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Development and Local Democracy



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Our Town and Country Planning system is built on the workings of local democracy, with the principle that, save for notable exceptions in permitted development, local bodies and neighbours should be consulted on development plans and proposals and that Councillors, in Planning Committees, should be involved in planning decision-making not delegated to officers.

The need for engaging with people locally is often seen by developers as an inconvenience to be avoided if possible. However, as we have seen already in national policy, and we are seeing in the Levelling Up and Regeneration Bill that is currently passing through Parliament, public engagement with local Councillors, residents of non-statutory bodies (local residents or amenity societies, heritage societies, conservation advisory bodies) is likely to be more commonplace. Furthermore, doing so can make sense in terms of a long-term strategy, building ammunition if needed for appeals and strengthening a case that may be called-in to go before the Planning Committee.

Why consult?

There are a number of very sound strategic reasons to take consultation with members of the public and local organisations seriously.

Firstly, you want to avoid key objections or a certain number of objections that can take the application to a Planning Committee. Once it goes to a Committee, the decision can be seen as more controversial, it gets more 'political' and the risks of refusal increase. This also adds to delay and cost. If Ward Councillors or a certain number of members of the public object to an application then, under the Council's internal administrative rules (known as the 'Council Constitution'), this can



automatically cause the application to be referred to the Planning Committee.

Secondly, so many objections from members of the public are entirely avoidable. Objections can arise (a) because they feel upset at not being asked in the first place or alienated by the planning process, or (b) because they did not understand the scheme, could not understand the drawings or have misunderstood technical matters such as highways and parking, light impact or noise. Local residents often also comment on non-planning matters such as the impact on the value of their own home or fears over construction activity. Catching these early in the right way can either allay their fears completely, obtain their support or at least dull the force of their concerns.

Thirdly and particularly important is the reputational aspect. If you are looking to foster a local reputation for development that is cohesive to community spirit

and helps to bring people together, it is hardly a consistent message if there is no attempt at local engagement. By engaging with the community openly and early, it can help to reduce suspicion of the developer and their motives, avoids the label of being just another 'faceless and divisive' developer, and is consistent with the developer's values and development ethos. Building this relationship with the local community and with local Councillors will earn a positive reputation that can then be carried over into the next scheme and can help build a sense of trust with a developer amongst local Councillors.

Where do I start?

In every case it makes sense to start with a pre-app with the officers anyway for the following reasons:

1. You can pitch your case and presentation more robustly knowing that

officers support the scheme, at least in all major respects.

2. Officers will be able to give an insight as to the complex nature of some Councillor memberships - e.g., some Councillors sit on Parish Councils or other boards as well as serving as District or Borough Councillors, and some may have particular influence (Portfolio Member for Planning, or Deputy Leader, or Mayor etc.).

3. Timetabling can be clarified early, such as when Planning Committee dates are, when the local Parish Council meets, who to speak to where and by what date, if seeking to arrange with others an opportunity to present to their members.

In the case of some schemes, depending on budget and complexity, a specialist PR company might be engaged to lead on this aspect, but much of the time the Planning Consultant will take the lead on smaller or mid-sized schemes.

Parish or Town Council presentations

In some instances, it might make sense to seek to present a scheme to the local Town Council. In one recent scheme of 30 new flats in Mildenhall, Suffolk, we were 'directed' to do this by the District Council officers after the pre-application, as the District and Town Council had a very close working relationship. This will not always be the case, and in some cases, the Parish Council or Town Council is much more peripheral to the grant of planning permission.

As a general pointer, it is worth checking the membership of the Parish or Town Council with the local District Council or Borough Council Planning Committee. Several of the Councillors in Mildenhall also sat on Planning Committee with West Suffolk DC, hence the close relationship.

The Clerk of the Council will usually be your principal initial local resource, helping to coordinate the presentation format, logistics and will give an insight as to who the Members are. This is usually dependent on their own meeting calendar, so you need to be ready to fit in with this. It is important to arrange an informal meeting with the Committee Clerk first, who will also give some 'early warnings' or signals on where the priorities should be focussed in the presentation to be consistent with local priorities in the minds of the Council.

Following-up with the clerk is also important. This is because there will

frequently be a debate on the presentation that they have just seen but it will be in your absence after you have left the room. Members sometimes do not vote at this early 'initial presentation' stage on whether, or not, to support the scheme - normally they will not vote until the formal application has been submitted. However, ALWAYS contact the Clerk after to get a sense of the 'pulse of the Members' and their general positivity about the proposals.

Lastly, when circulating information to Councillors on schemes in non-metropolitan areas, copy in relevant County Councillors as well. There are certain functions that fall within the County remit, such as Highways. Keeping them on board and up to speed avoids 'political' involvement in Highways and County matters in the application.

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Public exhibitions

After you have canvassed with Council and Parish/Local Councillors you need to usually hold at least a couple of public presentations. Here are some top tips on this stage:

- ♦ two presentations - normally hold one during the day and one in the evening, roughly 3-4 hours in each case.
- ♦ leaflet drop & public notices - again, ask the Committee Clerk how widely,

in their experience, around the town addresses should be canvassed. Ask to put up notices in local cafes and shops notifying people of the public exhibitions.

