

**BODY:** **PLANNING**  
**DATE:** **19 June 2007**  
**SUBJECT:** **DESIGN REVIEW PANEL**  
**REPORT OF:** **PLANNING MANAGER**

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**Ward(s):** All

**Purpose:** To consider a revised option for a Design Review Panel (formerly referred to as the "Architects' Panel") in the light of issues arising from discussions with the Royal Institute of British Architects.

**Contact:** Ian Hayes, Development Control Manager, Telephone 01323 415215 or internally on extension 5215.  
E-mail address [Ian.Hayes@eastbourne.gov.uk](mailto:Ian.Hayes@eastbourne.gov.uk)

**Recommendations:** (a) That revised terms of reference be agreed for the setting up of a Design Review Panel independent from the Conservation Area Advisory Group (CAAG);  
(b) That CAAG be retained in its present format;  
(c) That the matter be referred to Cabinet for approval.

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## **1.0 Background**

1.1 At the meeting of the Planning Committee on 8 March 2005, Members considered a report which examined the implications of establishing an architects' panel to give the Council independent external advice on the design merits of new developments.

1.2 Members were presented with the following three options:

1. Leave the current arrangements as they are (ie. the Conservation Area Advisory Group (CAAG) considers all applications with a material impact on the character of a conservation area or listed building)
2. Form an Architects Panel to run in parallel with CAAG.
3. Amalgamate CAAG into a newly formed Architects' Panel.

An appraisal of each option was provided in the Committee report.

- 1.2 Members decided to pursue option 3 and it was resolved:
1. That the Committee supports the principle of the establishment of an architects' panel in liaison with the Regional Branch of the Royal Institute of British Architects (RIBA) under terms of reference and membership to be subsequently agreed by the Council.
  2. That consideration be given to transferring the functions of the Conservation Area Advisory Group to the architects' panel, following consultation with local amenity societies and other interested parties
- 1.3 The matter was considered at Full Council on 27 April 2005 when it was resolved that the views of the Planning Committee be noted and that a report be submitted to Cabinet in due course setting out the proposed terms of reference of an Architects Panel together with financial and other implications.
- 1.4 A report was presented to Cabinet on 15 March 2006 setting out these matters. It was resolved:
1. That Cabinet endorse the Planning Committee's preferred option of the Conservation Area Advisory Group being merged into a new panel.
  2. That the new body be known as the Design Panel in order to reflect its proposed membership of architects, other professionals and a representative of the Eastbourne Society.
  3. That the Director, in consultation with the lead Cabinet member, be authorised to agree all necessary details for the establishment of the Panel and the eventual dissolution of the CAAG.

## **2.0 The Issues**

- 2.1 Since the Cabinet meeting in March last year, discussions have been taking place with the Regional Director of the RIBA who has been assisting the Council with the setting up of the Panel. As a result of further investigations two significant obstacles have been encountered which will make preferred Option 3 difficult to implement.
- 2.2 The first of these is the requirement by the RIBA, following consultation with their Members that meetings should be held in private. The reason for this is that the professional architects sitting on the Panel would feel less able to pass critical comments in a totally unrestrained way on other architects' work if these comments could be directly attributed to an individual on the Panel. If the meetings were open to the public then this would clearly be impossible to avoid. In order to achieve the most constructive and

open debate on any particular scheme it would be necessary to hold the meetings of the Panel in private. However, the minutes of the meeting, which would be attributable to the 'Panel' and not to any particular individual, would be made public.

- 2.3 CAAG has always been a public meeting and, in the interests of open government and access to information, it is considered that this should remain to be the case, as there is no overriding reason why it should not be open to the public to attend.
- 2.4 The second reason why the combination of the present CAAG and proposed Design Review Panel would be difficult to implement is that further investigation into the operation of other design or architects' panels has shown that they are only really effective when they concentrate their resources on major schemes with significant impact on the area. This typically means that only about 3-4 applications would be considered at each meeting of a design/architects' panel in order to produce the most effective outcomes. At present CAAG considers an average of around 15 applications covering a wide range and type of applications within conservation areas. Having considered in more depth the way in which other panels operate it is considered unlikely that architects could be attracted onto the pool of members for the panel if the agendas for each meeting included too many relatively trivial proposals. It is also a concern that in this scenario there would be insufficient time for consideration of the more contentious applications and that the professional's comments would be diluted as a result.

### **3.0 Proposed revised terms of reference**

- 3.1 It is therefore proposed that the Design Review Panel would sit independently of CAAG and would consider only those major applications for development which were deemed to have a significant visual impact on its surroundings, but it could also include others where it was deemed that the proposals would be of wider interest. This would apply to developments anywhere within the Borough.
- 3.2 It is proposed that CAAG be retained in its present form with its existing remit, to consider applications for development affecting the character of conservation areas and listed buildings and that the current frequency of meetings (about every 6 weeks) be retained.
- 3.3 In view of the relatively few major applications received by the Council (about 25 a year on average) it is proposed that meetings of the Design Review Panel would be arranged as and when required, at the discretion of the Planning Manager and/or Development Control Manager, with a maximum of nine meetings per year.

