

MAYOR OF LONDON

ARCHITECT RETENTION & DESIGN MONITOR ROLES

PROCESS NOTE

GOOD GROWTH BY DESIGN



**AUTHORED BY THE
LONDON LEGACY
DEVELOPMENT
CORPORATION**

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INTRODUCTION

The London Plan¹ stresses the importance of maintaining design quality throughout the development process from the granting of planning permission to completion. It notes that it is generally beneficial to the design quality of a completed development if the architects and landscape architects are involved from start to finish². It has, however, become common practice for Developers to employ a different design team to develop the technical design for construction, replacing the team who prepared and submitted the planning application. This can disrupt the pathway towards design quality in the completed scheme.

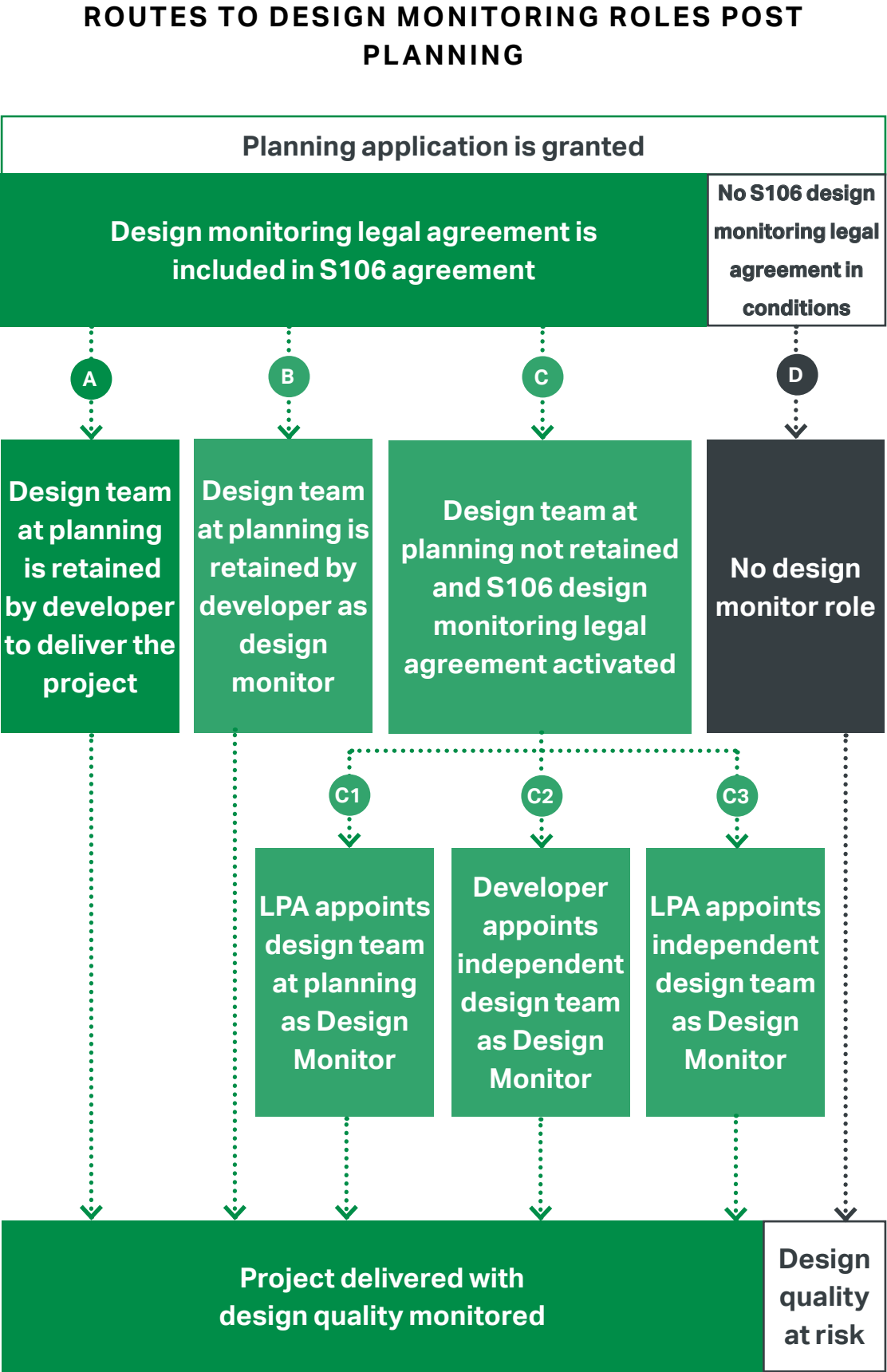
A legal agreement attached to the planning consent is one method that local authorities can use to ensure that the design team used at the planning stage is involved in the development from start to finish. This provides the continuity required to prevent consented schemes from being altered during technical design and construction stages in ways that compromise design quality.

This Process Note explores how and when a can

1 London Plan paragraph 3.4.10

2 London Plan paragraph 3.4.12

ensure the continued involvement in project delivery of the design team used at the planning stage when they are not retained as the lead architect. It is based on learnings from the London Legacy Development Corporation’s experience as a planning authority applying the S106 Design Monitoring legal agreement to third-party developments. The note is aimed at public commissioners, developers, architects, planning consultants, public lawyers working in partnership with Local Planning Authority planning officers & Urban Design officers.



PROCESS

The final details of the S106 design monitoring legal agreement are negotiated following resolution to grant planning permission. This should, however, follow discussion between LPA and applicant regarding the requirement for design monitoring post planning throughout the pre-application process. (Reasons for this advice are further set out in principle 1 of this document).

The S106 applies in scenarios B and C, as explored in further detail on the following pages. It makes the Developer responsible for issuing a Design Team Statement at any stage following the grant of planning permission that the design architect or landscape architect is no longer retained in the same function on the project as they were at the planning stage. It is important to note this may occur at any point during Technical Design, or Construction until Completion (RIBA stages 3-6).

A Design Team Statement is a written statement by the Developer setting out:

- The members of the Design team at planning retained by the Developer;
- Design Monitor Scope - the scope of the appointment of each member of the design team at delivery; and
- Where applicable, any members of the Design team at planning no longer retained and the Design Team at delivery taking over their role
- Design Monitoring Plan

As the technical design is developed (RIBA stages 3-4), the developer will need to submit further applications to the planning authority for the approval of planning conditions requiring the approval of detailed design and materials. Frequently, amendments to the approved drawings also arise, requiring further planning applications. The S106 legal agreement requires each of these applications to be accompanied by a Design Team Statement specifying the design team at planning involved in preparing it.

Sometimes a developer may have appointed a different Design team at delivery to the Design team at planning to begin RIBA stage 3 works before gaining planning permission, or they may notify the LPA of changes to the design team only once significant work has been completed. In this case, they will be in breach of the S106 legal agreement. In other scenarios, an LPA may understand scenario A is being proposed, when in fact this may change to scenario B or C when the project enters RIBA stage 4. Such a situation should be rectified by the appropriate design monitor appointment, in discussion with the LPA, at the earliest opportunity. Any delay to programme or additional costs that result are the responsibility of the Developer.

