, planning and development briefs and so on?" They say: "we are not primarily concerned with evaluating projects against criteria of this

kind" and that seems like a fairly arrogant thing to say. It is quite stunning really that a national organisation which has an input into the planning system, an input which is valued by planning authorities, should be able to come up with these comments when everybody else in the system is working within the guidelines set down in policies.

**Q12 Chris Mole:** I think you have covered the ground in terms of the engagement with local people but, in terms of looking specifically at the historic environment, why is that something you will expect CABE to be doing? Should not the contributions from English Heritage and the local authority conservation officers be sufficient to cover that dimension of a development?

**Mr Wilkinson:** I do not think you can look at any development solely in its own right. In this country, every square inch is covered in something historic, somewhere, and much of it is quite valuable, in fact very valuable, and needs to be preserved, but it does not exist alone. It acts with the buildings around it and new developments need to interact and work with it, otherwise you get very sharp cut-offs, you get townscape which does not work, you get the mistakes of the sixties repeated all over again, this terrible wiping out of town centres. Indeed, we have been involved with a number of quite large cases recently which have seen town centre development which would not necessarily wipe out historic areas but which would have a huge impact on historic areas. If you look at the buildings which are being proposed purely in terms of their design and not just in terms of the surrounding environment, the potential to do damage is enormous.

**Mr Tugnutt:** The consultation letter from the Department says specifically that one of the criteria for referral of cases to CABE is those cases which affect views into or outside a World Heritage Site. I have submitted the CABE minutes of the Effra Tower, and I did that because that 50-storey tower just down the river at Vauxhall would affect this place, it would affect the Palace of Westminster World Heritage Site, views of it, it would appear over Westminster Abbey and above the Cenotaph in views down Whitehall. If you look at those minutes that I have submitted, the World Heritage Site is not mentioned once. It is the Government which has put that responsibility onto CABE to comment but it has proved incapable of doing so.

**Q13 Chris Mole:** It has got those requirements but how do you think CABE could give more weight to the interests of the historic environment?

**Mr Bendixson:** I think really by changing the personnel on the design review panel. I am sure that is a very important step which needs to be made. Perhaps also the Office of the Deputy Prime Minister needs to review its advice to CABE because, for instance, the submission that the Office made to you, and it is in your report, makes no reference to historic quarters, historic buildings, or

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anything like that. In a way, it seems as if the department is not fully aware of this aspect of CABE's work.

**Q14 Chris Mole:** How do you think it can get access to the expertise it needs on historic environment?

**Mr Wilkinson:** I think it needs only to ask. The expertise is out there in numerous societies and organisations, I am sure they will be all too willing to help. It can also do perhaps with having some expertise at the level of its Commissioners. There are no Commissioners who have expertise in historic environment. There is an archaeologist perhaps but no-one who deals with the conservation of historic buildings up at the top level of the organisation, and that is worrying.

**Q15 Chris Mole:** Looking specifically at Housing Market Renewal Initiatives, there is a prospect of substantial demolition of old residential neighbourhoods. How do you think CABE should balance the interests of the historic environment with its new emphasis on neighbourhoods in its corporate strategy?

**Mr Wilkinson:** There is another factor to count in there, which is hugely important, which is the people who live in these historic neighbourhoods who want to see them preserved. Currently we are dealing with a case in Darwin, in Lancashire, where 150 two-up/two-downs, which people live in, own and love, which are 150 years old or so, are threatened with clearance. In those sorts of cases I think there is a real case to go out there and look at what is there, first of all. The people dealing with design review or dealing with the whole Pathfinder policy up there, from CABE's point of view, need to go to see these buildings and talk to the local people about their heritage, about the buildings they love and like living in, before starting to work up some new designs for the local authority, which may not have consulted the local people adequately, in many cases they fail to consult them properly at all.

**Q16 Andrew Bennett:** Surely with most of the Pathfinders there is a very obvious problem, is there not? People do not want to live there and that is why they become Pathfinders, because people are moving away, there are very substantial numbers of empty properties, so you have got the evidence of what local people think, far more effective than going to talk to them because people are moving out?

**Mr Wilkinson:** I have to say that all the cases which we deal with are only ones where people actually want to fight to stay. In all those cases, which so far are about five or six across the North of England, or north of Stoke-on-Trent, at any rate, there are people who live in these areas and who really do want to stay there, and the houses which are empty are owned very often by local authorities and property speculators. The CPRE put together a very thorough report called "Useless Old Houses" which looked at how you can improve

these areas without demolishing historic buildings, and the first thing is to get the local authorities to do the simple things regularly, such as emptying the dustbins once a week, for example. It is the simple things, carried out over time that pick these areas up. Unfortunately, with Pathfinder, in a few cases it seems local authorities are going for a quick hit at the cash to knock down the buildings and build again. Indeed, the excuse of creating brownfield sites has been used in Liverpool as a reason for demolishing these buildings.

**Q17 Sir Paul Beresford:** Do you feel there is a risk that your position could be taken as criticising CABE because they have a different opinion, therefore you want them to change to fit your opinion?

**Mr Wilkinson:** Certainly that is something which has been levelled at us by Peter Stewart, from CABE, when he wrote to us over the case at Berwick-upon-Tweed, which I highlighted in our evidence. In that case, yes, there was a difference of opinion, but also the reason there was a difference of opinion was because the process by which CABE came to its opinion was flawed, there was no input from historic environment experts.

**Q18 Christine Russell:** Can I ask you, Mr Wilkinson and Mr Tugnutt, do you actually agree with what Mr Bendixson said, which is that everyone serving on the design review panel should be changed?

**Mr Bendixson:** No, not everyone. My point was that there should be an enrichment.

**Mr Wilkinson:** Yes, absolutely. I think there should be an enrichment of people on the panel.

**Q19 Christine Russell:** Would you describe what you mean by that?

**Mr Wilkinson:** At the moment, if you look through the list at the back of the "Design Review-ed" publication produced by CABE, there is a list of all those who are involved in design review and if you go through the list there is not one person there who has expertise in historic environment. There are architects and engineers and architects.

**Q20 Christine Russell:** Are you saying that architects do not have any interest in the historic environment?

**Mr Wilkinson:** No, I am not saying that. I am saying there are some which do, but none of the ones which are there are ones which are known to us as having any particular interest in the historic environment. I know that they have the good Dr Porphyrios on there, but Dr Porphyrios is a classicist. Classical architecture is a style of architecture, new or old, [which he builds on] but it does not indicate that he is an expert in conserving historic buildings.

**Q21 Christine Russell:** Who would you throw off? You would throw off these people and who would you put in?

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**Mr Wilkinson:** I would put on some architects out there who had experience in the historic environment. Julian Harrap, for example, is one, an exceptionally good, historic environment architect, who deals with historic buildings and their conservation. I would have perhaps a conservation-based engineer on there, someone who understands historic structures and how they work and historic engineering.

**Q22 Christine Russell:** Who would appoint these people?

**Mr Wilkinson:** That is a very good question. You would hope that the Commissioners of CABE, by then we might have one or two who would be interested in the historic environment, might look to do that.

**Q23 Christine Russell:** Can I ask all three of you, where there is a difference of opinion between CABE and the local authority, what should you do about that? Sometimes, obviously, CABE will agree with local people, both CABE and the local people perhaps are unhappy with the local authority's development proposals. How do you see that relationship, how do you really see the way in which CABE relates to local authorities and to local amenity groups?

**Mr Tugnutt:** I think this is the nub of the problem, as far as we are concerned. It is CABE's role within the planning system and I think that really you have to be very careful about bringing aesthetics into the planning system. Government have advised local authorities not to deal with aesthetic matters in great detail and merely control development by their adopted plan policies. I consider, in terms of the planning system, local planning authorities should have primacy in relation to—

**Q24 Christine Russell:** If they do not have the in-house expertise, where are they going to acquire it from, if not from CABE?

**Mr Tugnutt:** I do not think they need the in-house expertise to make fine architectural judgments about the architectural merits of development. Provided it meets the criteria which the Government set out in relation to general planning policies and policies related to historic buildings, their settings and conservation areas then it should be approved.

**Q25 Christine Russell:** We know that loads of authorities in fact do not have conservation officers, so who is going to give them that advice? Who is going to give the local planning authority that kind of aesthetic advice, if it is not CABE?

**Mr Wilkinson:** They already consult the various statutory amenity societies out there, like the Twentieth Century Society on twentieth century buildings and the Victorian Society on Victorian buildings who have expertise in these matters and who can help and do that.

**Q26 Christine Russell:** Do those societies have the capacity to do that? I do not know how many local planning authorities there are, but up and down Britain they would have the capacity to give that advice?

**Mr Wilkinson:** They deal with thousands of planning applications per year.

**Mr Bendixson:** I think our experience in Chelsea is that there have been some bad experiences with CABE but also a good one, and the Royal Hospital, which I have instanced, is that example of a good one. We have made points about changing the design review panel, enriching it but continuing to have CABE focusing on design quality and advising local authorities about design quality and linking in with civic societies, such as ourselves. I see in this a new pattern which I think might be better than the present one. Of course it would not avoid all disasters and it certainly would not avoid all of the disagreements that you have instanced. They are bound to go on.

**Q27 Sir Paul Beresford:** Would you encourage local authorities to take CABE's position and advice, which they can choose to take if they wish?

**Mr Wilkinson:** I would say that they should be encouraged where they can choose to take it if they wish, but in many cases it is used as a force by the developers promoting their interests as a reason to override current interests, or other interests, in the planning system and to argue against those. You have to be very careful with that, it is a conflict of interest between public and commercial interests.

**Mr Bendixson:** The design review process should have a Chinese wall between it and interest in development. Design review should not be about promoting development.

**Q28 Andrew Bennett:** Mr Tugnutt, you said that really CABE should not have a view about the aesthetics of schemes. Is not the whole purpose of CABE though to raise standards, to make sure that you get good quality, modern buildings as opposed to some of the rubbish that went up in the not too distant past?

**Mr Tugnutt:** It is, but I think it is very difficult for us to reach a judgment on that, particularly on an unbuilt building. You can make an assessment of a building once it has been constructed.

**Q29 Andrew Bennett:** It is a bit late then, is it not? What do you do, go round knocking down the failures?

**Mr Tugnutt:** It is, but equally it is dangerous to be persuaded by exaggerated claims for architectural excellence. For instance, the Shard of Glass was approved by the Deputy Prime Minister because he was absolutely convinced about the architectural quality of that building, and that is an area with which the planning system, up to now, has not really got involved. Provided it meets the planning policies, which of course include aesthetic and design issues as well, provided it meets the broad policy then really the view of an unrepresentative body should—

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**Q30 Andrew Bennett:** Wait a minute, there is a separate issue of them being unrepresentative, which I will come on to, but the question is, is it not a laudable aim to try to get much higher standards in the buildings that are going up?

**Mr Tugnutt:** Absolutely, yes.

**Q31 Andrew Bennett:** They have got two functions then, have they not, they have got promotion, which ought to be going for the best, and they have got assessment? Do you see a conflict between those two?

**Mr Tugnutt:** Potentially, yes.

**Q32 Andrew Bennett:** Then how do they separate it out?

**Mr Bendixson:** We had some experience of that at South Kensington. It is just outside our patch but we were heavily involved because the development was going to be visible from Chelsea. That development was one which CABE reviewed and, at the same time, urged forward and said it was an extremely good development, not an extremely good design. They emphasised that it was a good development. It seemed to us at the time that they were going over the boundary within which their design review panel should have been working.

**Q33 Andrew Bennett:** There have been significant changes at CABE. Have they gone far enough?

**Mr Wilkinson:** I am not quite sure what the changes are. We have lost Sir Stuart Lipton and that is about it, so far, really, is it not? I cannot see what else really has changed since then, in terms of personnel.

**Q34 Andrew Bennett:** What should have changed then? If you are critical of it, should other people be going?

**Mr Wilkinson:** I think that when people start having interests in schemes and they are blatantly clear they are interested in schemes, you should be careful about that, and recommendations were made in the audit which should be followed through. One has to be concerned about the role which people play within CABE. I, for one, have been concerned about the role Paul Finch plays both on the editorial side, working for the *Architects' Journal*, and also working on the design review side of things. Is there a conflict there? That needs to be looked at very carefully, for starters.

**Q35 Andrew Bennett:** Are you going to get anybody in this sort of area who does not have a conflict of interest?

**Mr Wilkinson:** I think if you have conflicts they can easily declare them, and should do so.

**Q36 Andrew Bennett:** As long as you declare it, everybody knows. Is that sufficient?

**Mr Wilkinson:** If it is minuted and the person does not get involved in discussions about that scheme then that can be fair enough, I would have thought.

**Q37 Andrew Bennett:** No discussions about the scheme. You are actually ruling out somebody who may have a great deal of expertise about a particular scheme and saying they should be ignored because there may or may not be a financial interest in the scheme?

**Mr Wilkinson:** Absolutely. They should be cleaner than clean, yes.

**Mr Bendixson:** I think, if the design review panel is instructed literally and very specifically, presumably by the ODPM, to stick to design issues and to make known to the local authority what it thinks is a good example of design, and give reasons that would leave the local authority to decide whether it is a good development—

**Q38 Andrew Bennett:** You are saying that you can have the separation of promotion from assessment?

**Mr Bendixson:** Within the design review process, yes. I think in other aspects of CABE's work they are going to be promoting like anything, but within design review—

**Q39 Chris Mole:** Can I just pursue that with you, because you have said throughout that the design needs to be seen in the context. How can you separate the design from the development, because the development is the context in which the design sits, surely?

**Mr Bendixson:** The context at South Kensington, for instance consists of nineteenth century terraces and crescents and squares.

**Q40 Chris Mole:** That is a broader context. What I am suggesting is that you cannot separate the design from the development with a Chinese wall, because as well as the wider context you have got the context of the development as a whole in which the design sits, surely?

**Mr Bendixson:** In my view, I think you can. Whether or not a scheme is a mixed development or a hotel or an office are aspects that the local authority is going to be dealing with. CABE might well think that a building that was a hotel was extremely well designed and suited to its context. It might then be turned down by the local authority because they wanted an office there. There is the distinction between design and development.

**Q41 Chairman:** One of the things which have been put to us is that it is alright to wrap CABE as though it was an organisation which always came up with a consistent view of life, but it depends very much on who you happen to get on the design review panel as to what answer you get. Therefore, there is a problem of consistency, in terms of different views and the different styles of architecture and who is actually on the panel. Is that a problem which you have come across?

**Mr Bendixson:** Certainly we have noticed that, over the history of particular schemes, where, quite rightly, CABE has been invited to come back on several occasions over a period of two years, the same people were not on the review panel for successive meetings. Clearly that is a problem.

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**Q42 Sir Paul Beresford:** Is it a problem or is it the other way round? CAGE is an advisory panel and what you are getting is different thoughts from different experts, which makes the scenario fun, or exciting, and gives us an opportunity to develop and broaden instead of building the same old thing?

**Mr Wilkinson:** How can that be helpful for the developer, getting different advice in stages and inconsistent advice?

**Q43 Sir Paul Beresford:** It is advice to the developer, advice to the local authority and, at the end of the day, it is a decision made by the local authority on what the developer wishes to put forward, surely?

**Mr Bendixson:** No. It is no different really from the role of the architect of a particular scheme. If the development at the beginning of the scheme had one architect and halfway through another architect and at the end a third architect, it would be bound to be a dog's breakfast. There is bound to be a tendency, if CAGE's panel changes over the course of its advice, for there not to be continuity in that advice.

**Q44 Sir Paul Beresford:** It will be exciting and new?  
**Mr Bendixson:** I do not see how you can think it is going to be exciting. I think it is just going to be a muddle.

**Chairman:** At that point, we have to bring this session to an end. Thank you very much indeed for your evidence.

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*Witnesses:* **Councillor Adrian Dennis**, Croydon Council; and **Mr Peter Babb**, Head of Planning, Manchester City Council; examined.

**Q45 Chairman:** Welcome to the Committee. Thank you for coming. For the purposes of our records, could you identify yourselves, please?

**Cllr Dennis:** I am Councillor Adrian Dennis, from the London Borough of Croydon.

**Mr Babb:** Peter Babb, Manchester City Council.

**Q46 Chairman:** Thank you for that. Is there anything you would like to say by way of introduction, or are you happy to go straight to questions?

**Mr Babb:** We are happy to go straight to questions.

**Q47 Chairman:** Councillor Dennis, I think probably you might have expected that your evidence and appearance before us has caused some degree of interest. Could I begin by putting the point to you that much of your evidence is based around one particular development and your concerns over some conflict of interest that might have been involved there. Given that we have had an independent investigation, an independent report, about that issue, that Sir Stuart Lipton is no longer the Chairman of CAGE and CAGE says they have acted on the recommendations of the report, is it not time now to draw a line under that and move on and look at how we go into the future?

**Cllr Dennis:** I am afraid not. That particular site in question, it is called the Gateway site, drew my attention to conflicts of interest which existed on CAGE, which I was not aware of before. It has raised issues, I think, of probity and the way that CAGE operates. It is perceived as a public body. Maybe that is what it is.

**Q48 Chairman:** "Operates" or operated, we had better be clear about this, because CAGE says it has moved on, taking account of the recommendation in the report?

**Cllr Dennis:** The fact that the Chairman has gone has not changed anything. There is still a very large proportion of the CAGE Commissioners associated

with one particular company, and I expect, if you looked at other development interests, there would be again a number of conflicting interests. Also I feel that there are issues which have happened since which have further connections among the Commissioners with that particular company, Stanhope, and the way that the members of the Commission do not fully appreciate their role as a public body, that they cannot carry on acting as independent architects and architectural journalists expressing strong views, promoting a particular development, when they are actually commenting on the design of that development.

**Q49 Sir Paul Beresford:** Councillor, if Croydon Council applied to itself for planning permission, there would be these Chinese walls, etc., yes?

**Cllr Dennis:** Yes.

**Q50 Sir Paul Beresford:** Thank you. The same applies to CAGE, and in fact there was an audit investigation and the summary of the audit was essentially that these principles, the Nolan Principles, had been applied by CAGE, and the majority, if not all, of the recommendations, as I read them, were really on making sure that the public outside could see that this actually applied. Am I right?

**Cllr Dennis:** Certainly there are very strong recommendations there which must be applied, in my view. I am not sure that they have been yet.

**Q51 Sir Paul Beresford:** What bothers me, with your report to the Committee, is that, in fact, there is a conflict of interest. You personally wish the scheme preferred by Croydon, and I think it is called the Arrowcroft scheme, to go ahead, but Croydon Council do not own the land, the land is owned by the people who are putting forward the Gateway site, the Gateway Partnership?

**Cllr Dennis:** That is not entirely true. We are talking about slightly different sites. The Arrowcroft scheme, which does have the support

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of the Council, includes land which currently the Council owns, it would be about 11% of the total site area. The Stanhope/Schroders claim to own the site, my understanding is that they own about 12%, or so, and have options on quite a lot of the rest. My terminology might be incorrect, about calling it an option, but they have some sort of contractual arrangements where they can take ownership should they get permission.

**Q52 Sir Paul Beresford:** I understand that actually they own 100%, apart from the 11% you are talking about, but you are talking about a bigger scheme?

**Cllr Dennis:** That is not my understanding and it is not the understanding that we were given by their solicitors, who happen to be CABE's solicitors, only in September.

**Q53 Sir Paul Beresford:** For Croydon Council to go ahead, they are going to need to purchase the land compulsorily?

**Cllr Dennis:** Yes.

**Q54 Sir Paul Beresford:** My difficulty is that I see this has become a personal battle between you and one or two people on CABE. Sir Stuart Lipton, until he departed, is a classic example of someone that you really have a personal battle with?

**Cllr Dennis:** Not really. I have a problem with the way they operate. In fact, we were very pleased that Stuart Lipton, in his first years as Chairman, actually came to Croydon and presented the Croydon Design Awards with myself. We have the greatest regard for CABE in many respects and think they do really good work, in terms of promoting improvement of design. Yes, I did have an issue with the way that they bypassed the planning system and went straight to an inquiry with a development which we had not seen before. They managed, quite cleverly, to find their way to get a planning application straight to a public inquiry without it having been submitted as an application, by replacing an application which existed already.

**Q55 Sir Paul Beresford:** I just happen to have been given the Croydon Gateway report that you gave to your Labour group. It is quite abusive, it is personally abusive. I find it quite extraordinary.

**Cllr Dennis:** I am not quite sure which report you mean.

**Q56 Sir Paul Beresford:** It is the report that went to the Labour group on 5 February this year and it says: "These so-called blue-chip developers have acted like irritable children when their toy has been snatched from them, whining and screaming to the press and anyone else who will listen." Then it goes on to name a number of individuals, including Sir Stuart, but naming him with a rather abusive phrase, which I will not use, and others that have resisted or not agreed with you also get abusive names applied to them?

**Cllr Dennis:** You would call it abusive. If you like, I was putting a light touch to the report to my members about what happened at a public inquiry and the actual results, which was confusing for many people who are not familiar with planning reports. I made an interpretation and expressed, in fact, what was the real outcome of that inquiry.

**Q57 Sir Paul Beresford:** Calling one of the individuals, that I have not named, "Mr Slime" and another one "Mr Dud" does sound as though you—

**Cllr Dennis:** You are referring to an internal, political report and you are referring to some references which are sort of jokes between the two political parties on the Council.

**Q58 Sir Paul Beresford:** Then it comes back to the situation that if this particular organisation, the Gateway Partnership, put in an application really they are wasting their time, are they not?

**Cllr Dennis:** We are still talking to them. We have actually had a meeting, certainly within the last two weeks, whether it was last week or the week before I am not sure, and I believe there is a further meeting next week. We are still negotiating and trying to get a resolution to this problem because we do not want to be at loggerheads with Stanhope/Schroders. There is a potential solution between themselves and if they were able to discuss a development jointly with Arrowcroft which satisfied everyone, but we do have a policy of providing a mixed-use development based on an Arena scheme. They are moving now a little way towards that but there are still opportunities maybe for their consultants and our consultants to go into a locked room and sort themselves out.

**Q59 Sir Paul Beresford:** You are in a position where, certainly by the paper, you have got some personal difficulties with individuals, you want an Arena on the schemes and really you want Arrowcroft to do the development, so that, in essence, anyone else putting in an application, including the people that own the land, is wasting their time?

**Cllr Dennis:** We sought for a long time the development for that site with the landowners. That never happened. The site has been empty for 40 years. There were conflicts between the landowners. We made every effort, we brought in master planners to try to find a solution and we then looked for a development partner, it turned out it was Arrowcroft. They have put in a planning application which complies with our policies and our development plan and we have made a resolution to grant permission for that.

**Q60 Sir Paul Beresford:** In essence, the answer is, yes, in short?

**Cllr Dennis:** That does not rule out the fact that another planning application coming in which met the policies would be approved.

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**Sir Paul Beresford:** I would not want to bet on it.

**Q61 Chris Mole:** I think, somewhere in there, we got the message that CABE was working well with local authorities in some aspects of their work, certainly in relation to improving the quality of urban design. Is that something with which generally you would agree?

**Cllr Dennis:** I think they have been a positive factor in promoting good design.

**Q62 Chris Mole:** Would you agree with that, Mr Babb?

**Mr Babb:** I would certainly agree with that, and I think what I would say is that CABE is important in terms of how we deal with design on a national basis. Certainly Manchester City Council is very keen on driving up the standard of design quality, and certainly that is something that CABE try to do nationally. We work fairly effectively with them, I think, on schemes that come before us.

**Q63 Chris Mole:** In the evidence from Manchester, you said that CABE's kind of 'critical friend' approach is more successful than an adversarial approach in encouraging higher aspirations and improved design. How do you see this "critical friend" approach working and how could CABE develop it more, in order to avoid conflict?

**Mr Babb:** It is hard for me to answer, in some respects, because we have not had much conflict with CABE, if any at all, unlike maybe the Royal Fine Art Commission at times, the predecessor organisation. I think a lot depends on the approach of the organisations and the respect they have for one another, seeing how they work and can work together into the future with mutual benefits. I think there is a need though for assumptions and issues to be challenged. That is part of the review process. That is a very important part of the process. I can look at how we deal with design issues locally. We have a Conservation Areas and Historic Buildings Panel of local membership. We have English Heritage, who are regionally-based but based in Manchester. They have a view. They can take views on a more national basis as well. When it comes to design, I do believe that sometimes it is very good to have an independent assessment of a design which comes forward and I think they can raise issues which maybe have not been thought about because they are outside of that local context.

**Q64 Chris Mole:** You are quite clear in your own mind that this is evidence which you can take or leave but you would certainly take into account in reaching a conclusion?

