

Department for Levelling Up, Housing and Communities Consultation on Street Votes Development

Orders

Consultation response from Propertymark

January 2024

Background

1. Propertymark is the UK's leading professional body for estate and letting agents, property inventory service providers, commercial agents, auctioneers and valuers, comprising over 17,800 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Consultation – overview

2. The Department for Levelling Up, Housing and Communities (DLUHC) is seeking views on the detailed operation of Street Vote Development Orders (SVDOs), which will inform the content of regulations using new powers in the Levelling Up and Regeneration Act 2023.

Propertymark response

3. Propertymark has reservations over the application and wide take-up and use of Street Vote Development Orders. We appreciate that many residents are against development within their local area. However, this opposition is usually in many cases against medium to large scale development and not for smaller scale development that SVDOs will produce. Opposition exists for larger development in the main over the perceived impact on traffic, green spaces and allocations of school, medical and other local infrastructure-based facilities.
4. We are also concerned that the process for SVDOs is complex and will restrict the number of applications regardless of the level of support that qualifying groups of residents have from local planning authorities. We also think that it would be difficult for many local authorities to promote the concept of SVDOs widely enough so that they are sufficiently known and understood to be able to be taken up by qualifying groups within the community.
5. We recognise that SVDOs are proposed to be reserved for residential development only within the curtilage of a defined street area. However, we have concerns about the amount of public

engagement that will happen against the resources many local authorities have in order for the public to engage significantly in the process. On the other hand, we would be equally not in favour of broadening SVDOs for other non-residential development including commercial or leisure development. This would require qualifying groups who propose such development to consult widely and sufficiently to ensure wider community members are not adversely impacted, which we feel most qualifying groups would not have the capacity to occupy.

Restrictions on local authority resources

6. Local authorities are under considerable financial and resource pressure, and we fear that the concept of SVDOs would add an additional administrative burden. DLUHC have expressed that they will fund local authorities against any costs in the running of SVDOs. However, at a time when local planning authorities are under pressure to recruit and retain officers with specific planning skills, we question if this is the best method to improve public engagement in development and planning decisions.

7. In addition to the lack of local authority resources, we have concerns that qualifying groups would require significant support in appropriate methods to consult with other members of the street, engagement methods of wider areas and additional protections such as notice periods. The very definition of what is permitted development and even the concept of what a street entails will not be clear in many cases and will require significant explanation. It is particularly unclear to us how qualifying groups will consider the impact development will have on highways and transport, protecting the environment, natural habitats, as well as other considerations that could have an adverse impact on the street. This support would all be required from local authority planning officers whose time could be taken away from more substantive matters such as supporting larger residential planning applications.

Preparing a proposal

8. We agree that to be a member of a qualifying group, an individual must be registered at an address in the street area to vote in a local council election on the date the proposal is submitted for examination. This would be the most efficient way for local authorities to validate whether people are eligible to put forward a proposal and live on the street. We also agree with the size of the qualifying groups proposed by the UK Government, which would ensure

that achieving qualifying group thresholds would strike the balance between what is achievable and providing reasonable representation.

9. Once a qualifying group has been established and a proposal has been submitted, we agree that the qualifying group should be responsible for community engagement on their proposal. On the one hand, we think that how the qualifying group proposes to engage should be to their discretion as they would be in the best position to judge the most effective methods. However, we also think that there should be some basic guidelines produced by the UK Government on effective engagement methods. These guidelines should ensure that qualifying groups consider the accessibility of their engagement and ensure that protected characteristics are not excluded when engaging with the public.
10. Engagement should clearly include what the proposed development is, notice periods when development will be determined and how residents can get further information by contacting the local planning authority. We think that the minimum form of engagement must include one written form of communication to each household within the street. However, additional methods should be considered by the qualifying group at their discretion on how best to engage locally and appropriately.

Scoup of Street Vote Development Orders

11. We agree with the UK Government's definition of a street including the qualifying criteria that a street must contain at least ten residential properties within the boundary. However, we have reservations about the proposal to adjoin smaller streets to form one street area as we are concerned this could lead to disputes over the definition of the street area. In cases where street is joined together to meet the qualifying criteria of ten residential properties, further guidance will be required to clarify what would be acceptable.
12. We agree with the proposed excluded areas. These areas would be subject to closer examination for planning applications and often lead to rejections of proposals.
13. We also agree that Street Vote Development Order should be reserved for residential development only. Other planning applications such as change of use or commercial proposals

may require further consideration on the impact on the wider community and we feel it would be difficult for qualifying groups to engage the wider public sufficiently.

14. We see merit in the proposed list of developments which should be excluded. However, local authorities should be able to determine whether buildings dated before 1918 should be excluded at their discretion.

Development requirements

15. In principle we agree with the proposed design requirements and principles. However, in many cases these principles and requirements will act as a major barrier to most proposals set by qualifying groups. While they are essential to ensure that development is attractive and appropriate, qualifying groups may require support to ensure they adhere to these principles and requirements. We have reservations over neighbours determining development above the level of light planes, plot use limits, window rules and restrictions on developing semi-detached houses and spaces between detached properties as this could open the development to discontent and disputes. This development should be reserved to the determination of the local planning authority.

