

# **Consultation on Street Vote Development Orders**

**January 2023**

**This response to the consultation is by the London Forum of Amenity and Civic Societies, a charity created by the Civic Trust in 1988 to network, inform and represent what are now over 130 civic, resident and amenity groups in London.**

**Question 1 – Do you 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? If not, please provide details.**

Yes. We agree with this. This is the same requirement as for local elections, general elections and referendums. To register to vote on an SVDO, a resident must be either a British, Irish or European Union citizen or a Commonwealth citizen who has leave to enter or remain in the UK or who does not require such leave (From Electoral Registration Form).

**Question 2 – Do you agree with our proposed minimum thresholds for the size of a qualifying group? If not, please provide details.**

We suggest increasing the minimum share of street residents who must be part of a qualifying group from 20% to 30%. It is better for issues and concerns to be addressed through discussions among residents in advance of a vote. Raising the threshold in this way will help this happen.

**Question 3 – Are there any other factors that you feel should be considered when determining the minimum thresholds for the size of a qualifying group?**

See question above.

**Question 4 – Do you agree that qualifying groups (or those acting on their behalf) should be required to undertake community engagement, but have discretion on how they engage on their proposals? If not, please provide details.**

Yes. We agree that qualifying groups should have some discretion on how to engage and that they should be required to undertake community engagement.

**Question 5 – Which additional protections, such as notice, could be given to residents? Please provide details if applicable.**

The Department needs to go further here, in particular to protect tenants. The proposals in *Strong Suburbs* and *Create Mews* included a requirement that tenants be compensated if their landlords needed them to move out in order to develop pursuant to a street vote permissions. This was an excellent idea, which would have ensured that tenants could only benefit from street votes. Unfortunately, it seems that the primary legislation did not make provision for it, and that it may be too late to include now.

To mitigate this, we believe the Department should at least include a requirement that tenants be given a year's notice before they can be evicted. Since builders value speed and simultaneity, they will have strong reason to compensate tenants to leave sooner. This would ensure that tenants receive at least a modest share of any benefits that may accrue to homeowners.

**Question 6 – Do you have any views on what level of community engagement would be appropriate? If yes, please provide details.**

Yes. See above, Q4. The key thing is to ensure wide participation in the process. We believe that strong and broad engagement is a high priority. The proposers should be required to post a summary of the proposals to every household on the street. Groups such as CAACs and local amenity groups should be involved where relevant.

**Question 7 – Do you have any further views on community engagement you feel should be considered? If yes, please provide details.**

No.

**Question 8 – Do you agree with the government's proposals on what a street vote development order proposal must include? If not, please provide details.**

Broadly, yes. We suggest some changes later in these responses. (See answers to questions 19, 21, 25 and 26.)

**Question 9 – Do you consider that there is any further information or documents that should form part of a proposal? If not, please provide details.**

No.

**Question 10 – Do you have any views on what tools would help qualifying groups in preparing and submitting street vote development order proposals? If not, please provide details.**

The Government should provide all necessary support to local groups and councils to ensure that outcomes are appropriate and that no additional burdens are placed on councils. It should also ensure that the Planning Inspectorate is given all of the additional resources it needs to deal with street vote development orders.

**Question 11 – Do you agree with our proposed definition of a street area? If not, please provide details.**

The definition of a 'street' will be intuitive in every case, but the definition given here seems a sensible initial position. The Government should review and update the definition in the light of the first proposals that come forward.

**Question 12 – Do you have any views on the most appropriate definition of a street area that you feel should be considered? If yes, please provide details.**

No.

**Question 13 – Do you agree with our proposals for additional excluded areas? If not, please provide details.**

Yes.

**Question 14 – Are there any categories of land or area that you think should be added to the list of excluded areas? If yes, please provide details.**

No.

**Question 15 – Do you agree that street vote development orders may only grant planning permission for residential development and cannot be used to permit changes of use? If not, please provide details.**

Yes. Change of use should be handled by local authorities through the normal planning system.

**Question 16 – Do you agree we should add development of buildings whose origins date before 1918 to the list of excluded development? If not, do you have any alternative suggestions for how the development of older buildings can be excluded?**

Yes. It would be entirely inappropriate to allow alteration of Georgian, Victorian and Edwardian heritage without a considerably more involved procedure involving conservation specialists. These buildings would in any case present considerable problems of securing access to the higher storeys if these were to be in the form of additional housing units.