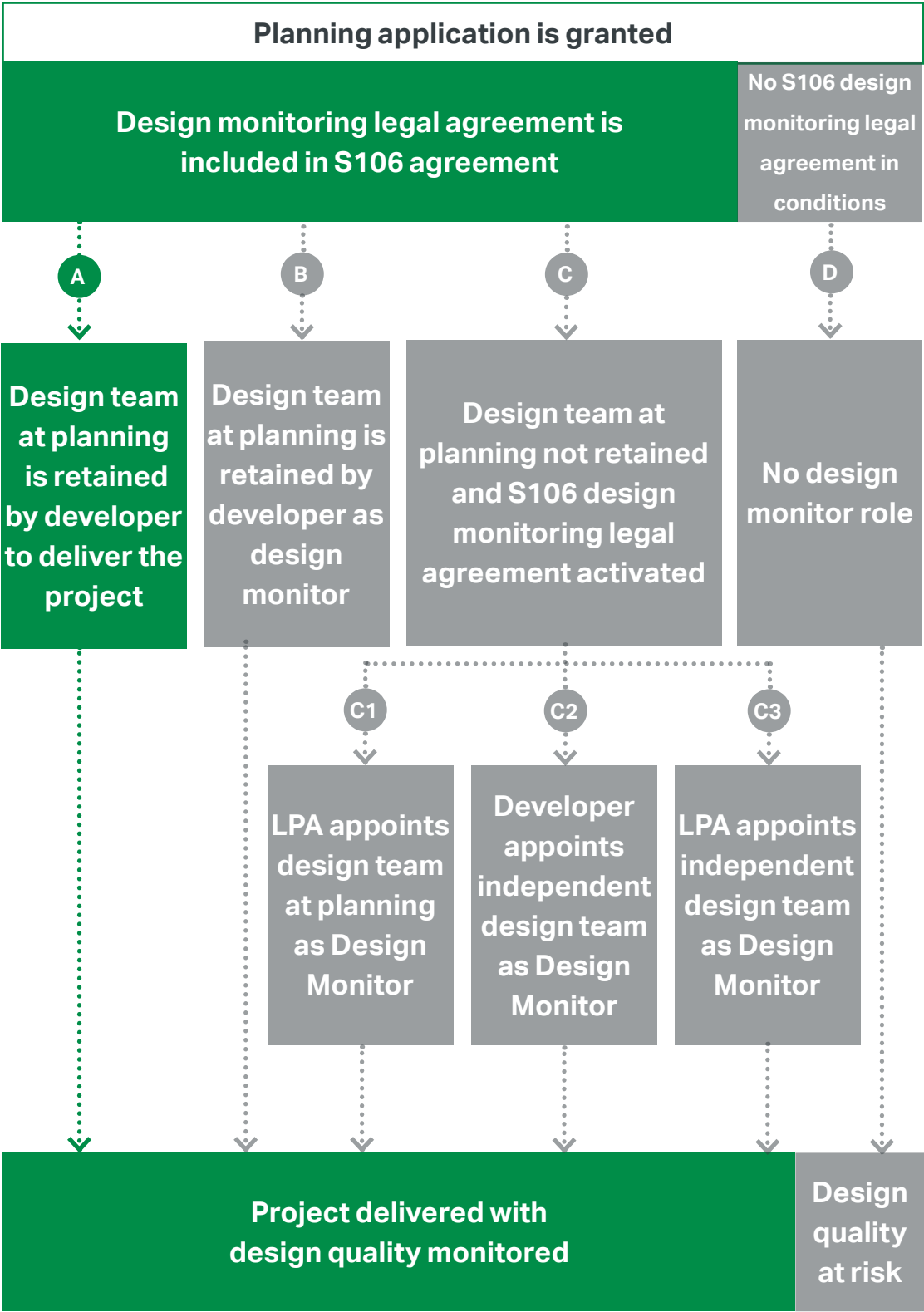
The Developer is responsible for proposing the Design Monitor Scope and Design Monitoring Plan and submitting them to the LPA for review and agreement. The LPA should consider consulting the proposed design monitor on the proposed scope of their appointment. Further advice on the Design Monitor Scope and Design Monitoring Plan are set out in principle 2 of this document.

Scenario A

In Scenario A there is no requirement for a Design Monitor as the planning architect and landscape architect is retained as lead designer through to delivery. This is an increasingly rare scenario on large-scale developments but would be encouraged.

It is important to note that although scenario A is preferred, as this allows for the design architect’s oversight in the project this does not guarantee independent scrutiny of design proposals. Due to the nature of an architect potentially being novated to a contractor under different procurement methods, the architect may be pushed towards design resolutions that compromise design quality and not be in a position to challenge this. It is therefore important for the LPA to consider and question design quality when approving conditions or assessing subsequent planning applications.

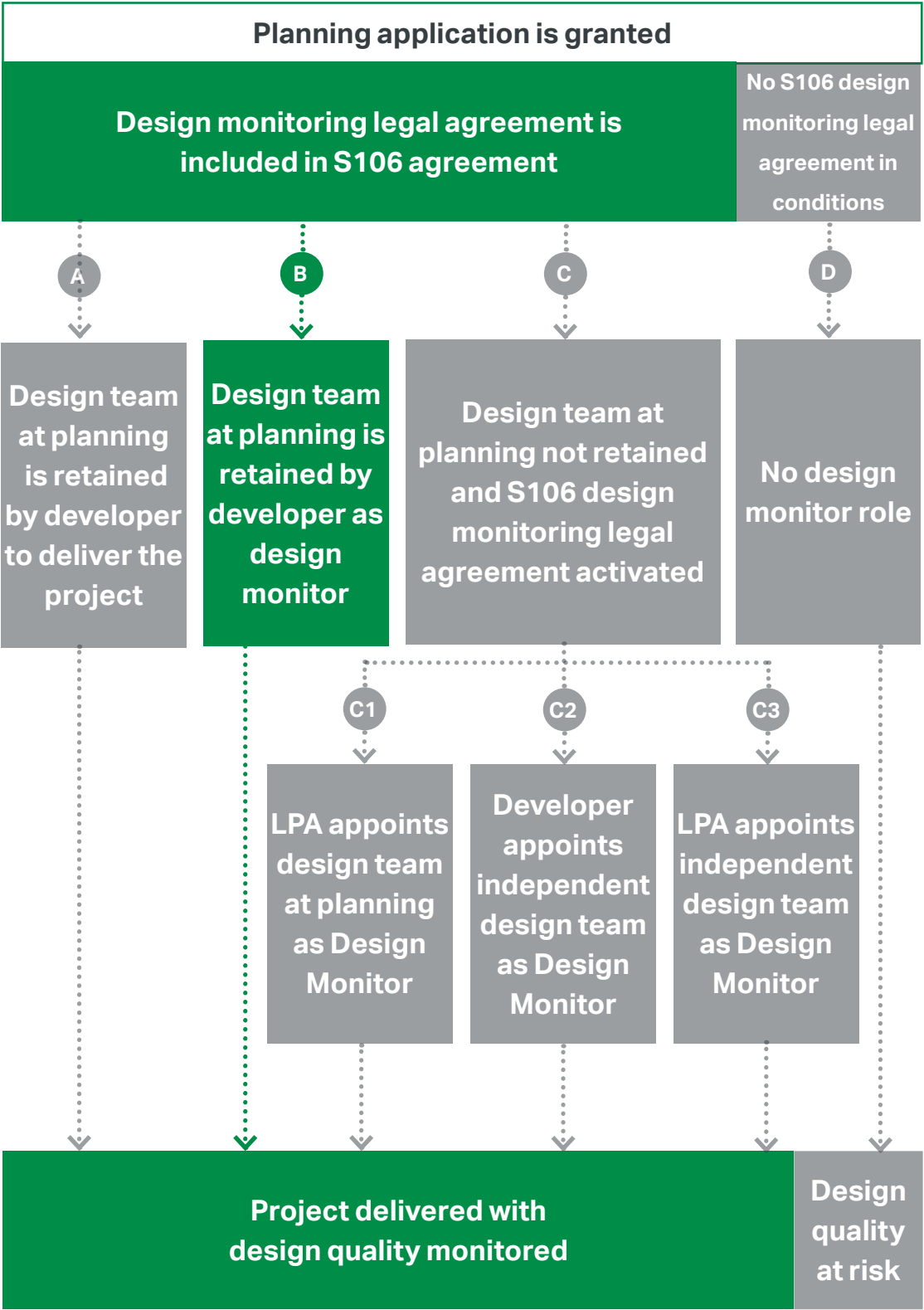
SCENARIO A



Scenario B

The Design Team Statement may state that the Design Team at planning (Architect and Landscape Architect) are retained as the Design Monitors. In this case, the Developer must provide evidence to give the LPA reasonable satisfaction that the scope of the Design Monitor appointment will allow them to oversee the delivery of development in accordance with the original design principles. The Design Team Statement should be followed by a draft Design Monitoring Plan prepared by the Developer and submitted to the LPA that sets out the proposed ways of working between the Monitoring Team and the Design team at delivery. This should be reviewed and agreed by the LPA.

