

## **PANEL MEMBER TERMS OF REFERENCE**

The aim of the Design Midlands Review Panel (DMRP) managed by Design:Midlands Ltd (D:M) is to raise the quality of design, sustainability and placemaking in the geographical Midlands of England Regions by providing design advice and recommendations that will support the timely delivery of planning proposals.

## **THE ROLE OF THE PANEL**

The role of the DMRP is to provide independent and professional advice, evaluation and highlight examples of best practice. It is NOT a decision-making body, that lies with the Local Planning Authority (LPA). The DMRP has an advisory role. A DMRP Panel report will be provided to the design review participants as advice. It is DMRP's expectation that where advice is given at the planning application stage, the comments and recommendations will be noted by the LPA in reports provided as part of the determination process, whether to Committee or by delegated powers. That developers will refer to the DMRP report in its submission materials.

The DMRP's recommendations will carry the same weight as other technical assessments and become a material consideration when a planning application is submitted for planning consideration.

The Panel will consider the following themes.

- **Context:** the layout and the design in its surroundings, scale and massing in respect to the topography, landscape and open space and existing streets and buildings.
- **Movement and Access:** particularly in terms of pedestrian, cycle and vehicular access and connections.
- **Beauty and Character:** display of unity and harmony from a functional, structural and aesthetic perspective. If appropriate the interior and exterior of the building. Response to its locality and setting.
- **Sustainability:** environmental performance, and whether the sustainability agenda is central to the design approach, and has the design been evolved with this in mind?
- **Detail:** quality and appropriateness of materials, elevations, boundaries and landscape.

Depending on the stages of the design review, the following is a guide as to what drawings and descriptions will be expected.

- **Site description and context:** the topography, surrounding landscape and the setting of the proposal, site constraints and the character of the adjoining built environment.
- **The planning context:** planning history, status of the site, and relevant policies affecting it.
- **The client's brief:** objectives, accommodation requirements, constraints, design preferences.
- **The design rationale:** the design concept and the thinking behind it, How the site and its context has informed this process should be a central part of the development of the concept (this analysis should be well illustrated as it will be critical to the Panel's considerations).
- **The proposal itself:** plans, elevations, sections and perspectives where possible.

## **DESIGN REVIEW GUIDANCE**

Please see link on the attached to read the [Guidance Note](#) on the operational delivery of the DMRP. Also refer to the 2013 [Design Review Principles & Practice](#) publication.

## **PANEL MEMBERSHIP**

The DMRP has a wide range of design skills, experience and diversity of membership. The Panel includes Architects, Landscape Architects, Urban Designers/Masterplanners, Transport Planners and Engineers, Structural Engineers, Hydrologists, Ecologists and specialists on energy, sustainability, viability, regeneration and conservation.

DMRP is Chaired by Chris Twomey, Vice Chairs are Simon Carne, Heather Emery, Meredith Evans, Robert Evans, Nils Feldmann, Garry Hall, Fiona Heron, Annabel Keegan, Joe Holyoak, and Geoff Wright. The majority of Panel members live and/or work in the Midlands. If a specialist is needed, we may draw from the wider national pool of Panel members provided through The Design Network, but this is rare.

## **DECLARATIONS OF INTEREST**

Panel members should discuss any possible declarations of interests in dialogue with the Panel Manager who will check this with the applicant and the LPA prior to the design review. Any agreed non-prejudicial declarations will be made known and recorded at the DMRP meeting and it will be recorded and entered in the final report. If it is of a prejudicial nature, then the Panel member will not take part in the review.

As a guide, a Conflict of Interest may be where a Panel member has an interest in a proposal due to a:

- financial, commercial or work-related interest in a project, it's client or the site location.
- a personal relationship with someone promoting the development proposal, the LPA or the site.

Remaining 'Clean of Conflict' is occasionally challenging for Panel members who are working in a commercial setting. A Panel member once they have reviewed a scheme, should not comment on the proposal in a commercial/professional capacity thereafter. If approached, they should discuss this with the Panel Manager to agree if appropriate, that is if their participation in the review of a scheme has finally concluded. It may be reasonable to allow this, but it will forfeit their ability to sit on a further Design Review Panel on that scheme, or schemes being reviewed by that client.

