

CHAPTER 1

Design Governance (Why, What, and How—in Theory)

This introductory chapter sets the scene by introducing the notion of design governance¹ in the built environment, and exploring why the public sector should seek to intervene in design. This chapter is in three parts. The first addresses the motivation for design governance through examining why our design, development, and management processes continually give rise to sub-standard outcomes, and whether we can conceptualise an alternative view of design in the built environment, one based on different notions of quality. The second and third parts, respectively, address the ‘what’ and ‘how’ questions. They do this through dissecting the concept of design governance and investigating a number of recurring debates in the literature that reveal key conceptual threads and problematics that run through the subject. The issues and ideas explored in this chapter provide the underpinning theory for the experiences and practices that the remainder of this book goes on to explore.

Why Do We Design Sub-standard Places?

Design Knowledge

In Europe we are spoiled. Our rich urban history has given rise to an equally rich and varied urban heritage right across the continent. Tourists travel from around the world to enjoy and experience our historic urban centres, and we care for them (typically) with great dedication. They have character and coherence; they



Figure 1.1 Central Copenhagen, a place of character and coherence

Source: Matthew Carmona

feel comfortable and engaging; typically they are mixed, dense, and walkable; and often they are loved and valued by inhabitants and visitors alike. They are ‘places’ of character and coherence (1.1).

Yet beyond these centres and the often leafy, medium-density, nineteenth- and early-twentieth-century districts that typically surround them, the picture is not so rosy. Instead it mirrors the sorts of sub-urbanism found around the world. Indeed an EU-funded project conducted to explore housing design and development processes across the continent concluded:

It seems that whatever the system, whatever the governance, no matter what our rules and regulations, however we organise our professions, and no

matter what our histories, placeless design seems to be the inevitable consequence of development processes outside our historic city centres. Moreover, this is despite the ubiquitous condemnation of such environments as sub-standard by almost every built environment professional you ever meet.

(Carmona 2010: 14)

Such critiques are broad indeed. They apply to the majority of our planned post-war suburbs and contemporary urban extensions; to most peripheral office, retail, and leisure parks; to our inner-urban estates; to peri-urban areas in general, including the large swathes of land along our urban arterial corridors and around our ring roads; and to new settlements (where they exist) in their entirety; to almost anywhere a coherent and unifying human-centred urban structure has been allowed to break down or where one never existed in the first place. These sorts of environments are what some have termed 'placeless', and they are certainly global: they are the parts of cities to which tourists never venture (at least not on purpose); are unremarkable, incoherent, and often unloved; and typically require inhabitants to adopt carbon-intensive lifestyles simply to get around. We all know such environments and likely as not will live or work in one. Increasingly they have become the urban norm rather than the exception across much of the world, and in the not too distant past even threatened to overwhelm and replace many of the historic centres we now so jealously guard.

So why do such places come about? Looking at the question through a design lens, we can logically postulate a number of possible reasons.

We Don't 'Design' Places at All

Some places are clearly shaped by a network of ad hoc uncoordinated hands, where individual physical interventions—for example a building or a piece of infrastructure—may be designed, but only in relation to narrow functional requirements and not in terms of a contribution to a coherent greater whole. The whole, in this sense, is not designed and is arrived at unintentionally. Whilst this mirrors the way that many of our most cherished historic urban fabrics grew—incrementally and without a 'grand plan', yet giving rise to a strong sense of internal coherence—today the

scale, rate, and complexity of change has hugely increased, as has the range of building technologies available to us, our infrastructure needs, and a preference amongst many development, political, professional, and individual interests for drivable as opposed to walkable urban form. All this makes unintentional coherence far less likely to occur and may give rise to the question: are the resulting built environments designed in any real sense at all?

We Don't Know How to Design 'Good' Places

Today, of course, few developed societies rely on such uncoordinated incremental development to meet their development needs. Instead, places are shaped by highly trained professionals from a variety of background disciplines, most notably architects, planners, civil engineers, landscape architects, and developers, and this work is coordinated through a plan or strategy to ensure that individual interventions contribute to something larger such as a neighbourhood. Yet despite our undoubted 'expertise', the education of traditional disciplines has often omitted to cover the key urban design knowledge and skills required to shape places holistically and in a coordinated manner. As a consequence the skills and knowledge needed to guarantee that the place in its entirety is well designed and coherent may be (and often is) sub-standard; places are designed, but not very well. As the adage goes, 'a little knowledge can be a dangerous thing,' and in this field, sub-standard skills and knowledge poorly applied has the potential to do profound and long-lasting damage.

We Know How to Design 'Good' Places, Yet We Fail to Do So

A final cause of poor place design might be our inability to deliver good design despite having carefully constructed normative frameworks and clear visions for what places should be like. In such circumstances, it is not our design skills or knowledge that is lacking, but instead a host of other local contextual factors that have the potential to frustrate implementation and defeat even the most noble of design propositions. These might include economic barriers to change; insensitive and overbearing regulatory processes; land-ownership or land availability barriers; lack of political

leadership; NIMBY pressures; or perhaps differential aspirations about what should be built between key development actors: developers, politicians, communities, and the range of built environment professionals.

Simplistically we can summarise this trinity of barriers as: no design knowledge, poor design knowledge, and ineffective design knowledge, and today, one or more of these states is likely to explain most sub-standard place design. This raises three further questions: (i) what do we mean by ‘design’ in the context of urban places; (ii) if design processes are sub-standard, what is filling the gap; and (iii) what anyway do we mean by design ‘quality’ in such circumstances?

What Do We Mean by ‘Design’?

For many, the term ‘design’ will often have narrow associations with the creative activity of drawing or otherwise conceptualising a particular object that is being ‘designed’. When used in the context of designing the built environment, for many, this will conjure associations with the creation of plans and propositions to demonstrate how particular buildings, landscapes, or

urban townscapes might look—in other words, a demonstration of their aesthetic qualities. In this book, however, ‘design’ has a broader meaning in two senses.

First, design concerns all the elements of place—land uses, activities, environmental resources, and physical elements (buildings, spaces, infrastructure, and landscape)—that constitute urban environments and that transcend the professional remits of architecture, urban planning, landscape architecture, and urban engineering. In short, urban design. Second, design in this sense does not just refer to the activities of the ‘designer’, from whichever profession, but instead encompasses the sum of all the activities that together shape the built environment (intentional and unintentional)—a meta-process that has been characterised as a place-shaping continuum (Carmona 2014b).

The place-shaping continuum (1.2) hypothesises that the process of shaping places cannot be grasped (and thereby steered) without understanding the full range of influences that act together to shape the process and thereby the outcomes of urban change. This implies a process: informed by historically defined norms and practices of development that vary from

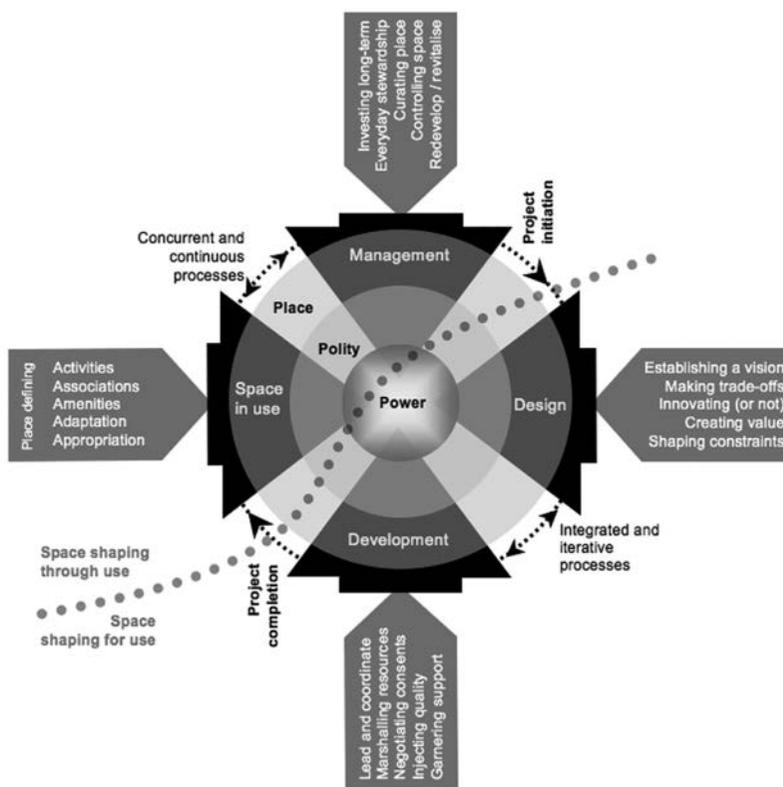


Figure 1.2 The place-shaping continuum (adapted from Carmona 2014b)

place to place; set within and modified by the local contemporary political economic context, or ‘polity’; and defined by a particular set of stakeholder power relationships that again will vary from place to place and even from development to development.

Within this macro-context, there is also the need to understand the creation, re-creation, and performance of the built environment across the four interrelated process dimensions represented in 1.2. Thus it is not just design, or even development processes that shape the experience of space, but instead the combined outcomes and interactions between:

- Design—the key aspirations and vision, and local contextual and stakeholder influences on a particular project or set of proposals.
- Development—the power relationships, and processes of negotiation, regulation, and delivery for a particular project or set of proposals.
- Space in use—who uses a particular place, how, why, when, and with what consequences and conflicts.
- Management—the responsibilities for stewardship, security, maintenance, and on-going funding of place.

This is not a series of discrete episodes and activities, but instead a continuous integrated process or continuum; sometimes focussed on particular projects or sets of interventions (design and development) to shape the physical environment for use; and sometimes on the everyday ‘processes of place’ (use and management), shaping the social environment through the manner in which places are actually used and looked after. We can conclude from this that the design of the built environment at large represents an on-going journey through which places are continuously shaped and re-shaped—physically, socially, and economically—through periodic planned intervention, day-to-day occupation, and the long-term guardianship of space. As a process, it is multidimensional, multi-actor, and often poorly understood, and this inherent complexity forms an important context for all the discussion that follows in this book.

What Do Sub-standard Places Have in Common?