SCENARIO B



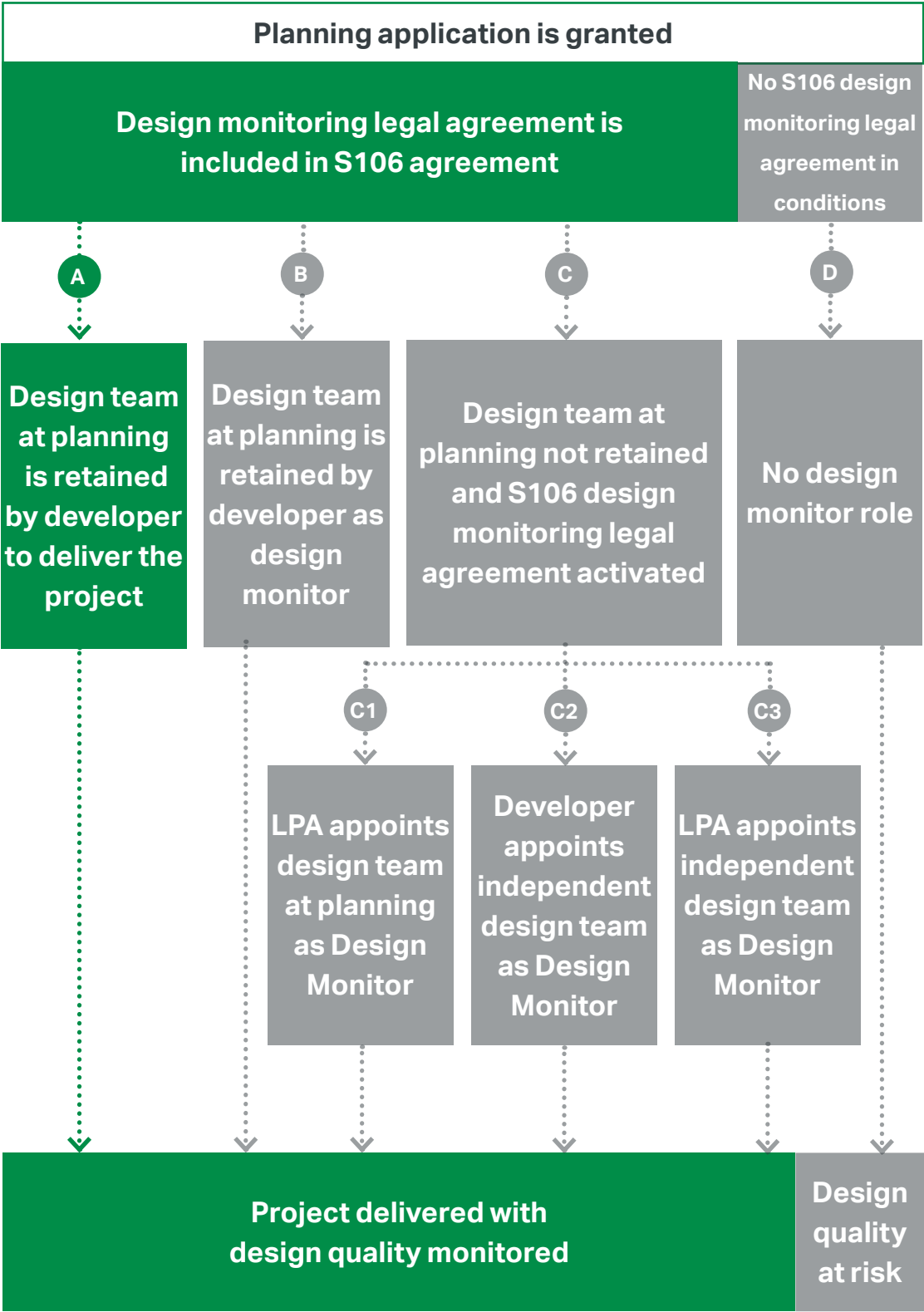
Scenario C

If a Design Team Statement submitted at any stage confirms either or both the architect and landscape architect from the Design team at planning are no longer retained in any capacity, including as Design Monitor, scenario C is triggered. In this case, the Developer must pay an agreed Design Monitoring Contribution to the LPA. The Developer and LPA must then meet to agree on how the original design principles will be safeguarded and discuss the appointment of the Monitoring Team. In scenarios C1 and C3 the LPA then uses the Design Monitoring Contribution to appoint the Monitoring Team to act independently as monitors of the design of the Development.

Under scenario C2 the Developer is responsible for the appointment of an independent architect, and in which case will not pay the Design Monitoring contribution to the LPA. However, it is to be noted that the appointment of an independent architect should be in discussion with the LPA, to ensure a suitable architect with relevant skills and appropriate scope is appointed. The fee must reflect the scope of work agreed upon for the Design Monitor to carry out.

Scenarios C1 and C3 can result in procurement challenges for an LPA, and therefore officers are encouraged to communicate with developers during the pre-application stages, ensure developers are aware of their responsibility and bottom out concerns when there is still flexibility in the process.

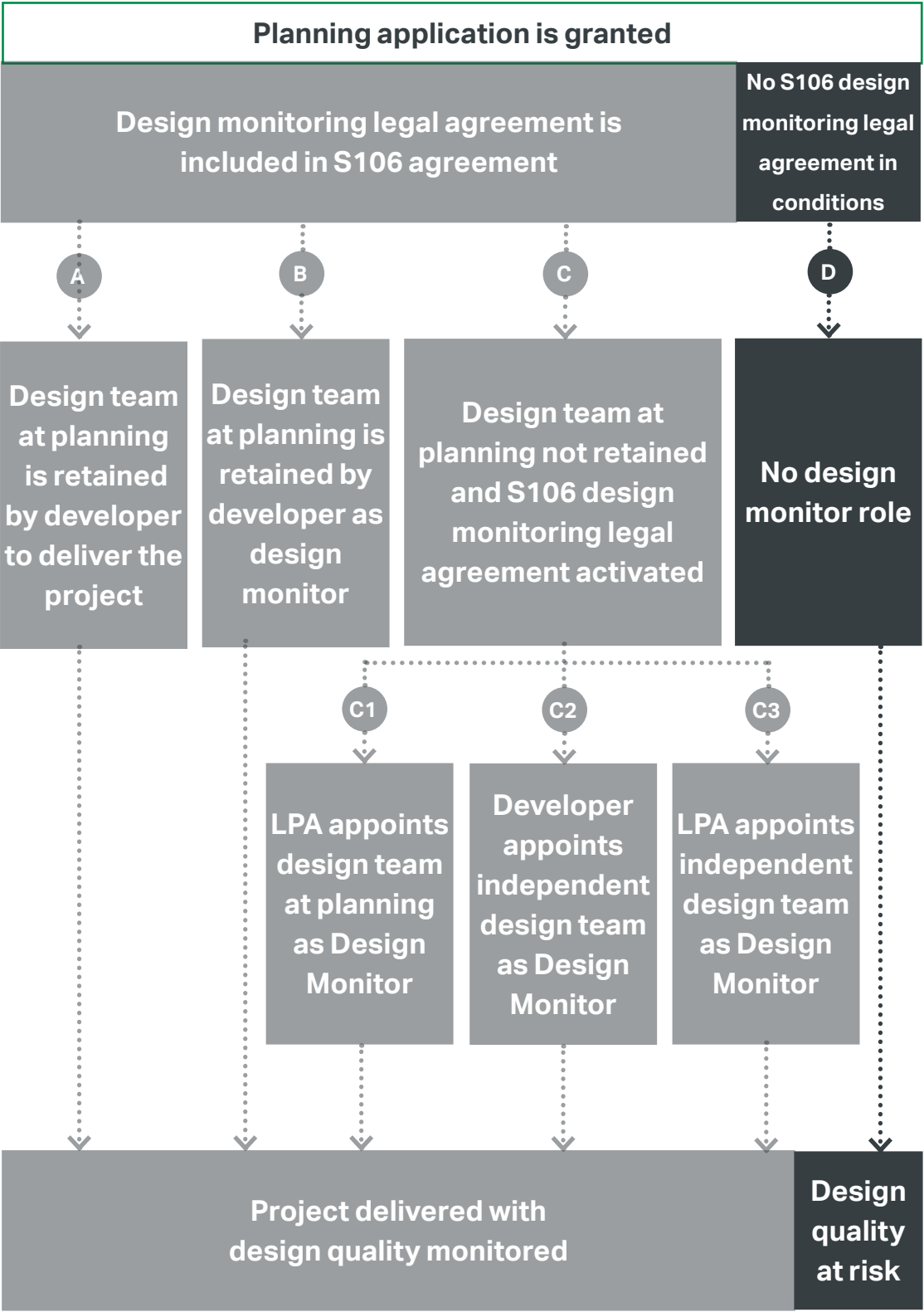
SCENARIO C



Scenario D

In scenario D, which is to be avoided, the planning architect and landscape architect are not retained by the Developer and there is no legal agreement in place requiring Design Monitoring. In this scenario design quality is most at risk.

