



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
2 JUNE 2016**

AND

**FINANCE AND CORPORATE SERVICES COMMITTEE
14 JUNE 2016**

SETTING FEES FOR THE MALDON DISTRICT DESIGN REVIEW PANEL

1. PURPOSE OF THE REPORT

- 1.1 This report seeks agreement for an appropriate fee to be charged to developers / applicants for a design review of development proposals to be undertaken by the Maldon District Design Review Panel. This report also seeks agreement for the Director of Planning and Regulatory Services and the Director of Resources to authorise an appropriate fee for additional specific requests for advice from the Maldon District Design Review Panel on development proposals.

2. RECOMMENDATIONS

- (i) that the following approach to charging developers / applicants for a design review of development proposals to be undertaken by the Maldon District Design Review Panel, be considered:
- A fee of £2,225 is charged to developers / applicants for a full design review of a development proposal by the Maldon District Design Review Panel.
 - An appropriate fee is calculated by the relevant case officer and agreed with the Director of Planning and Regulatory Services and the Director of Resources for additional specific requests for advice from the Maldon District Design Review Panel on development proposals.

To the Council (via recommendation from the Finance and Corporate Services Committee):

- (ii) that charge for developers / applicants for a design review of development proposals to be undertaken by the Maldon District Design Review Panel as set out above, be agreed;
- (iii) that subject to (ii) above the Council's Fees and Charges for 2016 / 17 be amended.

3. SUMMARY OF KEY ISSUES

3.1 To agree an appropriate fee to be charged to developers / applicants for the use of the Maldon District Design Review Panel. To authorise the Director of Planning and Regulatory Services and the Director of Resources to set an appropriate fee for additional specific requests for advice from the Maldon District Design Review Panel on development proposals.

3.2 Background

3.2.1 The design of new development is vital to ensuring the future beauty of Maldon District, and that people can continue to enjoy the environment of District while also allowing new development to come forward. A significant amount of development is expected to take place in Maldon District over the next 15 years, and, if the character and quality of the towns and villages is to be maintained and enhanced, it is vital that new development is designed to a high standard. Through the submitted Local Development Plan the Council has therefore put good quality design at the centre of its drive towards sustainable development, promoting high quality design throughout the District.

3.2.2 The Council has recently appointed BDP to produce a Maldon District Design Guide Supplementary Planning Document, Planning and Licensing Committee has recently endorsed the South Maldon Garden Suburb Design Codes (Minute No. 975 refers), and LDA Design is currently in the process of finalising the North Heybridge Garden Suburb Design Codes.

3.2.3 In November 2013 the Planning and Licensing Committee approved the establishment of a Maldon District Design Review Panel (Minute No. 567 refers). In December 2015 the Council sought tenders for the management of a Maldon District Design Review Panel to undertaken the following tasks:

(i) Setting up the Panel

Including the following tasks:

- Meeting with Maldon District Council (MDC) Officers to agree a strategy for recruiting suitable members for the Panel;
- Production of terms and conditions for panel members;
- Compilation of selection criteria and a list of experts to approach for inclusion in the Panel;
- Contacting potential panel members;
- Production of contracts for panel members; and
- Arranging an induction session with the Panel.

(ii) Setting up the design review process:

Including the following tasks:

- Drafting a methodology for the process for referral of schemes to the Panel, and what level of information will be provided to Panel members;

- Outlining appropriate charges to developers / applicants based on estimated costs of running the Panel;
- Drafting protocols and terms of reference to set out the aims and aspirations of the Panel;
- Production and agreement of a provisional programme of design review meetings to be scheduled for 2016, and circulated to Panel members;
- Drafting content for a Design Review Panel page on the Council's website, and a press release promoting of the role and function of the Panel.

(iii) **Ongoing management of the Panel**

Including the following tasks:

- Production of an agenda and summary of development proposals being assessed prior to each meeting of the Panel;
- Production of meeting notes following Design Review Panel meetings;
- Production of a report summarising the views of the Design Review Panel, which will form the final report and recommendations of the Panel.