Whilst a complete absence of self-conscious design processes—‘no design knowledge’—would be extremely rare in the developed world, arguably ‘poor

design knowledge’ and ‘ineffective design knowledge’ are the norm. Take Rome, for example, perhaps the most historic of Europe’s capital cities, and boasting an enviable urban heritage with the likes of Piazza Novona, Via del Corso, Piazza del Campidoglio, Piazza della Rotonda, and Via Veneto. But move beyond the ancient city and into its expanding suburbs and we find very little evidence of a carefully considered urban design process. Instead, in these areas developers and their architects focus on the buildings (typically standard building types repeated from place to place), whilst urban planning focuses on the production of two-dimensional zoning plans. No one focuses on the bit in the middle, the public realm, which remains largely un-designed. As a result, instead of being linked by a coherent and connected urban fabric that encourages walking and social and economic exchange, we see buildings constructed in unrelated plots with the spaces between dominated by parking and roads, and by very little else (1.3). Instead of a corner shop or café, these new suburbs rely on their privatised malls to serve their low-density ‘edge city’ communities.

In Rome, the results are all the more surprising given the historic context, but perhaps they shouldn’t be. This is simply the global norm that UN Habitat tells us is fast engulfing many developing as well as developed nations “as real estate developers promote the image of a ‘world-class lifestyle’ outside the city” (2010:10). They report, for example, that between 1970 and the year 2000, the surface area of Guadalajara in Mexico grew 1.6 times faster than the population



Figure 1.3 Edge city, Roman style

Source: Matthew Carmona

whilst similar urban sprawl is consuming considerable amounts of land in cities as diverse as Antananarivo, Beijing, Johannesburg, Cairo, and Mexico City, to name just a few.

Regulations as a Substitute for Design

What unites all these places, as well as their counterparts in developed Europe, North America, Australasia, and the Far East? A major factor seems to be the shaping of cities through crude standards and regulations as a substitute for actually engaging in a place-centred design process. As a consequence, regulations prescribe parking norms, road widths and hierarchies, land uses, density requirements, health and safety issues, construction and space standards, and so forth. Typically, these forms of control are limited in their scope, technical in their aspiration, not generated out of a place-based vision, and are imposed on projects without regard to outcomes (Carmona 2009b: 2649). Moreover, once adopted, there is a tendency for such standards to become the norms that are then applied everywhere, even in the historic city cores (1.4).

Eran Ben-Joseph traces the evolution across North American cities of what he refers to as these ‘hidden codes’ (2005a). In doing so, he argues that too often the original purpose and value of the codes are forgotten as the bureaucracies put in place to implement them do so in a manner that has little regard for their actual rationale, and even less for the knock-on effects of their

existence. Emily Talen agrees, arguing that worthy social purposes such as the pursuit of public health are all too quickly buried under the weight of successive technical amendments (2012: 28). Instead, these forms of standards are about achieving minimum requirements across the board (regardless of site context), whilst in many cases the slavish adherence to standards has led to the creation of bland and unattractive places.

In the United Kingdom, such critiques go back at least as far as the 1950s and to the emergence of the townscape movement with its concerns for the sorts of ‘prairie planning’ that standards-based housing layouts were giving rise to (Cullen 1961: 133–137). Arguably this represents a classic case of regulatory (rather than market) failure, but the failure extends well beyond the suburbs and beyond the sorts of standards imposed by the public sector. The little Thames-side town of Erith on London’s eastern fringes represents a case in point.

Erith has medieval roots and grew up as a port, serving at various times as a naval dockyard, general anchorage, riverside resort, and locus for industry. The town was heavily bombed in the Second World War, but it was the peace that so comprehensively and systematically ripped the heart out of this community through incremental episodes of development made in the absence of a coherent design framework and little concern for place quality (1.5). Instead, the town saw:

- Insensitive public development: the imposition of alien Modernist design visions from 1966 onwards through the comprehensive redevelopment of the town centre and nearby residential areas, in the process sweeping away the tight knit urban grain and complex mix of uses and replacing it with large mono-use blocks and high-rise residential towers to the latest standards as laid down in the national ‘Design Bulletins’ of the era (Carmona 1999).
- Poorly directed market opportunism: not least through the imposition in 1998 of a ‘big-box’ out-of-town-style supermarket close to, but detached from existing shopping areas which, over time, it has almost completely usurped.
- Infrastructure prioritised over people: the insensitive imposition of highways infrastructure at strategic and local scales, including the upgrading of the A2016 in the 1970s to trunk road standard, in the process cutting off the town centre from its residential hinterland.



Figure 1.4 Suburban-style developments located on Liverpool’s historic Pier Head, complete with standard parking requirements, road splays, and buffer planting

Source: Matthew Carmona

- Bad management: typified by moving the market to an edge-of-town car park in order to safeguard a route for emergency vehicles through the main shopping street (Pier Road), whilst in the process killing off both the market and much of the retail along Pier Road with which it had a symbiotic relationship.

The Tyrannies of Practice

In common with so many other towns and cities worldwide, in Erith nobody was consciously designing the place, just the parts, driven on by three dominant tyrannies of practice: creative, market, and regulatory (Carmona 2009b: 2645–2647). The tyrannies stem from the very different sets of aspirations of the three key classes of built environment actors who shape such

places—architects, development professionals, and regulators—each of whom has a very different set of motivations underpinning their actions. Typically, and respectively, these motivations include peer approval, profit, and a narrowly defined view of the public interest. They are in turn informed by very different modes of working and associated professional knowledge fields, respectively: design, management/finance, and social/technical expertise. In Erith the placeless public design prescriptions of the 1960s (1.5i), the market opportunism of the 1990s and 2000s (1.5ii), the intensive infrastructure of the town's post-war history (1.5iii), and the insensitive management approaches of today (1.5iv) perfectly encapsulate the tyrannies.

Today, places are shaped to greater or lesser degrees by the interplay between these creative, market-driven, and regulatory modes of practice and arguably, too



Figures 1.5i–iv Erith (London), shaped and destroyed by the tyrannies of practice

Source: Matthew Carmona



Figures 1.6i–iii In Japanese cities, different tyrannies predominate in different places

Source: Matthew Carmona

often by the failure to strike an appropriate balance between those forces. This can lead, as often in the United Kingdom, to profound and ingrained conflict between the different professionals who encapsulate each culture. The danger is then that places are shaped by development solutions based on the conflict, compromise, and delay that result from the friction between contrasting perspectives on the city rather than on what is right for a particular locality.

Particular tyrannies predominate to different degrees in different places, and this is ‘written’ into the urban fabric of our cities, as famously illustrated by the sequence of drawings by Hugh Ferriss (1929) depicting the implications of the 1916 Zoning Ordinance on New York’s buildings, where simple regulatory formulae crossed

with developers’ desire to maximise development, led directly to the characteristic stepped skyscraper designs of the 1920s and 1930s. In Japanese cities, the impact of the tyrannies can be particularly striking (Carmona & Sakai 2014). In Tokyo, for example, a lack of visual controls of any form gives architects a free hand to create wild and extravagant architectural gestures that in some parts of the city result in an architectural zoo of competing visions (1.6i). Elsewhere it is the forces of commerce that dominate, with the centres of many Japanese cities, including Osaka (1.6ii), festooned with gaudy signs and lights competing for the attention of customers. There is also a more restrained side that is most obvious in the ordinary streets of Japanese cities, particularly in historic cities such as Kyoto (1.6iii), where rigid zoning and building regulations dominate, leading to some very regimented and ultimately uncomfortable relationships between buildings.

Yet whilst undoubtedly visually chaotic, Japanese urban landscapes are also amongst the most vibrant and stimulating in the world. This invites the thorny question: what exactly do we mean by design quality in the built environment? ‘Design quality’ is invariably a problematic concept that will mean different things to different people, not least to the different professionals involved in a development project, as well as to the many individuals who make up the community affected by it.

What Do We Mean by ‘Quality’ in Design?

As has already been touched on, discussion of design immediately raises issues of visual appearance in many minds. In the United Kingdom, for example, prior to

the 1990s the regulation of design through the planning process was known as aesthetic control, largely because 'design' was seen as largely an aesthetic concern. Indeed, for many years, and in particular in the 1980s, the design agenda of national government was largely limited to telling local government to steer clear from 'meddling' (as they saw it) in such concerns. Yet, as the Japanese case suggests, quality in the built environment is not just a visual concern, as even the most visually chaotic of city spaces can work in a whole host of other ways: they might be comfortable, engaging, safe, social, efficient, sustainable, and so forth. Even in aesthetic terms, what for one person may be a satisfying visual harmony for another may be simply boring. In this respect, as has already been argued, we are better off thinking about 'places' in the round rather than about particular more limited notions of quality.

Conceptually unpacking this, it is possible to conceive of four levels of design quality relating to the built environment, each more complex than the last:

1. Aesthetic quality: Which is the most limited conceptualisation of design, yet is also often the 'headline' consideration when architectural, urban, or landscape design is debated, not least because of the overriding preoccupation in the training of architects and other design professionals with the physical 'vision' as something to be understood and critiqued first and foremost on an artistic/aesthetic level.
2. Project quality: Takes a larger perspective on design encompassing the Vitruvian principles of firmness, commodity, and delight (aka: soundly built, fit for purpose, and attractive). This notion thereby encompasses important aspects of functionality alongside aesthetic concerns, but in a different way is also limited. Thus whether the project is a building, a bridge, or a piece of green infrastructure, the emphasis will tend to be on the project in isolation and therefore on an object-based assessment of quality within the boundaries of a clearly defined site.
3. Place quality: Again enlarges the plane of concern, this time beyond the project and its site to the larger place in the sense already discussed and incorporating all the complex interacting dimensions of the use, activity, resources, and physical components of place. This notion encompasses how particular interventions (e.g. individual projects) interact with and impact the whole as well as the parts of the complex contexts in which they are situated.
4. Process quality: The final type is quite different from the previous conceptualisations as it is concerned with the 'why', 'how', and 'when' of design as much as with the 'what'. In other words, with how the place, project, or vision is shaped or created, for what purpose, and by who; with why an intervention is right in the context of all the other processes of change that impact that place; and with when change occurs and how processes facilitate or undermine that. This notion of process quality structures the discussion in Part III of this book.