SCENARIO D



PRINCIPLES

1. Discuss requirements for a Design Monitor role with the Developer early in the pre-application process

Discussing architect retention with an application, including where this will be stipulated in a S106 agreement, is an issue that will vary from case to case – depending on the size and scale of the project and the Developer. However, it is worth considering early engagement with an applicant as an effective way to discuss the retention of an architect and to build support and awareness for any of the previously stated scenarios.

Often, it can be the case that a Developer knows in advance that they will not retain the architect once they have received planning permission for a scheme. In these situations, it is important the Developer is aware of the requirements for a Design Monitor (and the scope of the Design Monitor), the Developer's responsibility in the process, and the cost implications as early as the pre-application stage – along with any specific requirements in terms of drawings and other submissions. This conversation may need to occur offline with the Developer directly, not their Design team at planning.

Introducing these requirements early and ensuring they are detailed, helps to impress upon the applicant the importance and benefits of design team continuity and design championing. The process should emphasise the Developer's responsibility in focusing on design quality. It also means the applicant has been made fully aware of the schedule of reporting during the delivery stages, and so cannot refuse to submit these later in the process based on them being non-standard or beyond typical requirements.

The LLDC have not trialled the following approach however the applicant could submit a draft Design Monitor scope (not required as an approved document) at planning stage that captures the pre-application conversations around the expectations of the Design Monitoring role during delivery stage.

2. Support the Design Monitoring process by insisting on a clearly defined scope of appointment and Design Monitoring Plan

Design Monitor Scope

Key to ensuring the Design Monitor works effectively to influence the delivery of a project and ensures the planning authority maintains oversight of any changes from the approved application is a clearly defined scope and set of objectives. Without this, a Design Monitor's involvement risks being too light-touch and they are not viewed with enough authority by the Design team at delivery to ensure that the scheme presented at planning is delivered to the same high quality.

A typical scope will outline the following:

- RIBA stages the monitoring will cover, usually RIBA Stages 4-5.
- If the delivery architect is introduced at the start of RIBA Stage 3, a more onerous scope is required for the design architects involved as Design Monitor.
- Scope of the design elements the monitor will review which will take the form of a detailed list of elements, details, junctions, and key features.
- Details of the materials and products the Design Monitor will review, for example, pre-cast elements, windows/doors, cladding, etc.
- Site visits required at each stage and reporting format.
- Exclusions, e.g. aspects of the scheme that are not within the Design Monitor's scope, for example structural, building services, technical performance and compliance, approval of conditions, etc.

A sample scope for the appointment of a Design Monitor can be found in the Resources section of this note.

Design Monitoring Plan

Without a clear programme agreed upon at the outset of the detailed design and delivery phase, there is a risk that the Design Monitor is brought to the table too late or is simply not included in meetings and discussions with the delivery architects from the beginning. In these instances, the Design Monitor is on the back foot, and it is playing catch-up and having to digest large volumes of material quickly and missing out on opportunities to influence detailed design.

It can be effective to put into place a series of trigger points within the S106 that requires a Design Team Statement, including a programme of engagement between the delivery architect and the Design Monitor. This might be triggered within 10 days of the applicant appointing a different delivery architect, for example. It is key that the plan allows the programme for the delivery architect to dovetail with the input of the Design Monitor, and that the construction programme is a part of this to ensure no work is undertaken without review and confirmation by the Design Monitor.

It is important for the Developer or their contractor, to acknowledge their responsibility in the Design Monitoring plan and the role they will play to ensure information is shared appropriately and noted in the construction programme, between the design team at planning and design team at delivery.

It's important to understand the Design Monitoring Plan must outline the involvement of the Design Monitor across the project lifespan and how the Developer will ensure the Design Monitor's scope will align with the delivery architect e.g. when decisions will be made on bricks etc., so the Design Monitor can be involved at the right points.

A sample Design Monitoring Plan can be found in the Resources section of this note.

3. Set expectations for the content and timing of the Design Monitoring reports

Central to the Design Monitor's role is reporting to the planning authority and it is therefore key to set clear expectations for the form that these reports take, and when they are delivered. Whilst it is not relevant for a Design Monitor to report on every detail they have reviewed under their appointment, a report should be issued when any visible changes are proposed to the approved design intent, such as changes to: materials, door or glazing sizes, balustrades, planter sizes, etc.

Reports should be presented in formats that are accessible and easily digestible by planning officers, using visuals in ways to reduce page counts. A good report will identify where, how, and why the design has changed from approved planning drawings. This should be done graphically with a before and after – side-by-side if possible. It will also identify when the Design Monitor is, or is not, in support of the change and why.



PRACTICE

Case Study

LLDC executed scenario C3 on a project with a third-party Developer, where an independent architect acted as the Design Monitor. In LLDC's experience, scenario B, in which the Developer appoints the Design Monitor, is more common than scenario C. Scenario C poses procurement and resourcing challenges for the LPA and should not be encouraged. However, should any variance of this route be pursued, the LPA should be reimbursed by the developer for resources required to carry out their function.

Learnings:

1. The key benefits from this process were a working relationship between the delivery architects and Design Monitor which led to problem-solving focused on design quality, as well as the Design Monitor's support and communication with the planning officer, to confirm the extent of variation from the approved scheme when not reasonably acceptable. This allowed the officer to consider how they exert authority through the planning process and condition approval.
2. The benefits of scenario C allow direct communication between the LPA and the Design Monitor to ensure the LPA can exert their authority when required if the Design Monitor reports risks to the approved design quality of a scheme.
3. Due to procurement, resourcing challenges, and ensuring adequate knowledge and skills within the LPA team, we understand scenario C will not often be possible. Therefore, central to upholding design quality through construction stages, we have found the Developer must acknowledge their role in defining an adequate scope for the Design Monitor and ensure their involvement throughout the project lifespan.