16. We are broadly supportive of the role of Local Development Plans in the Street Vote Development Order process. However, where there is popular support for a Street Vote Development Order proposal that goes against local policy, it should be down to the discretion of the local planning authority to proceed with the development.

17. We also agree that Street Vote Development Order should not be used to reduce the amount of residential development on a street and should only be used to propose development.

Managing local impacts

18. We have reservations whether qualifying groups will have the necessary skills and expertise to assess the impact of development, regardless of the relatively small scale, in terms of highways

and transport, protecting the historic environment and flood risk impacts. We would strongly recommend that guidance is written to support qualifying groups to consider these impacts.

Environmental duties

19. We also have reservations whether qualifying groups would have the necessary skills and expertise to make sure they can effectively discharge their obligations under the Environmental Impact Assessment regulations. To support qualifying groups, they will require written guidance on supporting them through Environmental Impact Assessments and in complex cases may require the support and access to local authority planning officers.

Examination

20. We agree with the proposed validation phase before proposals can be examined.

21. We agree with the proposed examination process. However, where a conditional pass has been given by the examiners, the qualifying group should be given a set period of time to put any conditions right before an unconditional pass is awarded.

22. Statutory consultees who should be able to make representations should include the local authority member for the ward where the street vote is being proposed and the parish council. Additional bodies should be consulted at the discretion of the planning authority and where appropriate.

Referendum

23. We agree that for someone to vote in a Street Vote Development Order, they must be eligible to vote in a local authority election and live on the proposed street. While this may mean that absentee landlords and some foreign nationals will be ineligible to vote, they could still feed into the consultation and engagement process. The eligibility of Street Votes should follow the changes in electoral law. For example, in Wales persons aged 16 and 17 can vote in a Welsh Senedd or Welsh local election. While England has not followed this change, any future changes should be reflected in the eligibility.

24. We agree that Street Vote Development Orders referendums should be conducted via postal voting only. This may reduce the potential costs of running the election and it is not logical to hold a ballot station for such a small number of voters. We also agree with the referendum question, “Do you want the development described in the street vote development order to be granted planning permission?”
25. We support the approval threshold that at least 60% of those eligible to vote must vote in favour. However, the secondary threshold of at least one voter in at least half of the voting households in the street area votes in favour might in some cases be overly complex to determine.

Post permission process

26. We believe that commencement of development should be set within a specified period as set by the local planning authority. This would allow the local authority to consider the complexity of the development and local circumstances. We also agree that the qualifying group should also have the option to apply to the local planning authority after the order has been made to extend the commencement period. We also agree with the proposed pre-commencement requirements.

Developer contributions

27. We welcome the UK Governments overall commitment to improving the planning system, making it simpler and more accessibly understood through the Levelling Up and Regeneration Act. In this regard, Street Vote Development Orders should be made as simple and accessible as possible. Accordingly, we agree that the setting of Community Infrastructure Levy (CIL) rates for street vote development should be simplified and streamlined, and that CIL should be the main route for the collection of developer contributions on street vote development orders. Once the Infrastructure Levy has been established, the government should consider how the levy can be incorporated into the Street Vote Development Orders.
28. Ordinarily, we strongly welcome the affordable housing contribution threshold for developments of ten units or more. However, we believe that to make Street Votes desirable then this requirement should be waived from the process. We suspect that developments

proposed using Street Votes will generally be for smaller residential units and often will not meet the threshold for affordable housing contributions.

A digital process

29. We agree that data standards and publication requirements should be implemented as part of the street vote development order process. This will raise awareness of the process, provide transparency and accountability over the success of the proposal. We also agree that the referendum should be paper based and non-digital. This would be in line with normal electoral procedures and would ensure that residents who are already digitally excluded are not further excluded from the referendum.

Public Sector Equality duty

30. We have raised concerns throughout the consultation that qualifying groups, when engaging with the public, must consider the needs of protected characteristics. In most cases, qualifying groups may not have had the training or understanding in responding to the needs of people with protected characteristics when engaging. The local planning authority should check to ensure that the process is not discriminative or excluding groups with protected characteristics.

Recommendation over pilot projects

31. If DLUHC still consider that SVDOs are a desirable policy to go forward, we would strongly recommend that they consider testing the project at a smaller scale before taking the policy across England. We would recommend using several local authority areas with different characteristics including urban and rural authorities to reduce the potential barriers on national roll out.

Other recommendations

32. We welcome the acknowledgement and understanding shown from DLUHC that some residents are averse to development on their street. In order to remedy this, we would prefer DLUHC adopt an 'infrastructure first' approach to planning applications, which may reduce some residents' concerns over local development. We would also recommend that DLUHC adopt a review of methods used to engagement with communities over development proposals.