Ultimately, whilst judgement about design quality in any given circumstance will never elicit unanimity from one individual or organisation to the next, each notion of quality is perfectly capable of being defined in normative terms depending on the exact nature of the aesthetic vision, project, place, or process. In England, the Royal Fine Art Commission (RFAC) defined six criteria for *What makes a good building* in order to guide its design review activities. These were: order and unity, expression (of the function of a building), integrity (in design), plan and section (an honest three-dimensional construction), detail (to delight and hold the eye), and integration (with the surroundings). Whilst admitting that a building could embody every criterion and still not be a 'good' building and, conversely, could be a 'good' building without complying with any of the criteria, underpinning the principles was an overriding concern with the aesthetic consequences of development (Cantacuzino 1994).

In 2001 and again in 2006, the Commission for Architecture and the Built Environment (CABE) updated the criteria for design review, this time with an emphasis on *What makes a good project*. The new broader criteria encompassed: clarity of organisation (site and building planning), order, expression and representation, appropriateness of architectural ambition, integrity and honesty, architectural language (coherent and compelling, rather than arbitrary), scale, conformity and contrast, orientation prospect and aspect, detailing and materials, structure environmental services and energy use, flexibility and adaptability, sustainability, inclusive design, and aesthetics (CABE 2006a). Whilst

this advice also outlined the importance of context and how to understand the project in its context and in relation to planning a site, the overriding emphasis remained on the various complex, interweaving dimensions of the project rather than the larger place.

Moving to the broader notion of place rather than project quality, a wide range of normative frameworks summarise the desirable components of place. The Place Diagram of the Project for Public Spaces, for example, defines four ‘key attributes’ of successful places: sociability, access and linkages, uses and activities, and comfort and image;² whilst the UK Government’s guidance on design and the planning system that heavily influenced English urban design policy and practice throughout the 2000s promoted a seven-part agenda of: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability, and diversity. Such frameworks demonstrate that the concern for place extends from the physical reality and qualities of space to the actual experience of and practicalities inherent in its use.

Above and beyond such normative conceptualisations of design outcomes is the idea that the processes of design also have quality dimensions that ultimately influence how places are shaped. This notion of ‘process’ as something that can be influenced goes to the heart of the discussion in this book, as does the idea that process is continuous and not just concerned with the act of designing. Critically, it also encompasses processes of development, long-term management, and even the use of place; in other words, with what has already been described as the place-shaping continuum. Thus these processes relate not only to the sorts of self-consciously designed schemes that catch the eye of the press, but also to the un-self-conscious processes of urban adaptation and change that continuously shape and reshape the built environment all around.

Tridib Banerjee and Anastasia Loukaitou-Sideris observe that “Not much literature has focused on the process of urban design and its relationship to the final design outcome” (2011: 275). They argue that whilst some see design as a ‘glass box’ process, completely explicable and capable of understanding and refinement, more often it is viewed as a ‘black box’ phenomenon, obscured by the fathomless complexities and depths of the design imagination. They conclude that the reality is likely to lay somewhere between; in other

words, explicable but fathomless. To understand this process certainly requires an integrative understanding of the politically defined historic and contemporary processes of change, and a long-term view of all the processes that shape place and how they are moulded through the complex and changing power relationships between stakeholders. This is unlikely to be easy to grasp, let alone influence, perhaps explaining why normative models of the qualities of design process are less abundant than those relating to design outcomes.

In sum, many sets of ‘quality’ principles could be listed here, but the important point to take away is the need to understand the limits of any conceptualisation and how judgement and interpretation will always be a factor in assessments about what is good and what is not. When such judgements are being made in the public interest, then a process will be required to do this (part of the larger place-shaping process), and it is to this that discussion now turns.

Conceptualising the Governance of Design: What Is It?

The Governance Turn

Whilst ‘governance’ as a concept remains slippery and the subject of much heated debate amongst political scientists, from the 1990s onwards the term has increasingly been associated with a shift in our understanding of how society manages its affairs. So whilst the traditional view of public power was one of command and control where authority was centralised and exercised hierarchically, governance starts from the notion that power is typically dispersed and governments are severely limited in their ability to effect change when acting alone. Instead, public power acts through different tiers of government, through a wide range of governmental and pseudo-governmental agencies, and through the resources and activities of the private sector. In this respect, “effective power is shared, bartered and struggled over by diverse forces and agencies” (Held et al. 1999: 447).

Contemporary discussions of governance cover many variants: global, corporate, project, environmental, regulatory, participatory, urban, and so on. Focussing on the last of these, the urban governance cake may be sliced and understood in multiple ways: in terms of the

formal overlapping tiers of government, supranational to local; relating to places as geographically defined units such as cities, districts, neighbourhoods, etc.; as regards particular types of area, for instance places of rapid change, areas of environmental or historical sensitivity, areas of multiple deprivation, etc.; in relation to the particular challenges of service provision in different policy arenas, including the governance of planning, highways maintenance, parks management, and so on; or even as regards particular sub-areas of service provision, like the governance of tall buildings as a subset of planning. Governance has been discussed in all these ways and many more, it is often set within larger discussions of political economy, and has spawned a huge and growing literature as a result.

Jon Pierre holds that urban governance should be understood “as a process blending and coordinating public and private interests” and references regime theorists who contend that: “governing the city and its exchange with private actors is a task that is too overwhelming for public organisations to handle alone” (1999: 374). Instead, urban governance quite simply represents all the diverse processes through which public bodies in concert with private interests and civil society seek to enhance collective goals: “a process shaped by those systems of political, economic and social values from which the urban regime derives its legitimacy” (Pierre 1999: 375). Likewise, David Adams and Steve Tiesdell have argued that “successful places come about through effective coordination between the many different actors involved in their production and consumption” and that “this task is essentially one of governance” (2013: 106). They distinguish three commonly recognised modes:

- First, governance through hierarchies, where power is concentrated in the public sector and at the top (in government) and those further down the hierarchy, for example local government, abide by the rules set further up.
- Second, governance through markets where the state is tasked to enable the market, and a shrunken state apparatus gives way to the private sector wherever possible to actually deliver urban services and amenities.
- Third, governance through networks, where collaborative and partnership arrangements between public, private, and voluntary sectors attempt a middle

way that avoids the ‘big government’ of hierarchies and the fragmentation of markets; although with the additional layers of complexity born of seeking network solutions to complex urban problems.

Broadly these three modes of governance equate to the periods of post-war government epitomised in the United Kingdom and elsewhere by (i) the welfare state; (ii) Thatcherite or Reaganomics-inspired neoliberalism from the 1980s onwards; and (iii) its modification through ‘third-way’ politics epitomised by New Labour in the United Kingdom and the administration of Bill Clinton in the United States. Pierre (1999) usefully digs a little deeper and defines four different ‘ideal’ models of urban governance according to their prevailing characteristics:

1. Managerial governance: where, rather than viewing government as a conduit for resolving political conflict, the emphasis is instead on the efficient, cost-effective, and professional delivery of public services, often by arms-length organisations of government. Arguably this model has come to dominate government in the neoliberal era from the 1980s onwards and reflects an ideology that market-like mechanisms of supply and demand should dictate the relationship between consumers and producers of public services, rather than political preferences and accountability.
2. Corporatist governance: by contrast, gives primacy to the ideals of participatory democracy through collectives, with the discussion and settlement of policy dependant on bargaining processes between interested parties directed at achieving consensus and coordinated public/private action. In this model, decision-making is collective and inclusive, but also often slow, and can be limited to those organisations and individuals that are politically engaged.
3. Pro-growth governance: is characterised by close interaction between public and private parties with a particular view to strengthening the economy. These forms of governance are rarely participatory, but instead engage political elites directly with their business counterparts with the objective of boosting growth rather than redistributing it. In this model, public/private partnership is institutionalised and the resulting organisations enjoy considerable operational discretion.

4. Welfare governance: predominates in cities in which economic growth is limited and the major source of income to inhabitants flows through welfare spending leading to a particular dependency on the state and to the predominant position of the state as the key provider or enabler within the territory. Typically such regimes are hostile to the private sector as a supplier of services, whilst the main participants in delivering this governance are the government officials themselves.

In reality, different forms of governance can exist simultaneously, even in the same territory, as different problems and different contexts will give rise to different local relationships and therefore to varied forms of governance. As recent research taking a comparative perspective on urban governance concludes: “No one model of governance stands above the rest. The wide variety of governance institutions and decision-making models reflects both the local context and history and the complexity of the issues to be resolved” (Slack & Côté 2014: 5).

Deconstructing these various models and cutting through the politics of provision, it is possible to identify a triad of fundamental characteristics within whose parameters urban governance of all types will sit. These are: the mode of operation, whether ideological (directed at particular political objectives) or managerial in style; the relative concentration of public authority, whether centralised or disaggregated, including to arm’s-length agencies; and the power to deliver, whether public or market-oriented. These are represented as three continua in 1.7 because in reality urban

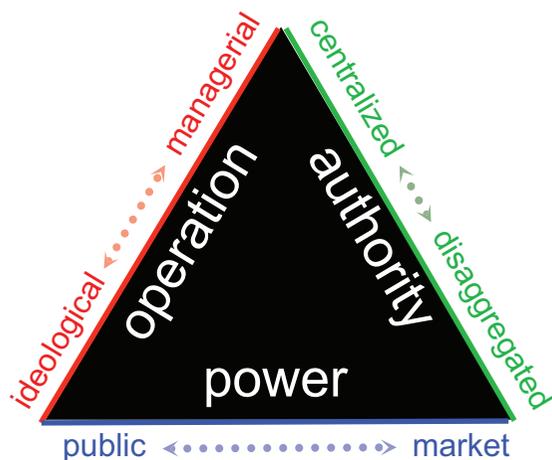


Figure 1.7 Urban governance, a triad of fundamental characteristics

governance will rarely sit at the extremes, for example wholly market or wholly public provision, but will instead, on each axis, sit somewhere in between. The framework will be returned to throughout Part II of this book.

Why Design Governance?