RESOURCES

Example Design Monitoring Plan Checklist

Design Monitoring Plan Checklist	
	Executive Summary & Introduction <ul style="list-style-type: none">This provides an overview of the project, especially important if a new planning officer is picking up the project
	The Project Team
	The Site & Surroundings
	Design Principles <ul style="list-style-type: none">Outline the key design principles of the project across the facade
	Elements Requiring Further Development <ul style="list-style-type: none">Explanation of how this will be undertaken with the Design Monitor
	Programme & Timescale <ul style="list-style-type: none">Including key milestones and alignment between the Design Monitor's programme and the Delivery Architect's programme of works
	Process For Reporting & Approval <ul style="list-style-type: none">Outlining requirements for the Design Monitoring report
	Material Samples & Mock-Ups
	Relevant Planning Conditions

Example Design Monitor Role Scope

RIBA Stage 3 Deliverables
General <p>At the start of the Stage, undertake a handover meeting with the Delivery Architect (and attended by the wider design team at planning, if required) which includes:</p> <ul style="list-style-type: none"> • Presentation of the overall design intent • Summary of the project brief and the minimum requirements for the project with particular emphasis on design quality, inclusive design and sustainability requirements • Detailed explanation of the Key Elements which are fundamental to achieving the design intent • Presentation of the proposed Key Materials • Overview of the standard details which have been developed at RIBA Stage 2 • Summary of design elements which need to be resolved at RIBA Stage 3 and which elements of the client brief need to be refined/resolved/ agreed during RIBA Stage 3 • Agree schedule of design sensitivity and value management items that require scrutiny with the Design team at delivery and confirm review/ scrutiny programme aligned with Design team at delivery production schedule. As a minimum this should include the Key Elements set out above. • Identify which planning conditions involve Key Elements and/or Key Materials <p>Review and monitor the Stage 3 design of Key Elements developed by the Design team at delivery and/or any specialist construction specialists against the Stage 2 architectural design intent, concept and strategy.</p> <p>Advise the Client throughout the Project on whether the Design team at delivery's proposals comply with the planning application and design intent in Stage 2 report and respond to information requests – questions, clarifications, RFIs, alternate proposals etc</p>

In the event of a proposed change including value engineering to the Key Elements, advise on the effects of the proposed change upon delivery of the design intent
Agree with the Design team at delivery an approach to the submission of planning conditions approval information as it relates to Key Elements. Comment on the information produced by the Design team at delivery, advise on the content of submissions and attend meetings if required.
Comment upon sales & marketing collateral, including CGI's and marketing models produced by the Delivery Architect/Team.
Communication Provide a single, consistent point of contact for the duration the Design Monitor services.
Be available to receive calls and email enquiries from the wider project team, in relation to the design elements covered by this Design Guardian services, as issues arise during design development. Provide timely responses, typically within 5 working days, in the form of professional advice or sketch details to communicate design intent.
Use Asite to be upload any documentation and replies to CRFs/ RFIs following the projects change control process
Meetings Attend all Design Team Meetings related to the Delivery Architect production schedule (as agreed in the handover meeting). Attend fortnightly design team meetings and other specific workshops as required. Attend client meetings, including Design & Implementation Committee meetings, as required Attend planning meetings as required Attend meetings to develop the sales and marketing brief and strategy. Attend site visits and review of mock-ups / samples as required of the Key Elements.
Reporting / Record-Keeping Provide a summary of activities and compliance monitoring status on a monthly basis for inclusion in the Project Management report following the Stage 3 Reporting Template.

Keep records of meetings and site visits attended and any comments made to inform the Client and the Delivery Architect. This should include clear and explicit commentary on compliance of any design with the original design intent.
Produce an end of stage report with explanation of: <ul style="list-style-type: none"> • Input to the process. • The design development process and outcome for Key Elements • Detail of where problem solving led to a different solution and/or one which differed from the original design intent for Key Elements. • Clear summary setting out compliance of Key Elements with the original design intent (on all elements except those where problem solving necessitated a deviation).
Additional (to be instructed as required)
Work with the Delivery Architect to undertake design exercises/studies/ workshops relating to any proposed planning amendments.
Briefing changes to the approved planning scheme shall be raised through formal change request process by the client. Requests influencing the fundamental concept design of the building and/or Key Elements which require input from the Design Guardian will be instructed on a case-by-case basis.
RIBA Stage 4 Deliverables
All as per RIBA Stage 3 plus the following stage specific elements:
General
At the start of the Stage, undertake a kick-off meeting with the Design team at delivery to agree a schedule of design sensitivity and value management items that require particular scrutiny at Stage 4 and confirm review/ scrutiny programme aligned with Design team at delivery production schedule.
Review and monitor the Stage 4 design of Key Elements developed by the Design team at delivery and/or any specialist construction specialists against the Stage 2+3 architectural design intent, concept and strategy.
Advise the Client throughout the Project on whether the Design team at delivery's proposals comply with the planning application and design intent in Stage 2+3 report and respond to information requests – questions, clarifications, RFIs, alternate proposals etc

Meetings
Attend site visits and review of mock-ups / samples as required of the Key Elements and any elements which have an impact on the overall building aesthetic. This could include elements such as VMU/ TMU mock-ups
Reporting / Record-Keeping
Provide a summary of activities and compliance monitoring status on a monthly basis for inclusion in the Project Management report following the Stage 3 Reporting Template
RIBA Stage 5 Deliverables
All as per RIBA Stage 4 plus the following stage specific elements:
General
Advise on whether the Contractor / Sub-Contractor(s) Proposals comply with the Works Information (WI) and respond to information requests – clarifications, RFIs, alternate proposals etc.
Review the Key Elements that form the Contractor's Proposals and report on their quality and compliance with the RIBA Stage 4 design.
Review and comment on samples and mock-ups (in relation to the Key Elements) and support in seeking resolution to any issues.
Inspect the Key Elements of the works (at key milestones to be agreed relative to the work package/element) and report to the Client if they are not in accordance with the WI. As appropriate, visit sites where extraction, manufacture, fabrication and/or assembly of key materials and components is being undertaken in order to inspect such materials and workmanship before delivery to site limited to the key elements for review.
Prior to the anticipated date of completion or of any sectional completion as defined in the Building Contract, and after the Contractor has offered the works as Practically Complete, inspect the works and contribute to a report issued by the Client on the quality of the Key Elements and compliance with the WI.
Meetings
Attend monthly progress meetings with the Design team at delivery, Contractor and Client to ensure everyone is familiar with progress / changes / process / issues etc relating to Key Elements.

SCHEDULE [X]

DESIGN MONITORING

PART 1 – OPERATIVE PROVISIONS

Drafting note: This Schedule [X] is intended to be used for both full applications and outline applications. However in the case of outline applications it is not intended to require a contribution for changing design team between grant of outline and submission of RMAs (only for changing design team post grant of RMA). See internal notes PM2, 3 and 7 below.

1. DEFINITIONS

“Approved Drawings”

means the drawings approved by the Planning Permission together with the drawings and other design details to be approved pursuant to the Design Conditions

“Architect”

means [xxx]

Drafting note: Insert name of architect used to prepare planning application drawings

“Design Application”

means one of the following:

- (a) an application to the LPA for the approval of details pursuant one or more Design Conditions;
- (b) an application to the LPA for a S96A Amendment which seeks amendments to the Approved Drawings;
- (c) an application to the LPA for a S73 Permission which seeks amendments to the Approved Drawings

“Design Application Report”

means a report (incorporating an executive summary) by the Monitoring

Team in relation to a Design Application to include the following:

- (a) report on the compliance of the Design Application with the Approved Drawings;
- (b) commentary in respect of any deviations from the Approved Drawings with reference where applicable to Design Monitoring Reports showing the decision-making process; and
- (c) conclusion stating clearly whether the Monitoring Team supports the approval of the Design Application, giving reasons

“Design Conditions”

means Conditions [xxx] of the Planning Permission

Drafting note: Insert the numbers of the planning conditions that require additional design details/materials to be submitted to the LPA for approval. Where this schedule is being used in connection with an outline planning application, do not include reserved matters conditions as this schedule is not intended to require a contribution for changing design team between grant of outline and submission of RMAs (only a change in design team post grant of RMA)

[and any conditions imposed on Reserved Matters Approvals requiring the submission and approval of design details, materials and samples] and “Design Condition” means any one of them

Drafting note: Only include where the agreement relates to an outline planning application.

