

Mid Sussex District Council's Design Review Panel

Terms of Reference (Approved by Cabinet Member 24/1/18)

THE AIM

The aim of the Design Review Panel is to raise the quality of design and the built environment in Mid Sussex by providing design advice and comment at an early stage to support the delivery of improved planning proposals in a timely fashion.

THE ROLE OF THE PANEL

The role of the DRP is to provide independent and professional design advice and evaluation on key developments. It does not have decision making powers; rather it provides an advisory role.

A report of the panel's comments and recommendations will be provided to the applicant as advice. Where advice is given at planning application stage, the comments and recommendations will also be noted in the Planning Officer's report to the Planning Committee, if it is not a delegated decision. The DRP's recommendations will carry the same weight as other technical assessments.

The DRP must focus their advice on design issues, and its consideration will normally include the following aspects:

- Architectural integrity: Do the various elements of the design display unity and harmony, from a functional, structural and aesthetic perspective? Does the design successfully co-ordinate the interior and exterior of the building(s)?
- Context: Does the layout and the building design respond well to its surrounds? Does the scheme take advantage of existing features, topography? Is it practical, particularly in terms of pedestrian and vehicular access and connections?
- Environmental performance: Is the sustainability agenda central to the design approach, and has the design been evolved with this in mind?
- Character: Is it an individual and imaginative design solution?
- Detail: Is the scheme well detailed? Are high quality materials employed?

MEMBERSHIP

A range of design skills and diversity of membership will be sought. As well as architects, there should be dedicated specialists providing sustainability, urban design, conservation and landscape advice. Panel members will nevertheless normally be qualified architects or landscape architects; if not, they should have several years experience of advising in one of the above fields.

There will normally be a pool of between 10 and 14 members; and these should comprise a geographical spread from the surrounding area.

FREQUENCY AND ORGANISATION OF PANEL MEETINGS

There will normally be eight panel meetings per year that meet approximately every 6-7 weeks/1.5 months. The 10 to 14 members will be divided into two panel groupings (Panel A and B) of 5 to 7 members each that meet alternately so every member will have the opportunity to attend four meetings per year at approximately 3 monthly intervals. The composition of each panel will be agreed annually at the December Annual General Meeting. The panel groupings will be organised, as much as possible so they incorporate a range of skills with matched pairs on both panels (allowing some interchange when panel members are not able to attend a particular meeting).

The minimum attendance of a panel meeting will be 4 members and there should not be more than 7 members.

OTHER ATTENDEES

MSDC Ward Councillors will be invited to attend DRP meetings, for schemes within their ward that are presented by applicants. This is to provide them with early awareness of schemes and help them understand the DRP's views. Councillors will be permitted to ask questions when the presenters are in the room, and may be asked for their local knowledge to clarify the DRP's during the subsequent debate. However, Councillors will not otherwise contribute to the Panel's debate and deliberations after the presenters have left the room.

Attending members will be required to fill in a form to state whether they have or have not pre-determined their view.

RECRUITMENT / SELECTION OF PANEL MEMBERS

Advertisements will be placed in the RIBA South and Landscape Institute's newsletters and will state that: "MSDC is committed to equality of opportunity for all staff and applications from individuals are encouraged regardless of age, disability, sex, gender reassignment, sexual orientation, pregnancy and maternity, race, religion or belief and marriage and civil partnerships."

Curriculum Vitae's will be sought from candidates. The selection of new panel members will be based on the Council's selection criteria. The CV's will be circulated to panel members in advance of a DRP meeting, where new panel members will be selected in liaison with Council officer(s).

Before they are a fully appointed panel member, new members will need to attend a half day induction session run by the Chairs and appropriate Council officers (including MSDC's Urban Designer). It will be made clear that the final decision on appointment will be dependent on the candidate's performance at the induction workshop exercise.

APPOINTMENT OF CHAIR

The DRP will elect two Chairs and Vice Chairs (sitting on Panel A and B) for the following year through majority vote at the Annual General Meeting which will take place every December. To qualify as a Chair or Vice Chair, a member will need to have experience of sitting on a design panel for at least two years.

When the Chair is unable to attend a meeting, either the Vice Chair will stand-in, or he/she will swap meetings with the Chair of the other panel.

Before chairing their first meeting, new Chairs will attend an induction session run by previous or existing Chairs and appropriate Council officers (including MSDC's Urban Designer).

ONGOING SCRUTINY OF MEMBERS

In order to maintain high standards, the DRP Chairs together with the Council's Urban Designer and a Planning Team Leader will meet annually to review and ratify the performance of panel members.

CONFLICT OF INTERESTS

Where there is a conflict of interest, the panel member cannot attend the meeting and should be replaced by another panel member (normally a paired member).

Panel members will respond within one week of the email invitation to panel meetings to confirm whether there is a potential conflict of interest in respect of any of the items on the agenda.

In assessing a potential conflict of interest, the Chair will consult with an appropriate Council officer (normally the Urban Designer). If it is the Chair who has the potential conflict of interest, then it is the responsibility of the Vice Chair and Council officer to assess. If there is any doubt whether there is a conflict of interest, then the Council's Legal Services will be consulted. A record of all potential and actual conflicts of interests will be kept by the Council.

When panel members present their own scheme (or a scheme designed by their practice), he/she should not present to the panel in which they normally sit, and will not attend for any other part of the meeting.

PROFESSIONAL INDEMNITY INSURANCE

All panel members must hold professional indemnity insurance that covers their professional work.

The A4 sheet on the Guidance for Presenters (sent out with meeting agendas) will include a "without prejudice" sentence that explains the following basis upon which the DRP makes its comments:

"These are the panel's views and they do not prejudice the Council from making whatever decision it considers appropriate on any planning application".