**Mr Babb:** As a local planning authority we have to make judgments on what a number of consultees have to say. CABE are a consultee, English Heritage are and a wide number of other people. Basically, it comes down to a local planning authority making those judgments, at the end of the day, apart from those schemes where there would be a referral to the Secretary of State, in

which case other judgments will be made by other people about whether a scheme needs to be called in for determination.

**Q65 Chris Mole:** Do you think there is anything that CABE can do specifically to create a constructive working relationship with a local authority where the design review panel and the local authority seem to have a fundamental difference of perspective about the appropriate use of a site?

**Mr Babb:** In terms of particular sites, obviously sometimes some sites have particular histories, which local authorities might know better than CABE. I think, with CABE though, it is a question of engaging them so that they understand the issues involved and how you might be able to work to understand the views of the various parties involved. Ultimately, I think CABE should not be unduly influenced by what a local authority might think, because that would reduce their independent role.

**Q66 Andrew Bennett:** CABE was supposed to be raising urban design standards. Can you think of an example of a big shopping scheme within Greater Manchester which CABE have influenced beneficially?

**Mr Babb:** I would need to think about that one.

**Q67 Andrew Bennett:** Crown Point North, for instance, in Denton?

**Mr Babb:** I am not aware of that scheme, I am afraid.

**Q68 Andrew Bennett:** Come on. Give me some examples of where in the last three years CABE has influenced anything in Greater Manchester for the good?

**Mr Babb:** I would look to Manchester. I can really only draw from Manchester, from my point of view. We have worked constructively with CABE over a number of proposals within the City, going back really to the redesign of the City Centre, following the terrorist bomb in 1996.

**Q69 Andrew Bennett:** That was before CABE, was it not?

**Mr Babb:** It was, but I think during that period, and of course the City Centre was not reconstructed overnight, we engaged with CABE when they were the successor body to the Royal Fine Art Commission and I do believe they have had a positive influence in terms of how we spread the regeneration benefits through the rest of the City. I think about Spinningfields, a very major scheme in the City Centre. I think CABE have commented on that positively but there has always been discussion.

**Q70 Andrew Bennett:** They commented positively. It was poor before they got involved and they improved it?

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**Mr Babb:** I believe that CABE have an important role in challenging, say, masterplans which are put forward for areas and schemes which then come forward. A lot of the time, and it is probably about the way in which the City Council works, we work very much in the spirit of partnership with landowners, so when it comes to masterplans there is already a shared vision. Therefore, maybe the job of CABE is made a little bit easier because it can understand where the parties are coming from, but it can still intervene positively, I think, to influence schemes for the better. We have had schemes within the Spinningfields area which have gone to CABE and we have taken notice of comments which have come back and we have acted upon them.

**Q71 Andrew Bennett:** How do we avoid this conflict of interest between some of the members within CABE being developers, in a sense, or working for developers and them coming up with objective advice?

**Mr Babb:** I would have thought, in the design review sessions, if there are conflicts of interest they need to be registered and those people who have the conflicts of interest should not take part in the debate and probably should not be in the room either.

**Q72 Andrew Bennett:** You exclude people from the discussion, but there is what someone has an interest in today and there is what they may have an interest in next week. That is a relatively small circle of people, is it not, so is there not a danger that what you say in one of those panels may influence whether you get work in the future?

**Mr Babb:** An interesting point. I do not think that I can answer that question, I am afraid, apart from saying that if CABE is to do its job nationally then maybe it should think seriously about how it conducts its business in those design review meetings to retain the level of expertise but to try to get around any issues which might occur because of conflicts of interest and probity.

**Q73 Andrew Bennett:** Is that really being transparent so that everybody involved, not only in those reviews but who may be coming to a planning inquiry in the future, knows exactly where everyone is coming from?

**Mr Babb:** I think really these are issues for CABE to consider and then to put forward an idea of a strategy to deal with these issues. I do not think it is up to me to decide how CABE is likely to react into the future.

**Q74 Andrew Bennett:** It is not up to you, but it might help this Committee if we got some advice as to how to deal with it, rather than simply just saying "Well, it's up to CABE to come up with solutions"?

**Mr Babb:** I have a degree of respect for CABE, which means that I would leave to them the idea that if they want to make sure that processes are transparent then they need to come up with a

strategy for doing all of this and which can be debated in full with those who need to be involved in such discussions.

**Q75 Sir Paul Beresford:** Does it not really put CABE in a difficult position? They want top people there, giving top advice, there is a small group from which they can select and yet they are laying themselves open to be sniped at, because of exactly the points that Mr Bennett was making?

**Mr Babb:** I understand what is being said, but I think, if we are going to have a national body with expertise, probably there are not too many ways around this and maybe you have to accept what you can achieve through best practice. I believe that does mean that CABE has got to give serious consideration to how it handles its business, if that is seen to be something which needs to be addressed. I am afraid that, from my point of view, I have not been aware of all the issues which have been raised at this meeting, therefore I have not given it any thought before this meeting, apart from the fact that I think, with any system where views are given and views that can be acted on, there should be transparent processes which are understandable and which can be subject to scrutiny.

**Q76 Mr O'Brien:** Can I press you on the question of design by CABE. When CABE reviews designs for new development, how flexibly should it apply its criteria, have you a view?

**Mr Babb:** I think it is important that CABE understand the context within which schemes are being developed. Of course, we should not go along with the notion that one size fits all, so they should have an awareness of what a scheme is trying to do within the context of the local area within which that scheme is being developed.

**Q77 Mr O'Brien:** We have had submissions to the Committee which raise concerns that the criteria are applied too flexibly, with not sufficient transparency. How should CABE address this kind of situation?

**Mr Babb:** In meetings of the design review, there will always be views put forward by the number of people who make up that design review. I think then it is a question of CABE trying to make sure that the comments are distilled into those comments which they believe that the developer and the local planning authority should take into account and there is a responsibility there to make sure that advice is clear and concise.

**Q78 Mr O'Brien:** If the organisations involved with property development are questioning the criteria, maybe particularly from an aesthetic point of view, and there could be a division between the people involved with the development and CABE, how should that be addressed?

**Mr Babb:** I think, if there were differences in view, I would come back to the role of the local planning authority which has to take into account the views of CABE and other parties through consultation

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on planning applications. I think the important thing though, and this is part of the planning process we operate within Manchester, pre-application discussions and trying to make sure that CABA see schemes at an early stage, rather than at an advanced stage, where probably it is easier to take on board comments which might be seen to be in the best interests of a scheme. That can be helpful not only to a local planning authority but obviously to the developer as well, because we find that many developers are interested in improving the design schemes if they are given the chance.

**Q79 Sir Paul Beresford:** Do you always take CABA's advice?

**Mr Babb:** As a local planning authority, we take advice, we see the advice and we have to make judgments about the weight given to that advice, as we would do with English Heritage, and take into account national planning policy guidance and development plan policy and other material considerations as well.

**Q80 Chris Mole:** That takes me nicely to what I want to ask you. Do you think CABA gives sufficient weight to the interests of the historic environment, or do you think they are a bit cavalier in their attitudes towards it, or do you think it is your responsibility to take what they give you and then what English Heritage say alongside that?

**Mr Babb:** My impression is that CABA do have an understanding of the historic environment in the context within which schemes generally are developed. Part of the onus sometimes though is on the local planning authority and the developer to ensure that contextual position is put across at meetings. I do think that, in looking further at this, the local planning authority itself obviously consults with English Heritage and it has to make judgments, again, about the weight to be accorded to those comments which come back. Ultimately, it is the local planning authority's responsibility to try to weigh those judgments and determine the scheme.

**Q81 Christine Russell:** I am sorry, Councillor Dennis, all these questions now seem to be going to Mr Babb, because I am going to ask him a question. You have been very positive about CABA, from a Manchester City Council point of view, but reading your written submission you seem to have a kind of implied criticism of the relationship almost, or the input, that CABA has with the design of public buildings which probably are commissioned by the Government. I think you refer particularly to health and education. Bearing in mind that actually you give the final consent for new schools, new hospitals, or whatever, could you just elaborate on what you mean by those comments, where you seem to imply that CABA needs to do more to drive up the standards of the design of our public buildings?

**Mr Babb:** I think what we said was that CABA has been less successful, in terms of this discussion, with certain government departments. Building schools for the future, I think, is an example, whereby if we are looking for top quality schools for the future there was an initiative about exemplar schools. Unfortunately, there does seem to be a little bit of a funding gap. I think it is important in those discussions that affordability issues are taken into account in terms of trying to look at design quality as well. It is all very well driving up aspirations if we cannot deliver those at the end of the day. I think it is particularly important that CABA are given sufficient opportunities to have good discussions with government departments at an early stage to ensure that there is the possibility of good design within the building programmes which are coming forward in education and in the health services as well.

**Q82 Christine Russell:** The message should go back, rather than going back from the LGA it should go back from CABA to the Government that more money is needed in order to improve the design, is that what you are saying?

**Mr Babb:** I think, very often, unfortunately, programmes are set maybe before some of the issues are looked at, in terms of detail. When you start to look at design, design can have an effect on driving up the amount of money which is needed to produce schools and hospitals.

**Q83 Christine Russell:** In your experience, does quality of design necessarily cost more money?

**Mr Babb:** It need not cost more money but I think it depends on what assumptions are being fed into the processes in the early stage about how much per square metre of building can be afforded.

**Q84 Chairman:** Just to follow up one issue now about the possibility of CABA going into neighbourhoods in the North, particularly the Housing Markets Renewal Pathfinder areas. Have you got any concerns that people who are more used perhaps to working on grand projects in London might get a bit of a culture shock when they venture into parts of the North, where they have probably never been before, to have a look at the architecture there and what might be done with it?

**Mr Babb:** In terms of our regeneration areas and, Housing Market Renewal Pathfinder, we have engaged with CABA at an early stage, and in fact they have engaged with us at an early stage of East Manchester. When the urban regeneration company was set up, we had a briefing with members of CABA. They understand the issues that we are facing and are very ready, willing and able to help us further, in terms of what we might need to ensure that we have good house-building programmes into the future. In terms of North Manchester, for the regeneration strategy, there was a steering group to oversee that and a member of CABA was actually on that steering group. We have taken very positively what CABA have said

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to us about wanting to be involved and to help and assist where they can, in terms of the massive programmes that we are looking at, to improve housing within Manchester.

**Q85 Chairman:** Is this mainly about house design, as such, building houses, or is it about wider issues and neighbourhood and environment?

**Mr Babb:** I do not think you can look at just house design in terms of sustainable neighbourhoods into the future. I think really it is looking at a holistic approach, and CABE, certainly in terms of their future work, that they see it as being very important. Liveability is very important to the

sustainability of our neighbourhoods. It is not just about design, it is about all the other facilities that are needed to sustain communities but also about how you put together the overall masterplan and then look at the individual designs, mainly of homes. There are some fairly interesting issues there, in terms of how we want to make sure that into the future we can influence house design from necessarily what the volume house-builders want to do but also what we feel actually is right for areas. There needs to be a variety of choice but I think CABE can help and assist in terms of what we need to be looking at for the future.

**Chairman:** Thank you both very much for coming to give evidence.

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*Witnesses:* **Mr Richard Hastilow**, Chief Executive, and **Ms Wendy Shillam**, a RIBA member practising with Shillam & Smith, Royal Institute of British Architects; and **Ms Liz Peace**, Chief Executive, and **Mr Mike Hussey**, Managing Director London Portfolio, Land Securities, British Property Federation; examined.

**Q86 Chairman:** Welcome to the Committee. Could you identify yourselves, for the sake of our records, please?

**Mr Hastilow:** I am Richard Hastilow from the Royal Institute of British Architects.

**Ms Shillam:** I am Wendy Shillam from the Royal Institute of British Architects.

**Ms Peace:** I am Liz Peace and I am Chief Executive of the British Property Federation.

**Mr Hussey:** I am Mike Hussey. I am Managing Director of Land Securities' London Portfolio.

**Q87 Chairman:** Thank you for coming. Is there anything you want to say by way of a brief introduction or are you happy to go straight to questions?

**Mr Hastilow:** I am quite happy to go straight to questions.

**Ms Peace:** We are happy to go straight into the questions.

**Q88 Chris Mole:** I wonder if you might tell us what you think has been CABE's greatest achievement in its first five years?

**Mr Hastilow:** I think, driving up the emphasis on the understanding of design quality, both from inside Government and in the wider range of clients, be they local authorities or other public sector or private sector clients, and really to raise the game.

**Ms Peace:** I think we would second that. We find the design review function, by and large, an extremely useful one. I think probably we will get on to further questions in a moment about whether perhaps in some ways it goes too far, and I think we need to examine the issue as to its formality, where it occurs and the actual development process and how it can be most usefully employed. There is absolutely no doubt that CABE has fulfilled a very useful role in terms of driving up standards.

**Q89 Chris Mole:** Before we get into that pragmatic sort of stuff, how better do you think urban design could be incorporated into the planning, design and development processes?

**Ms Peace:** I think I would like to defer to my colleague here, who actually runs a very large portfolio, because I think it might be useful for the Committee to hear a little bit about how design is incorporated into the development decision process.

**Mr Hussey:** We are at one end of the spectrum, in terms of being the largest property company in the UK, but the question obviously is aimed at a much wider audience and participants than just ourselves. We take the whole process extremely seriously because most of our activity is fairly large-scale, it requires a lot of investment to get through the planning process, and therefore all of the urban design issues and the way in which we consult and we involve others in the field are extremely important. Right down at the other end of the scale, perhaps smaller developments, you have a need for a little bit more structure and input in terms of the way urban design is brought forward, and the sense of responsibility that we feel may not be the same through the whole planning process. I think our feeling is that it is extremely important, but the way in which you try to frame it for a much wider audience is the key.

**Ms Shillam:** Sometimes, when you get to the point of a planning application, it is actually almost too late really, in a lot of cases, to bring in urban design and the decisions which get made often by default a long way behind. That is why I think planning authorities and CABE have a really important role in being proactive about design and urban design, so that we have a lot of these discussions before an application goes in, when we are thinking about the design of an area as a whole when actually it is much easier to have these discussions and not to make them contentious. CABE's role as an enabler is a really important one, we think, and as

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important, if not more important, is their role of reviewing designs and planning applications as they come in, where the ability for things to change, by necessity, is limited.

**Q90 Chris Mole:** Do you think that CABE take the historic environment sufficiently into context in their decisions?

**Ms Shillam:** Yes, I think they do. Their remit is to look at design and I think they have been relatively straightforward in looking at design. There are other organisations and statutory organisations, like English Heritage, whose remit is to deal with conservation and I think that balance between CABE and English Heritage actually has worked out quite well.

**Q91 Andrew Bennett:** They have been going for five years. Ought they to be much more focused now on what they are doing and their priorities?

**Ms Peace:** I think our general perspective on that would be that, in terms of focus, we would like to see them spending more effort on design review, and not necessarily design review at the planning application stage but very much, as my colleague has said, on pre-application discussions. They spend a lot of their resource, or have done over the last five years, in commissioning research and producing publications. I feel we have got almost to the point of saturation, with regard to research and publications. I think there needs to be a consolidation of the good advice that is all sitting there and that now they could usefully use their resource to do a greater number of advisory discussions in the pre-application phase.

**Mr Hastilow:** I think the focus is developing quite naturally, if we can recognise that the whole programme of sustainable communities is the biggest challenge for all of us, from wherever we are in society, over the next 15 or 20 years. Out of that, it follows that CABE can make a particular contribution in the enabling, first of all, and then in the upskilling, assisting there, with a clear focus on what is needed to regenerate areas. It does that with others, like the RIBA, and universities and schools. Then in design review and in the whole focus on the neighbourhood side dealing with not only the quality of the housing but also the green spaces. It seems to me there is a set of targets there which make quite a good focus and, I would imagine, would keep CABE pretty busy with all the resources that they can be given over the next five or 10 years.

**Q92 Andrew Bennett:** On this pre-application appraisal, is there not a danger that the general public and the people who might object to a scheme, or want something slightly different, feel excluded from that part of the process? So that you feel it is almost a *fait accompli*, because CABE has discussed it with everybody and now CABE is putting its seal of approval on it, so, tough, that is what you are going to have to accept?

**Mr Hussey:** I think there is a presumption there that there is a hurdle that everybody has to get over with CABE, as part of the planning process. I think that was neither the intention, specifically, nor is it how particularly major developers see CABE. I think we feel that, as Liz said, there is a definite preference to involve and deal with CABE and participate in the debate at the earlier stages, just from a sense of getting some sort of guidance as to how the scheme will evolve. The whole process of the local community consultation, dealing with the local planning authority in the usual way, still is part of the process and I do not think that we would see anybody being excluded. What it does avoid is a lot of expense and time, going through a design process which consequently is criticised or changed as a result of consultation by the local planning authority with CABE, and that costs us time and money. I would encourage them, in fact we actually foster the relationship with CABE at an early stage and then we enter into the planning consultation in the usual way as part of a parallel process.

**Q93 Sir Paul Beresford:** A large proportion of these planning applications are basis of opinion. Is there not a risk that CABE, which has an advisory capacity, is actually getting to the point where the local authorities see it as spreading the Gospel and they follow them for fear of having a contrary opinion?

**Ms Peace:** I think actually that is what I was alluding to earlier on, and, if I may, I will expand slightly on that point. I agree that there is a danger there. You could almost say CABE has become too successful, in that its opinions are so valued that it is seen then as a further hurdle in the formal planning application process. Which is why we believe that if CABE could spread itself a little more widely at the pre-application phase this would emphasise the consultation, the informal nature of the discussion, in order to give these guys an idea as to whether they are on the right track, rather than it being seen as a formal hurdle at the planning application stage.

**Q94 Sir Paul Beresford:** You have emphasised that, it is on the right track according to CABE?

**Ms Peace:** It is the right track according to a group of people who have expertise in design. It is only one factor which then is taken into account. Developers may not choose to accept everything that CABE says. They have to look at a broader range of aspects, they have to look at commercial viability, at whether it is actually buildable, whether they think they can get tenants for it after the event. CABE has an important input into all of that, and I think developers like Land Securities would acknowledge that but accept there is more.

**Ms Shillam:** CABE is treated with huge respect by local authorities and by architects who have to put their schemes forward to it, and that is actually credit to the level of discernment of the group of people who do design review. I think we must not forget that CABE's advice is just another piece of

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advice and that the local authority can take it, but they must also take into account crucially the views of the community, of the people who are adjoining owners, there is a whole series of others, and in some cases local authorities do not take CABE's advice. As designers, we may not feel that it would be good if a local authority ignored a piece of advice from a respected body, but one should say why one is ignoring that advice. But it is still completely open to the planning authority to make the decision, and so it should be.

**Q95 Andrew Bennett:** Liz, you give a very firm thumbs down to research. Are you really confident that actually there is the research? I am looking for one of these big schemes, where it has been built and someone has actually measured what the developers said when they went for the planning application with what actually turned out on the ground. It is very difficult to find anyone who has analysed whether the traffic flows have turned out as the experts had predicted, whether the jobs created have been the number that had been claimed and whether even public perception of the scheme is the same. Is there really all that much research available?

**Ms Peace:** Perhaps I could clarify slightly what I said earlier. You have interpreted it in a slightly extreme way. I am not giving thumbs down to all research. I think it is very important, when CABE is doing research, that they have a very clear idea of what the end objective is and what they are actually going to do with it. I have been involved with CABE on a number of research projects where I have felt they were perhaps a little bit too sort of up in the air and airy-fairy and I would have liked to see greater purpose. If, as a result of a fairly broad research project, you get a set of very sort of broad instructions and guidelines, we have got an awful lot of those. If you look on the CABE website, I think there are 180 publications, which is quite a lot for the development community to wade through in order to be sure that they are going to get it right. So when I said I would like to see consolidation of what has been done already, I have no problem with a well-directed piece of research that is actually going to look at, say, a post-event analysis.

**Q96 Chairman:** This is to the architects. You mentioned that you are concerned that CABE are beginning to spread themselves a bit too thinly and you were getting on to these informal assessments to do with the fact that they could not do a more detailed formal review of every scheme. Do you express some concerns about that, that perhaps without the amount of time and input in everyone was going to be as thorough, but they may be treated potentially as thorough with the same degree of weight as a formal assessment?

**Mr Hastilow:** Yes. I would say that is a modest level of concern, because we recognise, for the reasons which colleagues have already put forward, the value that there is in getting this job done and getting it done right. Sometimes it has been beyond

the resources of CABE to do as much as they would have liked and as the client, the local authority or private client, would have liked. We think there are some ways of developing the design review service with sufficient funding, and we are not talking of lots more money, with a little bit more cash, that can overcome those problems on those occasions. I think that is a development path rather than a major concern.

**Ms Shillam:** Also to strengthen local authorities' own internal design abilities, which in a lot of planning authorities is very low at the moment, so that CABE does not always have to be called in for every single design issue because the local authority does not have its own capacities of discernment.

**Q97 Christine Russell:** Can I move on, and I think you have answered this question partially but I do not think we have heard from the property developers. How much weight do you think the local authority should give to the views of CABE? You sort of said that it would be helpful if they did but you understand that they do not always. What is the perspective of the property developers?

**Mr Hussey:** That is an almost unfair question, I suspect, from a developer's point of view. I think you need to look at the issues that are being debated on each individual application, and that is not an attempt to evade the general question but they are so radically different on virtually every single major application that CABE would consider. I think also you need to look at the make-up of the design review panel itself and there is a real cross-section of expertise across the review panel. I have heard criticisms, and on one or two occasions would suspect that they are reasonably levied, that there are not necessarily enough architects on the design review panel. If you are talking about a design shortfall in a local authority, maybe a slightly higher percentage of architects may be the answer you are looking for, in which case, maybe we should take a greater consensus view on where the panel are coming from. It has been set up as an advisory panel and I think they take their responsibilities very seriously. Therefore, I would imagine that any local authority would consider whatever they have as a very fundamental part of the process, but design is one part of it and there are other elements of policy which come into consideration when reviewing a planning application. We would not be naïve enough to think that if we had got a tick in a box with CABE then we get a planning consent, and I do not think the planners are treating it that way either.

**Q98 Christine Russell:** It is interesting, what you have just told us about the composition of the panels, because if you had been in the room earlier you would have heard the representatives of various amenity groups saying they would like to see most of the panel members sacked, or replaced, or whatever.

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*Mr Hussey:* Occasionally, I think that too.

**Q99 Christine Russell:** To be replaced by people who have some perhaps greater depth of experience of historic buildings, historic environments, conservation. Is that a valid criticism, in your view?

*Mr Hussey:* I think it does depend enormously on the application or the design or plan being considered. I think there is a very small element of that. I think, if you have got a team, there may be a quantity surveyor on the panel reviewing a historic building context or a World Heritage Site, or whatever, then you could argue that might not be appropriate. The people who are put forward by CABE to represent their interests are extremely experienced and very knowledgeable people in their field and they have covered virtually every aspect of development through their own eyes. I would say it is probably an extreme view that is being held but maybe that is part of the process you need to go through. I think that most people take that responsibility very seriously and, whatever discipline they come from, they would proffer a view only if they felt it was within their professional ability to do so. I suspect the view from CABE is fairly well directed to the people who are capable of asking the question. I do not think anybody would answer a question on behalf of a historic buildings expert if they were not involved in some way in their career anyway. I feel quite confident that the advice they give is appropriate for the experience that they have got.

*Ms Peace:* Just to reinforce the point Mike made earlier, I do think that it is absolutely essential that this design advice is taken in the broader context of what the planning authority should be looking at when it considers a planning application. As Mike said, design is not the only facet, there are many other aspects. Design is not the only facet also for the developer, who has to look at a broader range of issues. I think it is being sure that it gets the proper holistic view at the planning authority consideration stage which is vitally important.

*Mr Hastilow:* We think that there is a pretty good balance on that team so far, and of course it is backed up by an expert staff. On the historic buildings side, of course, the Chairman of the Review Committee is also a Commissioner of English Heritage, and we feel that there is a very good pool of experts, not just architects but other experts for the Committee to draw upon. If, in the light of this inquiry and the challenges, and so on, the CABE Commissioners felt they needed more on the historic side, I am sure there are plenty of good people they can draw upon to bring in there.

**Q100 Christine Russell:** Obviously, you would refute absolutely the accusation that CABE is stuffed full of iconic architects in their design?

*Mr Hastilow:* Yes, Mrs Russell, and certainly anybody who looked at the list to see who is fielded on the variety of occasions I think would see that too, but there is always room for more good people.

**Q101 Andrew Bennett:** You could argue that CABE was necessary because architects had served the country pretty badly for the last 20 years. Is it not rather odd then to give CABE extra power, in other words, giving power back to those very architects who have made a mess of things over the years?