“Design Monitoring Completion Letter”

means a letter (incorporating an executive summary) from the Monitoring

Team to include the following:

- (a) report on the compliance of the completed Development with the Approved Drawings; and

(b) conclusion stating clearly whether the Monitoring Team consider that the Development has been constructed in accordance with the Approved Drawings, giving reasons

“Design Monitoring Contribution”

means the sum of:

(a) £[xxx] where the Trigger Event falls within parts (a), (b), (c) or (d) of the definition of Trigger Event

Drafting note: Insert sum to be calculated with reference to the Drafting Note

(b) £[xxx] in the event of a Trigger Event falling within part (e) of the definition of Trigger Event

Drafting note: Insert sum which is 25% of the amount calculated pursuant to (a) (this is lower to reflect the fact that the LPA’s costs would only relate to monitoring construction and not reviewing design proposals)

to be paid in accordance with 3.1 of this Schedule to meet the LPA’s reasonable costs incurred in monitoring the design quality of the Development as detailed drawings are prepared and/or construction works are carried out on the Site and to ensure that all such drawings and/or works are completed to a satisfactory quality and are consistent with the Approved Drawings and which may include the LPA’s internal staff costs and/or the costs of third party consultants retained by the LPA (including the costs of the Monitoring Team)

“Design Monitoring Plan”

means a written document identifying the following:

- (a) the Original Design Principles;
- (b) the Design Conditions (including target dates for submission and approval);
- (c) the process for involvement of the Monitoring Team in the design and construction phases of the Development, to include workshops between the

- Monitoring Team and the Design Team;
- (d) the detailed scope of Design Monitoring Reports and frequency and dates for their submission to the LPA (typically monthly at specified stages);
- (e) the physical material samples, mock-ups and benchmarks required to be submitted for review and approval by the Monitoring Team and the LPA;
- (f) key dates and milestones for information release and package reviews;
- (g) technical requirements in respect of the information to be submitted to the Monitoring Team for review;
- (g) the construction phasing plan;
- (h) elements requiring development and resolution;
- (g) any risk elements (such as those matters requiring resolution with suppliers and/or subcontractors); and
- (i) a summary of the actions required of the Developer and the Design Team at delivery to ensure the implementation of the plan

“Design Monitoring Report”

means a desktop report (incorporating an executive summary) by the Monitoring Team on progress against the Design Monitoring Plan during the period covered by the report which shall include as a minimum the following information (to the extent applicable):

- (a) report on workshops held with overview of conclusions;
- (b) comments and recommendations on the following matters submitted to the Monitoring Team and/or the LPA for review: physical materials; samples; details; design information; sub contractor/ supplier information;
- (c) comments and recommendations on Design Applications;
- (d) any deviations from the Approved Drawings;
- (e) progress of construction of the Development and conformity with Approved Drawings;
- (f) status of previous comments and recommendations;
- (g) actions and decisions required in the next period;
- (h) conclusions; and
- (i) any other matters identified in the detailed scope of such reports set out in the Design Monitoring Plan

“Design Team”

means the design team instructed by the Developer as set out in the relevant Design Team Statement

“Design Team Statement”

means a written statement by the Developer setting out the following information which shall be factually correct at the date the statement is given:

- (a) the members of the Design team at delivery by the Developer in connection with the Development and their contact details; and
- (b) the scope of appointment of each member of the design team at delivery; and
- (c) if applicable identifying any members of the Design team at planning no longer retained and the Design Team at delivery member(s) taking over their role

“Development”

means for the purposes of this Schedule only the development of the Site and all other operations and/or works authorised by the Planning Permission as may be amended and/or replaced by a S96A Amendment and/or a S73 Permission

“Initial Design Monitoring Workshop”

means the workshop to be held pursuant to paragraph 5.2

“Landscape Architect”

means [xxx]

Drafting note: Insert name of landscape architect used to prepare planning application drawings

“Monitoring Team”

means a team to be appointed pursuant to paragraph 5.5 comprising:

- (a) the Architect, Landscape Architect and any other consultant(s) from the Design team at planning that the LPA considers is integral to monitoring the

design quality of the Development and overseeing adherence to the Original Design Principles; or

- (b) such architect(s), landscape architect(s) and other design consultant(s) the LPA considers are qualified to monitor the design quality of the Development and oversee adherence to the Original Design Principles

“Original Design Principles”

means the key design principles, elements, strategies, details and materials underpinning the Development as set out in Part 2 of this Schedule

“Design team at planning”

means the full design team responsible for preparation of [Planning Application][Reserved Matters Applications] including the Architect and the Landscape Architect

Drafting note: Use “Planning Application” for detailed applications and “Reserved Matters Applications” for outline applications. As per note above, this schedule is not intended to require a contribution for changing design team between grant of outline and submission of RMAs (only a change in design team post grant of RMA)

“RIBA Stage 3”

means RIBA Stage 3 Spatial Coordination as defined by the RIBA Plan of Work

Drafting note: This relates to level of planning drawings required for detailed planning permission

“RIBA Stage 4”

means RIBA Stage 4 Technical Design as defined by the RIBA Plan of Work

Drafting note: This relates to level of detailed drawings required to be submitted for approval as AODs

"RIBA Stage 5"

means RIBA Stage 5 Manufacturing and Construction as defined by the RIBA Plan of Work

Drafting note: This relates to level of detailed drawings required to be submitted for approval as AODs

"S73 Permission"

means a permission granted pursuant to an application for a minor material amendment to the Planning Permission pursuant to section 73 of the 1990 Act

"S96A Amendment"

means a non-material amendment to the Planning Permission approved pursuant to section 96A of the 1990 Act

"Terminated"

means (in the context of the appointment of a member of the Design team at delivery) ended or suspended for any reason including due to termination, expiry, insolvency, winding up, retirement, illness or death and "Termination" shall be construed accordingly

"Trigger Event"

means the occurrence of one of the following events:

- (a) a Design Team Statement submitted pursuant to paragraph 2.1 confirms one or more members of the Design team at planning are no longer retained;
- (b) a Design Team Statement submitted pursuant to paragraph 2.2.1 confirms RIBA Stage 3 is being commenced at a time when one or more members of the Design team at planning are no longer retained;
- (c) a Design Team Statement submitted pursuant to paragraph 2.2.2 confirms RIBA Stage 4 is being commenced at a time when one or more members of the Design team at planning are no longer retained;
- (d) a Design Team Statement submitted pursuant to paragraph 2.2.3 confirms the appointment of one or more members of the Design team at planning is Terminated prior to the completion of RIBA Stage 4 in respect of the entire Development;

(e) a Design Team Statement submitted pursuant to paragraph 2.2.4 confirms one or more members of the Design team at planning are no longer retained to oversee the delivery of Development in accordance with the Approved Drawings

2. DESIGN TEAM STATEMENT

2.1 No Design Application shall be submitted unless it is accompanied by a Design Team Statement specifying the design team at delivery involved in the preparation of that Design Application.

2.2 Without prejudice to paragraph 2.1 the Developer shall submit a Design Team Statement to the LPA:

2.2.1 prior to commencement of the preparation of RIBA Stage 3 in connection with any Design Application if one or more members of the Design team at planning has not been retained to prepare the design;

Drafting note: This would cover design work for s96A/S73 applications for amendments to Approved Drawings

2.2.2 prior to commencement of the preparation of RIBA Stage 4 in connection with any Design Application if one or more members of the Design team at planning has not been retained to prepare the design;

Drafting note: This would cover design work for AODs relating to detailed design and materials

2.2.3 save where RIBA Stage 4 has been completed in respect of the entire Development, within 10 Working Days of Termination of the appointment of one or more members of the Planning Team; and

- 2.2.4 prior to commencement of the Development and thereafter every 6 (six) months during the construction of the Development until its completion.

3. DESIGN MONITORING CONTRIBUTION

- 3.1 The Developer shall pay the relevant Design Monitoring Contribution to the LPA within 10 Working Days of a Trigger Event.
- 3.2 It is hereby acknowledged and agreed that:
- 3.2.1 there may be more than one Trigger Event; and
- 3.2.2 the relevant Design Monitoring Contribution shall be payable in respect of each Trigger Event.]

4. RESTRICTION ON DEVELOPMENT

- 4.1 No Development shall be Commenced until the Developer has either:-
- 4.1.1 provided evidence to the LPA's reasonable satisfaction that the Design team at planning are retained to oversee the delivery of Development in accordance with the Approved Drawings; or
- 4.1.2 paid the relevant Design Monitoring Contribution(s) to the LPA in accordance with paragraph 3 above.
- 4.2 No Development shall be carried out except in strict accordance with the Approved Drawings.]

