

# Chichester District Council

Planning Committee

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## Response to Government consultation on 'Street vote development orders'

### 1. Contacts

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### 2. Recommendation

- 2.1 That the Planning Committee consider and agree the attached responses to the consultation questions for submission in response to the government consultation on 'Street Vote Development Orders'.

### 3. Background

- 3.1 The Government is running a public consultation from 22 December 2023 to 7 February 2024 on the proposed introduction of Street Vote Development Orders following the provisions made under the Levelling Up and Regeneration Act 2023 (LURA). Secondary legislation is required in order to enact the use of street votes, and it is proposed that the regulations will be in place in 2024.
- 3.2 A street vote development order (SVDO) is a new route to a planning permission, and secondary legislation will be required to govern how they will operate. The consultation explains that an SVDO is 'is innovative tool that will give residents the ability to propose new development in their street, and subject to meeting certain requirements, vote on whether that development should be given planning permission'.
- 3.3 The consultation explains the need and vision for SVDO's, how SVDO's would work in practice and asks questions about how SVDO's could be implemented. The consultation can be found here:  
<https://www.gov.uk/government/consultations/street-vote-development-orders-consultation/street-vote-development-orders>

### 4. Outcomes to be Achieved

- 4.1 To influence the introduction and operation of SVDO's.

## **5. Proposal**

5.1 The purpose of this report is to provide an input to the consultation as set out in Appendix 1 of this report following consideration of the proposals as set out below.

### The Need and Vision for SVDO's

5.2 The consultation explains that the purpose of a SVDO is to make better use of land in existing settlements, making best use of the existing infrastructure and reducing pressure on the green belt. The SVDO is proposed as a tool to give residents the choice to bring forward development within their street, and the consultation states that residents would share in the economic and other benefits of permitting new development.

5.3 The document states that once a SVDO is in place 'homeowners can develop their properties with much greater confidence that their neighbours will be supportive of what they are doing, providing the development complies with the order'. Identified benefits include increased property values for the homeowners and environmental improvements and greater choice of accommodation for those who do not own their property.

5.4 The consultation explains the vision of introducing SVDO's is to;

- create a predictable system where residents have certainty before preparing a proposal
- make the system accessible and easy to use
- create a robust system which enables residents to bring forward development with local support

5.5 The document states that other routes to permission, such as a householder planning application or permitted development rights will continue to be available in areas covered by a SVDO.

### How SVDO's will work in practice

5.6 It is proposed that a group of residents (meeting a set of requirements) will be able to propose a SVDO for a specific type of development, such as the addition of an extra storey to properties, within their identified 'street area'. The proposal would then be examined by the Planning Inspectorate. If the proposal passes examination it will then be put to a referendum. If the proposal passes referendum the Planning Inspectorate will make the SVDO. Once a SVDO is made, it grants planning permission for the proposal.

5.7 The consultation states that the ambition is for the process of preparing and submitting a SVDO proposal to be as simple as possible to ensure it is accessible.

## 5.8 Additional information about the provisions include:

### *General provisions*

- SVDOs would only be possible on streets of over 10 dwellings (or 2 adjoining streets if there are less than 10 dwellings)
- For street areas of over 25 properties a qualifying group must consist of at least 20% of the total number of individuals registered to vote
- For street areas of between 10 and 25 properties a sliding scaled is proposed. A qualifying group must consist of at least one residential from between 100% of the properties (for streets of 10 properties) and 25% (for streets of 25 properties)
- Residents can be represented by an individual representing the group
- A proposal must include a range of documents including a signed letter from the group, map of the area, a draft order, supporting information, details of any consultation with statutory bodies and declaration of engagement with community, a street design code with illustrations of the design parameters for development, and the option of a detailed specification for elevations
- It is proposed that a street area is defined as 'the properties on each stretch of road starting or ending at a crossroads or as a minor road at a T-junction or where there is a gap between buildings of more than 50 metres

