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Dear Street Vote Consultation

### **Street Vote Development Orders**

Thank you for the opportunity to comment on the Street Vote Development Orders consultation. On behalf of South Oxfordshire District Council and the Vale of White Horse District Council I am providing a response to the consultation below. We have chosen to respond by letter due to the fundamental points we would like to raise in relation to this.

Both South Oxfordshire and Vale of White Horse District Councils support giving communities the power to shape development in their local areas. We have demonstrated this through the support and adoption of so many Neighbourhood Plans across the districts. These plans have enabled local communities to create positive visions for how they want their community to develop by creating planning policies to deliver that. Enabling local communities to influence and shape where they live is very important and is supported by both district councils.

We understand the aim of street vote development orders is to create the opportunity for residents to take a proactive role in the planning process and bring forward development they want to see on their streets. However, we have some fundamental concerns about the practicalities of the street vote development orders and the unintended consequences this could create and the tensions with a plan led system.

#### **Purpose**

- The consultation document sets out three key principles of street vote development orders (para 8). We have concerns that the proposed mechanism for the street vote development order set out in the consultation document create tensions with the guiding principles and other parts of the planning system.
- Firstly, through local plan policies, neighbourhood plan policies and permitted development rights, there is already a predictable system for development. If the

development proposed was not harmful, it is difficult to envisage what extra forms of development could be brought forward under a street vote development order.

- The first guiding principle is to create a predictable system where residents have a high degree of certainty on what proposals are permitted to contain before they prepare a proposal. This element of the planning system already exists. Firstly, there are permitted development rights which have become increasingly permissive and set out parameters for new development without requiring the submission of a planning application. Development Plans set out policy requirements for new development. In addition, most planning authorities offer pre-application advice and therefore can provide advice in advance of a formal planning application being submitted. Whilst under the street vote order system residents can prepare their proposals, this would still be the subject of a referendum of which the outcome of the vote could not be guaranteed.
- The second guiding principle is to make the system accessible and easy to use so local people can take up the opportunity that street vote development orders provide. However, at para 17 of the consultation document it suggests that a professional 'such as an architect' could perform the role of an individual acting on behalf of a qualifying group. This suggests that technical expertise may be required. The technical requirements list set out at para 33 is not easy to use or accessible and includes requirements such as Flood Risk Assessments and 'light planes'. Having this section illustrated would be an improvement and may assist in making the requirements more accessible and easier to interpret. In addition, the requirements do not refer to any consideration of fire safety measures or accessibility which would be important when considering basements or additional floors. Whilst Building Control Regulations would cover some aspects, the original design needs to have regard to this, to avoid designing a scheme that could not be implemented. This could also occur along a street where roof storey additions are being proposed. If the house styles vary, not all properties may be structurally able to accommodate an additional story. However, if the street development order was made which permitted this, some properties could go ahead with this and other's may not, which could create an awkward street scene appearance.
- The third guiding principle is to create a robust system that enables residents to bring forward well designed development on their street that has local support. We would question how much additional development would be achieved through the street vote development order that cannot be achieved through development plan policies or permitted development rights / prior approvals. In addition, what if there are tensions between development plan policies and street vote development orders, especially where Neighbourhood Plans had recently been adopted.

### **Qualifying groups**

- In relation to the creation of a qualifying group there could be some areas where a landlord owns a number of properties in a street. The requirements should ensure that individual landlords cannot exploit the street vote development order system.

### **Engaging with the community**

- We also have concerns about the proposals in relation to engaging with the community. The consultation proposes to give discretion to choose the most appropriate community engagement methods, although there is no explanation as to why this approach is suitable or preferred in comparison with more established forms of consultation and engagement that currently existing in the planning system. In addition, how would this be incorporated into Council's Statements of Community Involvement documents?
- If the proposal is development that would require an EIA / Environmental Outcomes Report then the suggestion is that public participation will need to comply with this, however it is not clear who will oversee this and how this requirement will be complied with? Currently, these statutory provisions are undertaken by the Local Planning Authority.
- In addition, guidance would need to be provided as to how the engagement feedback was evidenced and incorporated, would this be provided to the Inspectorate to assess alongside the proposal?

### **What the proposal must include**

- The consultation suggests some elements of the information are optional such as detailed specification of the elevations visible from public spaces. To ensure openness and clarity it would be preferable that there was a requirement for this type of information and detail rather than it being optional.
- Guidance should also be provided as to how the 'street design code' which is being requested relates to district and national design codes.
- Some development is likely to require new access points, details of this should be required.

### **Development in scope**

- Street vote development orders could unintentionally grant consent for the change of use of land as well as new houses. For example, if the land in question is not residential curtilage but paddock, orchard or agricultural land and housing was proposed, the new houses would need residential garden curtilage, therefore there is new housing and a change of use occurring. This is more likely to occur in rural district areas.

### **Excluded areas**

- In addition to the excluded areas set out in para 27, Conservation Areas, safeguarded land and land subject to a CPO should also be included.
- Regard also needs to be given to areas of land where there are Tree Preservation Orders, where the trees could be impacted by the development and may be important ecologically.

### **Managing local impacts**

- Permitting street vote development orders that may go beyond that which might be permitted under the local development plan may harm the quality of places, undermine public confidence in the development plan and fail to uphold the principle that the planning system should be genuinely plan-led.

### **Managing local impacts**

- The consultation document has not covered impacts on drainage, education, health, leisure and sustainable construction and development. These aspects are important to consider when looking at new development, especially new housing.
- If new housing is proposed, then the above impacts need considering
- Drainage also needs to be considered alongside flood risk, contamination and land geology and stability if basement developments are being proposed.

### **Environmental Assessments**

- If the proposed development that is included in the street development order is of a level that an Environmental Impact Assessment is required, then in our view this should exempt it from the street development order process. Such development needs to be considered cumulatively and a planning application assessment by the Local Planning Authority is the most appropriate route for this type of development.
- The Bio-diversity Net Gain (BNG) requirements should be consistent too and should not be modified for the street vote system. This could put habitats and wildlife at risk and undermines the aims of the BNG requirements.

### **Obligations and Community Infrastructure Levy**

- A clear process would be required in relation to notifications of chargeable development, the consultation does not provide details on how the LPA would be notified or monitor this.
- Street vote development orders should follow the same approach as other developer contributions, therefore if there were to be more than 10 houses there should be a S106 which include affordable housing requirements.

### **Referendums**

- From an electoral service aspect, we support the points and concerns raised in the consultation response submitted by The Association of Electoral Administrators

### **Commencing Development**

- We are not supportive of long periods of time for the commencement of development as this can create uncertainty for nearby residents.
- We consider a period of three years reasonable for development to commence in line with planning permission requirements.

## Enforcement

- Clarity needs to be provided in relation to complete and final sets of plans that are approved as part of the order. LPA's would need a full set of plans and information comparable to that submitted as part of a planning application to assess if any enforcement concerns were raised about the development.

Yours sincerely

[Redacted signature]

[Redacted name]

Development Manager