5. DESIGN MONITORING PROCESS

- 5.1 The Parties hereby agree that:
- 5.1.1 this paragraph 5 shall apply (and shall only apply) following a Trigger Event;
- 5.1.2 the obligations on the LPA in this paragraph 5 are subject to the

payment of the Design Monitoring Contribution to the LPA in respect of that Trigger Event.

- 5.2 Not more than 20 Working Days following the Trigger Event the Developer and the LPA shall hold an initial workshop to:
- 5.2.1 discuss and agree how the Original Design Principles will be safeguarded;
- 5.2.2 discuss the appointment of the Monitoring Team;
- 5.2.3 discuss and agree proposed ways of working between the Monitoring Team and the Design team at delivery; and
- 5.2.4 review the draft Design Monitoring Plan prepared by the Developer pursuant to paragraph 5.4.
- 5.3 The following parties shall be invited to attend the Initial Design Monitoring Workshop:
- 5.3.1 the Design Team at delivery;
- 5.3.2 the Design team at planning;
- 5.3.3 (if already appointed and different to the Design team at planning) the Monitoring Team.
- 5.4 The Developer shall prepare and submit a draft Design Monitoring Plan to the LPA not less than 10 Working Days in advance of the Initial Design Monitoring Workshop.
- 5.5 Not later than 10 Working Days following the Initial Design Monitoring Workshop the LPA shall appoint the Monitoring Team to act independently and impartially in undertaking the following role:

- 5.5.1 to monitor the design of the Development;
- 5.5.2 to oversee compliance with the Original Design Principles;
- 5.5.3 to oversee compliance with the quality of the Approved Drawings;w
- 5.5.4 to ensure technical issues do not give rise to conflicts with the Original Design Principles;
- 5.5.5 to work together with the Design team at delivery in a collaborative manner, in order to achieve the best quality built outcomes that realise the original design aspiration and vision;
- 5.5.6 to review the draft Design Monitoring Plan prepared by the Developer pursuant to paragraph 5.4 and prepare and submit the final Design Monitoring Plan to the LPA for agreement not more than 20 Working Days following the Initial Design Monitoring Workshop;
- 5.5.7 to prepare and submit Design Monitoring Reports to the LPA periodically (in the frequency set out in the final Design Monitoring Plan);
- 5.5.8 to prepare and submit a Design Application Report to the LPA in respect of each Design Application;
- 5.5.9 to prepare and submit a Design Monitoring Completion Letter to the LPA upon completion of the Development;
- 5.5.10 to carry out any other roles and responsibilities on the part of the Monitoring Team as set out in the final Design Monitoring Plan;

- 5.5.11 to carry out reviews of samples, mock-ups and benchmarks areas of those external envelope and landscaped areas identified in the final Design Monitoring Plan, and to re-inspect the areas as necessary once comments have been incorporated (with the intention such areas will then be used as a quality reference benchmark with which to measure the remainder of the Development);
- 5.5.12 to undertake site visits to review each building block during construction and monitor against design intent and Approved Drawings, and sample, mock-up and benchmark areas; and
- 5.5.13 to undertake site inspections prior to the LPA determining applications to approve Design Conditions and the appointment of the Monitoring Team will incorporate the table set out in Part 3 of this Schedule.

5.6 The Developer shall:

- 5.6.1 comply with the requirements of the Developer identified in final Design Monitoring Plan; and
 - 5.6.2 procure the compliance of the Design Team at delivery with the requirements of the Design Monitoring Plan
- including but not limited to attendance at workshops with the Monitoring Team, submission of information to the Monitoring Team for review and facilitating site visits and inspections.

PART 2 – ORIGINAL DESIGN PRINCIPLES

[Note for internal use: This should be reviewed and tailored to the project with the design officer, and should be aligned to the Design Conditions]	
Area	Principles, strategies, details & materials to be safeguarded
Building	<p>Detailed drawings including drawings of: [Note for internal use: add / remove as necessary from long list below as part of consent. To be agreed between planning officer and design officer]</p> <p>Principal features on the facades e.g. bay studies</p> <ul style="list-style-type: none"> • Details of each envelope / roof type • Detailed brick elements including mortar joint profile • Details of glazing and curtain walling systems including any manifestation • Key junctions/bonds between materials/finishes • Ground floor frontages including entrances, glazing and signage zones, infill panels on plant rooms/bike stores etc, shopfronts or commercial/workspace frontages • Parapets, roof edges, rooftop plant screening, lift over runs etc • Elevational location of all joints eg structural, movement, panels • Elevational location of all openings in envelope eg ventilation grilles, bird & bat boxes • Elevational location of all items which are fixed to the façade eg fins/ louvres, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes • Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces • Details of key architectural metalwork / screens / gates • Details of balconies and terraces including floor finishes • Balustrade details • Details of soffits and canopies • Details of external stairs • Junctions with neighbouring buildings • External signage details including elevations and sections <p>Details of materials and products, including finishes, of: [Note for internal use: add / remove as necessary from list below. To be agreed between planning officer and design officer.]</p> <ul style="list-style-type: none"> • Façade and roof cladding materials • Brick and mortar type including mortar joint profile • Window / door types (including finishes, glass types and any manifestation) • Curtain wall (including finishes, glass types and any manifestation) • Facing metalwork (e.g. balustrades, service doors, screens, gates)

	<ul style="list-style-type: none"> • All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes) • Soffit and canopy materials • Balcony and terrace floor finishes • Samples of the above materials should be provided.
Landscape	<p>Detailed drawings including drawings of: [Note for internal use: add / remove as necessary from long list below as part of consent. To be agreed between planning officer and design officer]</p> <ul style="list-style-type: none"> • Hard + soft landscaping details/paving • Tree planting • Retaining structures • Ecology features • Interface/ conflict with highways • Details of green / brown roof system <p>Details of materials and products, including finishes, of: [Note for internal use: add / remove as necessary from list below. To be agreed between planning officer and design officer.]</p> <ul style="list-style-type: none"> • Hard + soft landscaping details/paving • Any other materials not listed but bespoke to building requirements
Sustainable Design / M&E (Building Services Engineer)	<ul style="list-style-type: none"> • Sustainability strategy (thermal performance, airtightness, renewables, zero carbon, material use) • Heated/ unheated space & airtightness strategy • Overheating prevention strategy • MEP principles and strategies • RCP plans where these affects external appearance such as walkways • Elements affecting façade such as vents or lighting

PART 3 – MONITORING TEAM - ACTIONS AND DELIVERABLES

[Note for internal use: This table should be reviewed and tailored to the project]			
Workstage	Action	Deliverables	Completion Date
Pre RIBA Stage 3/4 Significantly before any work developing the detail of the design beyond that which is already consented	Initial Design Monitoring Workshop: Following submission of the Design Team Statement, a workshop meeting should take place between the Developer & LPA and should include discussion about: <ul style="list-style-type: none"> Proposed Design team at delivery members / organisations Proposed Monitoring Team members / organisations Proposed ways of working between the Monitoring Team and the Design team at delivery Representatives of the Design team at delivery should be present for this meeting. A draft Design Monitoring Plan should be available for discussion setting out the principles of how design quality will be safe guarded. It is suggested that key members of the Design team at delivery and the Monitoring Team are present for this discussion.	Draft Design Monitoring Plan (provided by the Developer). For discussion with LLDC LPA	Submission: DDMMYY Approval: DDMMYY

