

## **Torbay Design Review Panel**

### **Terms of reference**

#### **Introduction**

The National Planning Policy Framework (NPPF) endorses the use of design review as one of the 'tools and processes' which a Local Planning Authority can draw upon to assess and improve the design of development. Furthermore, "In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels." Para 133, NPPF (July 2021)

The recommendations and observations made by a design review panel may be framed within a policy context set by a Local Design Guide or Code. However, where none exists, the design review process can provide a useful check that the design principles established and articulated by the National Design Guide and National Model Design Code are being followed. This may be particularly important where direct and strict adherence to these generic documents does not seem possible or desirable due to particular circumstances and constraints, or where local character needs to be carefully considered and appreciated. Where designs seek to innovate in meeting new and emerging challenges (for instance in responding to the climate emergency, or the affordability of housing) then a positive response from the design review panel can provide reassurance about the robustness of any new types, forms and approaches proposed and the degree to which they seem appropriate as a creative response.

#### **Principles**

*Independent* – it is conducted by people who are unconnected with the scheme's promoters and decision makers, and it ensures that conflicts of interest do not arise.

*Expert* – the advice is delivered by suitably trained people who are experienced in design, who know how to criticise constructively and whose standing and expertise is widely acknowledged.

*Multidisciplinary* – the advice combines the different perspectives of architects, urban designers, town planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.

*Accountable* – the design review panel and its advice must be clearly seen to work for the benefit of the public. This should be ingrained within the panel's terms of reference.

*Transparent* – the panel's remit, membership, governance processes and funding should always be in the public domain.

*Proportionate* – it is used on projects whose significance, either at local or national level, warrants the investment needed to provide the service.

*Timely* – it takes place as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.

*Advisory* – a design review panel does not make decisions, but it offers impartial advice for the people who do.

*Objective* – it appraises schemes according to reasoned, objective criteria rather than the stylistic tastes of individual panel members.

*Accessible* – its findings and advice are clearly expressed in terms that design teams, decision makers and clients can all understand and make use of.

*Design Review: Principles and Practice Design Council CABE / Landscape Institute / RTPI / RIBA (2013)*

### **Panel composition**

Torbay Design Review Panel (TDRP) members are chosen to provide a broad range of expertise with particular relevance to Torbay, including:

- architecture
- urban design
- town planning
- landscape architecture
- heritage
- environmental sustainability
- community engagement
- public art

Many of those appointed to the panel will have expertise and experience in more than one of these areas. The composition of each panel meeting will be chosen as far as possible to suit the scheme(s) being reviewed, and to ensure a representative panel in terms of diversity.

Membership of the TDRP is reviewed regularly (at least once a year), to ensure that it provides all the necessary expertise, experience and diversity to undertake its work effectively. From time to time, it may be of benefit for specialist advice to be provided beyond the panel membership. In such cases, a professional with the relevant expertise may be invited to attend a review meeting, participating in the discussion with the status of an adviser to the panel.

### **Panel remit**

TDRP provides independent, objective, expert advice on development proposals across Torbay. It provides advice to scheme promoters and the planning authority as a ‘critical friend’ to support the delivery of high quality, beautiful and sustainable development.

Generally, schemes are referred to the panel by planning officers at an early stage to identify and consider the key strategies and emerging detail of the proposed design. The independent advice given by the panel is likely to be most effective when given before a scheme becomes too fixed. Early engagement with the TDRP should reduce the risk of delay at application stage by ensuring that designs reach an acceptable standard prior to submission. The planning authority may also request a review once an application has been submitted if it is not confident that a development is well-designed.

Larger or more complex projects embarking on an extended pre-application period may benefit from a second planned review prior to submission and this would allow improvements in the design to be recognised and acknowledged in the updated and revised report. A ‘desktop’ service is provided to facilitate this where changes have been relatively straightforward, but more substantial re-working of the design approach may best be reconsidered by a full panel. Wherever

possible, the continuity of panel members is maintained in all subsequent reviews of the same case.

The panel's advice may assist the development management team in negotiating design improvements and be used to support decision making by the planning committee.

The panel considers significant development proposals in Torbay. Significance may fall into the following categories related to size or use, for example:

- large buildings or groups of buildings,
- large public realm proposals,
- masterplans, design codes or design guidance.

Significance related to site and public/civic interest, for example:

- proposals affecting sensitive views,
- developments with a major impact on their urban or landscape setting,
- schemes involving significant public investment.

Projects may also be referred to the panel by the planning authority at its discretion, for example where it requires advice on:

- challenging building types, for example single aspect dwellings,
- environmental sustainability,
- design for climate change adaptation and mitigation,
- proposals likely to establish an important precedent for future development,
- proposals that seek to establish a new or distinct character in relation to their context,
- schemes with significant impacts on the quality of everyday life,
- landscape / public space design .

Advice given by the panel before an application is submitted remains confidential, seen only by the applicant and planning authority. This encourages applicants to share proposals openly and honestly with the panel – and ensures that they receive the most useful advice. Once an application has been submitted, the panel's reports, including those produced at pre-application stage, are published on the Council's website. This is in line with the Council's approach to publishing officers' advice on planning applications and is intended to ensure transparency.

## Design review in the planning process

# Torbay Design Review Panel

## Pathway to Permission

Initial proposals / design development

Pre-application enquiry (stand alone or part of Planning Performance Agreement)

Scheme referred to Torbay Design Review Panel (TDRP) by planning officers

TDRP meeting booked / material prepared

TDRP review meeting

TDRP report

Chair de-brief with planning case officer

Design development – revised proposals

good design satisfactorily achieved

desktop review and revised report needed to confirm

Planning application submitted

Application assessment by planning officers - may include formal TDRP comments

Planning committee report including commentary on TDRP engagement / response / outcomes

Planning committee or delegated decision

more substantial revisions needed to avoid poor design – further full panel meeting recommended

## Conflicts of interest

TDRP is intended to provide a constructive forum for applicants, their project teams, and Torbay Spatial Planning team seeking advice and guidance on development proposals. In order to ensure TDRP's independence and professionalism, it is essential that members avoid any actual or perceived conflicts of interest that may arise in relation to schemes considered during the meetings that they attend.