Human beliefs and philosophies have, since ancient times, been reflected in a diverse range of local codes that dictate the form and layout of buildings, monuments, and settlements, whether related to natural phenomenon (on earth or in the stars) or to superstitions, creeds, and practices of human and/or spiritual origin. The use of Feng Shui from 4000 BC onwards in China; the layout of ritual landscapes such as Stonehenge in England from 3000 BC; the design of religious buildings across today’s Christian, Islamic, and Hindu worlds; and the layout of sacred sites in the great civilisations of the past, in ancient Egypt, Greece, or the Andean civilisations, for example, each share in common the use of prescribed design codes to give meaning and narrative to devotional practices, whether of monarch or deity.

Beyond the laws of religious authorities, design has also long been a subject for governmental activity, and societies through the ages have regulated aspects of design for many reasons. In ancient China, for example, the colour yellow was associated with imperial dignity, and for many centuries its use on buildings was restricted to the emperors. In medieval England, the right to use crenellations on a building was controlled by the king because of their association with the building of fortifications, and those wishing to use crenellations had to obtain a licence to crenellate from the twelfth century onwards. From the thirteenth century, the development of Siena was regulated by controls on building heights, materials, window shape, and building line established by the then Nova Government of the Republic of Siena. Following the great fire of 1666, a series of building and urban codes were laid down in the Rebuilding Act of 1667 for the reconstructing of the City of London. This was the first time that such comprehensive design regulations had been set down in England and included seven types of street, four types of house, and a range of approved construction types (1.8). Much later, height restrictions were enacted

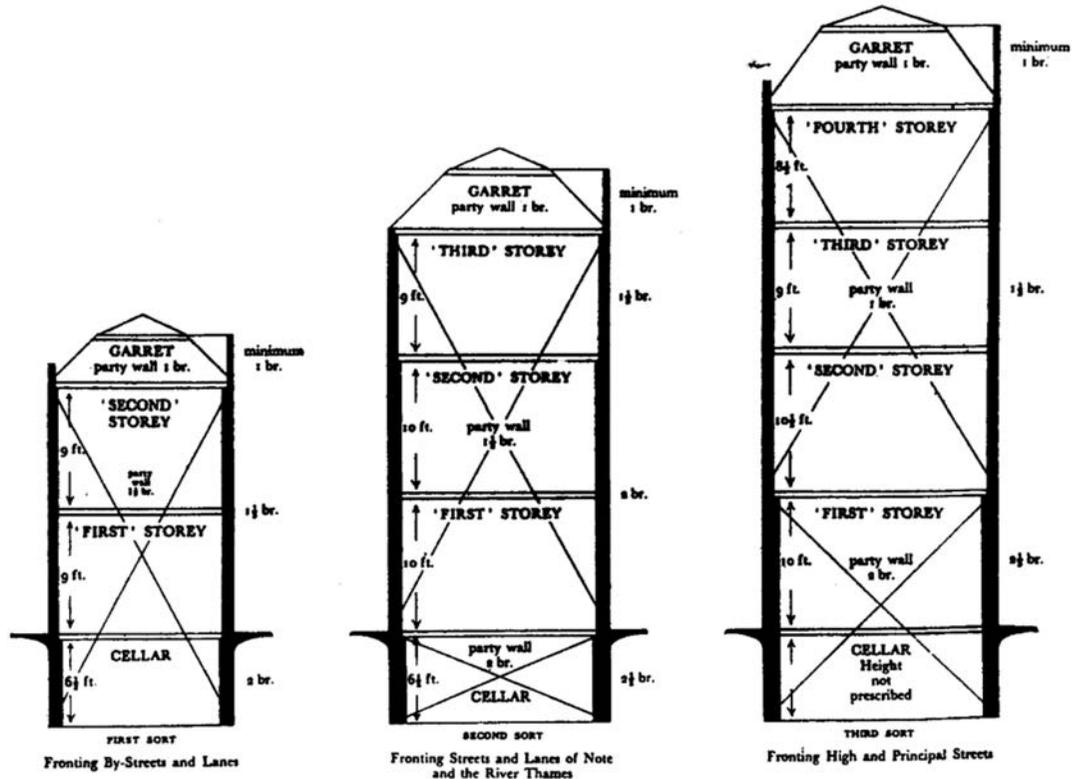


Figure 1.8 Codes from the Rebuilding Act of 1667 following the great fire of London the previous year, building types giving rise to a street typology

for the first time in America through the Washington, DC, height regulations of 1899 following hot on the heels of an 1894 act that set an eighty-foot height limit in London. Additionally in Washington, DC, from 1910 (and still in operation today), Congress set up a Commission of Fine Arts to advise on the location of statues, fountains, and monuments, and later on the design of all public buildings in the District of Columbia. It was this that provided the model for the Royal Fine Art Commission for England and Wales, established in 1924 (see Chapter 3), whilst the development and spread of planning and zoning systems during the twentieth century all had at their heart control of land use mix and development quantum, both fundamental aspects of what we have come to know as urban design.

These examples represent just a tiny sample of state interventions in design that in modern times have become increasingly extensive as societies and their administrations attempt to intervene and shape the public and private built environment for a range of

predominantly 'public interest' motivations. Prominent amongst these are:

- **Welfare motivations:** At their most basic, many design regulations simply attempt to protect the public and individuals from a host of health and safety concerns, both manmade and natural. These range from fire transmission, to structural stability, to access to light and air, to road safety, to avoiding pollution and disease, and so on.
- **Functional motivations:** These concern the fitness for purpose and everyday efficiency with which the built environment operates, for example encouraging the free movement of pedestrians and vehicles, the conduct of different uses and activities simultaneously, the provision of the infrastructure and amenities that make life possible, and the facilitation of the day-to-day management of buildings and space.
- **Economic motivations:** Economic outcomes are always a key political concern and there are strong

bodies of opinion that see controls of any sort as inhibitors to economic activity and to the natural operation of the market. Careful control of design is nevertheless also seen as a means to stimulate local economic growth by facilitating particular types, forms, and densities of development in particular localities and as a means to deliver the economic dividend that evidence suggests well-designed developments can command (Carmona et al. 2002).

- Projection motivations: Which relate to the desire amongst leaders to project a particular image of place, perhaps in order to encourage investment or attract particular sorts of companies and/or individuals to a city or locality, but also to establish and project a clear identity for places that users can identify with and that reflect the worldview (good or ill) and ultimately the power and legacy of those responsible.
- Fairness motivations: Individuals or companies acting alone are likely to attempt to maximise their own benefit, and this may be at the expense of others or of resources held in common (sometimes known as the tragedy of the commons; see Webster 2007). Regulation can attempt to guarantee private property rights in a manner that doesn't unduly impact the rights of others or resources held in common.
- Protection motivations: Conservation of important historic and natural assets and environments is a key concern that has become all the more prominent in recent years in the face of large-scale rapid change. It encompasses not only protection, but also enhancement of the positive distinctive qualities of place, whether historic or contemporary.
- Societal motivations: These rationales (arguably) encompass all the other categories, but more specifically include the range of liveability, improved amenity, civic pride and engagement, crime reduction, inclusiveness, and health and social benefits that a better-designed public environment can bring. Such concerns amount to perhaps the most compelling set of reasons for the state to be interested in design.
- Environmental motivations: Such arguments are increasingly central to urban governance agendas, and the design of the built environment has a potentially large part to play in delivering this agenda through designing for adaptability, energy reduction/efficiency, public transport, mix and

intensity of use, greening, and so forth (Carmona 2009c).

- Aesthetic motivations: Whilst visual concerns are often the headline factors when 'design' is discussed, because of their somewhat intangible nature they are also amongst the most difficult to evaluate. Despite this, aesthetic concerns remain vitally important (albeit often controversial) for reasons relating to how developments integrate into their surroundings, because of the desire amongst many architects to innovate and build something 'of today', and as a consequence of the basic human sensibility to beauty (CABE 2010d).

Reflecting these diverse motivations and the widely held belief (already articulated) that many environments produced in the modern and postmodern eras have been sub-standard, the extent and nature of attempts to influence design outcomes have also increased through time. Despite suggestions that such controls on design are partly complicit in this general deterioration, one of the few international studies of the use of urban codes demonstrates that they are now universal. It also argues that when used in a manner sympathetic to their original local forms and contexts, they are just as likely to be viewed positively as negatively (Marshall 2011). The term 'design governance' captures all such state-sanctioned interventions in the design of development. Later in this chapter the scope of this activity is discussed; before then some of the challenges and contradictions such processes throw up are examined.

The Problematics of Design and Its Governance

Despite its pedigree and the wide range of motivations driving public authorities to engage in the governance of design, design as a subject for state action is inherently problematic. The international literature on urban governance, for example, establishes a number of normative principles associated with 'good urban governance'. These include positive aspirations such as: the need to be accountable and transparent, to encourage participation and consensus building, to be responsive to changing need whilst also being efficient, and to be both effective and equitable. Yet design, as a subject for governmental activity, has long

suffered from a range of inherent challenges that reveal something of how design is profoundly different from many of the ‘big ticket’ policy realms such as health, defence, welfare, or policing (Carmona 2001: 58–68). These can be boiled down to eight core problematics that reveal how design fails to conveniently tick the boxes of good governance in that it is open to challenge and debate, to quite different professional perspectives and priorities (the tyrannies), and does not easily divide into neat, efficient, and predictable considerations for decision-makers.

A Fragmented Responsibility and Built-in Dissensus

In most countries, the design/development arena is split in three senses, first between public and private interests, as already alluded to; second between numerous professional specialisations represented by their professional membership organisations; and third in the responsibility for such concerns within government, across the spatial scales. As such it typically doesn’t have the sort of strong unified sectoral voice that is more common in other policy arenas; in health, law, or business, for example. Instead, the field is fragmented and can be highly contested along the sorts of ‘tyrannical’ lines already described, where agreement on what constitutes ‘good’ design will depend more on the primary motivations of key players—for example to make a profit, garner political support, get published in architectural journals, and so forth—than on how to deliver the optimum place quality within the given resources and constraints. This is certainly the case within local government, about which Ethan Kent (n.d.) has argued: “the fractured, siloed structure of contemporary government, with its myriad departments and bureaucratic processes, often directly impedes the creation of successful public spaces.” The inevitable result is that dissensus is built in from the start, and, even if it is not, responsibility is often so fragmented that coordinated action over design is difficult to achieve.