#### **4.0 Proposed revised constitution of the Panel**

- 4.1 Unlike the current CAAG, which has four elected Members, representing half the total membership of the Group, the proposed Design Review Panel would have no elected representatives.
- 4.2 It is proposed that the Panel would consist predominantly of chartered architects but that this should not preclude other professionals, such as urban designers and landscape architects, to provide a better balance of different professional expertise.
- 4.3 The two other East Sussex authorities that currently operate Architects/Design Panels have a pool of about six external representatives with around four attending each meeting. This appears to work well for these authorities and therefore it is recommended that a similar format be adopted for the Borough Council's Design Panel. This is as previously recommended to Cabinet.
- 4.4 The South East regional branch of the RIBA will continue to assist the Council in the setting up and operation of the panel.
- 4.5 The full terms of reference for the proposed Design Review Panel are attached as an appendix to this report.

#### **5.0 Financial Implications**

- 5.1 There would be no additional financial implications with the retention of CAAG, as members of CAAG are not currently paid any expenses or attendance fee.
- 5.2 The travelling expenses for those members of the Design Review Panel who travel from outside the Borough would be the same as mentioned in the previous report to Cabinet (ie. an annual budget not exceeding £1000). As before, this cost would be met through the revenue obtained from planning applications

#### **6.0 Human Resource Implications**

- 6.1 There will be some additional implications on staff time, particularly in the Planning Service in the setting up and servicing of the Panel. CAAG would continue to be administered by Democratic Services.

#### **7.0 Other Implications**

- 7.1 There are no human rights, youth, anti-poverty, equalities or community safety implications as a direct result of this report.

## **8.0 Conclusion**

8.1 The proposed Design Review Panel would provide the Council with independent external advice on the design merits of new developments on a Borough-wide basis, leading to better informed decision making on planning applications. Whilst the amalgamation of CAAG functions into the Panel is not recommended this will enable to CAAG to continue to focus on providing detailed advice on proposals within an historic context.

**Ian Hayes**  
**Development Control Manager**

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### **Background Papers:**

The Background Papers used in compiling this report were as follows:

1. Report to the Planning Committee, 8 March 2005, Architects' Panel.
2. Report to Cabinet, 15 March 2006, Architects' Panel

To inspect or obtain copies of background papers please refer to the contact officer listed above.

'Ntfilesserver' (J:)/2007 Agenda reports/Design Review Panel

## **Appendix**

### **Terms of Reference of the Design Review Panel**

#### **1.0 Remit of the Panel**

- 1.1 The remit of the Design Review Panel is to advise the Council on the quality of design in respect of developments that meet the criteria for consideration by the Panel, as indicated below (in Section 3.0). The views of the Panel will form the basis for negotiation (where necessary) with the applicant and will comprise a material consideration which will be taken into account by the Planning Committee in reaching a decision on the application. The Panel's views will also be used, where appropriate, to defend the Council's case on appeal.

#### **2.0 Membership of the Panel**

- 2.1 There will be no elected Members on the Panel.
- 2.2 Members of the Panel will be appointed by the Royal Institute of British Architects (RIBA) in consultation with the Council.
- 2.3 Members of the Panel will predominantly be chartered architects, but this will not preclude others from related professional disciplines sitting on the Panel, subject to approval by both the RIBA and the Council.
- 2.4 Membership of the Panel will consist of a pool of no less than six and no more than eight Members, of which four will be expected to attend each meeting. A quorum will be a minimum of three.
- 2.5 In the event of an application submitted by one of the members of the Design Review Panel's pool of external representatives being considered by the Panel, that external representative will not be allowed to attend that particular meeting.

#### **3.0 Types of application to be considered by the Panel**

- 3.1 Usually only applications which fall within the 'major' category of development and have a significant visual impact will be considered by the Panel, but in exceptional cases other types of application of local importance could be included for consideration.
- 3.2 The Chairman of the Planning Committee, opposition spokesperson or any ward Councillor can request, in writing to the Planning Manager, that the application should be considered by the Panel, provided that any such request is made within 21 days of circulation of the weekly list of applications. Members must give sound planning reasons for calling an application to the Panel.

- 3.4 Typically no more than about 3-4 applications will be considered at each meeting.

#### **4.0 Frequency of Meetings**

- 4.1 Meetings of the Design Review Panel would be arranged as and when required, at the discretion of the Planning Manager and/or Development Control Manager, with a maximum of nine meetings per year.

#### **5.0 Format of meetings**

- 5.1 In order to promote free discussion on the design merits of other architects' work meetings of the Panel will be held in private.
- 5.2 At the start of each meeting, members of the Panel will appoint a Chairperson
- 5.3 In respect of each application considered by the Panel, the architect/agent will be invited to present his/her scheme to members of the Panel and will be allowed five minutes for their presentations. Five minutes will then be allowed for questions followed by 15 minutes for discussion. The architect/agent will be asked to leave the room for the duration of the discussion. Any of the above times may be extended at the Chairperson's discretion.
- 5.4 The minutes at each meeting will be taken by Planning Support Services.
- 5.5 The draft minutes will be circulated to other members of the panel and when agreed as a correct record will be uploaded to the Council's website as the formal views of the Panel.

#### **6.0 Members' Expenses**

- 6.1 Members of the Panel will be reimbursed their reasonable travelling costs for attending each meeting.