Minimising the potential for conflicts of interest will be important to the impartiality of TDRP. The selection of Members will ensure that any possible conflicts of interest are identified at an early stage. Meeting agendas provided in advance of reviews will include sufficient project information to allow any potential conflicts of interest to be identified and declared. If any unforeseen matters arise during a meeting, then appropriate action will be taken to resolve them. In cases where there is a substantial conflict, a member may be asked to step down from a review. In other cases, a declaration of interest may be sufficient and recorded in the written report. If in doubt, members should contact [mark.pearson@acdandc.org.uk](mailto:mark.pearson@acdandc.org.uk) and cc [jim.blackwell@torbay.gov.uk](mailto:jim.blackwell@torbay.gov.uk) to discuss this.

## Freedom of information

As a local authority, Torbay Council is subject to the Freedom of Information Act 2000 (the Act). All requests made to the Council for information with regard to the TDRP will be handled according to the provisions of the Act. Legal advice may be required on a case by case basis to establish whether any exemptions apply under the Act.

## Types of review and the review process

Depending on the scale and complexity of each case, alternative review formats / durations can be offered:

- **Desktop Review** (remote, no site visit – suitable for 'returning cases' only)  
Chair + one other panellist inspects submitted information
- **Consultation 'Workshop' Review** (virtual) 1.5 hours  
Chair + two other panellists in informal discussion / workshop with applicants
- **Full Panel Review** (virtual) 2 hours  
Chair + four other panellists in review with applicants via Teams
- **Full Panel Review** (in person with site visit) 3.5 hours  
Chair + four other panellists in a meeting space provided by the presenting team / LPA

## Review agenda

Agendas will be issued to panel members in advance of each review.

For full panel reviews, a detailed agenda will be provided that includes notes on the planning context, details of the scheme(s) to be considered, applicant and consultant team.

Information provided by the planning case officer will include relevant planning history and planning policies that officers consider essential for assessing the scheme.

Advice may be specifically sought on design quality assessed against these policies. A scheme description provided by the design team will set out factual information about the project.

Selected plans and images of the project will also be provided to help to give a sense of the scope and nature of the project under review.

For desktop and consultation reviews, the agenda will be briefer, providing details of the scheme(s) to be considered, applicant and consultant team. Where a scheme returns for a second or subsequent review, the report of the previous review will be provided with the agenda.

### **Panel reports**

Reports will be drafted by the chair, circulated for contributions and suggestions amongst the panel and a final agreed version issued to the presenting team within 10 working days. A copy of the report will be sent to the development management case officer.

At pre-application stage, reports will provide clear, independent advice on ways in which the quality of development proposals could be improved, referring where appropriate to Torbay Council's planning policies in relation to expectations of high quality design.

The TDRP has an advisory role in Torbay's planning process, and the project team should consult planning officers following a review to agree how to respond to points raised in the report.

Once planning applications are submitted, the report may provide guidance to Torbay's planning committee in determining the planning application. This may include suggesting planning conditions or refusal of planning permission if the design quality is not of an acceptably high standard.

Where there is significance, TDRP reports will be included in committee reports on planning application schemes – in which case Torbay planning officers will put this in the context of other planning matters, which the panel's advice neither replaces nor overrules.

Panel reports are only made public at the planning application stage, at which point the report will be a public document kept within the proposal's case file and published on Torbay Council's website.

At the end of each year, the Council and chair will draft an annual report to evaluate the panel process and monitor adherence to the principles set out above. This will be a brief document reflecting on the panel's activities over the past year - ensuring that, where possible, a full range of panel members is used over the course of the year. As part of this annual review process, a meeting will be held with Torbay Council officers, Cabinet Member and the panel chair to discuss the report and consider any recommendations for the following year. Local independent representatives of relevant professional bodies may also be invited to attend this annual review.

### **Charges**

The charges for TDRP meetings are set by The Architecture Centre Devon and Cornwall which is the operational arm of the 'not for profit' organisation, Design Action Devon and Cornwall CIC Ltd. It strives to make design review affordable in order to promote its wider use across the two counties.

Charges are reviewed every two years; charges from April 2022 are:

- **Desktop Review** (remote, no site visit – suitable for 'returning cases' only) £750 + vat

- **Consultation 'Workshop' Review** (virtual) £950 + vat (£300 + vat supplement if site visit necessary and/or requested)
- **Full Panel Review** (virtual) £1200 + vat (£300 + vat supplement if site visit necessary and/or requested)
- **Full Panel Review** (in person with site visit) £1850 + vat

Note: review of design codes and other substantial policy documents, which may be large and complex documents, will require considerable careful study and testing beyond the review meeting itself and these will therefore be subject to a specially negotiated fee, which can be quoted and agreed in advance.

Applicants are referred to TDRP by Torbay Council as an external service and fees are paid by the applicant to ACD&C for delivering this service.

Payment should be made in advance of the review, and the review may be cancelled if payment is not received five days before the meeting. Full details will be provided when an invitation to TDRP is confirmed.

Where a scheduled review is subsequently cancelled or postponed by the applicant, an administrative charge will be applied:

- 50% of full cost: less than two weeks before scheduled review
- 25%: between two and four weeks before scheduled review

#### **Panel members**

Further information can be accessed here: <http://www.acdandc.org/services.html>