3.3 **The Maldon District Design Review Panel**

- 3.3.1 Following the procurement process, Design South East was appointed to manage the Maldon District Design Review Panel. The Design Review Panel will provide a design review service to assess proposals for development across the District, including pre-application proposals and submitted applications of all sizes. The Design Review Panel is a service which applicants can chose to use to assess, and where required improve, the quality of a development proposal prior to the submission of an application, or during the application process. Although this is an additional chargeable service to applicants, it is expected that this will be a popular service, particularly for large scale development projects where design aspects are critical to the successful determination of the application.
- 3.3.2 Design South East have identified a pool of around 15 specialists with a range of design related skills and experience, including a number of panel members with links to Maldon. The pool of panel members includes Ben van Bruggen (Panel Chair), Hana Loftus, Robert Barker, Jane Wernick, Roger Estop, Geoff Noble, Claire Bennie, Eddie Murphy, Scott Adams, Marcus Wilshere, Stephen Proctor, Paul Appleby, Noel Farrer, Cany Ash, and Richard Hawkes. The Panel was introduced to the Council and other invited guests at a launch event on 4 April 2016.
- 3.3.3 It is anticipated that meetings of the Design Review Panel will take place on a quarterly basis. A design review will include around six of the panel members undertaking site visits, receiving presentations from developers and the relevant case officers as necessary, undertaking an open discussion on the proposals, and finally producing a report to provide recommendations on how the design of a scheme could be improved. At the pre-application stage this information can be used by the developer to amend the scheme prior to the submission of a planning application. The advice of the Panel will therefore remain confidential until an application is

submitted. If the advice of the panel is requested during the submission of an application to address design concerns raised by consultees or the Council, the advice of the Panel will be publically available and can be considered by the Council to assist in the determination of the planning application.

3.4 Setting an appropriate fee for the services of the Maldon District Design Review Panel

- 3.4.1 Setting up the Panel and the design review process (as outlined in paragraph 3.2.3 above) incurred costs to the Council of £3,600 (£1,850 for the Panel and £1,750 for the Design Review Process). A days meeting of the Design Review Panel to undertake a design review of development proposals will cost £4,450. The costs for the Panel meetings will be paid by the developers / applicants who have requested the design review service.
- 3.4.2 Depending on the size, complexity, and location of the development proposals being reviewed, the Panel will be able to review around a maximum of four development proposals in a day's meeting. It is estimated that there will be an average of two development proposals being reviewed by the Panel at each quarterly meeting.
- 3.4.3 It is therefore recommended that a fee of £2,225 is charged to developers / applicants for a full review of a development proposal by the Panel. This will ensure that where two proposals are being reviewed, the running costs of the Panel will be covered by payments from developers / applicants. Where more than two proposals are being reviewed, the additional payments will be used to cover the running costs of panel meetings where only one scheme has been reviewed, or to recoup the costs incurred by the Council to set up panel. The Council will review the fee for the design review service on an annual basis to ensure that the costs of running the panel are sufficiently being covered within the fees.
- 3.4.4 For small schemes, or for amendments to schemes which have already been reviewed by the Panel, a full meeting of the Panel may not be necessary and instead only the Design South East facilitator, Panel Chair, and one other panel member may be required to review a scheme. The cost for this service will be dependent on the size and complexity of the development scheme and the scale of amendments which have been made since the last review. In this instance, it is recommended that an appropriate fee is calculated by the relevant case officer and agreed with the Director of Planning and Regulatory Services and the Director of Resources.

4. CONCLUSION

- 4.1 It is recommended that a fee of £2,225 is charged to developers / applicants for a full design review of a development proposal by the Maldon District Design Review Panel.
- 4.2 For additional specific requests for advice from the Maldon District Design Review Panel on development proposals for smaller schemes or for amendments to schemes already reviewed by the Panel, it is recommended that an appropriate fee is calculated by the relevant case officer and agreed with the Director of Planning and Regulatory Services and the Director of Resources.

5. IMPACT ON CORPORATE GOALS

- 5.1 The Design Review Panel supports corporate goals which underpin the Council's vision for the District, and in particular protecting and shaping the District.

6. IMPLICATIONS

- (i) **Impact on Customers** – Customer will use the design review service to seek to improve the design of development proposals. An appropriate fee for this service should be set which encourages the use of this service while also ensuring that the running costs are covered within the fees.
- (ii) **Impact on Equalities** – Not applicable.
- (iii) **Impact on Risk** – The fee for the design review service will affect the level of use. Greater use of the design review service will have a positive impact on the design quality of applications being submitted to the Council.
- (iv) **Impact on Resources (financial and human)** – The fee for the design review service will ensure that the costs of running the Design Review Panel are covered by the Council. At the proposed fee level, where more than two proposals are reviewed in a day, fee income will be generated above running costs. If the fee was to be set incorrectly, this could result in running costs not being met.
- (v) **Impact on the Environment** – Greater use of the design review process will improve the design quality of new development in the District.

Background Papers: None.

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ADDENDUM:

Members' attention is drawn to the addendum attached to this report which details a number of changes to the recommendations set out in Section 2 above.

The Planning and Licensing Committee considered this report and addendum at its meeting on 2 June 2016 and following a lengthy debate the recommendation for an approach to charging was not accepted but instead the Council creates a suite of documents to be made available to applicants, and that applicants be signposted to the Design Review Panel should the Council wish to recommend advice to a developer, without the Panels advice being binding.