The Marginalisation of ‘Expert’ Judgement

A dimension of the dissensus relates to the particular role of non-experts in making public interest judgements on design in a manner that would not normally

be allowed in other areas of professional endeavour (Imrie & Street 2009: 2514). Thus whilst architects, landscape architects, and urban designers typically train for many years with design as the core focus of their attentions, others with little or no design training are empowered to pass judgement on their designs. These include: planners, whose engagement with design is often just a small part of the multiplicity of factors covered in their training; engineers, for whom design is a more limited technical activity; developers, for whom design is inevitably a subset of the profit equation; and politicians, often with no design training at all. Each will instead seek to balance their ‘non-expert’ judgement against other public and private objectives, including weighing up the costs (financially and in time) of hiring design expertise. Conflict between expert and non-expert is perhaps inevitable in such circumstances where non-experts may have a greater impact on outcomes than the experts themselves, and where lay and expert tastes will often diverge (Hubbard 1994).

The Debatable Concept of ‘Good Design’

Despite the sorts of normative frameworks discussed earlier and widely used to evaluate development proposals, the notion that transferable and easily identifiable characteristics of good design exist remains a debatable contention. Certainly some dimensions of design in the built environment will always be more subjective than others. Thus whilst technical issues such as energy rating or inclusive access will be objectively verifiable (albeit debatable in terms of what standard is deliverable), other concerns such as architectural style and aesthetics will be far less so. Moreover, urban design solutions will vary from place to place, will depend on the sorts of varying aspirations of stakeholders already discussed, and are not amenable to easy one-size-fits-all prescriptions. In such a context, informed and skilled design judgement and a careful understanding of the local development context are likely to be key to making judgements about design quality, whilst there will always be multiple possible (and acceptable) solutions to most urban design problems. Equally there will always be many solutions that are clearly not right or simply sub-standard, and whilst it may be challenging to agree on what is the ‘right’

solution to any given design problem, agreeing on what is not right will often be more straightforward.

The Intangible Nature of Design and Design Value

Related to the difficulties in defining what is good design is the conceptually challenging and somewhat intangible nature of design that means it is poorly understood by many decision-makers (and some professionals) who continue to equate design with narrow aesthetic debates or with a sense that design is a luxury that can be cut in bad times. Equally, many design objectives (and processes) are difficult to measure and impacts are difficult to attribute, and are therefore not amenable to centrally driven performance management approaches or targets, or to specification in policy or guidance. To use an example quoted elsewhere (Carmona 2014c: 6), investing in an anti-obesity pill would seem to deliver a tangible and direct benefit from a single, clearly defined product with clear, knock-on commercial benefits. By contrast, designing the built environment to encourage users to do more exercise and not to get fat in the first place, seems infinitely more complex, involving numerous interconnecting elements, diffused responsibilities, and difficult-to-trace impacts. Similarly, the pursuit of better design in the built environment will be a long-term project, requiring many years before tangible impacts can be felt from policy decisions or from innovations in design process, and requiring long-term commitment and dedicated resources that do not naturally fit with short-term political priorities. As such, design is difficult to debate or to prescribe in policy, let alone to encourage concerted action to address such complex intangible concerns.

The Appropriate Limits of Power

In the neoliberal era, increasingly the state has pulled out of directly developing projects. Even where the ultimate responsibility remains public, for example for the provision of prisons, schools, hospitals, and much large-scale infrastructure, increasingly the private sector provides and operates these facilities whilst the public sector pays for them over time. In such a context, the public policy aspirations for design that involve new development need largely to be delivered through

the auspices of the private sector acting in the market, and in this respect are outside the direct ability of the public sector to deliver particular outcomes. The issue brings into focus a long-held concern regarding the appropriate limits of state power over private property rights, and whether attempts to control design (in the absence of direct delivery) amount to undue interference or the legitimate pursuit of the public interest (Case Scheer 1994). It raises the uncomfortable issue that for the state to influence design quality in such circumstances, it needs to do so through indirect means (directing the actions of others) with all the limits on state authority that this implies. By implication, this also limits the ability of communities both to hold their public representatives to account and to directly engage in such matters themselves.

Market Realities and the Detached State

In a related category falls the issue that public design requirements may add to the costs of development, either by extending and elaborating the development process itself (e.g. requiring more detailed design proposals early on in the process) or in the build-out costs of development (e.g. a higher public realm specification or greater energy efficiency). Because these costs may or may not be recoverable by developers, they will directly impact the viability of schemes in the market. Whilst there is plenty of evidence that public design requirements can equally reduce build-out costs (e.g. replacing expensive impermeable surfaces with cheaper porous permeable ones) or generate a design premium on sales or rental values (Carmona 2009b: 2664), the question of cost and the detached nature of the state from these market realities will loom large in the considerations of many private development actors as they engage with public design aspirations.

How Much Intervention?

The issue of intervention versus interference also leads to another problematic: if intervention is deemed appropriate, how much intervention is the right amount and when is it too much; or in other words, how prescriptive should the requirements of the state be? Ultimately this is a matter for political and democratic judgement and will vary from place to place,

although it has both policy and process ramifications. In policy terms, questions of over-prescription versus under-prescription in design policy and guidance can dominate debates on the legitimacy or otherwise of the public sector engaging in design; especially when this is seen to impact the ability of architects (in particular) to creatively innovate in design (Imrie & Street 2011: 85). Equally processes that involve too many parties in decision-making and lead to lowest common denominator ‘design by committee’ or compromise solutions as a substitute for clear vision and a creative design process can be equally destructive. Whilst there can be no right or wrong answer to such issues, to some degree the legitimacy of greater or lesser intervention will depend on the quality of that intervention and whether, as a result, it carries public support.

Balancing Certainty with Flexibility?

There is also a related issue around the certainty and consistency of decisions, with much criticism reserved in systems where such decisions involve a greater degree of discretionary power, such as in the United Kingdom (see Chapter 2), for the seemingly arbitrary decision-making that can result when there is an absence of clear policy or guidance on which to base decisions. For market actors, this has a decisive impact on the certainty with which they can plan their operations. Equally these same actors may quickly object if their flexibility to operate in a changing market is unduly impaired, for example by (for them) the over-prescriptive imposition of public design requirements on their projects. This question of how much or how little intervention on design is right represents a problem that is unlikely to have a simple or consistent answer.

Together, the problematics mean that design does not lend itself naturally to public debate, to easy national or local policy solutions, or to the constraints of short-term political cycles. Design has also, at different times and in different contexts, been critiqued from both sides of the political spectrum. From the right have come concerns that giving undue consideration to design can undermine the operation of the free market, tying up local initiative and creativity with unnecessary delays and ‘red tape’. Campaigners Mantownhuman, for example, have argued, “we must seek a new humanist sensibility within



Figure 1.9 This space on the Thames riverside in Greenwich was of appropriate quality to get planning permission, but has little social (it is fenced in), economic (it is an on-going management problem), or aesthetic value (it is crudely constructed of cheap materials)

Source: Matthew Carmona

architecture—one that refuses to bow to preservation, regulation and mediation—but instead sets out to win support for the ambitious human-centred goals of discovery, experimentation and innovation” (2008: 3). From the left have come critiques that design quality is an elitist concern and is largely a preoccupation of property owners seeking to protect their asset values or developers wishing to enhance theirs, and that reducing socio-economic inequality rather than improving local environmental quality should be the priority. As Alexander Cuthbert has commented with regard to public sector attempts to influence design outcomes: “At best they look to the past and, in the process, seek to conserve property values . . . self-interest and autonomy of control over the design process” (2011: 224).

Both perspectives are based on the same fundamental misconception that good design is a narrow concern primarily in the interests of one side of the public/private divide at the expense of the other, be that society or particular private interests. In fact, good urban design is fundamentally in the interests of society at large by avoiding the problems of the sorts of sub-standard places already described, and instead aspiring to the creation of what Alan Rowley has characterised as ‘sustainable quality’ rather than ‘appropriate quality’ (1998: 172) (1.9). In other words, development that

returns long-term social, economic, and environmental value and looks beyond short-termism, whether based on economic opportunity or social need.

The Design Governance Conundrum

Many approaches to design governance ultimately operate by, on one hand, restricting private property rights and, on the other, granting development rights. The former (restricting property rights) constrains the freedom of key stakeholders to design and those who perceive themselves to be most directly affected—designers and developers—are likely to resist such intervention the hardest. David Walters even argues that, faced with such circumstances, “Many architects are guilty of knee-jerk reactions to design standards, preferring the ‘freedom’ to produce poor buildings rather than be required to improve standards of design to meet mandated criteria” (2007: 132–133). The latter (granting development rights) has equally often been criticised for sanctioning developments that are quite simply not up to standard, and some have suggested that it is planners’ inability to define and deliver a public design agenda that is the problem here: “Vision is something that your average planner simply does not have” (Building Design 2013).

More positively Witold Rybczynski has argued: “Cities as disparate as Sienna, Jerusalem, Berlin, and Washington DC, suggest that the public discipline of building design does not necessarily inhibit creativity—far from it. What it does have the potential to achieve . . . is a greater quality in the urban environment as a whole” (1994: 211). Certainly the public resources devoted to such activities in countries around the world can be taken as a reflection of the public endorsement that processes of design governance command, and that these processes are largely apolitical. In the United Kingdom, for example, polling revealed that only 2 per cent of people on the right of the political spectrum, 4 per cent on the left, and 3 per cent in ‘other’ categories had no interest in what buildings, streets, parks, and public spaces look or feel like to use (CABE 2009c). Yet perhaps such a result is inevitable. It certainly does not represent a *carte blanche* to the public sector in this sphere.