At RIBA Stage 3/4 Commencement Immediately prior to design commencing the relevant workstage depending on the nature of the application	Design Monitoring Plan: Design Monitoring Plan to be produced by Monitoring Team & submitted to the LPA for sign off, identifying: <ul style="list-style-type: none"> The Original Design Principles Physical material samples, mock-ups & benchmarks for review & sign off by Monitoring Team/ LPA (including relevant planning conditions) Elements requiring development and resolution Risk elements (such as those requiring resolution with suppliers / subcontractors) Scope of Design Monitoring Reports Plan of how Monitoring Team will be involved, including workshops between Monitoring Team and the Design team at delivery, package reviews, key dates & milestones Identify relevant planning conditions, and target dates for approval Frequency and dates for submission of Design Monitoring Reports to LLDC (typically monthly at specified stages) Information release schedule and construction phase plan 	Design Monitoring Plan to be submitted to the LPA prior to start of RIBA Stage 3/4 and/	Submission: DDMMYY Approval: DDMMYY
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RIBA Stage 3 – 5 During the above RIBA Work Stages	Design Monitoring Reports: Workshops with Monitoring Team and the Design team at delivery during RIBA Stage 3/4. Monitoring Team to provide periodic (typically monthly) desktop reports including progress monitoring, commentary and recommendations as follows; <ul style="list-style-type: none"> • Executive summary • Report on progress against the Design Monitoring Plan • Report on workshops held, with overview of conclusions • Report and provide comments and recommendations in regard to: physical materials; samples; details; design information; sub-contractor/ supplier information, as reviewed by Monitoring Team or submitted to the LPA in the period • Provide commentary and recommendations regarding submission of Design Applications by Design team at delivery • Report on any deviations from the Approved Drawings • Report on progress on site, and conformity with design / approved planning documents (during stage 5) • Commentary on S73 or 96A applications in the period if applicable • Status of previous comments and recommendation • Actions and decisions required in the next period • Conclusions 	Submit Design Monitoring Reports to LPA as supporting information to approval of each relevant design condition	Submission: DDMMYY Approval: DDMMYY
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RIBA Stage 3 – 5 During the above RIBA Work Stages	Design Application Report For each design related condition approval a supporting report should be provided including: <ul style="list-style-type: none"> • Executive summary • Report on compliance with the Approved Drawings • For any deviations from the Approved Drawings provide commentary, and reference where applicable Design Monitoring Reports, showing the decision making process • Conclusion – clearly stating whether the Monitoring Team give their support to the approval of the condition 	Submit Design Application Report(s) to the LPA	Submission: DDMMYY Approval: DDMMYY
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RIBA Stage 5 During the above RIBA Work Stage	Design Monitoring Sample Reviews & Site Visits: Sample reviews: Carry out reviews of samples, mock-ups & benchmarks areas of external envelope and landscaped areas (identified in planning condition & Design Monitoring Plan). Re-inspect the areas as necessary once comments have been incorporated and are representative of the quality required by the Approved Drawings. The areas will then be used as a quality reference benchmark with which to measure the remainder of the Works. Reviews to be combined with site visits where possible. Site Visits: Undertake site visits to review each building block during construction and monitor against design intent and approved planning drawings, and sample, mock-up and benchmark areas. Site inspections prior to relevant condition sign off by the LPA of building elements such as façade brickwork or landscaping.	Monitoring Team to attend site visits with the LPA as requested	Submission: DDMMYY Approval: DDMMYY
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RIBA Stage 6 During the above RIBA Work Stage	Design Monitoring Completion Letter: For each design related condition a supporting letter at completion should be provided including: <ul style="list-style-type: none"> • Executive summary • Report on compliance with the Approved Drawings • Commentary on compliance with the information submitted for approval of conditions • Conclusion – clearly stating whether the Monitoring Team consider that the Development has been constructed in accordance with the Approved Drawings 	Submit Design Monitoring Completion Letter to the LPA	Submission: DDMMYY Approval: DDMMYY
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DRAFTING NOTE

CALCULATION OF DESIGN MONITORING COSTS

[Note for internal use: Table 1 below shows indicative scopes and fees for a selection of examples. Developments where monitoring is appropriate are typically medium or large projects (such as 10 homes or above), but may include smaller significant or strategic projects as appropriate. The exact fee and scope should be determined during the negotiation of the S106. It should reflect the particulars of the project, for example in the case of a small but complex projects; projects with significant areas of public realm; complex engineering projects such as bridges the fee and scope is likely to need to be greater.

[Note: Table 1 should be edited as appropriate for each project so it only shows the specific fee applicable]

Table 1 – Schedule of Fees and Scope Overview for Design Monitoring		
Scale of Development	Indicative fee	Monitoring Team Indicative Scope Consultant time shown indicatively in italics, includes associated workshops/ reviews & activities as shown in table 3.
10-24 dwellings/ up to 15000sqm GIA non-residential	£18,000 plus VAT	<ul style="list-style-type: none"> Design Monitoring Plan (Including workshop) - 2 days Design Monitoring Reports: 8no. (including 2 reports by landscape architect, approx 4 workshops) - 9 days Sample reviews/ site visits: 8no. - 3 days Design Monitoring Letter - 1 day
25-49 dwellings/ Up to 2999 sq m GIA non-residential	£24,000 plus Vat	<ul style="list-style-type: none"> Design Monitoring Plan (Including workshop) - 2 days Design Monitoring Reports: 10 no. (Including reports 2 by landscape architect, approx 5 workshops/ package reviews) - 10 days Sample reviews/ site visits; 4no. - 4 days Design Monitoring Letter - 1 day
50-99 dwellings/ 3000-4999sqm GIA non-residential	£40,000 plus Vat	<ul style="list-style-type: none"> Design Monitoring Plan (Including workshop) - 2 days Design Monitoring Reports: 15 no. (Including reports 3 by landscape architect, approx 8 workshops/ package reviews) - 16 days Sample reviews/ site visits; 6no. - 5 days Design Monitoring Letter - 1 day
100-149 homes/ 5000- 9999sqm GIA non-residential	£60,000 plus Vat	<ul style="list-style-type: none"> Design Monitoring Plan (Including workshop) - 3 days Design Monitoring Reports: 18 no. (Including reports 3 by landscape architect, approx 10 workshops/ package reviews) - 20 days Sample reviews/ site visits; 8no. - 8 days Design Monitoring Letter - 1 day

150-300 dwellings / 10000-14999sqm GIA non-residential	£70.000 plus Vat	<ul style="list-style-type: none"> Design Monitoring Plan (Including workshop) - 3 days Design Monitoring Reports: 20 no. (Including reports 5 by landscape architect, approx 12 workshops/ package reviews) - 23 days Sample reviews/ site visits; 10no. - 8 days Design Monitoring Letter - 1 day
300+ dwellings/ 1500sqm + GIA non-residential	£80,000 plus VAT	<ul style="list-style-type: none"> Design Monitoring Plan (Including workshop) - 3 days Design Monitoring Reports: 25 no. (Including reports 5 by landscape architect, approx 14 workshops/ package reviews) - 28 days Sample reviews/ site visits; 10no. - 9 days Design Monitoring Letter - 1 day

ABOUT GOOD GROWTH BY DESIGN

The Mayor's Good Growth by Design programme seeks to enhance the design of the built environment to create a city that works for all Londoners. This means development and growth should benefit everyone who lives here. As such, it should be sensitive to the local context, environmentally sustainable and physically accessible.

The programme calls on all involved in London's growing architectural, design and built environment professions to help realise the Mayor's vision.

Good Growth by Design uses the skills of both the Mayor's Design Advocates and the wider sector. This includes teams here at City Hall, the London Boroughs and other public bodies.

The programme covers six pillars of activity:

SETTING STANDARDS & INFORMING DELIVERY

Undertaking design research and identifying best practice in architecture, urban design and place-shaping, to support the development of clear policies and standards, and improve the quality of London's built environment.

ENSURING QUALITY

Ensuring effective design review across London, including through the London Review Panel.

BUILDING CAPACITY

Enhancing the GLA Group's and borough's ability to shape new development that will deliver good growth.

SUPPORTING DIVERSITY

Working towards a more representative sector and striving for best practice while designing for diversity.

COMMISSIONING QUALITY

Ensuring excellence in how the Mayor and other public sector clients appoint and

manage architects and other built environment professionals.

CHAMPIONING & LEARNING

Advocating for the sector and for best practice and evaluating the programme's impact.

THE MAYOR'S DESIGN ADVOCATES

The Mayor's Design Advocates are 42 built environment professionals. They were chosen for their skill and experience to help the Mayor support London's growth through the Good Growth by Design programme. They are independent and impartial, and provide support, advice, critique and expertise on London's built environment. The group includes practitioners, academics, policy makers and those from community-led schemes.

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