*Ms Shillam:* As the only practising architect on a panel of four, I think I should refute that. In the end, there are good and bad in all professions and I believe firmly that society gets the architecture it deserves because of who it decides to appoint to do specific projects. CABE has done an awful lot of work in making sure that clients, of whatever hue, whether public or private, really think very carefully about who they appoint for a project and appoint someone who is going to do a good design. The fact that in the design review one is reviewed by one's peers is a reason why as architects we respect that hugely, because we know we are getting a technical, considered review of our architecture.

**Q102 Chairman:** Is that true? If the architect who is doing the review comes from a different school and different thought from the architect who is actually doing the scheme, what surely is distinctive is that probably they are not going to be very sympathetic and accept the view of the other architect, are they?

*Ms Shillam:* I think that is why you have to make sure that the design review panel are respected people in their field, whatever field that should be. Architects are very used to commenting on other people's designs, it is something we do regularly. A lot of local authorities have local architect's panels who give informal advice. I do not see it as a problem personally. I am always very pleased if there is an architect on the panel which is going to review our work.

*Mr Hastilow:* As a layman, Mr Chairman, I have been quite surprised to find the volume of support from not only architects but also developers, people who have had things done to them and said to them they might not have liked but actually have felt afterwards is pretty fair, so I think there has been a reasonable balance struck.

**Q103 Andrew Bennett:** So what happened in the 1960s is not typical. There was a series of housing estates which won architectural design awards and the architects thought they were fantastic. The only trouble is that the people who had to live there did not like them?

*Mr Hastilow:* Coming from Portsmouth, Mr Bennett, I have had some experience of this. Certainly I would recognise that the profession I support now is one which has got things wrong in the past, of course. It has not had enough regard in some cases for what people needed and wanted in their environment, and certainly we have made mistakes. I think CABE is one of the ways of helping us not to make mistakes like that in the future by giving a better appraisal and serving the clients well.

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**Q104 Christine Russell:** Can I ask you a slightly controversial question. Under the domain of my colleague, sitting on the other side of the room, most architectural services in local authorities were outsourced, privatised, whatever you want to call it. Is it now the chickens coming home to roost, that within local authorities you no longer have the expertise present and that is why CABA is needed? Do you see that we will always need CABA, or should we be putting more resources into rebuilding that architectural capacity within local authorities?

**Mr Hastilow:** Yes, I think that we do need a higher level of design experience and skill and advice within local authorities. Arguably, the pendulum has swung too far. That is not to say that local authorities do not engage good architects in their regions to advise them, and good planners and engineers and others. Of course they do. The answer to the second part, in my view, is that even if you beef up, as we recommend you beef up, the design skills within local authorities, the internal adviser can still end up very close to a project, especially if it is a huge one and you have been working with it for years. To have that cool, external appraisal, I think, will still be extremely valuable to a lot of local authorities and other clients.

**Q105 Christine Russell:** Would the BPF like to pass any comment on the capacity of local authorities?

**Ms Peace:** I think, generally speaking, and I would not want to be drawn on individual cases, we do feel that there is a lack of design experience within local authorities. I think, however, even if you did beef it up, having some sort of super body that can take a view on the larger or more significant applications is a good thing, for exactly those reasons. I wonder if I could throw in one other point, which I think harks back partly to Mr Bennett's question. Design is not all about the architects. Architects are employed by developers. A good developer will engage in an iterative process with the architect and, I do not know whether you have ever done it, Mike, certainly in some cases, throw things back at the architect and say he does not like it and there will be a discussion and, as I say, an iteration. It takes more than just an architect to come up with good design.

**Mr Hussey:** In the context of what CABA is being asked to look at, by putting a body of experts in the design review panel and then consulting with them makes a lot of sense, because they are the top people in their particular professions and therefore the local authority is going to benefit from advice from top professionals. In a way, the question is, if it is geared away from CABA slightly and into the local authorities and if there is a slight lack of design

expertise then perhaps the areas of most concern are the ones where CABA do not touch them, between those and the more mundane day-to-day applications. CABA touch a very small percentage of overall applications and probably there are a fair number of reasonably large, reasonably important applications which go through the design process with local authorities which may be underresourced, and I think that is an area of concern. I do not know how that touches the point particularly, which is a review of CABA in its current form, which I believe does add value to the design consideration in a local authority.

**Q106 Christine Russell:** Is that particularly a problem in the regions rather than in London and the South East?

**Mr Hussey:** I think resource is an issue for a large number of planning authorities, whether it is within London or externally.

**Ms Shillam:** It is not just outside. Perhaps some of the bigger unitary authorities outside London are best able to deal with these issues, while some of the London boroughs, in the experience of our members, find it very difficult to give the time and attention to an application which it requires, having just a huge amount of applications.

**Mr Hussey:** Yes, and I think the London boroughs have a larger percentage of these large applications as well. I think it is not just resource, it is turnover, the constant turnover of some of the planning officials makes it very difficult to process a planning application over, say, a two- to three-year period, when you might have half a dozen people dealing with the case.

**Q107 Chairman:** I wonder whether you concur with something that a developer said to me the other day, that their worst experience of CABA was on a scheme where CABA had expressed no interest and came in right at the last minute and started making comments almost when the development had been fixed and the application was about to be considered, whereas the general advice is that CABA should be in early to influence the discussions, to formulate part of the process?

**Ms Peace:** Yes, absolutely. I think we would say the earlier the better.

**Mr Hussey:** I think the informal advice is much more appreciated, before you put in the planning application, and then one person making the decision is the ideal for us.

**Ms Shillam:** Also it gives the opportunity for local stakeholders and the local community to respond to that advice and give a view of support or not.

**Chairman:** Thank you all for your evidence.

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*Witness: Ms Mira Bar-Hillel, Property and Planning Correspondent, London Evening Standard, examined.*

**Q108 Chairman:** Thank you very much for coming. For the sake of our records, could you identify yourself, please?

*Ms Bar-Hillel:* I am Mira Bar-Hillel, Property and Planning Correspondent of the London Evening Standard.

**Q109 Chairman:** Is there anything you would like to say by way of introduction, or would you like to go straight to questions?

*Ms Bar-Hillel:* I can speak only for London, that is my limitation. If what I say applies beyond London, so be it, but I would claim no expertise beyond the M25.

**Chairman:** We look forward to hearing what happens within the M25 anyway.

**Q110 Chris Mole:** The design of many new buildings has improved over the last few years. I hope that is true in London as well. Would you say that CABE's efforts have added to these improvements?

*Ms Bar-Hillel:* Possibly. I have not seen conclusive evidence either way.

**Q111 Chris Mole:** The initial designs that come out for many schemes sometimes are of quite poor quality and local authorities do not always have the resources in order to respond to that. Would you say it was a good idea to have a well-informed group to scrutinise those initial designs and recommend improvements?

*Ms Bar-Hillel:* Yes, that would be a very good idea.

**Q112 Chris Mole:** Would you see that was what CABE are seeking to do?

*Ms Bar-Hillel:* I think it is doing it so imperfectly that it is arguable that the downside actually is outweighing the benefits.

**Q113 Chris Mole:** Where do you think those imperfections lie?

*Ms Bar-Hillel:* Unaccountability, lack of transparency, cliquism, groupism, stylism, back to unaccountability and lack of transparency. Nobody actually knows for sure who is reviewing their designs, what was said in the discussion, whether their review was a full review or a pin-up. Pin-up review? I only saw this in the documents. I could not believe my eyes. And so on. There is a gross lack of accountability and transparency in the work of design review and, if we remember, that design review is enormously important. One word which has not been mentioned here today so far is 'money'. We are talking about schemes that are worth billions of pounds. To my mind, it is inconceivable that a body which influences a decision on such valuable properties can be allowed, in this day and age, to carry out its deliberation and decision-making with such a degree of transparency and lack of accountability. Nothing could be more in contrast with what we are doing here right now.

**Q114 Sir Paul Beresford:** It sounds like English Heritage all over again. Is that what you are saying?

*Ms Bar-Hillel:* Actually, English Heritage now publishes the London advisory papers on its website. I have to say, I had to campaign for that for about 10 years, but they do it now.

**Q115 Sir Paul Beresford:** Perhaps we had a small say too.

*Ms Bar-Hillel:* Thank you very much. They did resist it, for a while. While they were still a quasi-public organisation, a residuary body from the GLC, everything was done in public. It withdrew into secrecy gradually and lamentably and now is being pulled, kicking and screaming, back into the public arena. If it is sauce for English Heritage, let it be sauce for CABE. CABE is a new organisation, it has begun in a culture of secrecy which has led to the audit and all the horrors that it exposed. Surely you cannot possibly consider letting it carry on like this.

**Q116 Mr O'Brien:** What you are saying is that CABE should have no input into the design of prominent buildings, is that right?

*Ms Bar-Hillel:* No, I am not saying that. I know my submission said that design review is iniquitous and should be brought to an end, but that was, if you like, by way of being just mildly provocative. What I am saying is, CABE should realise that being allowed to have the input that it has into major planning applications and decisions is not a God-given right, it has to be earned and they have to demonstrate that they are doing it properly in order to be allowed to retain that privilege.

**Q117 Mr O'Brien:** Is it not a fact that London boroughs and London authorities give weight to CABE's advice rather than CABE offering the advice?

*Ms Bar-Hillel:* I am not sure which way it goes, and of course there are 32 boroughs in London and different things apply. At some point or another they all do give weight to CABE recommendations and if they do not the Inspector will at the appeal stage, which is something that everybody bears in mind these days. One way or another, CABE has enormous influence on planning decisions, involving, in many cases, hundreds of millions of pounds.

**Q118 Mr O'Brien:** That is only because of the fact that local authorities have asked them to do that, is it not? Is not that your experience? Their weight in influencing design is because local authorities have asked them to do it?

*Ms Bar-Hillel:* This is possibly because of this sort of design police thing, that organisations like CABE, which normally advertise themselves as "the Government's design watchdog", have this aura about them and local authorities feel intellectually intimidated very often and think, "Well, we're not up to this, let's bring in the experts."

**Q119 Mr O'Brien:** Where do you suggest that CABE's advice should end? At the present time you suggest that CABE should advise developers and designers only at the pre-planning stage.

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**Ms Bar-Hillel:** No. What I am suggesting is the introduction of transparency into the design review process, and I can elaborate on that if you wish.

**Q120 Mr O'Brien:** A little?

**Ms Bar-Hillel:** I would suggest that at every design review panel meeting minutes are taken and the name of every single member of the panel present is recorded, the debate is recorded, the forum is recorded, how much information has the panel received about this scheme, how many drawings have they seen? For example, one of the things which amaze me about CABE is that they never go to the site. Again there is evidence in this report from all the amenity societies, they do not go to the site. It is like computer-dating. "Send us some snapshots, with a brief résumé of why you're so wonderful, and we'll match you up with a planning application and you'll live happily ever after." It is superficial, it is irresponsible. If rules are laid down and if someone is going to open that piece of paper and find out how they have reached that decision, it is very possible that local authorities will take a different view of what is before them.

**Q121 Mr O'Brien:** Could local authorities take over? If CABE finished after the design stage, would local authorities have the skills to assess the design quality and the planning applications?

**Ms Bar-Hillel:** They always have in the past.

**Q122 Mr O'Brien:** They will not have to?

**Ms Bar-Hillel:** No, there was life before CABE, I am suggesting. CABE is actually only five years old. I know sometimes we think it is suffering from some sort of senile dementia, but it is only five years old.

**Q123 Mr O'Brien:** You did hear my colleague suggest that the reason why CABE came in is because of the experience that we had in the sixties and seventies, in my area, where large estates were built and they were pulled down after such a short time because no-one would live in them. That is one of the reasons why CABE came in. So there was life before CABE but it was not a very good one?

**Ms Bar-Hillel:** In the eighties and the nineties a lot of very good estates were built without any input from CABE.

**Q124 Mr O'Brien:** CABE came in to improve the design. Are you saying that it has not been successful?

**Ms Bar-Hillel:** As I said before, I am not sure. I have yet to be convinced either way. You were asking about housing estates. Can I relate to you a recent experience I had, it is so recent that I could not put it in my submission because it happened afterwards. As you probably all know, CABE produced a very scathing report on house-builders and said what rubbish a lot of their designs were. I got a call saying "Would you like a copy for publication?" and I said, "Yes, of course, and by the way did you actually talk to anyone who had bought any of those houses, the good, the bad or the ugly?" and there was a gasp at the other end of the 'phone. My initial thought was,

"Oh, he's going to say, 'Whoops, we should have done that shouldn't we?'" but he did not. He was gasping because he was taken aback at the question. They had no intention of asking people who actually bought the houses whether they liked them and, if so, why, or if they did not why not. There was some kind of contempt for members of the public there.

**Q125 Mr O'Brien:** What you are saying then is that CABE should be more involved, by site visits, by looking at the environment around the site, and report and give opinions on the design after seeing the site, so CABE should be more involved with design quality?

**Ms Bar-Hillel:** Talk to real people, get down from your ivory tower. Remember that buildings are there for people, not the other way round.

**Q126 Mr O'Brien:** You are not saying that CABE should not be involved with design or the recommendations?

**Ms Bar-Hillel:** As long as a procedure is totally open and transparent then I do not see any reason why not.

**Christine Russell:** Can I take you up on the points you were just making about the capacity of local authorities, because these halcyon days you refer to in the eighties and the nineties, of course, those were the days when local authorities actually did have in-house architects and most local authorities do not have any in-house architects any more. If they do not have that capacity and if CABE did not exist, from where should local authorities get this expert advice on design, purely on design?

**Q127 Sir Paul Beresford:** Could they buy it in?

**Ms Bar-Hillel:** They could choose to buy it in and they could choose to use their own commonsense.

**Q128 Christine Russell:** From whom would they buy it in?

**Ms Bar-Hillel:** From private architectural consultants.

**Q129 Christine Russell:** From rivals to the applicant?

**Ms Bar-Hillel:** In fact, if you are talking about a really big scheme in central London, you are much more likely to find rivals on the CABE panel than elsewhere, much more likely.

**Q130 Christine Russell:** Does that not help the accountability argument, if they are rivals?

**Ms Bar-Hillel:** Again, because of the lack of transparency, they get away with it. If they were named, the applicants would look at the list of panellists and say, "Hang on a second, we may not be rivals on this side but we're rivals there," or "We had a very nasty exchange, with personal abuse involved, over some competition in China," or whatever. Architects take things terribly personally.

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**Q131 Christine Russell:** Is the bottom line of your obviously deep-seated aversion to CABA based on the fact that you think that ordinary people, as you called them earlier, do not actually like good designs, good modern architecture?

**Ms Bar-Hillel:** I do not know what you mean by good design and good modern architecture. Ordinary people I think have the commonsense, and, ordinary people, for goodness sake, it is you and me we are talking about here. Are we not allowed to have an opinion as to what we think is good architecture?

**Q132 Christine Russell:** Do you not think that most ordinary people, given a choice, would like to live in, I do not know, mock Tudor, or whatever, a pastiche?

**Ms Bar-Hillel:** Obviously CABA think so, which is why, when I suggested they would like to speak to ordinary people, they cringed in horror. Their attitude, I have to say, probably was more along the lines of "Forgive them, Father, for they know not what they do. We cannot possibly ask members of the public, in case, God forbid, they should tell us what they really think. We have to educate them to like glass and steel boxes."

**Q133 Chairman:** Is it CABA in particular you do not like, or is it architects in general?

**Ms Bar-Hillel:** Some of my best friends are architects.

**Q134 Christine Russell:** Would it help, would you come round perhaps to liking and loving CABA if the kind of composition of the design review panel were different?

**Ms Bar-Hillel:** Yes. Let us be serious about this.

**Q135 Christine Russell:** Who would you put on it? You want transparency and openness so give us a list of who you would put on it?

**Ms Bar-Hillel:** At the moment there is too much of the sort of Trinny and Susannah approach, "We will dress you and it will change your life," or not. That is the height of arrogance. Another example of the height of arrogance is the letter from a former CABA person, saying "We do not, as a matter of course, set out reasoning which leads us to support projects." Meaning "This is good and we're going to like it and you're going to like it and don't ask us to tell you why." How arrogant is that? Who would I want to see on CABA? That is asking me to be arrogant, so, no, I am not going to tell CABA who to have. I would suggest that CABA would be better off if it removed from its design review panel anybody with a commercial interest in design and development. If you say, "That empties the ranks," I do not think so.

**Q136 Christine Russell:** Would not that exclude architects too?

**Ms Bar-Hillel:** No, it would exclude only commercially-active architects. There are a lot of architects who are not commercially active, a lot of them are Fellows of the RIBA.

**Q137 Andrew Bennett:** You would have all the failures, would you not?

**Ms Bar-Hillel:** No. Those people will not have the time to sit on CABA design review panels. Failed architects do not tend to, if you like, maybe you are suspecting that they will be teaching so you will not have academic architects. I am not sure that is straightforward. I will give you a name. Ian Henderson has just retired as Chief Executive of Land Securities. I have known him for 25 years. I could not mention anyone whom I hold in higher regard as to his integrity, most importantly, his integrity. He is a completely straight and honest man, who from now on will have no commercial interests, unless there is something I do not know and he has got 40 other chairmanships. That is the sort of person I suggest you should be looking for.

**Q138 Chairman:** You have got a generational thing here, have you not? If you are immediately going to go to people who are retired then people with new ideas coming up are almost going to be excluded from the process because they are going to be working?

**Ms Bar-Hillel:** Have a few students, architectural students.

**Q139 Chairman:** Is this really the advice we want, from some students and some retired people and you leave out everyone in the middle?

**Ms Bar-Hillel:** No. It is a matter of balance, if you have enough of a mixture of people.

**Q140 Chairman:** Is it not possible to get people involved who are commercially active, in such a way that you put any interests they have got up front and available for public knowledge and cut out the conflicts that way?

**Ms Bar-Hillel:** Yes, of course. It is a combination of the openness and the composition of a panel which will dictate who sits on every plan that comes before CABA. If those parameters are adhered to, and, I have to insist, they have to be adhered to because CABA has got all kinds of guidelines and proposals, and so on, unfortunately nobody polices whether they actually implement them. The CABA-English Heritage joint paper on tall buildings is only a year old and already has been more noted in the breach than in the implementation. Neither organisation actually abides by its own rules on tall buildings, notably CABA in the case of Croydon, when it approved an outline application, having said itself that outline applications with tall buildings should not be entertained. There are serious problems here. The biggest issue with CABA is, its intentions are faultless but then we all know about good intentions.

**Q141 Andrew Bennett:** This question about vested interests, is not part of the problem your future interests? I was very worried when you suggested students, because if students give the thumbs up to a particular scheme is not that a very good job application for them?

**Ms Bar-Hillel:** Knowing developers as I do, I think probably not.

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**Q142 Andrew Bennett:** You are very keen to have openness in an organisation, but actually is it not a gift to the media at the present moment that you can dig round and chase up the stories and get stuck into the papers, whereas if it were open it would be pretty boring and would not actually appear in the papers at all?

**Ms Bar-Hillel:** You are assuming that media interest is a bad thing. I have to say, I think otherwise. I think media interest, like daylight, is a very hygienic part of the public process.

**Q143 Andrew Bennett:** Is there not more interest because it is secret and if it were all open there would not be as much interest?

**Ms Bar-Hillel:** It would be only relevant interest. If I wanted to know who was on the design review panel which assessed a particular scheme that was

interesting to me, either for personal reasons or because a member of the public drew my attention to it, I would not be able to find out. I do not think that is right. I do not think that is democratic.

**Q144 Andrew Bennett:** Are you sure you would not be able to find out, as a good journalist?

**Ms Bar-Hillel:** I assure you, no, I would not be able to find out, because, for some mysterious reason, CABE are not going out of their way to be helpful to me at the moment. It should not be up to them, it should be open to the public. The media actually is not all that interested, I have to tell you, really they are not, including my own. I find it very, very difficult to get stories on this kind of subject into my own paper, and it is not for want of trying.

**Chairman:** We may have helped a bit with that this afternoon anyway. Thank you very much for coming.

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*Witness:* **Mr Rory Coonan**, Hon. FRIBA, Independent Design Adviser, examined.

**Q145 Chairman:** Thank you very much for coming this afternoon. I am sorry we have kept you waiting a little bit longer than expected. Could you identify yourself, for the sake of our records, please?

**Mr Coonan:** I am Rory Coonan. I am an independent design adviser.

**Q146 Chairman:** Thank you. Is there anything you would like to say by way of introduction, or can we go straight into questions?

**Mr Coonan:** No, thank you, Sir.

**Q147 Christine Russell:** Mr Coonan, good afternoon. You said in your submission that you think CABE should do fewer things. What do you think it should stop doing and what should it prioritise?

**Mr Coonan:** I think that CABE has been an enormous success so far, and the things that it has done well it has done exceptionally well, but, as we have heard already, it is five years old and perhaps the limits of success are being discovered. It is perhaps taking on too much. There were last year 660,000 planning applications, of which CABE reviewed 480. That is less than one-eighth of 1% of that, it is a tiny number. They cannot possibly review any more than a fraction of these planning applications. I should say, in answer to your question, that they need to be more selective, given the resources they have, in relation to the projects that they view, the better to give more force and power, if you like, to their opinions. Also I think they should cease having these, what I call, tied panels of advisers, persons who are selected by them who join the ranks of the enablers. On the Groucho Marx principle, that I would not wish to join a club that would have me as a member, I have declined to join the enabling panel but I am sure it does very good work. My real objection to their having these panels of advisers is that it creates an impression, true or not I do not know, that a certain caste or cadre of persons is giving advice. I

have said elsewhere that I think it would be much to the improvement of the quality of architecture if a genuine market in design advice were to be created, so that independent bodies, local authorities, government departments, agencies of all kinds, could take advice from whomsoever they pleased. Rather than, as in the case of the CABE enabling panels, they are, as it were, allotted a person whose rates of pay, I notice, are fixed.

**Q148 Christine Russell:** Would not that give Government and local authorities just another job to do, a kind of advertising, I do not know, competitions, "Come and help us design this building," or whatever?

**Mr Coonan:** I think it was you, Mrs Russell, who only a few minutes ago alluded to the fact that local authorities once used to possess this skill, so I should say, in answer to your point, that, yes, they should acquire it again. They can choose to do that, or they can choose to source advice locally, that is to say, regionally rather than necessarily metropolitanally, if I can put it that way.

**Q149 Christine Russell:** Going back to the first half of the question which you answered, do you think that, the 480 applications, they should be more selective and in fact review fewer than that, rather than to go back with a begging-bowl to the Government and say "Give us more money because we only do 480 and we'd like to do more"?

**Mr Coonan:** They should not review fewer applications, they should perhaps do more, but they could do more by being selective about the things that they choose to do, the better to make an impact. There is an enormous explosion of public investment, as evidence elsewhere to your Committee makes plain, some £35 billion worth of projects, including Private Finance Initiative projects. If CABE were doing fewer things, perhaps less advertising of itself, it could concentrate more on this enormous explosion of public sector

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investment which happily is taking place, and where it could make a real impact. It could begin to punch above its weight rather than simply trying to affect the quality of individual projects, which is a hopeless cause, given the £12 million it has and the 82 persons it employs for the purpose.

**Q150 Christine Russell:** I can understand what you are saying, that they should do less in the way of research, but, as far as the actual planning proposals that they are reviewing at the moment are concerned, which ones should they stop their involvement with?

**Mr Coonan:** It is not a matter for me. All I know is that their remit, both from the Department of Culture and the department that you have the privilege of shadowing, makes it plain that they have to look at projects of scale, projects which stand as an exemplar for other sorts of projects, projects affecting certain so-called heritage sites. The rules are already set out. They may need to be more selective about the ones that they choose to review.

**Q151 Andrew Bennett:** Of all the witnesses, you are about the only one who wants CABE to have more powers. What extra powers should it have?

**Mr Coonan:** I speak as a person who spent 10 years at the Arts Council of Great Britain, a body which took 40 years to evolve its systems of review, its equitable systems, its probity, all that has taken many decades to establish, so I am not surprised that five years is a very short time to establish itself. From my Arts Council experience, I look at the long-term prospects for CABE and I see this. I see the possibility that the exigencies of government policy, the vagaries of the individual policy, will change, as indeed they do, and that a new set of tasks may be given to CABE and that they may not be able to carry them out, or they will simply be, as it were, moved from one set of concrete policy objectives to the next. The culprits here, of course, are ODPM rather than the DCMS, who seem to have rather few strictures when it comes to applying to CABE. In relation to ODPM, there are a specific number of tasks they are enjoined to do. I do not think that is what a long-term body should be doing, it should be making its own policy. I think CABE should be robust and authoritative in carrying out the functions which DCMS and ODPM jointly have given them and say, "Well, actually, thank you very much but we will ordain our own day-to-day policies on what we should do precisely." The list from ODPM is astonishing. Basically, it tells what CABE should have for breakfast, dinner and lunch, and it is not a diet which I think is sustainable. I think, for a long-term body to evolve, it has to make up its own mind, it has to assert itself and it has to do more to discharge the wider cultural role that DCMS has given it, but which so far I think it has not had the opportunity to do because it is so trammelled by this multiplicity of tasks, aiding and abetting the Government's policies, as sensible of course as they are, for developing sustainable communities.