Kelvin Campbell and Rob Cowan (2002), for example, have argued that ‘rulebooks’ (by which they

mean the various design standards and the bureaucracies that go with them) are too often crude and therefore too unresponsive to local circumstances to positively shape place quality. Despite this, once a system of regulation is in place, it becomes very difficult to change, as it quickly generates large numbers of vested interests whose primary concern (arguably) is with maintaining the system as it is rather than with dismantling or changing it. A case in point are the legions of zoning officials charged to create and manage ever more complex zoning ordinances in the United States. Set against them, and with an equal stake in maintaining the status quo, are the legions of land use zoning lawyers whose job it is to challenge the rules and find ways around them (Carmona 2012).

Although the inherent value of such systems is often asserted, just as they are contested, few would dispute that once they are in place, public authorities are often highly adept at applying the ‘technical’ standards and regulations that result. In England, for example, almost half a million planning applications are received and decided each year, most of which are known as ‘minor’ for household alterations and the like, the large majority of which (around 75 per cent) are decided efficiently and effectively within eight weeks.³ Given that this is the case, it is reasonable to question whether it might be possible to raise the bar to, instead, focus these sorts of bureaucratic efforts more concertedly on securing higher-order urban design outcomes. This is the design governance conundrum:

Can state intervention in processes of designing the built environment positively shape design processes and outcomes, and if so, how?

Nan Ellin puts it another way: “Should we step aside and allow the city to grow and change without any guidance whatsoever? No [she says] that would simply allow market forces to drive urban development. Markets are only designed to allocate resources in the short term and without regard for things that do not have obvious financial value like the purity of our air and water or the quality of our communities” (2006: 102). Design of the built environment falls into this category. Many have a potential hand in its delivery, but market forces acting in a vacuum will tend to lead to competition between players based around securing



Figure 1.10 Design as market failure, impermeable loop-and-lollipop landscapes (looking from one across a fence into another)

Source: Matthew Carmona

narrow market advantage rather than to collaboration focussed on creating something greater than the sum of the parts. The ‘loop-and-lollipop’ landscapes of suburban retail and business parks represent a case in point where in order to compete with their neighbours, operators are typically concerned with maximising unit attraction within their site (e.g. large and obvious parking and highly visible signage) rather than with connecting to their competitors. The result is that travel between adjacent plots is often impossible by foot and instead requires a roundabout journey by car. Examples of such layouts are globally ubiquitous (1.10) and a clear case of market failure.

In such circumstances, state intervention may seem justified in order to correct the failure, yet we also need to be careful not to fall foul of the ‘nirvana fallacy’ that the solution to imperfect markets is necessarily more government; as Bradley Hansen has argued, “Because governments are run by imperfect people, government regulation is unlikely to be perfect” (2006: 117). Thus, just as markets fail, so do governments, and whilst public intervention might be seen as an appropriate response to poor place-making, for a variety of reasons the assertion that more intervention will necessarily deliver better design, or the presumption that ‘good’ design guidance and control will, ipso facto, create good places, should be treated with extreme caution:

- There may be no market failure in the first place: most historic towns and cities, for example, grew

up organically with very little regulation dictating where and how buildings, uses, and public spaces should be located, and yet formed some of the most celebrated and humane of today’s urban landscapes.

- The solution may be worse than the problem: Arguing against zoning, for example, Bernard Siegan (2005) suggests that such practices increase the price of homes by limiting supply; encourage sprawl by imposing restrictions on uses, densities, and height; and are exclusionary because zoning acts against the needs of disadvantaged groups by distorting the market from meeting their needs.
- It may create barriers to change and innovation: Architects, for example, have long argued that processes of design control favour ‘safe’, even historicist, design solutions and undermine the creation of places resonant of their time, both aesthetically and in terms of the construction technologies that are thereby favoured (Cuthbert 2006: 193–194).
- Perverse outcomes may result: Stories of unintended outcomes from overly crude design regulations are not uncommon and famously include the creation of a generation of poor-quality Publicly Owned Public Spaces as a result of incentive zoning practices in New York during the first few decades following the introduction of these new rights in 1961 (Kayden 2000). Less famously, in the United Kingdom, the removal of street trees from residential schemes has sometimes occurred when, following marketing and sales, it has transpired that the relevant local authorities have been unwilling to ‘adopt’⁴ roads with street trees because of the on-going maintenance liability.
- The risk of discrimination: Processes of controlling design may support the tastes and values of certain cultural groups over others and (unintentionally or not) discriminate against those with different cultural values or who simply wish to use space differently. A documented case in point has been the development of ‘McMansions’⁵ in suburban North America. These developments have typically been criticised by commentators and campaigners for their crass, showy, and uncontextual ‘bigness’, but Willow Lung-Amam (2013) argues that they simply reflect the different cultural norms of their owners—typically affluent immigrant groups—and that policies to

control them reinforce elitist, white, middle-class perceptions of good design held by residents of longer standing (and city officials) and unduly discriminate against those with a different view.

Regulatory economists argue that regulation is inherently costly and inefficient, but difficult to challenge because of what Peter van Doren of the right-wing CATO Institute calls ‘Bootleggers’ (special interests who gain economically from the existence of regulation) and ‘Baptists’ (those who don’t like the behaviour of others and want government to restrict it) (2005: 45, 64). For such commentators, the market, rather than state regulation, is the proper mechanism through which optimum development outcomes can be achieved and through which individuals can best express, meet, and protect their interests. In support of these arguments, Houston in the United States is often cited as a city in which communities have been able to meet their needs despite being the only major US city without a system of zoning. Houston, however, has adopted other sorts of ordinances to alleviate the land use problems that result, including banning nuisances, imposing off-street parking, and regulating minimum lot, density, and land use requirements (Siegan 2005: 227). Thus even the least regulated cities in the developed world impose controls of some sort or other on the development and use of space.

Although, as we will see, privatised alternatives do exist and have gained some traction in the United States, for most urban areas, public sector intervention of some sort or other seems inevitable. Equally there will always be both good and bad intervention. Consequently, rather than the fault of intervention per se, problems associated with perverse outcomes may simply be a consequence of bad intervention. Two key questions arise from this. First, not ‘if’, but instead ‘how’ should intervention in design occur? And second, at what point—‘when’—will intervention be most effective?

The ‘When’ Question

The first question will be determined by the choice of ‘tools’ available and our ability to use them, but taking the second question first, to ask ‘when’ it is important to make a key conceptual distinction about the nature of public sector design governance as opposed to

private sector project design. On this issue Varkki George (1997) has made an important division between first- and second-order design processes: “In first-order design, the designer usually has control over, is involved in, or is directly responsible for all design decisions. . . . Second-order design [by contrast] is appropriate to a situation characterised by distributed decision-making because the design solution is specified at a more abstract level and is, therefore, applicable across a wider range of situations.” He argues that most urban design falls into the latter category—characterised by distributed decision-making. This contrasts with architecture, which is typically in the former camp.

Because of the long-term horizons over which it operates, design at any scale beyond that of the individual building typically needs to deal with shifting and complex economic, social, political, legal, and stakeholder environments, and with how these adapt and change over sometimes very long time horizons. Second-order design is particularly suited to such turbulent decision-making environments because it is more strategic in nature, ideally specifying what is critical to define and ignoring what is not. In some respects, therefore, the distinction between first and second order is confusing because if urban design is about setting the framework within which other more detailed design occurs—architectural, engineering, and the local landscape—then it should come first.

The Decision-Making Environment

Setting this potential confusion aside, Jon Lang (2005) distinguishes between four key types of design process at the urban scale:

- Total urban design: complete control by a single design team over the design of a large area—buildings, public space, and implementation.
- All-of-a-piece urban design: where schemes are parcelled out to different development/design teams following an overall masterplan that acts to coordinate the pieces.
- Piece-by-piece urban design: the process of single uncoordinated developments coming forward as and when opportunities or the market allows, although guided by area objectives and policies.

- Plug-in urban design: where infrastructure is designed and built in new or existing areas, into which individual development projects can be later plugged in.

All but the first of these are second-order activities, and even in scenarios of ‘total design’ the framework urban design provides will come before the detailed design of individual buildings or spaces. At this level, design can be as much about shaping the environment within which decisions occur as with the process of designing; or, to put it another way, the more one moves away from designing actual things (buildings, roads, landscape features, etc.), the more considerations are with the way decisions are made than with the making of design decisions. The challenge is to design a decision-making environment that in its turn positively influences how decisions about design are made and ultimately how outcomes are shaped. But rather than seeing this as second-order design, we might see it instead as the governance of the design process, or, in other words, as design governance.

As a consequence, design governance should not be time limited as the design of a project would be, but should instead be continuous, journeying around the place-shaping continuum (as already described, see 1.2) in a never-ending cycle of stewardship and change. Seen in this way, design governance has the potential to shape all stages of the journey of projects from inception to completion: shaping the decision-making environment within which they are conceived, influencing their passage through design and development processes, and guiding how they continue to mature after they are completed.⁶

Therefore, to directly answer the second question posed earlier—when should intervention occur?—the answer is continually in that the shaping of the design decision-making environment will be an on-going process. At the same time, for any given project the critical and most effective interventions are likely to come early, before key decisions about the design of development have been firmed up. This will also help to avoid conflicts, tensions, delays, and abortive work by ensuring that public aspirations are clearly known prior, during, and after the design process, and can thereby be factored into the development process (Carmona 2009b: 2665). Design process quality, in this

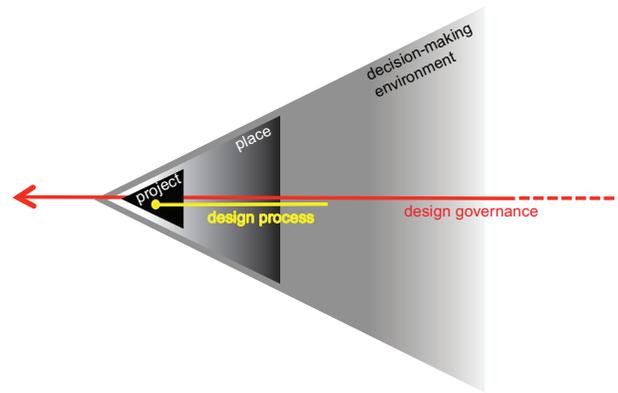


Figure 1.11 The design governance field of action

sense, is critical to optimising each of the other forms of design quality—esthetic, project, and place. The key relationships, as theorised earlier, are represented graphically in 1.11.

