



Home truths: How street votes could unlock housing across the country



Policy Exchange's proposal for a system of hyperlocal referenda to drive development heralds a new approach to addressing the housing shortage that is worthy of consideration, says Mustafa Latif-Aramesh

Strong Suburbs, a new report from Policy Exchange, puts forward an exciting proposal to increase housing. In short, 'street votes' would enable the devolution of plan making to a street level to enable the existing built volume to be increased in accordance with a design code – if 60 per cent of the residents of any particular street agree. While the proposal is by no means a panacea, it could lead to a significant number of new homes: in Israel, where analogous proposals have been implemented, they are responsible for more than a third of new housing

starts in the country's central region. They would also likely lead to an additional boon to both local authorities and current homeowners (the report estimates an average of £79,000 per new home for the former, £900,000 for the latter), and a 0.5 percentage point increase in GDP.

The proposal is neat in that it circumvents the

conventional debates on the appropriate use of the green belt and whether increasing house prices are driven by demand or supply. This is because the proposals rely on using existing residential areas, and on local

communities approving the plans, showing a local demand.

No doubt cautious endorsements from Robert Jenrick and the RTPP's Richard Blyth arise from carefully balancing a robust process to ascertain residents' desires with existing protections. On process, the proposals set out how a street

would initiate approval (at least 20 per cent of residents or one person from at least 10 different homes – whichever is greater) and the details of the quorum for any vote on enabling this kind of development (including a requirement for at least one person from 50 per cent of the houses to vote in favour of the proposals) – much

more community consensus than a conventional planning application.

On existing protections, green belt, national parks, and areas of outstanding natural beauty are all excluded from such street plans. The report recommends planning conditions which control working hours and require carbon net-zero homes.

What is the legal effect of a passed street vote? Any street which passed a street vote would be treated as its own 'renewal' area, a term taken from the government's white paper zoning proposals. In effect, any street plan would provide the policy support for development.

Practically, local authorities will have issues grappling with a flurry of related applications, and monitoring the proper enforcement of any street votes. In addition, how the street votes work with the government's forthcoming environment bill will also need close consideration – what would be the role, for example, of the Office of Environmental Protection when it comes to these kinds of street votes? In London, how would street-based plans work with the mayor's call-in powers?

A further constraint may be

how the government wishes to amend wider European legislation, particularly the Environmental Impact Assessment directive and Strategic Environmental Assessment directives, now the UK has left the EU.

These issues, however, should not detract from the implementation of street votes. Given the importance of housebuilding, even significant issues like environmental impact assessments or mayoral call-in should accommodate street votes, rather than the other way around. **P**

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In brief

► A Policy Exchange report proposes 'street votes' on development to increase housebuilding

► There are numerous potential benefits, particularly when balanced with sensible planning constraints

► How the proposal integrates with existing plans and legislation remains to be seen – but, in essence, street votes on development show the way forward

Caravans must be removed from green belt site

The High Court has granted Cheshire East Council an order that means several caravans must be removed from a green belt site following imposition of an interim order to prevent the siting of more caravans on a privately owned field near Broadoak Lane, Mobberley. The order prohibited construction of hardstanding and the erection of buildings and other structures without permission. But additional works were carried out, breaching the injunction.

In response, the council filed contempt of court proceedings against several people involved in the breaches, including 10 allegations against Michael Maloney. He is now detained in HM Prison Altcourse on unrelated matters.

Manchester's High Court granted in principle a final injunction restraining development on-site and limiting the number of caravans to eight, pending the result of a planning appeal. Justice Turner QC said Maloney's evidence in defence of allegations of contempt was "unsatisfactory in several respects".

Contractors W Doherty and Sons, Total Plant Hire, Paul Rennie and Adrian Draper also admitted to contempt of court and agreed to contribute to the council's costs. The Broadoak Lane site is subject to separate planning enforcement action. An appeal hearing will be set by the Planning Inspectorate.

Pressure group wins fight over car park plans

Trees Not Cars has won a judicial review against Manchester City Council over plans for a 440-space car park next to the city centre's only primary school.