**Q152 Andrew Bennett:** There was a slight smile there. We cannot get a slight smile on the record. Can I just press you. You want to give them more powers, to have much greater independence and to have much more freedom to do what they think is right. How do you convince people that they are not a self-serving élite?

**Mr Coonan:** I have nothing against élites. As Raymond Williams once said, I want them for everybody, and an élite of brain surgeons is not regarded as a bad thing, neuroscience being a field and a discipline where few people are qualified. I do not think we should apologise for the fact that CABE is an élite, if you mean by that a body of persons with expert knowledge who are proud of the knowledge they have and are willing to deploy it in the public interest, and I see no reason why CABE should not carry on that way. It is not self-serving, it is very much a body, as I see it from the outside, which is in the service of the public, and that is a jolly good thing.

**Q153 Andrew Bennett:** Do you see there is a conflict between public interest and profit?

**Mr Coonan:** Whose profit did you have in mind?

**Q154 Andrew Bennett:** To a certain extent, there must be profit for those people who are offering architectural advice, must there not?

**Mr Coonan:** Do you mean those persons who are working for CABE, delivering advice?

**Q155 Andrew Bennett:** Anybody who is involved with particular styles and approaches to architecture has an interest, do they not, in particular schemes, particular ideas being developed?

**Mr Coonan:** Do you mean a financial interest, a pecuniary interest?

**Q156 Andrew Bennett:** Yes.

**Mr Coonan:** I am not sure that is true, Chairman. I think there are many persons who are disinterested in the projects on which they advise. I would count myself amongst them, alas. It is perhaps to my detriment that I am not. I do not think there is anything wrong with that. There is an argument for having a greater number of persons who dispense this advice in a disinterested way. I must say, I agree with many previous witnesses this afternoon who have said that they wish there would be a greater variety of persons amongst the CABE Commissioners and amongst the design review panels, persons who are not those persons who have a professional interest in the outcome. That would do much to dispel any view that CABE was, as you put it, self-serving.

**Q157 Chairman:** Perhaps, if the altruism that you are identifying yourself with were prevalent throughout society in general, we would all be relaxed about it, but there is a concern around, is there not, that there is so much money hinging on some of these developments that not everyone might be giving advice from that perspective? Is not

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that a concern, that if you start to give more and more powers to people, some of whom may have a different take on it, that we could be entering into very difficult waters?

**Mr Coonan:** If CABA were a Commission for poetry or sculpture, its deliberations no doubt would be interesting but they would not necessarily be compelling. The reason why CABA, as a Commission for Architecture, is compelling is because enormous sums of money turn on the outcome. The art of architecture is no less important than the arts of poetry or sculpture, but that is the difference, because, architecture being a practical art, a greater number of persons have a stake in the outcome and that complicates the thing. Giving powers to CABA to bolster its independence and the scrutiny that it is able to give to projects would be, I think, a very good thing. I would describe them as the power of discovery, a legal term, the power to look at papers and look at drawings, and the power to delay, because if, as I said earlier, this enormous raft of public investment over the next 10 or 20 years comes to fruition there may well be many applicants, or perhaps we should call them supplicants, to CABA who may be uninterested in taking advice. Whereas as in the case, say, of a large London teaching hospital they prove recalcitrant or perhaps uninterested and the design is poor, I suspect that in due course, as these projects multiply, CABA will benefit from having the teeth to pass observations, to give advice, but from a position of strength. In other words, the success of the first five years is no guarantee of its success in the next five or 15 years.

**Q158 Sir Paul Beresford:** Just because CABA does not agree with, you used, the London hospital design, it does not mean it is poor and it does not mean it is wrong, it means it is different, because part of an art is an opinion?

**Mr Coonan:** Indeed, but the reason we have CABA is because we have persons on CABA who have an informed opinion. That is the whole point. Persons whose opinions are informed are more likely to proffer advice that is, by definition, informed, and a number of people may choose to ignore them where they may take that advice. I think it is an argument in favour of having a strong CABA with well-informed people.

**Q159 Sir Paul Beresford:** So architects and designers that are not on CABA are ill-informed?

**Mr Coonan:** I do not see how logically that applies.

**Q160 Sir Paul Beresford:** I am just following your thinking over the London hospital example that you gave?

**Mr Coonan:** If I may say, I think it is at a tangent to my thinking. The fact that one is not a member of CABA does not mean that if one is not a member somehow one is ill-informed. Not everybody can be a member.

**Q161 Chris Mole:** Coming back to the powers, you have suggested that CABA should have a power to delay, but why are you suggesting that might be necessary, given that there is a function for the Secretary of State there, which presumably, if CABA were upset or concerned enough, would be flagged up and could be operated at that level?

**Mr Coonan:** If, as I understand it, the Government's intention is to place CABA on a statutory footing, it seems to me, if one is doing that, it makes sense to give them some statutory powers, otherwise what is the point of doing it? If CABA is to become a statutory body, the two powers I have described and the one of delay I shall describe seem to me rather important weapons in its armoury, to be used *in extremis*, and delay will concentrate the minds of our property developer friends enormously, because delay means costs. Therefore, if CABA wished to bring people to the table who were unwilling to listen to good advice, perhaps not necessarily to take or even to listen to it, then I think just that reserve power would serve to bring them to their attention.

**Q162 Chris Mole:** What about discovery? Surely the local authority has the power of discovery?

**Mr Coonan:** They may well do. I do not know whether that is true. I suspect not. In relation to CABA, the power of discovering drawings, plans, in other words, to be shown that which is pertinent and material to the project, would be a useful power to have in reserve. At the moment these things are very ill-defined. There is no, as it were, unanimity or uniformity about the things, the material, that can be submitted. I suspect it varies very widely from project to project.

**Q163 Chairman:** In terms of openness, would you also think the public ought to have the power of discovery about what goes on in CABA?

**Mr Coonan:** To the extent that you review their activities, to the extent that they publish a report, to the extent that they are audited perhaps *ad nauseam*, as many public bodies are, by their sponsor departments, I think probably that is sufficient. I do not believe personally in what I call the "fake demotic" of public hearings on every conceivable topic. I think the public is well served by CABA, and I have made suggestions about how it could be served better, but I do not think holding these things in public will really add to the sum of knowledge.

**Q164 Sir Paul Beresford:** Even if they are given the semi-dictatorial power that you would like them to have, *in extremis*?

**Mr Coonan:** The powers I have described, Sir Paul, are only powers of being given information and having an influence on people's proposals. They are not powers of enforcement, because I have not suggested that CABA should be anything other than the advisory body that it is.

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**Q165 Chairman:** Surely, if they are going to influence, as they might well do as a result of this, some very major decisions, has not the public got a right to know how they reach the decisions which then exercise the influence?

**Mr Coonan:** CABE publishes accounts of its proceedings, and no doubt, in the next five years of its existence, it will improve and streamline how it does that, and that is much to be desired.

**Chairman:** Thank you very much for your evidence.

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## Monday 13 December 2004

Members present:

Mr Clive Betts, in the Chair

Andrew Bennett  
Sir Paul Beresford  
Mr John Cummings

Chris Mole  
Christine Russell

In the absence of the Chairman, Andrew Bennett was called to the Chair

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*Witnesses:* **Mr Paul Finch OBE**, Hon FRIBA, Acting Chairman and **Mr Richard Simmons**, Chief Executive, of the Commission for Architecture and the Built Environment (CABE), examined.

**Q166 Andrew Bennett:** First of all, may I welcome everyone to the second session of the sub-committee's inquiry into the effectiveness and role of CABE. May I apologise for Clive Betts who should be in the Chair, but I understand he is stuck in a motorway traffic jam somewhere. As soon as he arrives, I hope he will take over the Chair from me. May I welcome the two of you to this first session this afternoon and ask you to identify yourselves for the record.

**Mr Finch:** Paul Finch, acting chair of CABE until tomorrow.

**Mr Simmons:** Richard Simmons, chief executive of CABE for about three months.

**Q167 Andrew Bennett:** Do you want to say anything by way of introduction, or are you happy for us to go straight to questions?

**Mr Finch:** Only very briefly to say that CABE's activities include many programmes not simply design review, and I imagine we will be getting a number of questions on that, but other important programmes relating to skills and enabling, which are basically about helping people and publishing advice.

**Q168 Christine Russell:** Well I hope we are going to make your last afternoon of work very pleasant for you. May I ask you to think of some of the schemes that you have been involved with and tell us which ones you think have been successful and why they have been successful? In general, how do you as an organisation, measure the impact that you have?

**Mr Finch:** We have looked at significant schemes in regional cities probably more than in London, though many in London, where our advice has been adopted by the architects and the client, sometimes with a bit of pressure from the local planning authority. I think we have had an impact, for example, on some significant shopping centre schemes, for instance in Exeter and in Nottingham, but a number of other major regional cities, where old 1960s shopping centres are up for renewal or revamping; the question of whether they are going to be repeat mega structures or whether they are going to be more sympathetic to their surroundings has been a very important issue. I think we have been able to help there. We have done some good work in other areas such as housing layouts and there are schemes which we see pre-planning, which are

confidential, where actually the most extreme example of our effectiveness is where entire proposals have been completely withdrawn and redesigned as a result of our comments. By definition they have been confidential but we would be happy to give two or three examples in confidence to the Committee of where very significant schemes have been fundamentally redesigned as a result of our comments.

**Q169 Andrew Bennett:** Can you give us one example of the housing where you feel that the design of housing has been significantly improved?

**Mr Finch:** Yes, there is a scheme at Hither Green in the London Borough of Lewisham where a really very unsatisfactory proposal which did have some heritage connotations was completely re-thought as a result of our comments. We were alerted by a local amenities society which was very concerned about this and we intervened and suggested that the quality of design was simply not up to it. As a result of this, the house builder ran an architectural competition and has produced something which is considerably better. Outside London, we have had a couple of goes at a scheme, Bede Island in Leicester, a tricky site with pylons all over it and various other environmental constraints, where the house builder responded very well to our comments.

**Q170 Christine Russell:** You were quite frank in October when you published a report saying that, in your opinion, only 20% of the new housing down in the South East was of a sufficiently high standard. How did the other 80% get away?

**Mr Finch:** Well let me answer that in general terms then I will pass over to Richard, who knows more about that in detail. To get planning permission, a scheme does not have to be a great scheme; it has to be good enough to get through the litmus test of the local planning authority. You might say that by custom and practice we are used to a rather low grade of housing development in the South East. I think that is partly because the architects employed are not good enough and secondly, because the house builders, it is not their fault, can sell everything they build twice over, there is no real market pressure to produce schemes which are going to sell themselves on design quality.

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**Mr Simmons:** Yes. I think I should clarify that when you say it was our opinion, actually it was independent consultants, whom we employed, using something called the building-for-life standard; again, we can leave copies of this or send them to the Committee. This is a standard we agreed with the House Builders' Federation and the Civic Trust. It is a relatively objective way of measuring the quality of both the homes and also the public spaces around them. What we found was that about 61% of schemes were average in that respect and about 20% were poorly laid out, poorly designed. A lot of the issues were around how the car was handled, for example, and whether or not you could actually walk to the shops from a particular scheme and in addition the advice was that it was rather bland and boring architecture.

**Q171 Christine Russell:** So, who do you really blame for that? Do you blame lack of design experts within local planning authorities? Do you blame the volume of house builders?

**Mr Simmons:** I think it is a combination. We actually said at the time when we launched the report, which is the Housing Audit here, that we felt that there was a problem with the house building industry in the sense that they have a particular style and design of scheme which they know will get planning permission and they tend to use that universally, whether it is appropriate to the neighbourhood that they are building in or not.

**Q172 Christine Russell:** And are the big volume house builders more at fault than perhaps the smaller local firms?

**Mr Simmons:** We looked at the top 10 house builders and nearly all of them had actually built very excellent schemes and also poor schemes and also mediocre schemes. So in fact they are all capable of building the best, but they choose not to.

**Q173 Christine Russell:** Where they can get away with a poor design they do.

**Mr Simmons:** We think also that the problem lies with the local planning authorities. We did a survey recently which said that only 26% of local planning authorities refused a scheme more than 20 times on design grounds, in 2003 for example. Why was that? They said it was partly because they did not feel they had the skills, partly because they did not think they would necessarily get support if the schemes went to appeal and partly because there is such pressure on them to move schemes through the planning system.

**Mr Finch:** It is worth saying actually that our intention in life is not to go round just criticising things and walking away, it is to be positive and to work with people, as we are working with the volume house builders, to improve standards and their co-operation is very welcome. Occasionally, we have helped a local planning authority, Manchester for example, where they did go to appeal, where a volume house builder was trying to dumb down a scheme which had permission and was trying in effect to make it worse and get away with building it. We were able to help the local planning authority at

appeal, which was successful in preventing them doing that. So there is a mixture of stick and carrot from our point of view.

**Q174 Sir Paul Beresford:** When you get the minutes from Gurney's, I wonder whether you would read them carefully because the statement you have made does sound beautifully arrogant, as though you are the be-all and end-all of architecture. I always understood that a fair element of architecture was subjective. Do you feel that some of the local authorities feel obliged to take your suggestion and some of the developers as well, because they know it will be very much easier to get it through planning than if they took another architect who may have a different opinion on a subjective area?

**Mr Finch:** That is a complicated question, but the first answer I would give is that I do not think local planning authorities feel obliged to take our advice. Sometimes they do and something they do not; ditto architects and their clients. We are not a statutory consultee and we try to give opinions as best we can. By and large, in nearly 80% of cases, people make some alteration to their scheme where we have suggested that is necessary, but generally that is to do either with fine tuning or occasionally with a fundamental re-think. On the whole, the people who have used our services, the local planning authorities and the architects and the clients, as you will have heard in your earlier Committee hearing, have found it useful. The other thing is that in terms of numbers, we see about 1% of significant planning applications, significant as defined by ODPM, larger schemes in their context. Therefore what we can do hopefully is just to give some pointers as to how certain schemes could be done well, in the full knowledge that the vast majority are not going to come our way.

**Q175 Christine Russell:** Well the question I was going to ask you before Sir Paul came in was—and you have just given the figure—was how many planning application you actually saw and you said one%. How do you answer your critics who say that actually you are only interested in the icon buildings and you do not have the same interest in the applications for the run-of-the-mill housing estates?

**Mr Finch:** In broad terms, that is simply not true. I think if you look at an analysis of all the building types and all the schemes that we have looked at, there are large numbers of what you might call ordinary developments and housing is a particular interest of ours, because of course, that is where everybody lives and there is a lot of that sort of development in the pipeline. We also look at schools and health centres and hospitals, the everyday buildings of people's lives, railway stations.

**Q176 Christine Russell:** Do you have to prioritise? Are you under so much pressure to look at applications that you have to prioritise?

**Mr Finch:** We have some priorities set by ODPM which relate to a target, for example, the number of schemes that we look at from various locations around the country. If we were doing it on size alone, then I think London would be hopelessly

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unbalanced and we are expected to run the broad gamut of building types, particularly ones which affect large numbers of people.

**Mr Simmons:** Although a large part of the business and a growing part of the business, the design review programme is looking at the moment at schemes both in the growth areas and outside them, where there are large new brownfield developments. At the last design review committee (DRC) we attended, for example, there was a large scheme from the South West which was a quarry site which was about to be developed for housing, a very large housing estate. We were looking not at issues of architectural style at all, but whether or not the site was going to be accessible, how it related to the local community. In this particular scheme, which again is confidential at this stage because they have not put in planning applications yet, they have not connected up the existing community with the rest of the scheme. Those are the kinds of issues that we tend to address through design review.

**Mr Finch:** I might say, just as a more complete answer to your question about whether architecture is not about opinions on style, that in what we try to do, and it is in our design review document, the basis on which we try to assess schemes, the question of personal likes and dislikes very rarely feature frankly. What one is looking for is whether the building relates well to its context, whether the planning analysis has been done, whether the site analysis bears any relationship to what is then being proposed, a whole series of things. You cannot say they are absolutely objective tests because it requires some knowledge and judgment to see whether they have been met, but it is not a question, as I would put it, of measuring the diameter of the dots on the architect's bow tie. That is absolutely not our interest and we are not style police.

**Q177 Andrew Bennett:** Poor design. Is it because it is cheaper to do it that way?

**Mr Finch:** Not necessarily, no, on the contrary. If one thinks about what architects and urban designers do and also good proactive, creative planners, what they are applying is some sort of design and planning brain power to the task in hand. That is neither necessarily more expensive, nor is the result necessarily more expensive. That is to do with budgets and organisation and design intelligence.

**Q178 Andrew Bennett:** Right. How far can the regulations, particularly the highway engineers, be blamed for some of the poor design?

**Mr Finch:** Richard will chip in here on the programmes that we have undertaken to try and help out in this area. I think what has happened is that you might say that at certain points in the 20th century the split between ideas of transport engineering and architecture and town planning actually, in retrospect we can see, were pretty disastrous. You ended up with sort of silo professionals with their own rules and their own culture and it was almost "Never the twain shall meet". This is a point we are trying to address.

**Mr Simmons:** We undertook a survey recently of highways engineers and we actually had 1,000 replies roughly and 85% had not received any urban design training during their career. It is an issue which they feel very strongly about and we do too. In fact, we run a programme and by the end of this year we will have had 1,000 engineers through this programme which is a training programme to try to bring some urban design intelligence to designing our streets. We are running this jointly with English Heritage (EH), who, as you may know, have been campaigning on this subject as well. What we are trying to do together is make sure that the design expertise matches the technical expertise that engineers have.

**Q179 Andrew Bennett:** But is it the engineers' personal views, or is it the regulations that they are now having to work to which they may have built up over the years?

**Mr Simmons:** I think most engineers would agree that it is a bit of both actually. There is, as you rightly point out, a regulatory culture in highways design and when you look at the best design guides, they are trying to break away from those issues at the moment. The government has committed itself to producing a new manual for streets to replace the various design bulletins which will provide more flexibility.

**Q180 Andrew Bennett:** It is coming along rather slowly, is it not?

**Mr Simmons:** We are hoping to become involved in helping them to speed it up shortly. If you go to Kensington High Street and see the work they have done there, removing the barriers and so on, achieving a reduction in accidents which is counter-intuitive, then you can see how, if the balance between the pedestrian, the car and the cyclist is changed, places can become safer.

**Q181 Mr Cummings:** Evidence to the Committee suggests that CABE really could have been more successful in improving the design of the construction programmes led by government departments, specifically mentioning health and education. Is it a problem and what is the problem in liaising with these departments?

**Mr Finch:** I think there are several problems. One is the capacity of the construction industry and its professionals to cope with what will be the most significant post-war building programme. There is a wave of health and educational building going on at the moment and it is going to become more significant. One of our tasks has been to try and gear up in terms of making preparations to give additional skills to professionals, to enable them to cope with this. I do not doubt that there have been buildings in the first wave of PFI health and education buildings which could have been better. This is a new process and we of course acknowledge that without that process, they would not be being built at the moment, so one has to make a balance there. We have tried very hard to look at potential exemplar projects through various schools

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programmes, schools for the future and through our enabling programme with education authorities up and down the country.

**Mr Simmons:** We are working with the Department for Educational Skills and with the National Health Service and Department of Health at the moment to try to improve and inject some design quality into the schemes that are being built. I think there are some successes coming forward: the Kings Mill Hospital at Sherwood Forest for example. When the design for that becomes public, we expect that you will be able to see the input that CABE has made there. I think the DFES have done an enormous amount of work as well through Partnerships for Schools to try to provide exemplar good designs for school developments.

**Q182 Mr Cummings:** When you talk about schools are you referring to universities from where these engineers are graduating?

**Mr Simmons:** No, I am talking about the building of schools for the future programme in which the DFES is currently trying to build new secondary schools.

**Q183 Mr Cummings:** Are you saying that designers and architects are leaving universities with degrees which do not really equip them for the job that you foresee them doing?

**Mr Simmons:** I think I am talking at cross purposes. I am talking about the design of new schools at the moment.

**Q184 Mr Cummings:** I am speaking generally. You have mentioned the amount of time and effort that you yourselves are spending ensuring that designs are compatible with what is required today. Are we saying a vacuum exists within the normal training establishments?

**Mr Finch:** There is a vacuum, particularly in relation to urban regeneration projects, brownfield sites. This was first identified in Lord Rogers' report on the urban renaissance and what he predicted is, five years on, in fact true, which is that the number of skilled professional who are not only architects or planners or engineers, but who have very specific skills in relation to how to make these things come together and work in some of the areas of the country which most need the investment and the development, is more than one set of professional skills.

**Q185 Mr Cummings:** What I am getting at is whether the universities are churning out design engineers with the quality of education that you are requiring to tackle these problems.

**Mr Finch:** I would say that the first phase of the education is fine, but it is not enough to have degrees in those things; a lot more professional training is required.

**Q186 Mr Cummings:** Are any of the universities taking this on board?

**Mr Finch:** Yes they are, because a lot of them are now doing post-graduate studies, some of the planning skills for example, are doing year-long courses, or indeed short courses, to try to put people through training which is in addition to the professional skills they already have. But this is a big task, because there is a very big regeneration programme going on. It is tens of billions of pounds and that will require more and better trained professionals.

**Mr Simmons:** It is also true to say that the age profile of some of the professions, particularly my own, town planning, is starting to move in the direction of people like me. The number of older men involved is quite large and within the next 10 years, we expect to see quite a few of those starting to retire and the universities are not churning out large numbers of new planners and civil engineers at the moment. Architect courses are holding up, but in fact people are not coming forward to volunteer to become planners and engineers in the numbers that we will need over the next 10 to 15 years.

**Q187 Sir Paul Beresford:** Even so, you would agree that a large proportion of the design is done by competent people. How often do you look at a design that has come across your desk and said "Great" and sent it back?

**Mr Finch:** Actually, I would say sometimes rather than all the time. Even if you have competent designers, it does not necessarily mean that the client's brief has been a great one, or that the local circumstances, the planning archaeology if you will, makes it an easy task to produce a good building on a particular site. One of the things that we have been able to do on occasion is to say to some very, very good architects, if not great architects, that there might be things which could be improved in their designs. Contrary to what one might expect, sometimes they are very happy to get this advice because it may have been what they have been saying to the client or the local planning authority all along and to have a bit of backup from somebody who has not got an axe to grind can be useful. We try not to second-guess what the circumstances are which have produced a particular proposal.

**Q188 Sir Paul Beresford:** So they all send you a Christmas card.

**Mr Finch:** Some of them do, but never, never, never anything else.

**Q189 Mr Cummings:** How could other government departments work more closely with CABE in raising design standards within their own development programmes?

**Mr Finch:** One word from me, but this is Richard's territory. The fact is that we have had huge co-operation right across the spending departments who have sought our advice and given us support, including, I may say, ODPM. We started life merely as a creature of DCMS, but the work that we have done with and for ODPM is one example which is spreading across.

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**Q190 Mr Cummings:** Which government departments are not signed up to a design agenda?

**Mr Simmons:** It is hard to think of one now. There were some issues and concerns about the Department of Health recently but we now seem to have moved on very well with them and they are looking through their future plans for what will replace NHS estates, to build the good practice from NHS estates on design into the Department of Health. It is worth saying that CABA's approach has been to start with the people who have the money, the Treasury and Office of Government Commerce and the Office of Government Commerce has been very supportive of CABA's work because of the fact that what we are proposing is looking at the whole-life cost and value of buildings and saying that good design contributes to that. In October the OGC issued new guidance for PFI and other projects, looking specifically at design as part of the gateway review process, as they call it, which is a process by which you look at projects during various stages. That has been an encouragement to all government departments to work closely and we have helped the OGC to produce those documents.

**Mr Finch:** It is worth mentioning some of the departments we specifically work with. We have done a whole number of things on MoD major projects with special design reviews on some of the really big barracks programmes—they are not called barracks any more but residential programmes. We have worked with the Home Office on their new HQ in Marsham Street; the Department of Health has already been mentioned; FCO on embassy design and the Lord Chancellor's Department specifically on the court programme which was quite an extensive one. So we have had a lot of support from these departments and I hope our advice is useful. We are still getting requests, so I assume it is.

**Q191 Sir Paul Beresford:** That could of course be taken as a criticism of the confidence of the departments and public service approach to design in any event, or a compliment to you in that they know they will have a much easier run getting it through planning if they have your label on it.