Unpacking Design Governance

How Should Intervention Occur?

Returning to the ‘how’ question posed earlier—How should intervention occur?—this question goes to the heart of this book, and it is not possible to give an easy answer. As a first step on the road towards its resolution it is useful to revisit and unpack the definition of design governance given earlier in this chapter in order to better understand the scope of the concern and the menu of interventions available.

In the Foreword to this book, design governance was defined as: “*The process of state-sanctioned intervention in the means and processes of designing the built environment in order to shape both processes and outcomes in a defined public interest*” (Carmona 2013a). Mapping onto the triad of fundamental urban governance traits represented in 1.7—operation, authority, and power—the definition implies that design governance operates: (i) in the public interest; (ii) through multiple means and processes of design; and (iii) as, ultimately, a responsibility of the state.

Operation

Taking each in turn, beginning with the ‘operation’ of design governance. The governance of design, to some degree, will always be ideological in that it aims at

achieving a set of aspirational public interest outcomes, namely, ‘better design’ than would otherwise be achieved without it. But because it is very difficult to secure design quality without expert judgement, which is in turn an expensive commodity, and because good design is anyway intangible and debatable and potentially fraught with ‘tyrannical’ discord (see earlier), it is likely that authorities with less commitment to design will orientate themselves away from the ideological and proactive and more towards the managerial and reactive end of the operations spectrum. They might, for example, choose to use as-of-right control against fixed and inflexible criteria, as opposed to discretionary negotiation against a flexible design framework or set of policies (see Chapter 2). Design governance clearly shifts up and down the operation axis.

Authority

On the question of ‘authority’ (the second axis), in a neoliberal political economy this will rarely be concentrated in a single place. Instead, as the definition implies, by recognising multiple processes of design, responsibility is likely to be dispersed through many hands, all of which form part of the decision-making environment that design governance is helping to shape. Critically, however, given variations in the range of actors and their power relationships from one place to another, and variations in the dominance or otherwise of a central public agency, the extent to which public authority is centralised or disaggregated will also vary significantly, ranging from, on one hand, a concentration of power in areas of significant heritage value, to, on the other hand, the multiple overlapping regimes that characterise many local mixed streets (Carmona 2014d: 18–19). Design governance will shift accordingly along the authority axis.

Power

Finally, regarding the ‘power’ axis, design governance will almost always be operated as a formal activity of the state, and ultimately the state will choose how much and what responsibilities it wishes to take in this regard, and what it wishes to avoid or give away. In some circumstances, private corporations have taken on the function, sometimes partially and sometimes

wholesale, effectively privatising it in the process. The case of Canary Wharf in London is well known in this regard where the original developers, operating in a policy vacuum (an Enterprise Zone), effectively imposed detailed codes upon themselves in order to build London’s new business district in a manner that would, through its quality, safeguard their long-term investment (Carmona 2009a: 105). Today, local government control has been reasserted in the area. In Lebanon, following the civil war that ended in 1991, the government established the private company Solidere to rebuild central Beirut. In effect the company has complete control over the historic centre of the city and is responsible for administering all of its planning and development regulations (Carmona 2013a: 126–127) (1.12). In the United States, nearly 15 per cent of the housing stock has been provided using the Common Interest Development (CIDs) model where large urban areas and all their social infrastructure are developed privately before being handed over to community Homeowner Associations (HOA) for long-term management. Whilst the powers of HOAs vary, in the largest cases, such as Irvine in California, they are responsible for the full range of regulatory responsibilities normally associated with a municipality (Punter 1999: 144–160).



Figure 1.12 The private company Solidere not only controls the planning of downtown Beirut, but was effectively given ownership of the land on behalf of the original landowners, giving it an unprecedented power to shape design and development outcomes that go far beyond normal state powers and that have profound implications for local accountability and democracy

Source: Matthew Carmona

Some argue that such ‘voluntary’ arrangements between landowners “are capable of producing a host of so-called public goods, including aesthetic and functional zoning, roads, planning, and other aspects of physical urban infrastructure,” and will do so more efficiently and effectively than the state (Gordon et al. 2005: 199), at least if viewed from the narrow perspective of property owners. Whether this is the case is open to debate, and that falls outside of the scope of this book. Perceptions of design governance, and what is acceptable in any given context will certainly depend on the underlying values on which any system is built, and this will vary between jurisdictions, both public and private. In general terms, however, those where the market represents the primary arbiter of social relationships based on efficiency will tend to eschew processes that unduly intrude on market relationships, whilst those where distributive justice is seen as a legitimate political objective will tend to view regulation aimed towards such ends—for example the improvement of design in the public interest—as an appropriate aim (Elkin 1986). The expectation in such places will be that processes of design governance remain largely the responsibility of the state.

Despite this, for the purpose of theorising design governance, it can be assumed that in many of their essentials, private organisations engaged in such processes effectively assume the role of a pseudo-public authority within their realms of influence and can be treated in the same way. In reality, the state’s resources and authority is always limited, often severely, and responsibility for the success or otherwise of design governance will depend on various mixes of public and private influence. The balance between the two will therefore vary significantly along this third axis, from a relative absence of state control within, for example, an Enterprise Zone, to a very prominent position within a state-led new town or major infrastructure project, to various sorts of partnership arrangement in between.

The Spectrum of Design Governance

This discussion suggests that whilst maintaining the essential characteristics encompassed in the definition, as an activity design governance can potentially exist within a wide spectrum of urban governance contexts:

ideological to managerial, centralised to disaggregated and with various degrees of public and private influence. Even within the same jurisdiction, different development processes can lead to quite different relationships along the three axes. Take two examples from the United Kingdom. First, the regulatory design process to agree the masterplan for a new privately led urban extension (a. in 1.13). Typically this involves a disaggregated decision-making process, encompassing planning and highways consents (often across different tiers of local government), and inputs from higher-level sub-regional (economic development) or even national actors (conservation, environmental management, affordable housing, and planning). Assuming a design code is in place alongside any adopted highways design standards, the decision-making process in such a case is likely to sit towards the managerial end of the operations spectrum, particularly if there is no firm political direction regarding what should be achieved. In such circumstances, the ultimate responsibility for delivery will rest with the housebuilder (most likely a large-volume builder), who will wield considerable power and resources to ensure that the outcomes reflect their development model.

Compare this with governance processes associated with the design of a major public project such as London’s Olympic Park in the run-up to the 2012 Olympics (b in 1.13). In this example, the whole project was firmly in the hands of a single dedicated public authority set up to oversee delivery of the event, including its planning and design. In this process, every element was ‘special’ and subject to discretionary negotiation against clear nationally imposed

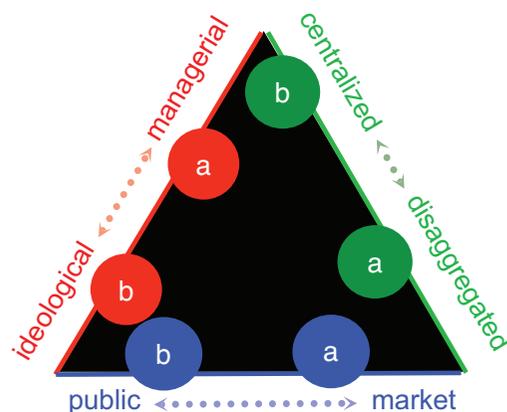


Figure 1.13 Contrasting development processes and their urban governance

political objectives to showcase the best of British design within the constraints of the budget. A dedicated design review panel was established which operated with clear high-level design aspirations laid down in a detailed masterplan and accompanying development guidelines. The result was a public, centralised, and ideological process directed at securing high-quality design outcomes through the dedication of considerable public sector resources. As such, this latter model, in the United Kingdom at least, represents the exception rather than the rule, and when used does not always achieve optimal outcomes, as some of the British new towns of the 1960s demonstrate.

Key Conceptual Distinctions

In a purely governance sense, the treatment of design can clearly take many paths, and there is little evidence to suggest that one path is necessarily superior to another. Recent research examining the creation and recreation of public spaces in London, for example, concluded that “there was no common process. In each [development] the line-up of stakeholders, the leadership, and the power relationships were different” (Carmona & Wunderlich 2012: 254), and yet many delivered outcomes that were of high quality. Equally, on the face of it, very similar urban governance processes can deliver quite different design quality outcomes, suggesting that it is not fundamentally whether a process is centralised or disaggregated, ideological or managerial, public or private that is at the heart of good design governance, but other factors. Indeed, given the increasing proliferation of different urban governance structures and practices, a recent report from the Royal Town Planning Institute (2014) has argued that we spend too much time making the case for theoretical or generalised preferences for particular forms of governance when what is more important is to be pragmatic about what works best, when, and where, and how we should join up the various contributions.

With this in mind, it is beneficial to further unpack the definition of design governance given earlier in order to understand the key components of those varied practices. Four additional conceptual distinctions can be made.

The Tools and Administration of Design Governance

First, the definition encompasses the full range of instruments and techniques available to those charged with the governance of design, referred to throughout this book as the ‘tools’ of design governance. The tools are classified in Chapter 2, discussed at length throughout Part III of this book, and range from research to design review, and from design competitions to hands-on propositional design. Their use encompasses the administrative infrastructures and procedures and the full range of human, financial, and skills resources necessary to utilise the tools and fully realise their potential. Rather than the meta-system of urban governance, it is most likely this detailed delivery of design governance—the tools that are chosen and how they are administered—that will be key to shaping a positive and effective decision-making environment.

Process and Product as a Focus of Intervention

Second, the definition concerns the pursuit of good design process—the place-shaping continuum in all its complexity—as much as it does good design outcomes, as ultimately outcomes are shaped by the processes of their creation, whilst any state intervention in design takes place within a process. It may be, for example, that the absence of design capacity within a system stems from a lack of design awareness and skills amongst key stakeholders, an absence of high-level policy, or from a general lack of demand for good design. As such this should be the appropriate focus for state-led intervention, not just the direct regulation of particular design proposals.