The city council paid £37 million in 2017 for the Central Retail Park as part of a joint venture with a private equity company owned by Sheikh Mansour bin Zayed al-Nahyan, the owner of Manchester City Football Club.

The council granted itself planning permission to build the car park on the 10.5-acre plot on the edge of Ancoats and New Islington in 2019. A development framework consulted on last year would see the site become a one million-square-foot, office-led, mixed-use scheme. Neither a park nor green space is featured, except for a revamp of nearby Cotton Field Park.

Trees Not Cars, a grassroots community group, campaigned against the plans as it believes the council "completely ignored the impact on air pollution in an attempt to force the plans through". The group successfully argued that the council had failed to consider the impacts of air quality on the area and of building a 440-space car park next to the city centre's only primary school.

A council spokesperson said the council would appeal against the judgment. Read the full story: bit.ly/planner0421-communitygroup

Judge rescinds approval for Norfolk wind farm

A High Court judge has overturned the energy secretary's decision to grant a DCO to construct and operate an offshore wind farm off the coast of Norfolk.

Norfolk Vanguard Ltd's plans were for about 592 square kilometres over two distinct areas – Norfolk Vanguard East and Norfolk Vanguard West. A DCO was granted for 180 wind turbine generators and associated infrastructure

In its determination, the Planning Inspectorate had advised refusal of the scheme. The judicial review was brought by Norfolk resident Raymond Pearce, who cited impact on landscape and view. Justice Holgate noted that the Vanguard development is "closely related" to Vattenfall's (parent company of Norfolk Vanguard) Boreas offshore wind farm project, which would be located north-east of the Vanguard site. The Department for Business, Energy and Industrial Strategy expects a decision on Boreas to be made in April.

Holgate said he was in no doubt that the energy secretary "did act in breach of the [Infrastructure Planning (Environmental Impact Assessment) Regulations 2009] by failing to evaluate the information before him on the cumulative impacts of the Vanguard and Boreas substation development, which had been assessed by Norfolk Vanguard Limited as likely to be significant adverse environmental effects. The defendant unlawfully deferred his evaluation of those effects simply because he considered the information on the development for connecting Boreas to the National Grid was 'limited'".

The judge resolved to quash the DCO.

Read the full story: bit.ly/planner0421-Vanguard

Planning Law Update: A Yorkshire perspective

This webinar, to be hosted by RTPPI Yorkshire on 19th April, will feature "a diverse mix of legal analysis, significant Planning Court decisions and Inspectorate appeals, housing, retail, town centres and economic developments, all with their roots in Yorkshire and the Humber".

bit.ly/planner0421-yorkshire

Slough landlord must pay £109,000 for illegal extension

Slough Borough Council has secured a confiscation order of £109,000 against a landlord who built illegal extensions to a family home and housed up to 14 people, *Local Government Lawyer* reports.

bit.ly/planner0421-slough

Jenrick urged to intervene over Kent local plan

The leader of Tonbridge and Malling Borough Council has written to the housing secretary urging him to intervene, after inspectors indicated that they considered it a "very strong likelihood" that they will fail its local plan.

bit.ly/planner0421-tonbridge

Art 4 Life

Planning lawyer Simon Ricketts ruminates on the role of Article 4 directions and the effects of upcoming PDR changes on them.

bit.ly/planner0421-article4

Dame Judi backs judicial review over ancient tree's relocation

Dame Judy Dench is supporting a campaign by the East End Preservation Society to stop Tower Hamlets Borough Council relocating an ancient tree, *Local Government Lawyer* reports.

bit.ly/planner0421-dame

More homes stalled by JRs

The number of potential units in Strategic Housing Developments in Dublin that have either been quashed or held up by judicial reviews rose by more than 1,000 per cent last year, reports the *Irish Times*.

bit.ly/planner0421-shd

Class E or not Class E?

Alice Culkin and Jamie McKie of Dentons reflect on the controversial start to the new Class E addition to the Use Classes Order.

bit.ly/planner0421-use