**Mr Simmons:** One of the things CABA does a lot to help with is how to be a good client, and we have produced quite a lot of guidance on that and one of the problems you face as a public servant is, say you work for a health trust, that you may be asked once in your life to be the client for a multi-million pound project. To be able to come to an organisation like CABA, which has expertise and knowledge, to help you to select the right design team, to put an enabler in, as they are called in the jargon, to help you to manage that project is something they value. The potential to make huge mistakes on very big projects is always there and the value of having somebody to support you through that process is something which reduces the risks to government.

**Mr Finch:** Specifically, there are fewer architects, certainly in the top echelons of the civil service, than there were perhaps 30 years ago, when you would routinely have a chief architect for the health department and actually for most departments and

they, for whatever reason, no longer exist. There is a sense in which we are seen as an adviser or a shoulder to lean on, by departments which do not have the internal expertise in quite the way they used to.

**Q192 Christine Russell:** I was going to ask you about the MoD, but you mentioned the MoD. However, many of the buildings that were formerly owned by the MoD, rather grand listed buildings in many cases, have been passed to the Crown Estate. What sort of relationship and influence do you have with the Crown Estate, because a number of those buildings are now giving serious cause for concern?

**Mr Finch:** We see schemes that the Crown Estate promotes occasionally in the general run of things and we have the occasional discussion with their chief executive, for example. I do not think we have a specific programme of helping the Crown Estate as such; it is on an as-and-when basis.

**Christine Russell:** Perhaps you could make them aware of your existence.

**Q193 Mr Cummings:** One of the problems seems to be the design quality of PFI projects. How do you believe you can persuade the procurers and providers to give greater weight to design issues?

**Mr Finch:** I must say this has been a long, fight is the wrong word, it has been a long campaign on our part to try to do whatever we can to promote design quality within the PFI process. Now the help we have had on this has largely come from OGC, because they produce more than one document which has stressed lifetime value as opposed to initial cost and in fact the government's better public buildings policy endorsed by the prime minister back in 2000 has some specific recommendations and advice about design quality whatever the form of procurement might be. It is really acknowledged by the whole profession, I think everybody including PFI suppliers, that there are aspects of PFI procedures which can militate against design quality. We have identified what many, if not all of those are and the discussions go on, in order to try to get the best outcomes. Fortunately, we are now at a point where buildings are starting to come through as built, where we can point to ones where we think that the PFI process has worked well, for example, Brighton Library. Having the examples of certain MoD buildings where you can say to people, if they want to know how to do it well, then follow the way these people did it and not the way that perhaps some other people have done on projects which have been less successful.

**Q194 Chris Mole:** Apart from the fact that there are clearly more planning applications than CABA can possibly comment on and you talked a little about the targets that the department give you, geographical, building types etcetera, but bearing in mind the importance of your advice standing up to scrutiny after the event, would it not be better if you looked at slightly fewer schemes perhaps more thoroughly than offer what could be considered a superficial view on some more?

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**Mr Finch:** Let me kick off on that one because we can leave a sort of flow chart showing how we decide which schemes to assess.

**Q195 Chris Mole:** Is this published.

**Mr Finch:** Yes, it is but I am not sure that it is in this form. It is written down and we tried to produce something which is not that simple. In a nutshell, there are four streams. There are schemes of low significance which are probably not appropriate for us to comment on which are being referred to us in a routine way. There are schemes of medium significance which are discussed by staff and a commissioner; we look at a number of those every week. There are slightly more complex schemes, of medium to high significance, which involve a site visit by a member of staff and possibly a commissioner and the drawings are looked; it is known as a pin-up, where the drawings are pinned up and they are discussed by staff, the commissioner and two or three members of the design review committee, and then the highly significant schemes, which I think is where we are getting to what you are interested in, are where we do up to 100 a year where there are all the other things which I have already mentioned, but there is a full-blown presentation by client and architect usually with the local planning authority present, plus English Heritage and any other relevant authority, like the GLA if it is a significant scheme in London. So there are 100 schemes that we look at in a lot of detail each year and then 400 or 500 others in lesser detail; that is how we try to cut and dice it.

**Mr Simmons:** One of the things that CABE differentiates from the Royal Fine Arts Commission, because design review is something that we succeeded them in doing, is the fact that we publish learning, we produce documents called design reviews and this is one which looks generally at what schemes we have looked at. We also produce specialist ones on shopping centres and so on. I would say the number of schemes is about right at the moment to enable us to have enough of a sample to do this and this is used in feedback to the industry. In my last job before I became chief executive of CABE, I used the one on shopping centres with a developer who was having some difficulty developing a scheme we were working on together to assist in looking at some of the key features they could incorporate in the scheme. I think the number of schemes we are currently looking at is probably about right; too few we would not be able to get the learning to put into this kind of document and redistribute it back to the industry.

**Q196 Chris Mole:** Just back on your flow chart and the criterion there to help you decide which is going to go, is that published, as AHL were suggesting might be a good idea?

**Mr Simmons:** Yes, it is on our website.

**Q197 Chris Mole:** In our first evidence session, we heard some criticism of these informal sessions where you said it was staff and a commissioner. Do you think that when local authorities and developers

are hearing this view they should understand what weight should be given to those in comparison to what weight should be given to the ones that go through the fuller process?

**Mr Simmons:** Yes. I think the point was well made that although we publish the names of our design review panel members generally, we do not at the moment and have not in the past actually put onto each report the names of the people involved in the review and that is something which we will do in future.

**Q198 Chris Mole:** So you would say the status is the same between the two?

**Mr Finch:** I think the advice is, that if it is moderately significant scheme, then we would expect the comment to be read and understood without very much discussion by the architect and it is generally speaking copied to the client and the planning authority. Where the schemes become more complex, then usually the architect in the first instance will talk to whoever it is on the CABE staff who is the case officer to seek further clarification or sometimes bordering on design advice. They might have meetings to go over what has been said and why and what strategic approaches we might recommend. As the schemes become more complex and the advice becomes more detailed, then it is not infrequent that there might be two or three meetings between CABE staff and the applicants, partly to prepare them for when they come before the design review panel as we are now calling it, rather than the committee, because it is a large group of people from whom we select each time. So there is quite an iterative process and there is a lot of discussion. We feel that the more significant and the more complex the scheme, the more you would expect, where advice is needed, and sometimes it might be one thing or nothing at all, there to be more meetings.

**Q199 Chris Mole:** So you are not worried that people might take the sort of pin-up reviews and say, well that has got CABE approval and it is the same as if it had been through a full DRC.

**Mr Finch:** I think the only slight dilemma, it is the way of things, is that if somebody gets a letter which perhaps makes four points and three of them are negative and one of them is positive, they are inclined to quote the positive one. Now of course, it is rather difficult to control that, but if it comes to our attention that it has happened, then we would just write to them and say, you should not be doing this. Fortunately, because everything gets copied to the local planning authority, they and the councillors will see it before any planning decision is made; that is a public process. Our work is done by then. The information is on the public record, so somebody might try to pull the wool about what it is we have said, but they stand to be found out, because our comments are public.

**Q200 Chris Mole:** You touched just now on who sits on particular design review panels. How do you draw down from your resource to work out who is going to do what?

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**Mr Finch:** At about this time of year, in November, the staff draws up a rota and we have about 30 members on the panel at the moment. They look for a balance of architects and others, landscape architects, engineers, occasionally an artist, and they will try to allocate them spots through the coming 12 months, so you know. Everyone now has their dates for next year and there might be a little bit of swapping in between times, but the intention is to keep that balance.

**Q201 Chris Mole:** Does that mean that if you have something coming up with perhaps historic buildings in it or in a conservation area you can guarantee that you are going to get somebody on the panel with some expertise in that area?

**Mr Simmons:** We actually work very closely with English Heritage. About 65% of our schemes involve English Heritage and they are invited to attend design review for all those schemes. Last year they attended about 45% of them in the end, but they are always asked for advice and being the government's agency for looking at new development, we would tend to rely on English Heritage's advice on historic environments and we will ask them for their views. We do have some of our own people and in fact some of our design review people are architectural historians, for example, but English Heritage are engaged by the government and paid by them to do that work and we ask them to be involved and they frequently are.

**Mr Finch:** It is worth saying that the chair of the design review panel, Les Sparks, is also an English Heritage commissioner and we have had on our panel architects who coincidentally have also been involved with English Heritage, perhaps on their London advisory committee. The final thing on that is that of course it is unusual these days for an architect with any body of work not to be involved with a project which involves the historic environment and often it is not English Heritage, because it just happens very, very frequently.

**Q202 Chris Mole:** So you reject the view that people are assigned on a random basis to the panel?

**Mr Finch:** It is not random in the sense that it is a considered group for each meeting. If a particular project came up where there was a particular historic aspect, where there was either a commissioner, who are entitled to attend all meetings anyway, or a design review—

**Q203 Andrew Bennett:** How many do in practice?

**Mr Finch:** In practice I would say that you would usually have two or three commissioners in addition to whoever was on the panel on that day. You would have the chair of the panel for a start and then there are four or five other commissioners who are vice chairs who might look in for half a day or a whole day, or somebody might come in because it is a project that they find interesting, for example if it is for a very, very tall building and it is a very famous architect presenting, then you might get one or two more commissioners turning up than usual.

**Q204 Chris Mole:** You described a process where some of those considerations by the panels can go over a period of time. Is it always the same people who turn up to those meetings?

**Mr Simmons:** No it is not and we have thought long and hard about where a project that we reviewed might come back, whether we should try to reassemble the committee which saw it first time round. Our conclusion about that is that actually the game is not worth the candle. By and large, unless a scheme has a very rough review, so that it is substantially changed, assuming it is substantially changed, if that happens, then it is perfectly appropriate for a fresh committee to look at it. I will give an example. Paddington Station was a long-running project where the scheme changed very substantially over the course of about 18 months and by the time the final planning application scheme came to us, it was a completely different committee that looked at it. That was fine because really it was a completely different proposal. What we try to do, without going into too much detail, is where there are fairly minor changes or recommendations, then we deal with that, either as a pin-up or just a routine meeting. Where there are really significant changes, then it seems to us perfectly reasonable that a new set of people might look at it.

**Q205 Chris Mole:** May I just ask you to respond to this? The Chairman put a question to our witness at our first session about consistency in terms of different views, different styles of architecture and who is actually on the panel and the witness said "Certainly we have noticed that, over the history of particular schemes, where, quite rightly, CABE has been invited to come back on several occasions over a period of two years, the same people were not on the review panel for successive meetings. Clearly that is a problem". You do not see that as a problem.

**Mr Finch:** I do not see it as a huge problem, firstly because the fundamental view about the scheme, which is to say whether we are supporting the principles of that building being in that place at all, is binding on subsequent meetings. So we do not put architects and clients in a position of getting a yes, yes, yes, but we suggest one or two tweaks and then they tweak and the next time it comes back, someone else says no, no, no. It does not happen and our internal rules actually make that impossible.

**Mr Simmons:** It is also worth saying that the officers will be the same people. We have a fairly small team managing design review, their job is to advise the design review panel and they will aim to ensure consistency of decision-making; they also draft on behalf of the Committee the letter which is sent out.

**Q206 Andrew Bennett:** That is a bit dangerous to suggest that all the other people are irrelevant.

**Mr Simmons:** No, no; what I mean is that they will actually remind the Committee of what has been said previously, should they have neglected to think of that when they are giving their answer. They are there to advise and support in the same way that local authority officers will advise a planning committee.

**Q207 Chris Mole:** In November, CABE published two short papers on its approach to the historic environment and environmental sustainability. Why were they necessary at that time?

**Mr Simmons:** I guess partly because I am new in the job and I think it is about time CABE started saying a bit more about its policies towards things, partly, clearly, because we have received a certain amount of criticism on some of those issues in the media, stimulated by some of the people who appeared before this Committee amongst others. We wanted to be clear about our position, which is that we do consider the historic environment as part of our consideration of schemes. We do think it is an important part of the context for schemes. We do think sometimes people will want to design something new which may change the historic environment. In fact, if you look back at the records, as I have done since I have arrived, of design review, you will find quite a lot of occasions, a scheme in York, the one that was actually put in front of you I think in our evidence, where the historic environment has been defended and supported by CABE, a very well-known scheme in Coppergate. It did seem worthwhile to me that we should actually make some statements on those subjects. As far as sustainability is concerned, it is an issue which is extremely important for design, but since arriving at CABE I have met people from outside the organisation who have said, CABE do design, other people do sustainability. I do not see a distinction myself. I think good design is also sustainable design, or should be.

**Q208 Chris Mole:** Convince us then that you have not just produced these reports in order to head off critical evidence from the Environment Agency to this Committee. Tell us how you are going to follow up on the environmental sustainability policies.

**Mr Finch:** We have commissioners and design review panel members with professional expertise in this area, so is the question of sustainability, which, as you know, is not a simple one to define, more that the building regulations? Clearly anything which is built has to be legal and it is a matter for this place to determine whether the regulations are of sufficient quantity or quality. From the point of view of sustainable design, it is a routine part of our analysis to look at a project, whether it is oriented in a sensible way, whether it uses potential energy sources sensibly, whether it looks wasteful, whether it looks uneconomic, whether it has to be air conditioned, are issues which routinely arise. Now on the larger questions, let me give one example. It is frequently asked how a tall office building could be sustainable. One answer to that is that it does not generally include any parking, certainly not if it is in central London and everybody has to get to it via public transport. If you look at energy use over 25 years, perhaps what on the face of it might look a greener building in the suburbs, to which everybody has to drive to get to, might be considerably less sustainable. These are all big policy issues, but generally speaking we think that concentration of development and intensification and regeneration of

brownfield sites, on best practice design principles, is the way to go forward. Just one other comment on heritage, if I may? If the same question had been phrased about why we are producing things on that, we have worked with English Heritage from the start of CABE. We produced two publications with them which I think are worth drawing to the Committee's attention: one *Buildings in Context*, which is about how you put new architecture into historic settings and another *Shifting Sands* which is the regeneration of seaside towns. We were very delighted about the constructive evidence that EH gave this Committee about our joint working together.

**Mr Simmons:** The straight answer to your question about how I can convince you is that we certainly have not seen any evidence from the Environment Agency when that paper on sustainability was drafted.

**Q209 Sir Paul Beresford:** If you have responded to some of the criticisms—we have mentioned one here—are there other areas you are going to respond to that you could tell the Committee?

**Mr Finch:** Which sort of areas?

**Q210 Sir Paul Beresford:** You mentioned criticism about your response to historic buildings.

**Mr Finch:** Yes, we did get criticisms and we think we have robust answers to them.

**Q211 Christine Russell:** May I just stick for a minute with the historic environment, because you have just been really trying to convince us that you do care passionately about it. Yet what a lot of your critics point to, not just your critics in the media, but critics from amenities societies and conservation groups is that in your corporate strategy, there is really little recognition of the re-use and refurbishment of historic places and buildings. How do you explain that omission?

**Mr Simmons:** Because we are charged by government with looking principally at new development, new architecture and new urban design. English Heritage is charged by government with looking at those issues. As we said, we work closely with them, but we have limited resources, as do English Heritage, and we think it probably best if we stick to the knitting.

**Q212 Christine Russell:** So you do not get involved in an issue of whether or not to demolish and put up a new building or whether to try to find a re-use and a refurbishment of an existing building. Does a developer or a local authority never come to you to seek advice? Do they always go to English Heritage? You mentioned Norwich.

**Mr Simmons:** We will tend to be involved in projects in two ways. One is through the enabling process, in which case we might have somebody working in the field with the local authority where those issues might be debated. Then the question of which should be done would be discussed, but the decision always rests with the local community. In the design review process, what we tend to see is schemes that are some way down the design process, where

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English Heritage will probably already have been engaged in discussions about the future of the building.

**Q213 Christine Russell:** Do you never clash? Has there never been an occasion where English Heritage have said “Keep this building” and you have said “No it’s not worth it. Here is an attractive new build scheme to put in its place”.

**Mr Finch:** It usually happens slightly differently, which is that the new proposal might involve the demolition of an existing building, for example, the Heron Tower scheme in the City of London where we appeared on either side of a public inquiry and there simply was not a meeting of minds. I would have to say, I think that is the exception rather than the rule. We produced guidance with English Heritage on tall buildings and in that guidance, we actually acknowledged, which we thought was the only grown-up way to deal with it, that there would be occasions when we would take a different view of things. English Heritage has a statutory duty to protect the past and our duty is to advise in the round on a proposal. Now sometimes in the round, you might say on balance you think the benefits of the new building outweigh the merits of keeping the existing one and EH might say they disagree and that is the way it goes.

**Q214 Chris Mole:** We were touching just now on the way in which people look at the advice you give and I think you made it clear that you intend to publish the names of people who are party to the considerations in the future and that is to be welcomed. Will you also be saying something about how they reach their conclusions?

**Mr Simmons:** We publish a letter which effectively reflects the discussion that took place at the meeting. What we do not do is produce long sets of minutes of those meetings because we think it is more efficient to tell people what the conclusions of the meeting were. At the moment that feels to me to be about right.

**Q215 Chris Mole:** What more do you think CABE should be doing to listen to local interest so that CABE understands better the local factors which might not be obvious from looking at a set of drawings on a plan?

**Mr Finch:** Occasionally, we have responded to requests from local amenity societies, as we always would do, to look at a proposal which is concerning them. What we do not do routinely is try to consult with every relevant party that is involved with a local planning application because we are a consultee as well. It is the local planning authority which owes the duty of care to all the relevant consultees on its patch. We are being asked for our view about something. Now clearly, if we know that there are strongly held views, then of course we would note them, but just because they are strongly held by one group, does not mean that we are obliged to change our minds about whether the scheme has merits or not. If I can give one example, in York for the inquiry into the Coppergate centre, we felt that the

quality of architecture being proposed for a new shopping centre simply was not sufficient for a world-class historic city and we said so. On that occasion, we were in tune with a number of local amenity societies and protestors about the scheme which was actually promoted and backed by the local authority itself; but there have been other occasions when actually we have been in tune with the advice of the local planners and the local planning committee and therefore in contradistinction to an amenity society. So we try to say what we have to say because that is how we think we can be useful to the planning authority.

**Q216 Chris Mole:** One of the grumbles we have heard is that people feel that some of the designs are being heavily shaped by informal advice at the pre-planning stage and that is not published at all, despite its potentially strong influence on the local authority. What do you feel you can say about those concerns?

**Mr Finch:** Well let me give an anonymous example. A client and an architect come to CABE with a very bad scheme, pre-planning. We have a confidential meeting and we tell them in no uncertain terms, we write to them, that this scheme is very bad in our view for a variety of reasons. Now that does not mean necessarily that it is so bad that it is not going to get planning permission. In our view the more significant the proposal, the better the quality should be, especially tall buildings. If our pre-planning discussions and observations are made public, I believe they will simply come to a halt and it is not our intention to rub somebody’s nose in the fact that they have changed their design substantially as a result of our observations. It is three cheers as far as we are concerned, and we have no intention of humiliating people by saying that the scheme was rubbish before we saw it and now it is wonderful. This would be an appalling way to behave.

**Q217 Mr Cummings:** The AHL inquiry, and its subsequent report last June have sought to resolve problems of conflicts of interests. It suggested, and I quote “It is essential that CABE is able to demonstrate publicly the openness and integrity of the design review process”. How could we tell that CABE has really changed its spots?

**Mr Simmons:** May I just comment first of all on whether or not there were conflicts of interests? What the AHL audit did not say is that there had been conflicts of interests in CABE. It said there was the potential for the perception of conflicts of interests because of the way that the board of CABE was made up. The board of CABE is of course selected by the Department for Culture, Media and Sport and not by CABE itself. The audit also said that, at the time when CABE was established, this is paragraph 14.4 of the audit, there was a strong feeling that its commissioner should include a number of experts active within areas of CABE core activities and then went on to talk about the fact that that did create for us the potential for perceptions of conflicts of interests.

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**Q218 Mr Cummings:** Are you saying that CAGE has not changed?

**Mr Simmons:** No, I am sorry, I am being long winded perhaps. What I am getting on to saying is that no wrong doing was identified in CAGE.

**Q219 Mr Cummings:** I did not suggest there was. What I said was "... to resolve problems of conflict of interests".

**Mr Simmons:** It was the use of the term "changed our spots". It suggested that there was something wrong with our spots in the first place perhaps.

**Q220 Mr Cummings:** I was not suggesting that, the AHL inquiry was.

**Mr Simmons:** The AHL inquiry said that our commissioners are educated and trained to understand the seven principles of public life and that we had taken reasonable steps to ensure it is operating in accordance with those principles. That is paragraph 8.3 of the report. If you are asking whether we have responded to the recommendations in the report, then the answer is yes, we are responding to all those recommendations that apply to us. Some of them of course will apply to the Department for Culture, Media and Sport rather than us. We think they will improve our standards. I certainly believe, having come in as accounting officer, that the commissioners have behaved in a way which I would expect for example of local authority members, who are also bound by similar rules to CAGE. Their interests have been declared, interests continue to be declared and people do not take part in design review activities, for example, or enabling, if they have declared an interest in the scheme. The alternative, which I think was suggested by one of the witnesses last time, that we should not have people active in the industry, because of the potential for perceptions of conflict of interests, seems to me to be one which would actually weaken our ability to influence schemes.

**Q221 Mr Cummings:** A question to Mr Finch. I believe you said in response to the AHL report that CAGE just needed fine tuning. The AHL report made 28 recommendations; some were indeed more far reaching than the others. Do you now accept that perhaps a greater overhaul of the procedures is required to restore public confidence in CAGE?

**Mr Finch:** I think several of the 28 recommendations, some for the Department for Culture, but most of them for us, were already in place or on their way before the AHL audit and a number of specific ones have already been addressed. I give one example. Up until this year we had always recruited members of the design review panel on recommendations and knowledge that there were people who knew their stuff and were articulate and were likely to be able to be fair in their judgments. We have accepted that actually perhaps that was not perceived as being as open as it should be and we now advertise and we had 100 applicants for the few positions which were available this year and we have appointed a very satisfactory group. We will continue to do all those smallish

recommendations; I would not describe them as major but in aggregate there are a lot of them and we are working our way through them and we do not have problem about that.

**Q222 Mr Cummings:** How far are you away from working on updating your guidance note on managing future conflicts of interests, as suggested in the AHL report?

**Mr Finch:** I think that is done actually. I think it was in process before the audit concluded, but it is a more substantial document than it was at the start of our life.

**Q223 Andrew Bennett:** We are running out of time. I have ministers to come next and we have a time slot for them, so can I just press you on one or two final issues. It is all right people putting down their interests in a register that they have got at the moment, but how do you deal with the issue of future interests?

**Mr Finch:** Since one does not know what the future interest might be, it is not an easy task. One has to approach that by having very clear-cut principles of recording an interest, not when it becomes an interest but at the time when you could reasonably think that there might be the potential. If I can give an example, I think the advice is, for instance supposing a commissioner were invited to take on some sort of advisory role with a government department or perhaps a commercial organisation or a significant statutory body, when they were thinking about taking that up, and the rules of engagement are very clear now, they would have to go to talk to our chief executive who can then make an assessment of whether, if they did take it up, that might lead to an increase in possible perceptions of conflict and if that were the case, whether that was significant enough to advise them, either not to do it, or, if they do it, they will have to cease to be a commissioner.

**Q224 Andrew Bennett:** Basically, the development world is a very small world, is it not?

**Mr Finch:** No, I do not think it is a small world.

**Q225 Andrew Bennett:** As far as CAGE is concerned, out of 16 commissioners, eight of them are actually connected to Stanhope for instance. It does become very small, does it not?

**Mr Finch:** I do not think it is a small world. If you ask them to write down every other organisation that they were connected to in the development world, you would have a list as long as your arm. Stanhope have been one of the most active developers and property managers for 25 years in a world financial centre. Because we tend to have good people on CAGE, I should be very disappointed if they had not been working for Stanhope; they will also have worked for a whole other series of developers, hopefully at the top end of the design patronage range. The other point about Stanhope is that they made their reputation, which is way Sir Stuart Lipton was invited to become our chairman,

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precisely because of their reputation and their track record as promoting and encouraging good architecture and design.

**Mr Simmons:** To give you an idea of how seriously the commissioners take this, one of the commissioners on that list that you mentioned declared that he had supplied two drawings to Stanhope which they then used in a brochure. That was his only connection with the company but he still declared it. I think that gives you some idea of just how seriously they are taking this issue.

**Q226 Andrew Bennett:** What about the education trust that you set up? I think that makes two education trusts in an area where we are short of skills. Is it logical to have two trusts?

**Mr Simmons:** Sorry, the other one being?

**Q227 Andrew Bennett:** The one that was set up by the Royal Fine Arts Commission.

**Mr Simmons:** The main public role of the RFAC education trust is to organise the Building of the Year awards which are presented by Lord St John at the Savoy each spring. We have specifically set up our foundation to be a highly active and we have partly done that in response to the JACBE

recommendations; I cannot remember what the acronym stands for. It is an encouragement to take a broad-brush approach to the education of young people across the built environment, including heritage. We are talking to other bodies at the moment about having one organisation which can deal with that highly important area of education.