Formal and Informal Tools and Processes

Third, as well as any formal ‘systems’ sanctioned by legislation (national or local), the definition also embraces the full range of informal or non-statutory processes that can either supplement or enhance the formal ones, or that exist altogether outside of any formal system. The former, for example, would include processes of public policy making or zoning control and the latter design competitions, design awards, or educational initiatives to raise design skills. In this

regard, different jurisdictions present different balances of formal and informal processes. In Germany, the system of local planning through *Bebauungspläne* (B-Plans) results in legally binding plans that define the detailed urban form of new development (Stille 2007); by contrast, in China, the processes of large-scale urban design that have developed since the country's rapid urbanisation of the 1990s operate in an entirely non-statutory manner, feeding ideas into the layers of statutory planning above and below, but unencumbered by their strictures (Tang 2014). In the United Kingdom, the picture is mixed. Whilst regulation of design happens within the legislative frameworks for planning and highways, the work of CABI from 1999 to 2011 took place almost entirely within the informal realm and therefore at the discretion of national government (see Chapter 4).

Direct and Indirect Modes of Design

Finally, design governance will encompass both direct and indirect forms of urban design. Thus, whilst much intervention will focus on shaping the decision-making environment within which better-quality design outcomes are articulated, encouraged, and regulated, and are therefore indirect processes detached from actually designing projects, other tools will deal with projects and sites directly. The commissioning of exemplar projects, establishing design parameters for sites through site-specific design codes, or even the preparation and adoption of masterplans are all forms of direct design, albeit that most remain second- rather than first-order design processes in the terms discussed earlier.

The combination of everything encompassed within and across these various categories covers a very wide range of practices, from high-level policy to hands-on delivery through direct action, and involving a broad range of actors, both public and private. This smorgasbord of approaches is returned to in subsequent chapters and contrasts strongly with how the subject is dealt with in much of the literature where discussion tends to be framed in more limiting ways, seeing the state's involvement in design through the narrow lens of public policy or regulation/control. This preoccupation is discussed now before this chapter is brought to a close.

Beyond Design as Public Policy, Regulation, and Control

In his seminal book *Urban Design as Public Policy*, Jonathan Barnett explores the experience of New York in the late 1960s and early 1970s, a period in which the city embraced urban design through aspects of its zoning, neighbourhood, and infrastructure planning practices, and through design review of public projects (1.14) (1974: 6). He argues that “instead of handing over city designs as an ostensibly finished product, from a position outside the decision-making process, designers of cities should seek to write the rules for the significant choices that shape the city, within an institutional framework.” His call for design influence and expertise to sit as an integral part of the formal functions of urban authorities is a powerful one and expresses a need that is just as significant today as it was forty years ago: that government functions with a direct impact on how urban areas are shaped should be



Figure 1.14 The distinctive forms of New York's buildings and streets have been shaped by its zoning practices since 1916

Source: Matthew Carmona

operated by appropriately skilled staff in the clear knowledge of how their decisions will impact upon local place. The fact that often this does not happen is strongly implicated in why we continue to create sub-standard places.

So too has a tendency to place too much faith in the role of such public sector urban design via policy and regulation. As Barnett concludes, “In the end, better urban design will be achieved by a partnership between private investment and government, and between the design professional and the concerned decision-maker in either private or public life” (1974: 192); in other words, cities cannot solve their problems by policy and regulation alone. In fact, as Part III of this book demonstrates, there are many more possibilities to influence design quality outside of formal regulatory systems than is generally recognised, although they get relatively little attention in the urban design literature where a recurrent theme focuses on the interrelationship between urbanism and the formal regulation of development practices (Imrie & Street 2009: 2510).

This is unsurprising when, as John Punter (2007) notes, the notion of design as public policy has continued to develop over recent decades with agendas of urban regeneration, local distinctiveness, environmental sustainability, economic development, liveability, and urban competitiveness all, at various times and for better or worse, being loaded into the space that design is being asked to address. Architects in particular have become increasingly concerned about the range of new agendas with accompanying spatial controls that they need to concern themselves with and which “many architects consider to be outside the boundaries of what design should reasonably be asked to respond to” (Imrie & Street 2011: 279). These include, but are not limited to, terror threats, climate change, and international migration.

It is perhaps for these reasons, as well as for the widespread condemnation of the failures of crude design regulation and its tendency towards mediocrity, that Eran Ben-Joseph and Terry Szold conclude their compilation on *Regulating Place* with a call for innovation in such regulation: “There must be a willingness to test standards, not just in relation to preventing harm or preserving property value, but in relation to their impact on the form of communities. In essence rules must be place tested” (Szold 2005: 370).

Looking beyond narrow regulatory perspectives, the notion of design governance is broader than design as either public policy or design regulation/control—two perspectives that (arguably) place too much emphasis on the formal roles of the state to influence design outcomes. Instead, the notion of governance has at its heart the idea of complex, shared responsibilities for delivery that transcend the simple public/private binary and the limitations of the state’s statutory responsibilities.

To a Governance of Constructive Engagement

This notion of a set of external state requirements that are simply imposed on private actors gives succour to the three tyrannies already described and recalls Ian Bentley’s favoured ‘battlefield’ metaphor for a typical development process in which actors negotiate, scheme, and plot with and against each other in order to achieve their individual design/development outcomes (1999: 42). He argues that all development actors have ‘resources’ (finance, expertise, ideas, interpersonal skills, etc.) and ‘rules’ by which they operate, and these various webs of rules and resources create ‘fields of opportunity’ within which actors necessarily operate. Developing the concept of ‘opportunity space’, Steve Tiesdell and David Adams (2004), for example, suggest that the boundaries or ‘frontiers’ of the opportunity space are best conceived as fuzzy and ambiguous rather than hard-edged and clear-cut, as while they may be relatively fixed at any particular moment in time, they are dynamic and open to transformation over time as factors such as the policy context or the property market(s) change. In such a context, certain state actions can enlarge the designer or developer’s opportunity space. Financial subsidies and grants, for example, give the developer more scope to respond to a particular market context; a less constraining regulatory context might encourage design innovation; while infrastructure improvements on or near a development site can make a location more attractive in the market and therefore less risky to develop.

Typically developers will seek to enlarge their opportunity space by opposing externally imposed design constraints on their sites as these may limit their options and potential (as they see it) to make a good profit. Likewise, designers will seek to enlarge their

opportunity space by negotiating with developers in order for developers to yield the necessary scope for them to achieve, in their own terms, good design (Carmona et al. 2010: 290–291). Even the public sector will seek greater opportunity space from the other actors by seeking the space within a still viable development to achieve their own design (and other) aspirations. But these are not simple two-way processes. A process of design review, for instance, might reduce the developer's opportunity space from the outside but also compel the developer to yield opportunity space to the designer, thus enlarging the opportunity space for design. At the same time, other regulations may pull in the opposite direction, for example the imposition of rigid highways standards leading to regimented and standardised housing layouts with far less opportunity for urban, architectural, or landscape design.

All this suggests that a battle over opportunity space will only go so far, and ultimately a process that constructively engages all parties in the process of optimising outcomes for all may deliver a more fruitful and profitable process for all. Design governance, as opposed to policy or regulation, offers this possibility by accepting that the governance of design quality— aesthetic, project, place, and even process quality—can be an inclusive process, led by the state, but reaching out to all parties with a stake in shaping places for the better. In this context, David Adams and Steve Tiesdell have argued that “Since the governance of place rarely involves a wholesale state takeover of the real estate development process, but is normally characterised by specific interventions within it, governments must wrestle with the inherent tension between what they might ideally want to achieve and what they actually can achieve without taking over development projects directly” (2013: 105). This brings us full circle back to the design governance conundrum set out earlier, which will be addressed again in the final chapter of this book.

Conclusion

This chapter has explored the rationale for state intervention in design, rooted in the sub-standard quality of many of our urban areas, as well as the nature, purpose, and problematics of design governance as a response to such concerns. In doing so, a rich conceptual tapestry

of issues has been revealed concerning: why we design sub-standard places in the first place; the aspirations that underpin our subsequent societal attempts to intervene in and improve quality; the challenges this presents the state, whose role has become increasingly detached from actually designing itself; the nature of design quality and its key relationships to both process and place; how governance provides a useful framework within which to explore our approaches to design; that design governance is as much concerned with designing the environment within which design decisions occur as with shaping actual design outcomes; that this process is continuous, diverse, and shared across stakeholder groups, both public and private; and that finally it reaches well beyond the imposition of statutory formal instruments on market actors and instead, through constructive engagement, seeks to extend (rather than restrict) the opportunity space within which profitable, creative, and socially useful design can occur.

In the end, all forms of design governance are essentially political and part of a political process that sits in judgement over the nature of ‘good’ design. Through their forensic study of *Architectural Design Regulation* Rob Imrie and Emma Street confirm that such actions are “ultimately, part of a broader system of social and moral governance that seeks to (re) produce places consistent with normative considerations of what the good city is, or ought to be” (2011: 284). Arguably, this is a process in which there is a moral ‘ethic of responsibility’ on those involved to engage in the shaping of such practices and not simply to complain if and when they fail to come up to the mark. This driving idea ‘that we can do better’ underpinned much of the practice that this book, in subsequent chapters, goes on to explore. This book itself also seeks to learn from practices of the recent past in order that they should not be forgotten but instead remembered and applied or rejected in a better future.

Notes

1. The ideas underpinning Part I of this book were first put together for a lecture to celebrate the work of Prof John Punter on the occasion of his retirement in 2013. They were further developed for the Bartlett School of Planning Centenary Lecture: *The Design Dimension of*

Planning (20 Years On) given by Matthew Carmona in February 2014. See: www.bartlett.ucl.ac.uk/planning/centenary.

2. www.pps.org/reference/what_is_placemaking/
3. www.gov.uk/government/collections/planning-applications-statistics
4. The process of roads and footpaths adoption transfers ownership and long-term responsibility for maintenance from developers to the relevant highways authority (see Chapter 2). In the absence of adoption, liability remains with the developer, something few are willing to retain.
5. The practice of tearing down or significantly remodelling existing homes to build much larger homes.
6. For example, through the restrictions that regulatory approvals processes impose on the future development and use of completed projects.