

DESIGN AND CONSERVATION PANEL**Report of the Head of Planning and Building Control**

Statutory Powers: Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004

Financial Implications:

There are staff costs associated with servicing the Design and Conservation Panel. Mostly, these are met within existing resources. Administrative support of one day per month has been made available from within the Development Control Service at the suggestion of the Members involved. This has been funded from Planning Delivery Grant. A bid will be made as part of the report to the Executive to cover this cost for 2006/7. The external Panel members do not receive an allowance.

Purpose:

The purpose of this report is to consider whether the Council should establish a Design and Conservation Panel. A pilot has been operating on a trial basis since February 2006. The report links to CP3, but not to a specific target, although there is a direct relationship with the Best Value Performance Indicator (BVPI205).

RECOMMENDATION:

That the Council RESOLVES that: -

- 1) The establishment of the Design and Conservation Panel be approved;**
- 2) The purpose, objective and procedure of the panel as set out in Appendix 1 be endorsed.**

Background:

1. Many Local Planning Authorities have been operating Design Panels for several years. The reason they were introduced was so that Councils could obtain independent architectural advice. In 1991 the 69 branches of the Architects institute, (RIBA) were asked their views about its members providing advice. RIBA believed it was not right for LPA's to seek to impose subjective taste upon applicants. Panels were seen as a means of providing specialist skills to improve the quality of debate about design and also the quality of decisions. RIBA's deliberations resulted in guidance on Architects Advisory Panels being produced in 1993. Since then Governments have promoted the use of such panels as good practice.

2. In Best Value Performance Indicator 205_ (Quality of Planning Services Checklist) there are six general criteria which determine the quality of a planning service. One of these is devoted to design. It is suggested there should be specialist design advice which should inform the preparation of the Council's planning policies and its planning decisions. The in-house or external arrangements for planning such advice should be permanent and continual.
3. Setting up a design panel was considered during the fundamental review of the development control service in 2001, but no firm proposals were made. The recent appointment of Design and Heritage & Historic Buildings Member champions by the Council was a catalyst in moving this initiative forward. At a meeting between officers and Cllr Fairman and Hitchins in November, it was agreed that the Council needs to respond to Government guidance about raising the profile of design issues. Through discussion with Mark Pearson, the regional representative for the Commission for Architecture and the Built Environment (CABE), it was decided that a series of trial Panel meetings should be arranged and the first of these took place on 20 February 2006. Prior to that date, the draft terms of reference were reported to the Developmental Control Committee on 15 February 2006. These terms of reference and operating procedures are attached as **Appendix 1**. The standard letter which is sent to presenters is attached as **Appendix 2** and the draft information leaflet is attached as **Appendix 3**.
4. The panel has assessed three schemes on each of the three times it has met and the feedback from the volunteer architects is that they are pleased with the way the process is operating. Officers are also finding the output extremely beneficial and are keen for it to continue.

Risk Assessment

Risk	Mitigation
<p>The Government considers that a measure of the quality of a planning service is whether it obtains external advice to assess good design. Hitherto, the Council has not done this and there is a risk that it could be challenged in decisions it makes where design is a significant material issue.</p>	<p>The panel will raise the profile of design and quality of debate about the issue. It will ensure decisions are as consistent and well informed as possible.</p>
<p>There is a potential conflict of interest for the Members involved as they will be expressing opinions on schemes prior to a formal decision being made on any application.</p>	<p>The terms of reference are clear that the views of the Panel are not binding on the Council. Members may review their position in the light of new information. Their position is not fettered.</p>

Conclusion

5. The formation of a Design and Conservation Panel is an initiative which is direct consequence of the new Member Champion roles and follows good practice recommended by Government and the Commission for Architecture and the Built Environment. Initial trial meetings of the panel have been successful and it is proposed that the arrangements be endorsed by Council.

Stephen Munday
Head of Planning & Building Control

Council
15 June 2006

Appendix 1

TERMS OF REFERENCE

1. Purpose of the Panel:

To assess and comment in an advisory capacity on the design and conservation of significant proposals for development within South Hams. It has no statutory function. The advice given by the panel will be a material planning consideration in the District Council's statutory planning function in determining planning applications and adopting planning policy.

2 Objectives of the Panel:

To promote high quality design in the built environment and best practice in relation to the historic built environment so as to further the Council's Corporate Priority to "Retain the District's character whilst enabling access and sensitive development" CP3.

3 Procedure for the Panel:

- a. The Panel will meet once a month at Follaton House. Dates would be set in advance and would generally be during the Monday morning following the week of the Development Control Committee.

- b. The Panel would comprise:

The two Councillors who are the Champions for "design" and the "Heritage & Historic Buildings"; (Where the nominated Champion(s) is also a Member of the Development Control Committee, they will be required to determine a personal interest when an application considered by the panel comes before the Committee and make it clear that they will consider the matter afresh, taking into account all material planning considerations).

At least two external representatives from a pool of professionally qualified volunteers who will attend on a rota basis.

The Council's Urban Designer.

Two Officers from Development Control and Conservation on a Rota basis.

The Head of Planning & Building Control.

- c. In the chair will be either of the two Champions. The head of Planning and building control will have responsibility for selecting the schemes to be considered and for recording the key findings of the Panel
- d. Any scheme which has significant design or conservation importance. Pre-application proposals and live applications

will be considered. Agents will be allowed 15 minutes to present their scheme. An Officer will then make a presentation and the agent/owner would leave the room whilst the debate takes place. Overall about 1 hour would be allowed for consideration of each project.

- e. The Panel will have the status of a consultee and its comments will be provided in Committee reports or delegated decision notes.
- f. The presenting Officer will have the responsibility for ensuring a high quality of information is provided including site photos.
- g. The operation of the Panel will be reviewed regularly to identify improvements and monitor effectiveness.
- h. The external volunteers shall be professionally qualified in design or conservation. Impartiality will be important and conflicts of interests be avoided by not locally practising architects or amenity group representatives. Where a Panel Member has a professional interest in an application, he/she will withdraw from the meeting during consideration of that application.
- i. No fees will be paid to Panel Members.
- j. Information about the Panes will be publicly available through leaflets and the Council's web site.