**Q228 Andrew Bennett:** And lastly, returning to housing issues, if you are looking for good design for housing development, does Poundbury come into that category?

**Mr Simmons:** We have included Poundbury in the Housing Order I mentioned as an example of a scheme where they have managed traffic extremely well and also a scheme where they have used local materials extremely well. Coming back to the point we were making earlier on about what makes a bland and boring housing estate, it is one which does not actually take account of local materials. So we certainly picked up those two issues. Views vary about Poundbury, but we have learned some good things from it.

**Andrew Bennett:** On that note, may I thank you very much for your evidence. Can we have the next set of witnesses please?

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The Chairman took the Chair

*Witnesses:* **Lord McIntosh of Haringey**, a Member of the House of Lords, Parliamentary Under-Secretary (Media and Heritage), Department for Culture, Media and Sport (DCMS), **Keith Hill**, a Member of the House, Minister of State (Housing and Planning), and **Mr Alastair Donald**, Urban Affairs Policy Adviser, Policy Directorate, Office of the Deputy Prime Minister (ODPM), examined.

**Q229 Chairman:** Welcome to the two ministers. For the sake of our records would you like to introduce yourselves?

**Lord McIntosh of Haringey:** Andrew McIntosh, Minister for Media and Heritage in the Department for Culture, Media and Sport.

**Keith Hill:** Keith Hill, Minister for Housing and Planning and Alastair Donald, who is a policy adviser in the urban policy directorate of the ODPM.

**Q230 Chairman:** My apologies for being late for the first session due to a few problems on the M1, for which neither minister is responsible, I am pleased to say. Do you have anything to say by way of introduction, or do you want to go straight into questions?

**Lord McIntosh of Haringey:** Straight to questions as far as I am concerned.

**Q231 Christine Russell:** CABE's reputation as an independent effective detached body has taken a bit of a battering in the last 12 months. How do you think it can restore its reputation?

**Lord McIntosh of Haringey:** I think it has restored its reputation. I think that there was a battering in the press, certainly it was essential, when criticisms were being made about procedures in CABE, that they should be dealt with independently and publicly. We

did both of those things. We appointed an independent body of forensic auditors, independent of us and independent of CABE, to report on the claims that had been made about perceptions of conflict of interests. We published their report, we acted on their report. We have, I believe, a CABE which is unscathed as a result of this and we have a very distinguished new chairman starting work tomorrow.

**Q232 Christine Russell:** Do you have any real tangible evidence from local authorities, conservation groups, amenity societies, the media, the public at large that the credibility of CABE has been restored?

**Lord McIntosh of Haringey:** There are two kinds of evidence. First of all, I read the written evidence to your Committee and the written evidence from a significant number of local authorities has been favourable. Secondly, CABE itself has a rolling programme of research into the views of CABE by those who are affected by it. The approval ratings of CABE have remained very high<sup>1</sup>.

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<sup>1</sup> CABE carries out two biennial surveys in alternating years; a detailed stakeholder survey (first was in 2003) one year, and a more general national opinion poll survey the next. So although CABE does carry out a survey every year, it is not the same survey every year.

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**Q233 Mr Cummings:** Evidence presented to this Committee indicates CAGE as being a secretive, unaccountable body with its advice carrying considerable weight with local authorities. If this is the case, is it not time that CAGE opened up its proceedings to public scrutiny?

**Lord McIntosh of Haringey:** I think there is a conflict in what is being said to you, if I may say so. I think it would not have the kind of influence it is said to have, I believe rightly, if it were a secretive body. On the other hand, let me give my own recent example, which is that I went to a design review session last week and the proposals in front of that design review session were confidential. They were at a pre-planning stage and they could not have been released. My view at that time was that in the cases which come before the design review committee which are not confidential, those meetings ought to be in public and there is no conceivable reason why they should not be. I was enormously impressed by the way the design review queried a whole range of different factors, because a lot of people were standing around there. You do not sit down in the design review. I thought to myself, that if this were held in, for example, a small auditorium like the Royal Institution or in an anatomy lab in a university, that would be rather a good thing. A lot of students of architecture and planning and people in local government would want to come, would like to come and would benefit from the frank exchanges of views between developers and architects and the members of the review committee. In that sense, there is room for greater transparency, but I do not accept that that means that the existing procedures are secretive.

**Q234 Mr Cummings:** So will you be moving in that direction?

**Lord McIntosh of Haringey:** It is what I would recommend to CAGE to do.

**Q235 Mr Cummings:** If CAGE refused to do it?

**Lord McIntosh of Haringey:** No, I have not suggested it to them.

**Q236 Mr Cummings:** No; I said "if they refused to do it".

**Lord McIntosh of Haringey:** Let us not go further than we can walk.

**Q237 Mr Cummings:** When do you intend to write to CAGE about that?

**Lord McIntosh of Haringey:** I have not thought about it yet, but I will do.

**Q238 Mr Cummings:** So you have not thought about it.

**Lord McIntosh of Haringey:** I have formed a view which I am sharing openly with the Committee. Why not?

**Q239 Mr Cummings:** Do you believe that CAGE should listen to the views of local interests before taking a view on a particular scheme.

**Lord McIntosh of Haringey:** I believe that they should, and I believe that they do.

**Q240 Mr Cummings:** Would you encourage them to do so?

**Lord McIntosh of Haringey:** I do not think I need to because, as I have said, I do not think I need to any more because I think they do.

**Q241 Mr Cummings:** How do they do this? Are there any agreed procedures?

**Lord McIntosh of Haringey:** I believe that they encourage the local people to write in; I believe that a lot of representations are made to CAGE by local organisations and as far as I know, the situation is entirely satisfactory.

**Q242 Chairman:** Would it be of some concern to you to learn that some local groups do not quite feel that and feel that somehow they are not in the loop when it comes to advice from CAGE and that some of that advice is given behind the scenes and they never really find out what it amounts to.

**Lord McIntosh of Haringey:** Well, that may happen in some cases. If so, it is a pity, because, except in the case that I was referring to last week, which was certainly in commercial confidence and was brought in confidence, I think it is desirable that they should be as transparent as they possibly can.

**Keith Hill:** Although it is worth pointing out of course, that once an application is formally submitted then the views of CAGE are published and can become a material consideration.

**Q243 Mr Cummings:** In an interview last week, CAGE's incoming chairman said he is quite happy with the way CAGE's design review system works and does not propose to change it. In the light of much of our evidence, which highlights the lack of transparency and suspicions about potential conflicts of interests, do you share his confidence?

**Lord McIntosh of Haringey:** I am sure that John Sorrell, when he comes to work with CAGE, will examine and learn a lot more about the design review process. I am sure that he will, as I have, observe the process in action. I imagine that he will be as impressed with the quality of the design review process as I have been. As to what views he might form about the way in which it should be conducted, that is a matter for him, which he will no doubt discuss with his fellow commissioners.

**Q244 Chris Mole:** As ODPM is CAGE's major funder, yet it is accountable to DCMS, so you write to cheques and the noble Lord calls the tune, is it not an odd situation?

**Keith Hill:** I think you slightly understate the contribution in funding terms made by DCMS. ODPM funds at a rate of about £2 for every £1: DCMS contributes and of course there are other government departments who also make contributions, though not on the scale of either of these departments. We are entirely content with

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the arrangement. DCMS are the sponsor and they are accountable to Parliament and public accountability seems to me entirely fair.

**Q245 Chris Mole:** So how do you co-ordinate your input into policy setting and supervising CABE?

**Keith Hill:** There is a lot of practical joint working. Obviously as ministers, we operate in our day-to-day contacts primarily through officials; both DCMS officials and ODPM officials work perfectly happy together. This seems to me really to be a very good example of what we are all constantly exhorted to achieve, which is joined-up government and it does seem to me that DCMS and ODPM fulfil complementary roles. DCMS has its focus on architecture and on young people and on improving public spaces, they are focused on culture. Our culture, our emphasis is obviously on the broader aspects of regeneration and housing development.

**Q246 Chris Mole:** Are you not worried that there can be some potential conflicts of issue there. How do you ensure concerted coherent management when perhaps your interest in regeneration may clash with some of the conservation perspectives of DCMS?

**Keith Hill:** In practice it does not pose itself very frequently as an issue. My Rt Hon and noble Friend has referred to the statistics on satisfaction with the work of CABE: 87% of local authorities expressed themselves satisfied with CABE's work. It is interesting that on the basis of analysis over the past three years, 83% of schemes have been modified in the light of CABE's input, which suggests a degree of satisfaction. Only about six of the projects looked at by CABE each year seem to provoke a degree of contention, which is a very low proportion of the work that CABE does. So in practice we do not find that these issues of conflict or contention arise very much.

**Lord McIntosh of Haringey:** I think it is worth putting on the record that we do consult ODPM on all appointments to the commission and we would not go ahead if there were disagreements; we would act accordingly if there were disagreements. Not that there have been disagreements, so the question has not arisen.

**Q247 Sir Paul Beresford:** I think you would possibly agree that this is an area which is fairly subjective. Would you suspect that the success that CABE has had is because it is very much easier to take a plan through a committee of a planning authority, from the point of view of the developer as well as the planning committee, if it has a stamp on it that says "CABE was here" so to speak?

**Keith Hill:** There is absolutely no doubt that in its period of activity CABE has acquired a very high reputation and my experience is that local authorities are keen to get the CABE imprimatur as well. I was very interested when last Thursday I visited, in a rather hectic day, Chester in the company of my honourable Friend the Member for Chester. I then went on to Liverpool and ended up

in Sheffield. In Chester, where I saw some very attractive new development and regeneration work, I asked whether they had consulted CABE. The answer was yes. In Liverpool, where I was shown the models for the extremely ambitious Paradise Street development, again I asked the question, and yes, CABE looked at the matter there. I saw what I can only describe as a breathtaking development in the centre of Sheffield and again it emerged that CABE had been involved. I think local authorities go to CABE because they cherish its advice and it adds confidence.

**Q248 Sir Paul Beresford:** I am sure these were magnificent developments, but they could have been magnificent developments on paper before CABE came along. I do not know and I suspect you do not either. Would you not agree that one of the difficulties CABE has is that their position is such that local authorities and developers tend to use them just to make it easier to get through their planning?

**Keith Hill:** Equally I have no evidence to suggest that. What I do know, however, is that CABE each year looks at some 500 projects of significance and, as I said earlier, 83% of those projects are modified in some fashion as a result of the input of CABE. So it does seem to me that CABE is having a material influence on the projects, presumably for the good.

**Q249 Sir Paul Beresford:** That could equally support my position as well.

**Keith Hill:** It seems to me that if you are asking whether it is easier to take something through the planning process if it has been improved, then I think the answer is probably yes and I think that is probably right as well.

**Sir Paul Beresford:** That is not what I was saying.

**Q250 Christine Russell:** Can I assure my friend across the table that the input of CABE on the particular design which the minister saw last week did improve it considerably. The question I should like to ask is that I believe last year you generously disbursed about £50 million to local planning authorities for improving the planning system. Do you actually know what they spent that money on and was any of that money spent by any of the local authorities on actually improving the standard of in-house planning designers or was it all spent on processing planning applications perhaps more rapidly?

**Keith Hill:** I think you are referring to planning delivery grant.

**Q251 Christine Russell:** Yes.

**Keith Hill:** In the current spending review period this is running at £350 million and I rather suspect, without having the figures immediately to hand, that it was considerably more than £50 million which was disbursed in that year. You ask me if we know whether it goes into—

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**Q252 Christine Russell:** I think the £50 million was referred to in your report as being spent on employing more planning officers. So really the question is what those additional planning officers were doing. Were they simply employed in order to process the applications more quickly or were perhaps some of them employed in order to improve the in-house design skills of the department?

**Keith Hill:** Since we know from surveys that some 46% of the 98% of planning delivery grant which is ploughed back into the local planning system went on staffing purposes, then £50 million probably does sound right. As to whether it went into architects or urban design consultants, I have to say that I do not know the answer to that. What we do know is that about 15% of authorities only have that kind of expertise at their disposal, which is very low, which is too low, but I think probably reflects the very scarce resources that local authorities have had for their planning departments historically and also, I suspect, the relative scarcity of that kind of expertise. I say absolutely clearly that we would like to see that figure boosted. However, we are very encouraged by the fact that now some 43% of local authorities have local design champions. These are, generally speaking, elected members of course, but that represents a doubling over a period of two years. It indicates, like the fact that about two thirds of authorities are now running local design award schemes, that is also a doubling in a two-year period, that local authorities are taking these issues of design very seriously indeed.

**Q253 Christine Russell:** But during the 1980s and 1990s so many local authorities actually got rid of their architects' departments, they were privatised or transferred or whatever. Some local authorities now argue that the resources that ODPM put into CABE should in fact be given to them to re-employ architects and designers. How do you answer that—not criticism—comment that the money would be better spent by local authorities, rather than by CABE?

**Keith Hill:** I think we ought to have some notion of scale on this. As you know, currently ODPM invest something like £8 million into CABE; £6 million for core funding, about £2 million actually specifically to improve skills in exactly the areas that we are talking about. Although these are significant sums, even against the sums of investment available through planning delivery grant that I mentioned earlier, they are not vast. I think actually I would certainly want to defend the investment which goes through CABE which serves broader purposes, but actually certainly serves both to enhance skills and also raise the profile of design at the local level.

**Q254 Christine Russell:** May I move on to ask you about the old versus the new. Several amenity societies and conservation groups have given us evidence saying that CABE is only interested in new buildings and icon new buildings at that. How do you answer that criticism?

**Lord McIntosh of Haringey:** I think that CABE and English Heritage are complementary in this. I was listening from the back to the evidence from Richard Simmons and Paul Finch and I agree with all of what they said. I think that it is important to have heritage champions making their views known to government, both central government and local government, and encouraging the preservation of our heritage and its continuing use. That is what English Heritage does. I think it is also important that you have a champion, which is CABE, which is responsible for trying to improve the design of new buildings and also for recommending to government and to the public the preservation of new architecture which has already been constructed, let us say over the past 30 years. That sometimes means that when the issue of the listing or possibly even the demolition of a relatively new building comes along English Heritage and CABE both express views to government. They may not be the same but they are coming at it from a different point of view and why not? I really do not see any conflict there.

**Q255 Christine Russell:** There may not be any conflict but surely often there can be a lot of expense if one of them is saying to developers or to local authorities that the answer is demolition and new build and the other one is saying, no, the answer is re-use, refurbishment.

**Lord McIntosh of Haringey:** That is a much rarer occasion. What much more often happens, and this seems to be entirely proper and not in the least extravagant, is that you have a listed building which it is proposed to replace with a new building. English Heritage has the responsibility for recommending to the Secretary of State whether a building should be listed and therefore whether it should be preserved or subject to listed building consent. The Secretary of State has to respond to that only in terms of the quality of the existing building. That way the heritage is preserved without being muddied by the quality of the proposed redevelopment, otherwise all heritage could be a risk. CABE on the other hand, and I have seen this happen in individual applications, says that a new building is a good new building or is not a good new building and they do not have regard to the quality of the building it replaces. Both of those points of view need to be put.

**Q256 Christine Russell:** But it is not a good advert for joined-up government when two arm's-length bodies are both appearing at a public inquiry for instance into a planning application on different sides of the fence.

**Lord McIntosh of Haringey:** I do not see why not; they are judging different things. It seems to me that the heritage's interest, the interest of the historic environment, would be weakened if there were not a body dedicated to putting forward the best case for that and it seems to me that the quality of new design would be weakened if there were not a body dedicated to putting that forward. Both of them are proper considerations and it is up to the people

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concerned, the local planning authority, local people, everybody else, to make a judgment in the light of those views. They are both legitimate views.

**Q257 Andrew Bennett:** In your tour of northern England was it just accident that you did not call in to Denton? I raise the point because CABA does not seem to have reached Denton. We have just had a new Morrison's, which is hardly an advert for modern architecture and Crown Point North. They both provide very attractive jobs. Are you happy that CABA is really getting to the parts of Britain that it needs to reach?

**Keith Hill:** Actually, if I might say so Mr Bennett, your constituency experience is a little unusual by comparison with most of your colleagues sitting around this table. In our careful research for this particular session, we did look to see whether CABA had been present in the constituencies represented. It certainly has been present in mine, because you will know that two years ago it designated Streatham High Road the worst high street in the country. But that is another story.

**Q258 Andrew Bennett:** If you could come up with some good news, I would be pleased, but it does not look as though you are going to get any good news.

**Keith Hill:** Let me just say remember that the onus is on the local authorities to come to CABA.

**Q259 Andrew Bennett:** No, no; the onus should be on CABA to get to those parts of the country where good design does not seem to be dominating their thinking.

**Keith Hill:** Well I think it should work both ways.

**Q260 Andrew Bennett:** May I turn to Lord McIntosh and this question about the audit that you referred to at the beginning? Do you think that process was handled well? It took six months before you decided there was a problem, it then took six months to carry out the audit and it has taken you a long time now to find a replacement chairman, has it not? Is this speedy government?

**Lord McIntosh of Haringey:** We had complaints. Representations were made to us in the first quarter of this year. We set up an audit which reported, whose report we published in June<sup>2</sup>.

**Q261 Andrew Bennett:** No, I think it goes back to May 2003 when CABA itself raised issues with you. It has taken a long time.

**Lord McIntosh of Haringey:** I was responsible for appointing AHL as the external audit on the complaints that I received and I received these representations in the first quarter of this year; I shall not be precise about the dates. The appointment of AHL was virtually immediate, certainly within weeks rather than months, and their report was published in June of this year. The chairman resigned in July of this year and the advertisement for the new chairman went out in August and the appointment has been made and the new chairman

joins us in December. All of these things are too slow. You would not wish to have a period of six months without a chairman, although we have had, as you have heard, a very effective acting chairman in Paul Finch. If there are complaints about our procedures, I do not think I accept that they were slow and I certainly do not accept that we did not do the right thing. I did not think you said so.

**Q262 Andrew Bennett:** On this question of conflict of interests, is it not bound to occur with the development community being pretty small and overlapping commercial interests?

**Lord McIntosh of Haringey:** The phrase that the auditors used was "perception of conflicts of interest". If there had been any evidence of wrongdoing, then of course it would not have gone to independent auditors, it would have gone to the police, but there were no allegations of wrongdoing. Perceptions of conflicts of interest, yes, are difficult, but I think Paul Finch was right in saying to you, or it may have been Richard Simmons, that if you try to have commission and design review committee members who had no commercial or financial interest in any of the proposals coming before them, you would have a very weak body of people.

**Q263 Andrew Bennett:** Do you think you have the balance right?

**Lord McIntosh of Haringey:** We have virtually completed the implementation of all of AHL's recommendations. The only one which is outstanding that is down to DCMS is the recommendation about reviewing the balance of the Board and we shall implement this as new commissioners are appointed. I think that we have acted impeccably, if I may say so, in acting on those recommendations and CABA has as well<sup>3</sup>.

**Q264 Andrew Bennett:** So you think eight CABA commissioners connected to Stanhope is a reasonable number.

**Lord McIntosh of Haringey:** The degree of connection with Stanhope varies very greatly indeed. If there had been any doubt about any of the individuals who had been named as being connected with Stanhope, then AHL would have said so to us, but they did not say so.

**Q265 Chairman:** To continue this issue of conflict of interests, obviously the whole of the audit arrangements stemmed from concerns over this but ultimately the transparency of the whole issue depends on commissioners registering their interests.

**Lord McIntosh of Haringey:** That is right.

**Q266 Chairman:** And also highlighting them when a particular scheme is discussed so that they are not party to those discussions.

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<sup>2</sup> The first complaint was received at the end of January 2004, the second at the beginning of March 2004.

<sup>3</sup> The only outstanding recommendation from the AHL report for DCMS is the one that "DCMS should review the balance of the Commissioners active in the industry and those from an independent but relevant background" (para 17.5).

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*Lord McIntosh of Haringey:* That is right.

**Q267 Chairman:** Can we all be confident that happens? There was some suggestion that the problems which led to the audit were because individuals were not necessarily doing that.

*Lord McIntosh of Haringey:* I take the view that you can have, if you do not have it already, a statement of the recommendations made by AHL and the way in which they have been implemented. The most important thing is not only that commissioners and design review committee members should declare their interests at the outset, but that they should continue to declare their interest as they change and specifically they should declare their interests about any particular issue which might be coming before CABE and should not take any part in that. Those provisions are certainly in place and all of these actions have been taken in accordance with Cabinet Office guidelines.

**Q268 Chairman:** Do the commissioners at any point have to confirm that they accept and understand the Nolan principles? Is there any training for them in this? What happens if they fail to register or to announce an interest and take part in work in which they should not be involved? Would they have to resign immediately?

*Lord McIntosh of Haringey:* The answer to your first question is yes, we have ensured that they understand the Nolan principles.

**Q269 Chairman:** Do they have to sign something?

*Lord McIntosh of Haringey:* Yes. The answer to your second question is that we have a training programme which will take place in the first quarter of next year. I do not know that I can give the answer to your third question. If there were any suggestion that any commissioner or design review committee member had not declared a relevant interest, then of course action would be taken. No such indication has been made.

**Q270 Chris Mole:** The government is moving on apace in the growth and other areas with its sustainable communities agenda; that is a lot of housing. How can we ensure that design quality is not sacrificed in this process in the interests of delivering new homes?

*Keith Hill:* That is, as they say, a very good question. We begin by a restatement of the government's very clear commitment to the highest quality of design in the housing growth agenda. It is a matter of constant exhortation by government ministers. You will be familiar with the Deputy Prime Minister's enthusiasm for what he describes as the "wow factor" in new buildings. More than that, we do constantly, through guidance, indeed through legislation, because of course you will be familiar with the fact that the new Planning and Compulsory Purchase Act 2004 contains a clause for design statements, emphasising the importance that we give to design. As I go around the country speaking to planners, I emphasise to them that it is within their power to reject applications on the grounds of

inadequate design and in the last 12 months, for example, ministers have called in planning applications on the grounds of design on five occasions. In a sense ministers are themselves demonstrating the importance in practice which they attach to this matter. Beyond that there is the issue of investment in local planning and the additional funding which is going in via planning delivery grant, which is designed to enhance standards. CABE itself, of course, does tremendous work in terms of training in design skills; something of the order of 4,000 days of training for professionals, decision makers and lay persons, the majority focussed on local authorities. At a whole variety of levels we are conveying the message of the critical importance of design.

**Q271 Chris Mole:** The Committee is aware that one of the department's concerns in trying to meet the volumes of new housing is about the skills shortages in construction. You have been encouraging modern methods of construction in order to address some of these issues and to improve quality, but CABE have not been too complimentary about the design quality of resulting schemes which have followed this approach. Has this caused you to think twice about encouraging modern methods of construction?

*Keith Hill:* No, it has not. We see enormous benefits in terms of costs, in terms of efficiency and speed of delivery, in terms of health and safety in the work place; in terms also of quality through modern methods of construction. I do recognise the issue you refer to and which you tell me CABE has raised. The important thing to bear in mind is that the great majority of the costs of a building lie actually in the structure of the building behind the fabric of the building, behind the externalities of the building. We are very enthusiastic to ensure that those who are involved in off-site manufacture themselves recognise the opportunities in terms of materials, in terms of design, to produce something which is of high quality. I know it can be done because in one of my relatively rare foreign ventures in September of this year I went to Germany to see some practical examples of modern methods of construction. The Germans are very good at this. I saw exactly what a huge variety is available in terms of design through methods of off-site manufacture. It can be done, but we are very keen to ensure that it is done. Mass production does not necessarily mean monolithic design.

**Q272 Chris Mole:** Far be it for us to justify our foreign ventures as well, but we too saw some good examples of MMC in Singapore.

*Keith Hill:* May I say that as soon as I began going down that particular path I knew that I was into sensitive terrain and I want to assure you that there was absolutely no direct implication in my observations.

**Q273 Chris Mole:** "You set 'em up; I'll knock 'em in." CABE was touching on some of the concerns which have been expressed to us about design

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quality in PFI. Putting a PFI bid together is a long and complex procedure and a lot of people who do it feel that it is very difficult. Do you think there is enough opportunity on top of all that to encourage them to put good design quality through the Office of Government Commerce into PFI projects?

**Keith Hill:** Again I recognise the issue and in my own journeys in England the problem has been represented to me from time to time. Let me say that work with the Office of Government Commerce shows that all procurement routes can produce well-designed outputs, if done well. In other words, it is not the method, it is the way you apply it.

**Lord McIntosh of Haringey:** And of course the fact that under PFI those who are responsible for construction have to be responsible for maintenance in the following years ought—and I am not saying it always does—to encourage them to have a design which is sustainable; that is one of the criteria for good design.