Panel Members may recommend or present to the DMRP on behalf of their own commercial or community interest. This is reasonable, but they must declare that they are a DMRP Panel member and outline their role and in what capacity they are acting.

## **PROFESSIONAL INDEMNITY INSURANCE**

Design Midlands holds Professional Indemnity (PI) Insurance – however, a Panel Member's role is advisory only and will not prejudice the LPA making decisions on any planning application. Panel Members will likely hold their own PI but it is not essential.

## **CONFIDENTIALITY**

DMRP meetings are only attended by those invited by the DM Panel Manager – that is Panel Members, local authority officers (normally as LPA, but if the Local Authority is the developer then both sides need to be represented) other statutory bodies such as the Highways Authority, Historic England, Environment Agency etc., the applicant (client/developer), their design team such as architect, landscape architect, engineer, specialists and their planning agents. Attendance must be notified to the Panel Manager in advance, referred to on the DMRP agenda and attendees sign an attendance record.

DMRP attendees will receive design review background material from the applicant/developer on the scheme to be reviewed in advance. This will be sent via the Panel Manager and must be kept confidential – even if the review is on a ‘live’ planning application.

A DMRP Report in letter form is written by the Design Midlands Panel Manager on behalf of the Panel Chair who has final sign off. The agreed letter will not differ from the discussion held at the design review. A Panel member will not enter into dialogue with any of the participants before or after the DRP – all communication should be through the Panel Manager. This is to ensure that the Chair and Panel are kept clean of any conflict and can remain impartial.

A copy of the report will be provided to all attendees. It will be made clear on the letter its confidential status. Only if factual errors occur (such as place name spelling) will a letter be amended, and it will be resent to all attendees making clear what the error was. As stated above, if the DMRP is provided at the pre-application stage, then the report is not made public (unless agreed by the developer and LPA in consultation). If the DMRP is provided when the application is submitted for planning, then the report becomes a public document and can be published on the planning portal. The developer is encouraged to refer to the DMRP recommendations and any previous letters in the Design & Access Statement submitted with the planning application. This tells the story of the scheme’s design evolution and will help to justify the approach taken. The previous background ‘working drawings’ will not be released, just the DMRP letter.

## **The DEVELOPMENT PLAN**

DMRP will adhere to the [NPPF](#) and the plan-led system but will also offer challenge and scrutiny where necessary if they consider it important to the integrity of the scheme being reviewed. The recent [National Design Guide](#) is also an important reference.

LPAs will provide a policy overview at the DMRP from the adopted Local Plan, and status of any emerging policies, SPDs etc. It is not necessary for the LPA to present their final formal views on a scheme (as it may be influenced by the design review). The LPA Case Officer will outline the policy context and refer to aspects where they seek the Panel’s advice, may have concerns, where they support the scheme and to outline where there are designations that may be impacted upon by the proposal.

The LPA Case Officer may wish to invite other Officers i.e. conservation, major projects, landscape, urban design, highways colleagues where appropriate. The Case Officer is encouraged to attend the

site visit. If an Elected Ward Member wishes to attend, then it should be made clear that they are observers to the process. Councillors will be permitted to ask questions and may be asked for their local knowledge however; Councillors will not otherwise contribute to the Panel discussion.

If there is a made Neighbourhood Development Plan or one that has gone through referendum, the LPA should make this clear and it may be suitable to invite a representative to the DMRP.

A community representative is welcome if their participation is agreed through the Panel Manager with the applicant, LPA and Panel Chair.

### **SITE VISITS**

A site visit will always be required for a new scheme. Subsequent reviews for later iterations of the same scheme will not usually require another site visit. The decision as to whether or not a site visit is necessary should be taken by the Panel Manager in consultation with the Panel Chair. 'Remote DRPs' by video conferencing will be undertaken as an interim measure.

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