**Question 17 – Are there any further types of development you think should be added to the list of excluded development? If yes, please provide details.**

No.

**Question 18 – Do you agree with our proposed design principles? If not, please provide details.**

Broadly, yes, except that we believe that the requirement for 'car-free' development is insufficient. 'Car free' refers to no provision for additional parking. We believe that the development must be required to be 'permit free', i.e. that the additional residents of the additional dwellings will not be entitled to parking permits if there is currently a controlled parking zone or if one is later created that covers the relevant dwelling.

**Question 19 – Do you agree with the proposed design requirements? If not, please provide details.**

We broadly agree, except for the following:

1. There should be more neighbour involvement in respect of development that might involve loss of light or overlooking affecting them.
2. The rule on semi-detached houses is misdrafted: it should read 'one half of a pair of semi-detached houses', not 'one half of a semi-detached house'.
3. There should be provisions to prevent overlooking from side-facing windows or terraces.
4. Street votes should not be allowed to permit a net reduction in commercial or retail space or in public parking. For changes like these, a normal planning application should continue to be required.
5. There should be additional protections for houses on street corners.

**Question 20 – What role, if any, should neighbours have in determining development that goes beyond the light planes, plot use limits, window rules and restrictions on developing semi-detached houses and spaces between detached properties? Please provide details if applicable.**

Our response to question 19 covers this.

**Question 21– Do you have any further views on design requirements that you think should be considered? If yes, please provide details.**

Yes,

1. A whole-life net zero carbon emission condition should be introduced.
2. The Government should also consider adding protections for leaseholders.

**Question 22 – Do you agree with our proposals on the role of the development plan in the street vote development order process? If not, please provide details.**

Yes.

**Question 23 – Do you have any further views on the role of the development plan in the street vote development order process that you feel should be considered? If yes, please provide details.**

No.

**Question 24 – Do you agree that street votes must not be used to reduce the amount of residential development in a street area? If not, please provide details.**

We believe that the primary legislation is already clear on this. Schemes involving amalgamation of existing flats that result in a net loss of housing units would result in a loss of public benefits.

**Question 25 – Do you have any views on our proposed approach to managing highways and transport impacts? If yes, please provide details.**

We note that there are already provisions to require car-free development and/or where there are controlled parking zones, the scheme would need to be “permit-free” i.e. any new units created would be ineligible for residents’ parking permits. However, we believe that a transport assessment should be required wherever there may be any unacceptable impacts on the highway or road safety, or where public transport provision is inadequate to meet the needs of additional residents.

**Question 26 – Do you agree with our proposals to further safeguard the historic environment? If not, please provide details.**

Yes.

We believe that registered local views should be included in paragraph 42 with the other features given special protection.

There should be a rule to protect archaeological sites. We suggest a requirement for archaeological surveys wherever they may be appropriate.

**Question 27 – Do you agree with our proposed approach to managing local impacts? If not, please provide details.**

Broadly, yes, although the provisions on flooding and local utilities should be clearer.

**Question 28 – Do you have any suggestions on additional or alternative ways that could assess and provide assurance to ensure that street votes development does not lead to increased flood risk in the immediate and/or surrounding areas? If yes, please provide details.**

See answer to section 27 above.

**Question 29 – Do you think any other impacts should be considered? If yes, please provide details.**

We consider that consideration of water and electricity supply is important. Also, see our answer to question 30.

**Question 30 – What support should be provided to qualifying groups in order to make sure they can effectively discharge their obligations under the Environmental Impact Assessment regulations, if required? Please provide details if applicable.**

The Government needs to ensure that the EIA provisions are workable for community groups and do not place any additional net burden upon councils. The provisions must also ensure no negative impacts. It may be appropriate to set hard rules to prevent a range of potential impacts, to ensure no damage to amenity and to make the EIA process more manageable.

NB: None of these schemes are likely to be large enough to trigger an EIA.

**Question 31 – Do you have any views on how the Environmental Impact Assessment regulations should be modified for street vote development orders? If yes, please provide details.**

See answer to question 30. SVDOs are unlikely to exceed the threshold for EIAs.