Correspondence to presenters with the notes of the meeting will also include this sentence.

EXPENSES

The Panel members travel expenses to and from MSDC Panel meetings will be reimbursed at the end of the financial year on receipt of the necessary details.

BUDGET

The budget will be generated by fees paid by applicants for the consideration of their schemes by the DRP. This will be £240 (inc VAT) for a major scheme, and £120 (inc VAT for a minor scheme). This will also cover one re-submission.

SCHEMES FOR CONSIDERATION

The Panel will normally consider the following:

- Residential schemes of more than 100 dwellings
- Non-residential schemes of more than 2500 square metres.
- Mixed use schemes with a significant residential component
- Proposals that fall within the provision of NPPF paragraph 55.

Outline schemes for the above, which are not proposing scale, appearance, layout or landscaping for determination, will not be considered by the DRP unless the application provides a good level of supporting information on the design (these schemes will be considered by the DRP at the reserve matters stage when there is the requisite level of detail).

Smaller schemes will be considered by the DRP where officers in consultation with ward councillors determine the need for the panel's consideration. Schemes that fall within this category include:

- Residential schemes of between 50 to 100 dwellings
- Prominent or sensitively located schemes including significant schemes within Areas of Outstanding Natural Beauty

RE-SUBMISSIONS

Schemes will normally be considered by the DRP twice (the exception may be large complex mixed use schemes) with the first submission at pre-application stage, and the second submission at the application stage.

A re-submitted scheme should be considered by the same panel (ie. with the same members) that originally considered it; if the timescale does not provide for this, then paired members will be asked to swap so there is at least one representative from the original meeting.

The second submission should only deal with points that have been previously raised or points arising from the changes that have been made since the original presentation.

MEETING FORMAT

Formal presentation of schemes will be necessary for new schemes, and for resubmissions, when they have been specifically requested by the Chair or the applicant, and where there are technical issues that need to be explained, notably on paragraph 55 schemes.

The designer/architect should normally take the lead role in presenting the scheme. Other consultants and the client are also invited to attend and speak, however it is recommended the presentation team is limited to a maximum of 4 people.

Depending on their size, at least 50 minutes should be allocated for presented schemes.

The typical format for a presented scheme will be:

- i. Background briefing by MSDC officer(s) on the key Planning and Design issues. As well as the professional Planning and Transport input, the Council has professional specialists to give their expert views on urban design, conservation / listed building matters, landscape impact of schemes upon areas of outstanding natural beauty (AONB). Where these issues are relevant to a planning proposal, it is appropriate for the DRP to be aware of the involvement of the Council's specialists, and their views should normally be summarised at the beginning of the item (alongside the planning background) and the DRP should take them into consideration in their design assessment of schemes.
- ii. Applicants invited into the room to make their presentation (20 minutes maximum)
- iii. Questions and Answers session with the applicants
- iv. Applicants leave the room and DRP discussion
- v. Chair sums up confirming the DRP's overall assessment of the scheme

Where a formal presentation is not deemed to be necessary on a re-submitted scheme, the case officer in conjunction with MSDC's Urban Designer will be responsible for presenting the changes to the scheme with specific reference to the DRP's previous comments; followed by DRP discussion and the Chairs summing-up. Depending on the size and number of issues, between 20 and 30 minutes will be allocated for this.

SUMMING-UP

At the end of the discussion, the DRP will provide an overall assessment of the scheme. This will normally be one of the following:

- Support
- Support with amendments to the design
- Object

When a planning application is imminently due for determination, the option "support with amendments" will be withdrawn. Instead conditions may be suggested (in consultation with the case officer).

Occasionally, the DRP may consider there is insufficient information submitted to reach a conclusion. This should normally be avoided by ensuring that adequate information is incorporated in the presentation material.

SITE VISITS

Site visits should be undertaken for proposals of particular sensitivity or complexity. The decision as to whether or not a site visit is necessary should be taken by the Chair. Logistically this may need to be limited to two or three panel representatives. Transportation to sites can be arranged by the Council.

PRESENTATION MATERIAL

The DRP's assessment is dependent on the quality of the presentation material. The applicant must provide sufficient information in their presentation that allows the DRP to assess the scheme properly. The following will normally need to be supplied:

- Existing and proposed drawings including a site plan (showing survey contours and trees with root protection areas), elevations, floorplans, street elevations, site sections and building sections. More detailed elevations and section drawings will be needed when the quality of the architecture is dependent on junction details
- Drawings that illustrate the site analysis and the design ethos of the proposal including illustrations of how sustainability, conservation, drainage and landscape considerations have influenced the design.
- Photographs of existing site and context
- 3 dimensional images / perspectives / photomontages of the proposal

A physical model will be welcomed by the panel as part of the presentation if the applicant feels it helps in explaining their proposals

Applicants should submit their presentation two weeks before the panel meeting, allowing one week for additional information if it is considered necessary, and one week for circulation to the panel members; if the presentation material is not considered sufficiently comprehensive by the Chair one week before the meeting, the item will be withdrawn from the agenda.

NOTE TAKING AND CIRCULATION

A Council officer (normally the Urban Designer) is responsible for recording the DRP's comments. If not the exact wording, then the tenor of the DRP's views will be recorded. Before the notes are circulated, the Chair must agree them and make necessary amendments. The presenters, panel members and relevant officers (including the case officer and managers) will normally be sent the notes within 3 days of the Panel meeting.

Where they relate to a planning application, the notes will be incorporated with the other application documents on the Council's website. The DRP's comments will also be included in the case officer's report.