### *When/where development orders could be applied*

- Areas excluded include National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest (SSSI) and European sites, such as Special Areas of Conservation, Ramsar and Special Protection Areas, a world heritage property and green belt. Critically it does not appear that Conservation Areas are proposed to be excluded.
- Street votes would only permit residential development and not changes of use

### *Quality of development*

- The consultation sets out a range of parameters in an attempt to ensure development meets 6 criteria; gradual evolution of character, limited impact on neighbours, preservation of green space, celebration of heritage, promotion of active travel and the creation of sociable neighbourhoods
- The consultation proposes a range of design requirements, which are considered to be very complex, will likely be open to interpretation and may place neighbours affected by new development at a disadvantage as they could be required to negotiate directly with a person wishing to develop beyond the rules.
- It is suggested that whilst generally it is likely development orders will comply with the development plan for the area, street vote development orders will be able to go beyond what would ordinarily be permitted by the development plan.

### *Technical/Environmental matters*

- The consultation indicates that ‘qualifying groups’ will be expected to engage with the local planning authority, any neighbourhood planning group and other relevant authorities, when preparing their proposals. However there is no detail as to how this consultation should take place, the impacts upon the resources of the local planning authority or other groups, such as Neighbourhood Plan groups.
- The consultation explains how the Environmental Impact Assessment Regulations 2017 and the Conservation of Habitat Regulations 2017 would be used to manage the impacts of development.

### *Examination process*

- The Planning Inspectorate would validate the submission to ensure all the requirements have been met
- The examination would be in the form of an exchange of written representations, although in some circumstances a hearing may be deemed necessary by the examiner
- The local authority will be required to advertise the examination, and will also be given the opportunity to make a representation

### *Referendum process*

- It is proposed that individuals registered to vote in the street area would be eligible to vote, and that voting would be by post only
- Voters would be asked ‘Do you want the development described in the street vote development order to be granted planning permission?’
- It is proposed that a development order would be approved if i) at least 60% of those eligible to vote are in favour and ii) at least one voter in at least half of the voting households is in favour.
- The consultation document indicates that the local authority would be responsible for administering the referendum process, which is a concern given the significant amount of additional work this could create, with no information as to how this would be funded or resourced.

### *Commencing development*

- It is proposed that a permission granted by a development order would need to be implemented within either i) 10 years, ii) a specified time to be agreed when the order is made (this could be 10, 20 or 30 years) or iii) at any time after the development order is made. It is a concern that such long periods to implement the planning permission will fail to take into account changes in the local area, impacts

upon habitats, the environment etc and therefore a shorter period of time is suggested.

- It is proposed that developers would need to submit details to the local planning authority to discharge conditions, which is considered necessary and a positive proposal. In addition, developers will need to apply to the local planning authority for a certificate of lawful development to ensure that their proposal would meet the requirements of the development order. This is an essential step to ensure that development is effectively managed.
- The consultation suggests that infrastructure needs should be met via the Community Infrastructure Levy (CIL), with s106 planning obligations being limiting to securing mitigation that cannot be secure via condition (for example nitrate mitigation).

## 6. Alternatives Considered

- 6.1 The alternatives are not to respond to this consultation, or to provide different consultation responses.

## 7. Resource and Legal Implications

- 7.1 There are no resource or legal implications connected with responding to this consultation.

## 8. Consultation

- 8.1 This is a public consultation being run by the government.

## 9. Community Impact and Corporate Risks

- 9.1 There are no community impacts or risks to this council of responding to this consultation.

## 10. Other Implications

	Yes	No
<b>Crime and Disorder</b>		✓
<b>Climate Change and Biodiversity</b> developments proposed under the order could impact on environmental matters such as these	✓	
<b>Human Rights and Equality Impact</b> the consultation seeks views on the potential impacts under the Public Sector Equality Duty	✓	
<b>Safeguarding and Early Help</b>		✓
<b>General Data Protection Regulations (GDPR)</b>		✓
<b>Health and Wellbeing</b> developments proposed under the order could impact on the health and wellbeing of residents	✓	

## **11. Appendices**

Appendix 1: Consultation questions and draft answers for consideration.