**Q274 Chairman:** Could you think of any examples of good design for PFI schemes which you might point to?

**Keith Hill:** May I write to the Committee?

**Chairman:** On that point I thank both ministers very much for their attendance.

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### Memorandum by Sasha Karakusevic, Torbay Hospital (CAB 35)

#### IMPACT OF CABE ON THE REDEVELOPMENT OF TORBAY HOSPITAL

1. South Devon Healthcare NHS Trust put forward a Strategic Outline Case (SOC) for redevelopment of Torbay and Newton Abbot hospitals that was accepted by the Department of Health (DoH) in February 2001. The objective of the SOC was to enable the development of new clinical services and improved accommodation to meet the needs of the local community.

2. Torbay hospital has occupied its present site since 1928. A “new” hospital was added in 1968 and since then there has been a steady stream of new building and renovation. Although individual elements of the hospital work well, together the site has become complex and is confusing for patients and visitors. It is also increasingly difficult to maintain. The SOC contained proposals for a mixture of new build and further renovation with a view of extending the life of the core elements of the hospital.

3. Newton Abbot hospital is based on an old workhouse situated on a steep slope close to the town centre. The buildings are no longer fit for purpose. A decision was therefore made to look for a new site for the hospital and the SOC was based on this.

4. Although the project will result in new buildings it was conceived as an organisational change project. As such the buildings are an extremely powerful catalyst for service improvement. However, it is equally important that the new buildings are well designed and function well.

5. Having visited a number of hospitals both in the UK and abroad I became aware of the importance of good design and was keen to promote this aspect of the project. This interest was shared by the Trust Chairman and Chief Executive and other key opinion formers within the Trust.

6. Shortly after completion of the SOC the Trust joined the Future Hospital Network (FHN), which is a group of hospitals involved in major service redesign and is hosted by the NHS Confederation. Through this link the Trust became aware of a joint project between NHS Estates and CABE to provide enabling support for five projects. We applied and were selected to be involved.

7. CABE has provided access to two enablers to support the development of the project. The initial support helped the Project Team to consider the strategic positioning of the business case. The second phase of enabling supported the development of the Development Control Plan for the hospital.

8. As the project has developed to Outline Business Case stage the scope has changed. As a result of work within the project and the support offered by CABE a more ambitious project has emerged. This will provide a new hospital in Newton Abbot and a substantially new hospital in Torbay.

#### COMMENTARY

9. Within the hospital we have a very clear vision of what the hospital of the future needs to be and how it should work. Working with CABE we have developed a much better understanding of how the hospital will fit within the local environment and how to maximise the positive benefits of the new build whilst minimising the negative impact on our immediate neighbours.

10. CABE’s input has certainly improved the Trust’s understanding of its role as a client. This preparation is highly likely to lead to an improved result.

Anticipated benefits include:

- the need for less revision to the building once operational;
- long-term sustainability of the site;

- improved working environment for staff and patients leading to an improved quality of care; and
- better fit with the local community leading to a better quality environment.

11. In addition to these issues the fact that the Trust is working with CABE provides assurance to stakeholders that design issues are being taken seriously and this has increased confidence and bidder interest in the project.

12. I am confident on the basis of my experience that the enabling programme does achieve its objective of substantially improving the projects it works with.

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### **Memorandum by Rory Coonan Hon FRIBA, independent design adviser (CAB 36)**

#### **1. SUMMARY**

1.1 CABE's success in the past five years does not provide any guarantee that it will succeed in future. As the pace of public investment quickens, and the number of projects multiplies, CABE may struggle to meet its remit if it does not acquire by statute new reserve powers of "discovery" and "delay".

1.2 CABE's "front-end" project advisory services conflict with the disinterested role that the body should play in the assessment of designs. These services, including advice on the appointment of architects, should cease.

1.3 CABE's virtual monopoly of design advice to government departments, public bodies, agencies and local authorities, is unhealthy. A genuine "market" in independent, expert advice would flourish if the body ceased its "front end" services (1.2 above). The benefit of this would be seen in a greater variety of designs submitted for assessment. There would be more choice of styles and in design approaches. It would help dispel the notion that a Modernist design "house style" prevails among the sensibilities of CABE's advisers.

1.4 With greater clarity about its role, and armed with new powers (1.1 above) to command and concentrate the attention of project leaders, it will be better placed to assert the disinterested authority of its commissioners and staff.

1.5 The establishment by CABE of an educational charity linked to the body, deserves closer scrutiny, since its status (non-departmental public bodies accountable to ministers do not ordinarily create and run charities) is odd. If this work is important, why is it not part of CABE's core activities? Why has a separate charity been created, and under whose control is it? How, if at all, does it use public money?

#### **2. INTRODUCTION**

2.1 I am Rory Coonan, and I am an independent design adviser. I was the first Head of Architecture at the Arts Council of Great Britain (1983–95). I was educated at Oxford University and the Royal College of Art. At the Arts Council I drafted the National Lottery design quality guidelines. These were issued with directions under Section 26 of the National Lottery etc Act. They have affected £7 billion of capital investment. For the Secretary of State for national heritage I wrote a report (at her invitation) on the establishment of a National Centre for Architecture. In 1994–97 I devised NESTA, the National Endowment for Science, Technology and the Arts. I am a senior assessor for architectural competitions run by the Royal Institute of British Architects (RIBA). This body awarded me an Honorary Fellowship in 2002. I am not an architect.

2.2 I have advised on the design of myriad public projects, including the South Bank Centre, the Royal Palaces Agency (Tower of London), the Home Office, the Meteorological Office, the Science Museum, the Lord Chancellor's department court service, the Millennium Commission, Westminster City Council (the £60 million Thames footbridges), Sunderland Borough Council, English Partnerships (the government's regeneration agency), the New Deal for Communities programme, and many others. Typically, my role is to establish the framework in which design quality can flourish. This includes advising on the appointment of architects by competition and ensuring that "lay" project managers understand the benefits of good design.

#### **3. THE ROLE OF CABE**

3.1 The government's 1997 post-election White Paper proposing the creation of CABE included the suggestion that the Arts Council's remit in architecture should be included in the remit for the new body. The Arts Council declined this suggestion. As a result, CABE was created with a distinct "public sector" emphasis on the pragmatic and practical processes by which good design might come about, rather than with a mission to emphasise the ineluctable, aesthetic virtues of memorable architecture. It could of course have done both but in the light of the government's substantial capital investment programme, it was seen as urgent that CABE should prevent disaster as much as it should encourage success. This was a wise approach in the circumstances.

3.2 However, the pace of public investment has quickened. Happily, more schools, hospitals, prisons are being designed and built than ever before. CABE's initial success, as a new body without reputation, was founded largely upon the personality and influence of its first chairman but this cannot remain the basis for success in future. With more and more projects to consider, and more in the pipe-line, I submit that CABE needs to do fewer things, better. For those things that it does, it needs statutory powers in reserve, since past success is no guarantee of success in future.

3.3 The most important function of CABE is one that at first sight draws comparison with the Royal Fine Art Commission (RFAC), the body it replaced. This is the function of "design review" or commentary on the merits of design schemes as they develop. However, while the approach of the RFAC was very much *de haut en bas* (people were "summoned" to appear before it), and while that body had no regional presence in England, CABE's approach has been to comment at an earlier stage of design development. They have also begun to offer advice from a regional perspective. This is all to the good.

3.4 At the same time, a significant apparatus of "front-end" project advice has been created by CABE. I submit that this apparatus, dependent upon panels of paid advisers, complicates, compromises and probably condemns the good work that CABE could and should do in respect of its "design review" function. This is because CABE both advises on and participates in the "front end" selection of architects and subsequently comments upon the merits of their designs. I submit it cannot do both because in so doing, it loses any claim it may have to be disinterested. Project "sponsors", or the "clients" for buildings, naturally find it attractive to have CABE play both roles, since by binding CABE into the original choices they will find it easier to defend the outcomes. "We did it on advice . . ." they will say, and who shall blame them?

3.5 CABE should not run with the hare and hunt with the hounds. It should either do one or the other but not both. I submit that CABE's "front-end" project advisory services conflict with the disinterested role that the body should play in the assessment of designs and that these services, including advice on the appointment of architects, should cease.

3.6 Another effect of these "front-end" services is that it has stifled the creation of a genuine market in independent design advice to public bodies. CABE's virtual monopoly of design advice to government departments, public bodies, agencies and local authorities, is unhealthy.

3.7 A genuine "market" in independent, expert advice would flourish if the body ceased its "front end" services. The benefit of this would be seen in a greater variety of designs submitted for assessment. There would be more choice of styles and design approaches. It would also help dispel the notion that a Modernist design "house style" prevails among the sensibilities of CABE's advisers, who work to a brief supplied by CABE and who are paid at rates it prescribes.

#### 4. NEW POWERS FOR CABE

4.1 If CABE were liberated, in the way I suggest above, from the necessity (as it sees it) to play an active and indeed interventionist role in the setting-up of public sector projects, it would be free (or at least less compromised) to comment upon the merits of design development and design outcomes.

4.2 This renewed focus on improving designs and encouraging design teams and their "clients" should be accompanied in my opinion by two powers, the better to allow for those occasions in future where, for whatever reason, the sponsors of projects prove uninterested or recalcitrant.

4.3 The first is the power of "discovery" or the power to see designs, plans, drawings, sketches and concepts. The very existence of this power would mean that it was exercised but seldom. It would concentrate the minds of project "sponsors" or managers who may be inclined to regard CABE in the future as a body which had little to offer, and which they may regard as an impediment to progress.

4.4 The second is the power of "delay". This is the power to call a halt to a project for, say, six months, while its design is revisited and adjustments made. Such a power would only be exercised *in extremis*, and would be reserved for significant public projects where CABE had failed (acting reasonably) to make an impact on the client body or project "sponsor". CABE would by statute be indemnified against civil actions arising from such delay and would not be liable, provided it acted reasonably, for any costs that may arise.

4.5 This power, too, would concentrate minds wonderfully. Together, they would mean that the effectiveness of CABE in future would not depend upon the force of personality of any of its members. They would allow for circumstances which may arise, where failing projects, conceived at significant public expense (such as a large hospital), were of manifestly poor design.

#### 5. CABE AND EDUCATION

5.1 CABE has a remit to promote public education but it is not clear, at least to the present writer, why this function is not discharged directly, rather than through a separate charity such as CABE has created. The establishment by CABE of an educational charity linked to the body, surely deserves closer scrutiny (non-departmental public bodies accountable to Parliament do not ordinarily create and run charities).

5.2 Why has a separate CABE charity been created, and under whose control is it? How, if at all, does it use public money? There is already a “legacy” Royal Fine Art Commission charity: what is the relationship between the two? Why are there two educational charities, created recently at public expense, working to similar remits in architecture?

## 6. CONCLUSION

6.1 In this evidence I have tried to show that there are ways of making CABE more effective, by doing fewer things better and by acquiring the powers to do those things more effectively in future. My observations are based on close experience of the design of public projects and derive from an independent standpoint.

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### **Memorandum by the Joint Committee of National Amenity Societies (CAB 38)**

#### INTRODUCTION

1. The Joint Committee of National Amenity Societies is a standing committee of the seven statutory amenity societies, The Society for the Protection of Ancient Buildings, The Council for British Archaeology, The Ancient Monuments Society, The Twentieth Century Society, The Garden History Society, The Victorian Society and the Georgian Group as well as the Civic Trust.

2. This submission relates only to CABE’s design review function.

#### SUMMARY

3. CABE has a valuable role in reviewing the design of new development. The presence of an expert body whose remit is to scrutinise development proposals from an architectural perspective and to promote excellence in new building and urban design is key to the creation of truly sustainable communities. The Joint Committee believes that the design review work undertaken by CABE is on the whole undertaken intelligently and has an effect that is broadly positive.

4. However, we would stress that development decisions affecting the built environment need to be balanced, well-considered and well-rounded. They need to take into account all the issues, most particularly that of physical context. It is important that CABE demonstrates that it has a wide appreciation of what constitutes a high-quality built environment. As an organisation it can appear to take the view that new development is beneficial *per se*, the implication being that older buildings are dispensable.

5. There is a particular danger of CABE pronouncing on the design of proposed new development in historic settings before development has been shown to be acceptable in principle. Examples are given in the memorandum of evidence of SAVE Britain’s Heritage and we will not repeat them here. For CABE to encourage new development and commend its design before it has been established whether any development, of whatever design quality, is acceptable would be premature. It can help create a pro-development bias in the decision-making process that is not in the public interest.

6. In some instances, particularly in dense urban settings, a new development may be highly desirable in principle but its scale may be contentious. If CABE lends support at an early stage of the planning process to an over-intensive scheme because that is what those promoting the scheme are putting forward, this very encouragement can make it difficult for the planning authority—or bodies such as the national amenity societies—to achieve a more appropriate and sensitive solution that better serves the public interest.

7. As a rule, CABE should give its views on proposed new designs in historic settings only when new development has been deemed to be acceptable in principle and it is understood what scale of development is likely to be appropriate, having regard to all the relevant issues. At that stage, CABE’s involvement is to be warmly welcomed in the interests of creating a well-designed development.

#### THE PURPOSE OF DESIGN REVIEW

8. CABE’s role is the promotion of excellence in architecture and the built environment throughout England. In the letter dated 15 May 2001 from DETR to all planning authorities in England, this role is described and the purpose of Design Review is set out. It is clear that the key objective of Design Review is to help achieve the best possible quality of the holistic built environment: “Design Review can be used to help raise the quality of proposals for buildings and structures because they have the potential to enhance the quality of people’s everyday lives and promote social inclusion”.

9. DETR was clear in its letter that the role of CABE’s Design Review function was to promote the public interest. The implication is that local authorities—also acting in the public interest—will be the principal bodies seeking CABE’s advice on schemes. The letter states that CABE will seek to help “clients, designers

and local authorities to achieve the best possible quality”. CABE “will contribute to the quality of urban areas in the widest sense and therefore welcomes approaches from local authorities and others at the earliest possible stage . . . The views and advice of the [Design Review] Committee are made known by letter to interested parties”.

10. Unlike its predecessor the Royal Fine Art Commission (RFAC), which, whatever its limitations, did focus its efforts and direction on the public interest and devote its attention to pursuing the critical issue of design quality, CABE has developed into an organisation that can appear to be prejudiced in favour of development. This may on occasion contradict the requirement to advance the public interest and social inclusion, both of which may be better served by limited development or retention of the existing built fabric. The contribution made by historic buildings in urban regeneration was recognised by the ODPM Committee in its report on this subject published in July 2004.

11. We recommend that the ODPM Committee studies the RFAC’s Final Report 1998–99 (HMSO 1999). A glance at the headings in the section entitled *Themes, Issues and Policy 1924–1999* points to the inclusive and comprehensive approach adopted by CABE’s predecessor: Good Architecture, Fitting In, The Wider Context, The Urban Environment, Conservation & Preservation, Public Amenity and, lastly, Creating Good Architecture. These issues are of universal and eternal importance and provide a benchmark against which to judge the performance of Design Review as currently undertaken by CABE.

12. CABE has published some excellent guidance and advice: the CABE/English Heritage booklet *Building in Context* (2001) has clear guidance on how to appraise a proposal in a sensitive location. *Design Review* (2002) likewise sets out CABE’s policy in reviewing schemes clearly and concisely. The CABE/EH advice note on *Tall Buildings* is also to be commended. It is important that CABE should have regard to its own guidance when assessing new development schemes.

#### ASSESSING PROPOSALS IN THE ROUND

13. A deficiency in CABE’s current design review arrangements is that designs are not as a rule reviewed in the round. They cannot be, because CABE currently does not have the requisite expertise. There is a shortage of planning and conservation expertise available to the Design Review Committee. The Design Review staff team, highly competent though it is, does not have hands-on experience of development control; neither do members of the Committee. Commissioners with appropriate experience are not always able to be present at Design Review meetings and from what we can gather are seldom asked for advice by CABE staff on Design Review cases, even informally. Opting out of addressing issues concerning the historic environment on the basis that English Heritage and others will address these issues when a scheme finally enters the public domain—as CABE did recently at Smithfield—is no substitute for proper rounded consideration of all the issues at the outset.

14. There is a concern, which may be justified, that Design Review Committee members are selected more or less at random for meetings, which again militates against there being a proper and representative balance of views and experience. It is this imbalance which, in our view, means that the nature of a place or the context in which a new scheme is being proposed is often ignored. What is needed is a Design Review body that can consider schemes in a genuinely contextual way. Issues such as townscape, an area’s history, character, style and “feel” are all ones that need to be considered when a new development is proposed.

15. A problem with CABE’s current approach is that the visual material submitted to the Design Review Committee is prepared by those who are promoting the scheme. Textual material is likewise supplied by the promoters, then reframed by CABE staff to fit within a consistent format. Meetings are generally held in camera and even if there is a representative present from the local planning authority (or English Heritage), he or she may be seeing a proposal for the first time and being asked for a view “on the hoof”. In most instances, members of the Design Review Committee will not have been to the site and may well be unfamiliar with the locality. They will not be familiar with all the local circumstances or issues and because the majority of the members of CABE’s committee are architects or people with an interest in development, their views are likely, on balance, to be in favour of development. This is scarcely inclusive or democratic, or for that matter economically efficient; there is abundant evidence, published for example in *Heritage Counts* (English Heritage 2003) that conservation and reuse of historic buildings act as an engine of economic regeneration at least as effectively as brand new development.

16. To compound the problem, the throughput of cases coming before CABE’s Design Review team, whether at officer or committee level, is far too great to allow for sufficiently detailed consideration to be given in all instances. The 2001 DETR letter referred to 30–40 projects coming to CABE annually. In the publication *Design Reviewed*, published by CABE in February 2004, the number is recorded as around 500 projects a year. Those which do not go to a full Design Review Committee meeting are viewed by a staff and the committee chairman at a “pin-up” meeting. Thus views are given about developments in important locations on the basis of cursory consideration by a handful of people. This is questionable practice, given the influence a letter from CABE can have with local planning authorities.

#### THE NEED FOR EVEN-HANDEDNESS

17. It would be revealing to know how many schemes (excluding masterplans) coming before CABE's Design Review Committee are submitted pre-planning by their promoters—the developers or the architects who have a commercial interest in seeing the scheme realised—as opposed to being brought by the local planning authority or others who are not commercially involved. CABE's own assessment is that it is “increasingly approached direct by applicants at an early stage”. It goes on to state that its goal “is a productive, collaborative three-way discussion between applicant, planning authority and CABE”. This is all very well, but it is clear that the public, except insofar as their views are represented by the democratically-accountable planning authority, are excluded from this process. This is a particular problem where the historic built environment is concerned because the issues raised by new development in historic settings will normally be more complex than those raised new development in a less sensitive area.

18. The DETR letter refers to approaches from local authorities and from “others”. These “others” must be seen to encompass more than simply developers and their professional advisers. They must for example embrace amenity groups, but it is not apparent that CABE has ever sought, or accepted an approach, from a national or local amenity society concerned about new proposals or that it has ever invited representatives of such groups to attend its Design Review meetings so that their voice is heard.

19. Amenity societies—and in particular the statutory amenity societies represented by the Joint Committee—have an important role within the planning process; and in the interests of achieving a balanced conclusion on the likely contribution of new development to the creation of sustainable and inclusive communities, CABE should consider their views alongside those who are promoting their own schemes. HM Government is plainly committed to encouraging local participation in the planning process as a way of building communities of responsible citizens. Notwithstanding its essential role in acting in the public interest (which is not necessarily the same as acting in the Government's interest) CABE, as a Government-funded body, should be party to that encouragement.

20. CABE currently gives the impression that it regards local amenity societies as being conservative and automatically representative of an anti-development point of view. Yet it is these groups, with strong local networks and detailed knowledge of their localities, that care perhaps most deeply about what happens to their town, village or city. Since they have to live daily with the tangible consequences, good or ill, of new development, they are genuinely interested in promoting high-quality, sustainable environments. Moreover, their interest is, as it were, disinterested. They have no axe to grind commercially. They operate on a voluntary basis with minimal funds, giving their time free to comment on proposals affecting their areas. In our experience, most local planning authorities value their input and the contribution they make to forums such as Conservation Area Advisory Committees.

21. The national amenity societies, equally, are served by highly-qualified, public-spirited individuals with years of professional experience of the issues and challenges that face those seeking to improve the urban environment. We have a great deal to offer and CABE needs explicitly to recognise that those with an interest in and knowledge of the historic environment—beyond the confines of English Heritage—are stakeholders in its agenda.

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#### **Supplementary memorandum by the Bloomsbury Conservation Area Advisory Committee (CAB 34(b))**

There are a number of points which were not raised during the first evidence session and I would like to mention them before the next session on Monday.

Firstly, the evidence from the Law Society (CAB 03) where they state that: “CABE has a major task in repairing the damage to its reputation which led to the premature departure of its chairman.” I fully agree with this statement, but this does not appear to be understood by CABE or ODPM and is certainly not reflected in their evidence.

#### COMMISSIONERS

Concern stems from the findings of the independent audit, which were quite devastating. It would appear that CABE was, in effect, run as a subsidiary of Stanhope Property with a significant number of Commissioners on Sir Stuart's payroll at some time. It was this exercise of patronage which enabled him to exert such an influence on the organisation. It is a matter of concern that Lipton's power structure is substantially still in place.

I consider that Paul Finch (Deputy Chairman) and at least the five commissioners who had direct dealings with Lipton should also consider their positions. It was after all the Commissioners who had collective responsibility for the probity of the organisation as members of the board. This would enable a better balance to be achieved (AHL Audit Report Para 17.2, recommendation Para 17.5).

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#### DESIGN REVIEW COMMITTEE MEMBERSHIP

November 5 was the closing date for new members and it would be interesting to know from CABE if the selection process was open and fair (AHL Audit Report recommendation Para 20.11) and the range of people on the committee has broadened. This was an issue of concern during the first evidence session.

#### STATUTORY STATUS

I also fully endorse the opinion of the Law Society regarding the statutory status of CABE, which DCMS seems intent on achieving. It would seem highly inappropriate for the department to pursue this proposal in the light of its own audit findings. It would appear to be condoning CABE's conduct and the "institutional cronyism" that has been uncovered.

#### CABE EVIDENCE

CABE has stated in Para 3.11 of its evidence (CAB 02) that: "CABE has always had systems in place that seek to ensure absolute probity." This is contradicted by the findings of the AHL Audit Report (Appendix A) and I would refer you to Paras 17.3; 18.6; 20.24; 20.14; 20.26. I trust they will be closely questioned on Monday.

#### ARCHITECTURAL EXPERTISE AVAILABLE TO LOCAL PLANNING AUTHORITIES

I was concerned that during the evidence session statements from Christine Russell may have created an impression that in the past local authorities had in-house architects departments and architectural expertise was available to them. I can state from my 25 years working in a wide variety of planning departments that this was not generally the case. These architects employed were almost exclusively on architectural projects, housing, schools and so on. While they may have offered some advice this would have been very limited.

However, qualified practitioners in urban design and conservation, many of whom will be architects, are embedded in planning departments and provide in-house advice to the public, members and other officers. Clearly, there are not enough of them but this is where public money should be targeted to ensure that authorities do have the necessary design expertise.

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#### **Supplementary memorandum by SAVE Britain's Heritage (CAB 12(a))**

*Follow up to first oral evidence session of the ODPM Housing Planing, Local Government and the Regions Committee Inquiry into the Role and CABE (The Commission for Architecture and the Built Environment*

1. The presentation by British Property Federation to the Committee made a point of suggesting more pre-application consultations would be helpful. Of course this would be the view of the BPF: anything that helps a developer get a planning permission is going to be worthwhile to those promoting a scheme. This statement confirms our serious concern over the lack of accountability in CABE's Design Review deliberations. Millions of pounds are often at stake when a new development is being proposed. A supportive letter from CABE, as we have said before, can help the chances of gaining a planning permission enormously because of the great influence a letter from CABE carries within the planning system. There is a real need for CABE to see and to understand where the public interest lies. CABE is not constituted at present to be able to do this. We particularly see this in relation to cases involving historic buildings and areas—as this is SAVE's remit. We can see, however, that the problem is much wider.

2. Les Sparks was cited as being representative of the historic environment due to his role on the Commission of English Heritage. It should be noted that he is a member of the English Heritage Commission for his expertise in planning, not the historic environment. Bodies like English Heritage, which have an enormous reservoir of expertise on their subject matter in-house in terms of their conservation staff, have a considerable number of Commissioners who bring differing expertise to the board thus broadening their view. We would suggest that CABE should take note of the example set by English Heritage as a government body which includes a range of interests and experience well beyond the normal heritage constituency. Enclosed is a list of English Heritage's Commissioners and their backgrounds. It should be noted that only seven out of the 16 are experts on the historic environment.