**Question 32 – Do you agree that the Secretary of State should be responsible for issuing screening decisions and advising qualifying groups on their scoping work prior to submitting their proposals? If not, please provide details.**

Yes, this will help to avoid any burden on councils.

**Question 33 – Do you have any views on the mechanisms for publicity and consultation for Environmental Impact Assessments for street vote development orders including who should be responsible for running the consultation? If yes, please provide details.**

See answer to question 30.

**Question 34 – Do you have any views on providing qualifying groups with more certainty around Environmental Impact Assessment screening? If yes, please provide details.**

See answer to question 30.

**Question 35 – Do you think that Biodiversity Net Gain should apply to street vote development in this way? If not, please provide details.**

Yes, we believe that Biodiversity Net Gain should be applied to street vote developments.

**Question 36 – Do you agree with our proposals for a validation stage before proposals can be examined? If not, please provide details.**

Yes.

**Question 37 – Do you have any further views on how the validation process should operate that you feel should be considered? If yes, please provide details.**

The Government should charge proposing groups a modest fee to avoid any net additional burden on the Planning Inspectorate.

**Question 38 – Do you agree with our proposals on the examination process? If not, please provide details.**

Yes. Again, the Government should charge proposing groups a modest fee.

**Question 39 – What (if any) statutory bodies do you think should be invited to make representations? Please provide details if applicable.**

We believe that local governments (including the GLA and the adjoining LPA if the street area is bounded by an LPA boundary) and Historic England should be included.

**Question 40 – For non-Environmental Impact Assessment development, what period of time should we allow for representations to be made? Please provide details if applicable.**

We suggest a period of at least one month since the primary respondees will be local householders who may be unable to make rapid responses and may need to seek their own professional advice on potential impacts.

**Question 41 – Do you agree with our voter eligibility proposals? If not, please provide details.**

Yes.

**Question 42 – Do you think any other individuals should be eligible to vote in a referendum? Please provide details if applicable.**

No.

**Question 43 – Do you agree that street vote development order referendums should be conducted via postal voting only? If not, please provide details.**

Yes. Accommodation must be provided for people with visual impairments.

**Question 44 – Do you agree with our proposed referendum question? If not, please provide details.**

Yes.

**Question 45 – Do you agree with the proposed approval thresholds? If not, please provide details.**

No, we believe there should be stricter additional thresholds, including a required majority of those who have been resident for more than three years, as suggested in the *Strong Suburbs* report.

**Question 46 – Do you have any views on whether the 2nd threshold should be applied at the relevant local authority’s discretion? If yes, please provide details.**

No, the second threshold should apply in all cases. It is an important safeguard.

**Question 47 – Do you have any views on the potential options for when development granted planning permission through a street vote development order must be commenced? If yes, please provide details.**

Yes, we agree that there should be a time limit to encourage take up. We support the ten year option.

**Question 48 – Do you agree with our proposed pre-commencement requirements? If not, please provide details.**

Yes.

**Question 49 – Do you 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, prior to the introduction of the Infrastructure Levy? If not, please provide details.**

We have no comment on these proposals.

**Question 50 – Do you agree that conditions requiring a s106 planning obligation should be limited to mitigations which cannot be achieved through condition alone, and which cannot be delivered through Community Infrastructure Levy? If not, please provide details.**

No, we do not agree with this unless there is a requirement for all development pursuant to an SVDO to be permit-free in the sense explained in the answer to Q.25 above, and if it is made clear that that requirement is a condition for which a s.106 planning obligation should be imposed.

**Question 51 – Do you think the same approach should be taken for street vote development orders as for planning applications, that developments of 9 units or less should not have to make an affordable housing contribution via their Community Infrastructure Levy receipts? Please provide details if applicable.**

The threshold for seeking a contribution toward affordable housing of 10 units or more would be appropriate, whilst those involving 9 units or less could be exempted provided the total additional floorspace created did not exceed a threshold quantity of floorspace such as 700sqm.

**Question 52 – Do you agree that data standards and publication requirements should be implemented as part of the street vote development order process? If not, please provide details.**

We have no view on this.

**Question 53 – Do you agree that the referendum should be paper-based and non-digital? If not, please provide details.**

Yes.

**Question 54 – Do you have any comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document? If yes, please provide details.**

We have no comment on this.