- ♦ tell the 'story' - we usually go with four main exhibition banners: who we are, what is the site (downsides), what we are proposing (upsides/vision/CGIs), and next steps/timescale.
- ♦ comments sheets - you should try to get attendees to complete (or you complete for them) a comments sheet, so that this can be summarised in the planning submission.
- ♦ keep your cool - some come along to these events 'spoiling for an argument'. Show empathy and try to explain the scheme but do not try to argue with them or change their minds - it will be a "thanks for the feedback" moment!
- ♦ tea and biscuits - some come along because they like the chocolate bourbons and a natter. Indulge them and they will sing your praises (hopefully) to all their neighbours.

Timing and outcome

You should normally expect to allow at least 6-8 weeks from receiving the pre-app response to holding the final public exhibition. This includes time preparing for and presenting to the Council (if there is a Town or Parish Council before the Public Exhibition) and preparing for and circulating the pre-exhibition leaflets and notices to residents and local businesses.

The benefits of doing so can often be demonstrated in a number of ways:

- ♦ Fewer local objections
- ♦ Full support of the Town or Parish Council ▶



- ◆ Quicker decision than if it had gone to Planning Committee
- ◆ Development management will be less disrupted by continuing future complaints
- ◆ Developer's reputation enhanced in the local community

The best consultation should always be honest, open and genuine and all developers should seek to engage with the public in a way that is true to their vision and their values. People will see through it very easily if there is only intended to be an 'illusion' of communication. If your scheme is sound, complies with policy, and is intended to deliver a high-quality scheme that everyone involved can be proud of, then there should be nothing to fear from looking to the local community.

Always a 'success'?

This is a difficult question to answer, as it depends on how you measure 'success' in conducting such exercises. To adapt Thomas Edison's famous quote about failure and success in making the light bulb, there is much that can still be learnt from

engaging with even the most intransigent public consultees:

- ◆ The nature and scope of local concerns can be properly clarified and understood.
- ◆ The basis for local objection from a neighbour or local residents' group can be questioned with the objectors to test what lays behind it.
- ◆ It might be apparent that there are improvements that could or should be made to the scheme or planning conditions offered or evidence or reports obtained that would make the scheme much more robust.
- ◆ Non-responsive Ward Councillors can be presented in later written submissions in planning appeals in terms of having a closed mind and being biased.
- ◆ Having held a genuine and inclusive round of consultation and exhibition on larger schemes with the public and key stakeholders backed by occasional revisions in response, can demonstrate an open-minded and flexible attitude that will go some way to keeping the Planning Committee on-side.

Future developments in public involvement

The Levelling-Up and Regeneration Bill is currently in the Committee stages of the House of Commons and not expected to become law until sometime in the Spring/Summer of 2023.

However, its proposals include enabling residents in a street to propose a scheme on their street and vote in favour of it, and greater power to local communities to affect future development delivery through giving greater status to Neighbourhood Plans in the Local Development Framework, allowing NPs to allocate sites for development, setting out what should be built, where, how much, and the timescale of development delivery.

Therefore, when undertaking due diligence on schemes prior to bidding or acquisition, specialist planning advice should be sought on principle planning issues, development priorities and the likelihood of the need for public engagement and how this may impact on the timescale estimated in which to obtain planning permission.

PIN

NEWS EXTRA

16% of homeowners are looking to sell their home in the next year

iPlace Global's latest research has revealed that a staggering 16% of homeowners are looking to sell their home in the next year as they seek to take advantage of inflated prices.

Currently, around 14.1m Brits are homeowners - meaning that 2.3m people could be looking to sell their property to capitalise on the current conditions of the market. The total value of British homes is worth £9.2trn - soaring by £1.6trn in the past five years - which is four times the UK's total economic output and more than four times the value of the entire FTSE 100, according to Zoopla.

In a move that could give the property market a much-needed boost, iPlace Global's study indicates that if 16% of homeowners sell off in the next six months, it could result in over £590bn of capital being released.

The study also indicates that some regions are likely to experience a

higher percentage of sales in the coming months, with Brighton holding the highest percentage of homeowners looking to sell their home in the next year (25%), closely followed behind by Birmingham (22%), London (21%), Liverpool (21%), and Oxford (20%).



Belvoir highlights plight of Scottish tenants as housing crisis deepens

The Belvoir Group has warned that the housing crisis within the Scottish Private Rental Sector (PRS) is rapidly worsening, leaving thousands of tenants in a desperate situation as they are unable to find accommodation.

Andrew Jack at Belvoir Edinburgh says: "The current situation is incredibly difficult for tenants, and many of those looking to secure a rental property are feeling extremely frustrated and often left

disappointed. As an example, we have received over 9,000 tenant enquiries in the past four weeks, which is unprecedented.

"We recently released two flats to the market, and within 48 hours had received over 1,000 enquiries for each of them from potential tenants. Not only is it logistically difficult to process 2,000 enquiries, but clearly, we were only able to offer these

flats to two tenants, leaving 1,998 perfectly good potential tenants still looking to find somewhere to live. My team are very aware that behind every enquiry there is a person who is the human face of this crisis. These people are desperate to find a home, and we are doing everything we possibly can to help them, but the truth is that without more properties it is becoming increasingly difficult."