3. On the issue of accountability and CABE's general attitude to those who may not share its views, before the inquiry SAVE asked CABE for a list of the organisations (not individuals) consulted as a part of CABE's Stakeholder Review. CABE refused to allow us to have this list despite having stated publicly during the course of the last year on a number of occasions and in the evidence to the Select Committee (para 2.4 of their memorandum) that the Stakeholder Review had been a very positive and successful. Peter Stewart, Head of Design Review at CABE told SAVE over the telephone in the run up to the ODPM

Committee's meeting that the list of those consulted for the Stakeholder review included the "people we normally do business with". A list of those organisations is appended. By contrast, the following bodies with an interest in the built environment are missing: the National Amenity Societies, Historic Towns Forum, Common Ground, the Institute of Historic Building Conservation, the Architectural Heritage Fund, The Heritage Lottery Fund. Local civic societies, many of which play an invaluable role in the planning process are also absent.

4. Since our initial submission we have learnt that Sir Stuart Lipton is also an advisor to the property board of Network Rail. This only serves to heighten our concern over Span 4 of Paddington Station, a case referred to by ourselves and also at some length by Evelyn Cook's memorandum to the Committee (CAB 22).

5. The document "CABE and the Historic Environment" which sets out CABE's approach to the historic environment misses the fundamental point that historic buildings are a part of our national cultural inheritance, rather than just providing a local distinctiveness and a sense of place. The last of its key principles for historic conservation is tantamount to being a developer's charter, angled at smoothing the passage for development. This stands in contrast to both law and planning guidance with regard to the historic environment.

6. While "CABE and the Historic Environment" discusses its expertise the question must be asked as to whether CABE makes full use of this expertise, and attention should be paid to the fact that when considering schemes that affect the historic environment CABE is operating in a policy vacuum.

7. This is in many ways in stark contrast to CABE's predecessor, the RFAC, where design review was carried out by a very broad church of people of very considerable standing and repute, including respected architects, planners and engineers, as well as eminent historians, artists and sculptors. This allowed a broad, disinterested and to some extent Olympian view to be taken. The focus was on the public interest (such as the protection of the historic built environment), not on saving developers time and money.

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**Supplementary memorandum by Councillor Adrian Dennis, London Borough of Croydon (CAB 28(e))**

I appeared before the Committee on Monday 1 November and am deeply concerned that members of the Committee may have been misled—as the press clearly was—by what was said during that session.

In your opening question you asked whether my evidence was limited to my concerns about one particular development. I attempted to explain that what happened in Croydon simply drew my attention to a more widespread problem of CABE's probity. Unfortunately, before I could develop my case, the intervention by Sir Paul Beresford diverted the discussion. As it was his diversion which seemed to dominate the press reports, I feel I owe it to your Committee as well as to myself to set the record straight.

Sir Paul gave the Committee—and the press—the impression that my objections to CABE were based on "personal issues" with individual members of CABE. He went further and implied that an internal document showed me referring to CABE members in terms which he suggested were too rude to repeat. You should know that this is entirely untrue.

Sir Paul referred to an internal report I had written to members of the Croydon Labour group in February. In fact this report covered many articles, most of which had nothing to do with CABE or Sir Stuart. Sir Paul, deliberately or otherwise, made no distinction between the articles on CABE and others on a different page which were about entirely unrelated matters.

He accused me of being "quite abusive, it is personally abusive". He said it referred to "a number of individuals, including Sir Stuart, but naming him with a rather abusive phrase, which I will not use, and others that have resisted or not agreed with you also get abusive names applied to them". Having said he would not use the phrase, he then did exactly that: "calling one of the individuals, that I have not named 'Mr Slime' and another on 'Mr Dud'". The implication, which was picked up and widely reported was that I had used these terms to describe CABE members.

This was not the case. The only CABE member I referred to at any time was Sir Stuart, to whom I jokingly yet harmlessly referred to as "Lord Tea Bag". It was in the context of my having reported Sir Stuart's conflict of interest to Tessa Jowell. I said I asked her "to investigate the relationship between the Commission for Architecture and the Built Environment (CABE), chaired by Sir Stuart Lipton, and Stanhope owned and chaired by the very same 'Lord Tea Bag'."

The references to "Mr Slime" and "Mr Dud" are from another page in the report, entirely unrelated to CABE and therefore outside the remit of your committee. I would add, for your interest, that "Mr Slime" was a reference to Conservative Councillor Andrew Pelling, an old friend of Sir Paul's—and the man who leaked the report to Sir Paul with the sole aim of discrediting me. "Mr Dud" was simply Dudley Mead, former leader of the Conservative Group who I was praising for showing some leadership.

Unfortunately the inaccurate and misleading statements of Sir Paul have resulted in my being reported as having abused CABE. This is entirely untrue and it concerns me greatly, in case it has affected any

contribution I may have made to the enquiry. For instance, I was unable to answer your question on whether CABE's problem has been resolved by the resignation of Sir Stuart. With your permission, I will now reply.

It is clear to me that the answer is sadly No. CABE remains a "gentleman's club" of well connected individuals who will know and will have had commercial dealings with each other and with many people in the development world. Since the Audit report the membership is the Commission has not changed, while the membership of Design Review is, if anything, more cliquy than ever.

One example is the appointment of Mr Martin Moore of Prudential Property Investment Managers Ltd as a member of the Design Review panel at CABE. Mr Moore's company owned an important element of the Croydon Gateway site. Prudential recently sold their site at Croydon Gateway to Stanhope, but I understand that they retain a mortgage over it and an interest in the site. Following this Mr Moore was appointed a Commissioner. It seems to me that such an appointment at such a juncture was both unwise and inconsistent with the principles of Nolan.

Acting chairman Paul Finch continues to abuse his position by writing—anonously—in the Architects Journal, expressing extremely biased views. This man does not appreciate that this is not appropriate behaviour for a person holding public office, just as he continues to deny that there was ever any problem with CABE, insisting—bizarrely—that the audit report gave it a clean bill of health and that Sir Stuart's dismissal was a tragedy. I think you can fairly conclude from Mr Finch's position that CABE will not repent, nor improve its ways without a root-and-branch shake up, which I hope you will recommend.

#### COMMITTEE ON THE OFFICE OF THE DEPUTY PRIME MINISTER

##### *The role and effectiveness of CABE*

The role and effectiveness of CABE has been damaged by the conflict of interest complaint and report.

DCMS' evidence is economical with the truth on the conflict of interest. It fails to reveal that the DCMS appointed AHL only after a member of the public had complained strongly and insistently to the Permanent Secretary and Accounting Officer of the DCMS about the obvious conflict of interest between Sir Stuart Lipton's role as Chair of CABE and as a Director and the Chairman of Stanhope plc. DCMS was forced reluctantly to act. It was well aware of the conflict of interest and ensured it continued by reappointing Sir Stuart Lipton as Chair for a further three years in 2002. Paragraph 15.2 of the AHL Report records that although DCMS considered the risk of potential conflicts of interest it was not formally documented. That means that DCMS officials told AHL that they had considered the risk but they couldn't demonstrate from the record that they had done it at the time. This is rewriting history.

DCMS obliged Sir Stuart Lipton to resign in the light of the AHL Report.

I hear that the member of the public who made the complaint has told DCMS that he has considered making a complaint against the Permanent Secretary and Accounting Officer of the DCMS for failure in duty to ensure regularity and propriety in DCMS' oversight of CABE's affairs.

The fault is not with Ministers. DCMS officials have worked hand in glove with Sir Stuart Lipton for years to the extent of attending parties at Stanhope's. The DCMS relationship is far too close and cosy with CABE and the architectural world.

Ask the DCMS Minister why DCMS were aware of the conflict of interest and ignored it until a member of the public complained? AHL were then engaged to conduct an enquiry which only hints at DCMS' failure to supervise CABE adequately.

This is even more odd because it is not clear why DCMS sponsors CABE. ODPM provides a far greater amount of funding to CABE, ODPM is responsible for the planning system which greatly affects CABE's work and ODPM is responsible for the architectural profession. Responsibility for CABE should rest entirely with ODPM (as John Prescott would like) together with responsibility for architecture. ODPM is far better placed to oversee CABE's affairs. The current arrangement reflects the determination of some DCMS officials to indulge a personal interest from which they benefit. How does the DCMS Minister justify CABE answering to DCMS?

**Letter copied to Clive Betts MP, Chairman of the Urban Affairs Sub-Committee inquiry into the Role and Effectiveness of CABE (CAB 40)**

John Sorrell CBE  
Chairman  
CABE  
The Tower Building  
11 York Road  
LONDON  
SE1 7NX

20 December 2004

DESIGN REVIEW COMMITTEE MEETINGS

As you may know on Monday 13 December, immediately after Paul Finch and Richard Simmons, I gave evidence to the ODPM Select Committee as part of its inquiry into the role and effectiveness of CABE. One of the issues that arose during my questioning was the notion that the meetings of the Design Review Committee could (when appropriate to do so) be made open to the public.

I was impressed by the high level of professional input at the Design Review meeting I attended last week, that it seems to me that for appropriate schemes there would be much to be gained from allowing members of the public occasionally to observe the Committee's discussions. Obviously for schemes which were pre-planning application cases, this would not be suitable, and indeed there may be other circumstances in which this would not be appropriate. However, where schemes are already in the public domain, I believe that it would be very interesting for the public—and architecture and planning students in particular—to gain an insight into the consideration given to schemes which may affect them. It would also be very much in the spirit of this Government's "Open Government" agenda.

I would welcome your thoughts on this matter.

A copy of this letter goes to Clive Betts, Chairman of the ODPM Housing, Planning, Local Government and the Regions Committee [and Keith Hill at ODPM].

*Andrew McIntosh*

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**Supplementary memorandum by Evelyn Cook (CAB 22(a))**

I was among those who submitted written evidence to the Select Committee Enquiry.

In that evidence, I referred briefly to, and quoted, other documents and sources of information. However, I did not at that time submit the full text of certain information quoted which I feel it is relevant and important to draw to the attention of members of the Committee.

I therefore enclose now further information which I hope may be considered relevant and of use to the Committee when carrying out this inquiry:

- A full transcript of the BBC Radio 4 programme "Front Row" from July 2003, where Mr Paul Finch of CABE and Mr Adam Wilkinson of SAVE Britain's Heritage put forward their views on the merits or otherwise of the demolition of Span 4 at Paddington Station, a very major element of a Grade I Listed building.
- A copy of the fax sent from the President of ICOMOS, Professor Dr Michael Petzet, to Sir Neil Cossons, Chair of English Heritage, containing the information that demolition of this indispensable element of the proposed Great Western Railway World Heritage Site would seriously jeopardise the chances of this whole route (which is much more than Paddington Station) being inscribed on the list of WHS.
- The listing description for Paddington, clearly detailing that Span 4 was part of the listing and afforded the same protection and valued as much as any other part of the station.
- A picture of the proposed interior which will replace Span 4, and which CABE apparently believes is more sympathetic to what will remain (not all of which is by Brunel) and, according to Mr Finch, "in the spirit of Brunel".
- The full text of a letter from Mr Adam Wilkinson, Secretary of the national historic building conservation organisation SAVE Britain's Heritage to Westminster Council on the subject of the planning application by Network Rail to demolish Span 4 at Paddington Station.

I draw to the Committee's attention that the law and Government guidance relating to listed buildings makes it clear that all parts are listed, and everything within the curtilage. If Span 4 had not been deemed important or of architectural merit, as Mr Finch seems to believe, as such a major part of the station it may have meant that listing was refused, or listed at a lesser grade. As this was not the case, the only conclusion to be reached is that at the time the station was considered for protection by placing on the national list at Grade I all was deemed to be of major architectural and historic merit.

Listing at Grade I should have afforded this building the highest level of protection, in a similar manner to the cathedrals mentioned by Paul Finch in the interview on Radio 4. Demolition of this part of Paddington is a national precedent beyond belief, and which when studied in depth, goes against the spirit and letter of national policies. This is deeply worrying, and more so as the agency which appears to be a prime mover in this demolition is the Government's own body, CABE.

I do not believe CABE is in any position to judge the architectural and historic merits of a listed building, and it is surely outside its remit, either as an organisation or that of individuals within it, to judge the quality and importance, in a wide sense, of historic architecture, and actively promote demolition and replacement with a piece of new development of which it approves. There appears to be no balance in this procedure.

While I appreciate that this issue is only a small part of the wider remit of the investigation, I believe that it does graphically illustrate many aspects of the working of CABE which other witnesses have raised as major concerns where the protection of the historic environment is concerned.

As far as I am aware, the situation is as Mr Wilkinson described it on Front Row. There should have to be demonstrated a massive amount of wider benefit to mankind to allow the demolition of a major element of a Grade I Listed Building. It should have to be conclusively demonstrated to those charged with making any decision on behalf of the public that similar benefits could not be wrought from the existing building by adapting the old to a new purpose, as in fact has happened at Paddington over the course of its history. The economic benefits to the owner of the building, in this case Network Rail, should not have been a consideration at all.

I have, since that programme, discussed these issues with Mr Wilkinson of SAVE Britain's Heritage, and he has passed to me the letter of objection he wrote on behalf of SAVE to Westminster Council drawing its attention to the deficiencies in the application. I know he has carried out wider investigation, and concluded that there is much of concern with this planning decision, which should be noted.

At no time, it would appear, was the possibility and desirability of retaining Span 4 ever properly investigated and proposals for its adaptation and re-use made the prime consideration. It is believed that this increase in capacity, claimed as so necessary by Network Rail could indeed have been gained with the retention of Span 4.

The statement in the R4 interview, which was not refuted by Mr Finch, was that CABE had been advising Westminster which way to go on this planning decision.

I do not believe it is the role of CABE to advise on how a planning authority should vote, and if this has been done, and decisions made with the full facts not being taken into account, then I fear this has skewed the planning process, as I also believe Mr Finch's public statement on radio did. If this is the case, then the validity of the planning decision taken has to be questioned. Presumably none of the pre-planning advice given regarding this planning application is on the public record; the part played by CABE, therefore, in the democratic planning procedure is not fully open to public scrutiny.

Even more worrying is the fact that all of this took place without there being any ability for CABE as a body to study Span 4, as it has been covered by scaffolding and boarding for over a decade now, and I understand anyhow CABE makes its decisions without a site visit and without taking into consideration the wider issues, detailed in Government Planning Policy Guidance 15 Planning and the Historic Environment, regarding the setting of historic buildings.

Any supposed public benefits from the development of Paddington could I am sure have been gained equally from the retention of Span 4—the travelling public is only a small section of the whole population. Any claimed benefits of employment in construction are hardly considerations in the long term, and it is probable that such benefits could have been gained from the refurbishment and adaptation of Span 4. Benefits to the local population hardly warrant the demolition of part of a nationally (in fact internationally) important building, and again could have been gained from a sensitive re-use of Span 4 incorporated in any new development.

It should be noted also that there has already been other major development at Paddington; it seems now that all history, all sense of place, is being eroded little by little until there will be only a small part left of what was originally listed.

What is being lost here in cultural terms is not quantifiable, but is surely massive in scope. The bulldozing of part of our national heritage is shocking in itself. The possible loss of a World Heritage Site through crass insensitivity and apparent ignorance regarding the laws and the reasons for the protection of the building will have a major impact on how the world perceives Britain in cultural terms, and also, of course, will have economic ramifications for the tourist industry which would have benefited from the visitors which a World Heritage Site would bring. As a member of an international rail history and conservation organisation myself, I know how many millions of rail enthusiasts there are worldwide.

I attended the oral evidence session of the Select Committee on 2 November, and when the question of official representation on CABE of those with historic buildings expertise was raised, Mr Les Sparks was put forward as the “token conservationist” as he sits on the board of English Heritage. I understand in fact Mr Sparks is not a conservation expert but a planner who sits on EH to give planning advice. Others seemed to feel that many of those who advise CABE must or may have conservation expertise. They may or may not; the point is that there is no official representation and input by a range of people whose main expertise is conservation, and the principles and laws and planning policies which specifically relate to that. As a number of submissions to the inquiry raised major difficulties with CABE and the historic environment (I know of other examples which were not highlighted here) I repeat what I, amongst others have said—changes need to be made sooner rather than later to CABE, if our finite amount of precious historic buildings, and their wider setting, is not to be spoiled.

**Supplementary memorandum by the Department for Culture, Media and Sport (CAB 33(a))**

**STATEMENT OF THE RECOMMENDATIONS MADE BY AHL FOLLOWING ITS REPORT ON CONFLICTS OF INTEREST, AND THEIR IMPLEMENTATION**

**PROGRESS TO DATE (DECEMBER 2004)—SUMMARY**

- AHL Report: 23 out of 28 action points done (82%).
- Remaining five will be finished by end of March 2005:
  - 4. Review composition of Board (DCMS)—in hand.
  - 11. CABE board member training scheduled for March 2005 (CABE).
  - 20. Internal audit assurance statement on management of design review for financial year 2004–05 (CABE).
  - 23. Conflict of interest guidance(CABE)—by February 2005.
  - 28. Handling strategy for conflicts of interest (CABE)—by March 2005.

A list of all the AHL recommendations and action points is given in the table below:

<i>Recommendation/Task</i>	<i>Action/current state</i>
<i>Recommendations relating to Nolan principles</i>	
1. Where potential for conflicts of interest exists the DCMS should formally document the assessment of any risks arising including whether this impacts on the suitability of a candidate for the proposed public position. The risk assessment should be re-performed at the time of re-appointment to ensure any change in circumstances is understood. The risk assessments should be retained as part of the appointment process. Actions required on the part of CABE to manage potential conflicts of interest should be agreed between the DCMS and CABE at the time of appointment. (15.3)	Done—Implemented for latest appointments of CABE Heritage Commissioner and Chairman. DCMS NDPB Chairs informed of new conflict of interest procedures on re-appointment in DCMS letter of 20 August 2004.
2. The profile of the future Chair of CABE should be re-defined to minimise the risks associated with any public perception of conflict of interest arising. It is not in the public interest for the post to be held by a person with material commercial interests that may come into conflict with CABE’s remit. (16.9)	Done—Detailed role specification prepared as part of recruitment of new Chairman.
3. Given the growth both in CABE and Stanhope, we have concluded that the position of Chair of CABE should, in the future, not be held by a property developer, with significant commercial interests. (16.10)	Done—Role specification included the criterion “demonstrate an understanding of CABE’s remit and a sensitivity to the interplay between that remit and wider commercial interests”.
4. DCMS should review the balance of the Commissioners active in the industry and those from an independent but relevant background. (17.5)	Ongoing, as current Commissioners come up for re-appointment; first arises in March 2006.
5. A risk assessment should be formally undertaken as part of the appointment of the Chair of Design Review. Such an	Done as part of appointment of Les Sparks in September. Concept

<i>Recommendation/Task</i>	<i>Action/current state</i>
assessment should be undertaken for the existing post and any future appointments. Consideration should be given to extending this approach to the appointment of Chair of all of the Commission's sub-committees. (20.19)	of Nominations Panel accepted and risk assessment to be rolled out to each sub-committee chair.
6. Interests must in the future be declared to CABE at the time of intent rather than commitment, as this is when the potential for conflict arises. (18.9)	Done—intentions declared.
7. The direct commercial relationships between the Commissioners, or the Chair, should continue to be monitored and recorded in the register of interests. (18.14)	This is being done—register of interests <i>pro forma</i> has been amended to include Commissioners' commercial relationships.
8. The Audit Committee should review the risks of declared interests to CABE. This should be repeated twice a year to ensure risks are reassessed against any changes in the profile of an existing interest. The findings of this review should be reported to the Commission and also to the DCMS. (18.11)	Done and reported to DCMS. Scheduled to be done next on 16 March 2005.
9. A copy of the register of interests should be formally circulated to Commissioners once a year to ensure the extent and depth of interests is understood. (18.12)	Done—27 October 2004.
10. The appointments process for Design Review panel members must be seen to be an open, as well as fair process. Implementation of the recommendations made by CABE on how this should be achieved is endorsed. (20.11)	Done. The competition process was agreed by CABE's Operations Committee on 2 September 2004. Appointments to be announced January 2005. The process will be repeated annually.
11. In line with standard governance practice, training on an annual basis for Commissioners should be provided. (17.6)	In hand; training event to be held on 16 March 2005.
12. Commissioners should sign a statement on appointment confirming their acceptance and understanding of the Nolan principles and their attendance on the induction training programme. (17.7)	Done—introduced for latest Commissioner appointments; first will be the Heritage Commissioner, Anthea Case, in January 2005.
13. CABE should further consider the need to make the register of interests more publicly available, for example by including it on the website. (18.13)	Done—notice put on the website ( <a href="http://www.cabe.org.uk/about/commissioners.asp">http://www.cabe.org.uk/about/commissioners.asp</a> ) stating that the register is available for inspection or a copy will be provided (in either electronic or paper form).
<i>Recommendations to improve procedures in managing conflicts of interest</i>	
14. The Commissioners' register of interests forms should be revised to include requirements to outline where an interest may amount to a potential or perceived conflict to CABE; record interests of connected parties on the register so that relevant familial or company interests are also reported (18.10)	Done—CABE's register <i>pro forma</i> amended to explicitly capture this information, and conflicts of interest guidance to be amended. All Commissioners have now updated their declarations of interests.
15. If professional advisors are used which also represent public sector board members in a private capacity, different partners should be involved, and the interest declared. (19.3)	Done: (a) DCMS issued new guidance to all its executive NDPBs on 24 March 2004. (b) CABE: different legal advisers have been retained to ensure separation on this issue. A tender will take place to appoint a panel from whom legal advice can be sought.
16. The general principles adopted to determine at which level of Design Review a scheme should be reviewed, should be documented. (20.4)	Done—Principles considered and agreed by Operations Committee on 2 September 2004.
17. The induction process for Design Review panel members should be extended by:	Done—Considered and agreed by Operations Committee on

<i>Recommendation/Task</i>	<i>Action/current state</i>
<ul style="list-style-type: none"> <li>— Providing further formal guidance on managing conflicts of interest;</li> <li>— Documenting the induction process to ensure the importance of meeting public sector standards is covered, including Nolan principles and conflicts of interest. (20.15)</li> </ul>	2 September 2004. To be implemented for new DRC members starting in January 2005. Each new DRC member will have a 1:1 induction meeting with the Director of Design Review.
18. The person specification for “Chair of Design Review” should be included in the terms of reference for the Design Review Committee. (20.20)	Done—Considered and agreed by Operations Committee on 2 September 2004.
19. A register should be maintained of Design Review panel members’ current employment. This should be circulated to all Commissioners and Design Review members. (20.25)	Done—Circulated to Commissioners in October 2004.
20. CABE’s internal auditors should provide the Audit Committee with an annual assurance on the management of Design Review, in respect of propriety and regularity, including conflict of interest. (20.27)	In hand—CABE’s internal auditors have been commissioned to provide an annual review of Design Review.
21. CABE should include in the form completed by those presenting to Design Review the fact that the opinion given will be in the public domain unless the developer requests that it be kept confidential. In instances where it is requested that an opinion remain confidential, the developer should also be required to maintain confidentiality and advise CABE when the scheme is to enter the public domain. (20.31)	Done—Commissioner meeting on 15 September 2004 agreed that only for pre-planning application schemes will DR applicants be offered choice of DRC comments in confidence or publicly, all others will be published. And where they are in confidence, only as long as the scheme is not in public domain. As soon as it is, CABE will publish its advice.
22. Where relevant, the final opinion letter should reflect the fact that the scheme has been reviewed by CABE over a period of time. (20.34)	Done—this is now done explicitly in all cases.
23. The Conflicts of Interests Guidance Note should be revised to reflect recommendations arising from this review. (21.7)	In hand—Revisions to be made to CABE’s guidance and will be presented to its February 2005 Operations Committee
24. The process for declaring new interests that are made during the year should be formalised and care taken that paper and electronic copies of the register match each other. (21.8)	Done—A form for notifying changes has been produced by CABE. A senior CABE officer now formally monitors amendments.
25. The risks to CABE arising from interests declared by staff should be assessed, documented and reported to the Audit Committee. (21.9)	Done—CABE staff register of interests and risk assessment considered by 8 December 2004 Audit Committee. Guidance re-circulated to staff recently.
26. The internal audit strategy should include annual internal audit reviews of Conflict of Interest Management. (21.10)	Done—Included in the 2004–05 Audit Plan for CABE’s internal auditors.
27. A risk mitigation plan should be put in place for managing the risk of conflicts of interest. (21.11)	Done—CABE Audit Committee reviews risk register every six months; conflicts of interest are top priority. Last done September 2004, next March 2005.
28. CABE should develop a handling strategy for conflicts of interest. (21.12)	In hand—handling strategy to be presented to CABE Audit Committee on 16 March 2005.