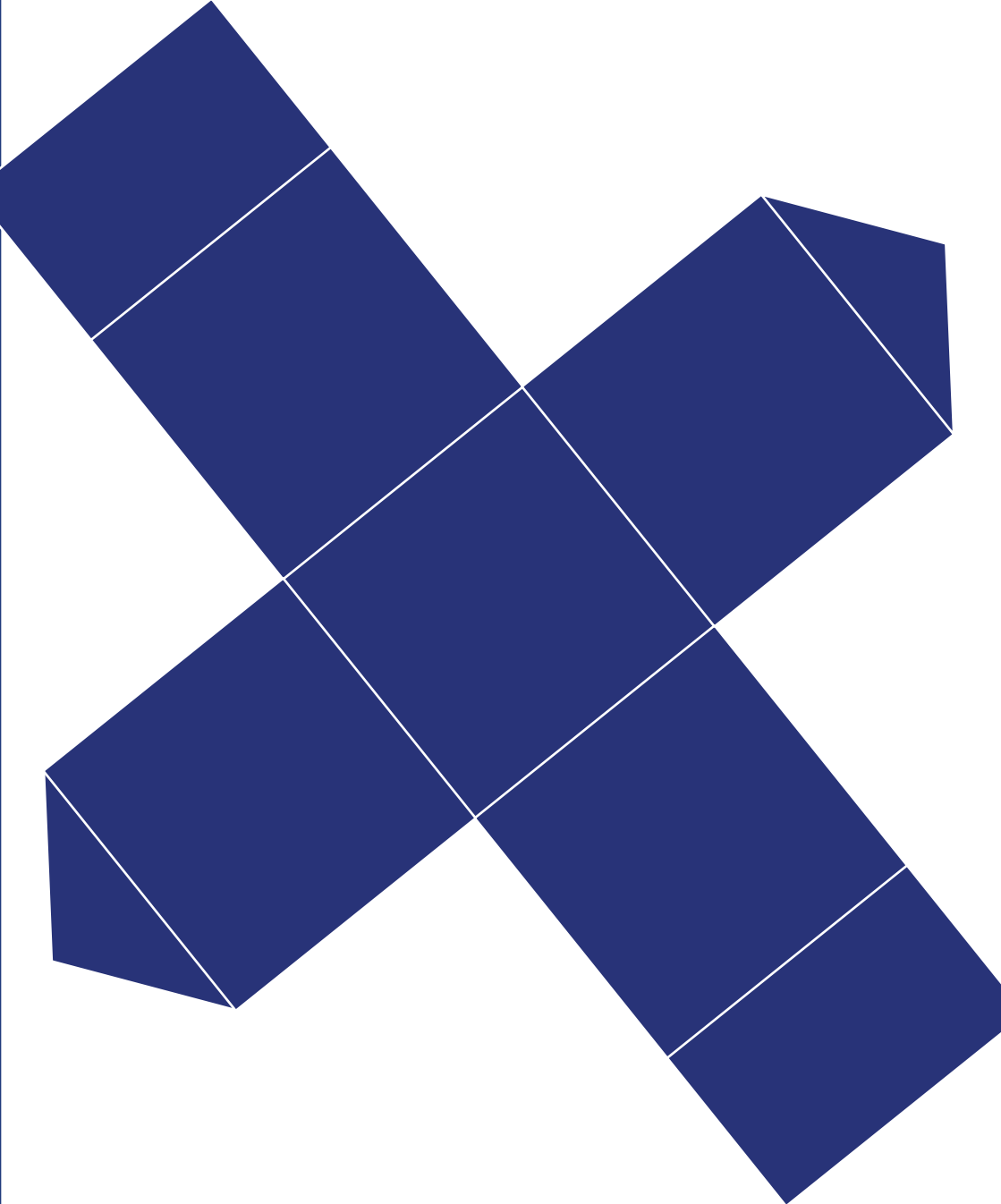


SUPPORTING PLANNING APPLICATIONS FOR NEW HOMES



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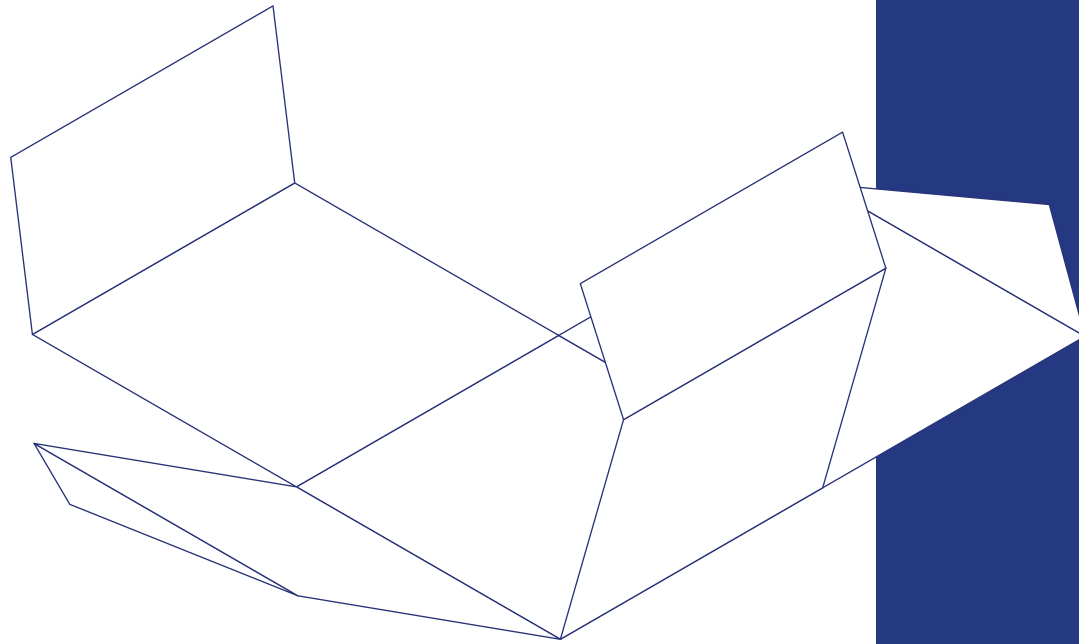
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Version 0.1
July 2021

<https://www.pricedout.org.uk/>



How Planning Works in London

Every year there are hundreds of planning applications submitted for residential development across London. To best support the building of new homes it is necessary to understand a little about how the planning system works, both in terms of layers of planning policy and procedure.

Essentially, the planning system (or “development control”) assesses every planning application to determine whether it meets planning policy. Planning policy is made of national, regional (in the case of London), and local requirements. All of these should be consistent with one another, but because of the time it takes for documents to be revised, often there are discrepancies between them.

In London, each borough acts as its own Local Planning Authority (LPA), with the exception of the post-Olympic London Legacy Development Corporation (LLDC) which covers areas of Hackney, Tower Hamlets, Newham and Waltham Forest and takes over the responsibility for determining planning applications within its area; likewise, Old Oak and Park Royal Development Corporation (OPDC) which covers parts of Ealing, Brent and Hammersmith & Fulham (this is the area around the new HS2 station at Park Royal).

Whenever an application is submitted to a Local Planning Authority (LPA), it is assessed by planning officers to check compliance with planning policies within the ‘development plan’. This is made up of; *a)* the “Local Plan” – a district-wide set of policies which are established by the council to meet local objectives, but which need to be compliant with national policy, set by Government and *b)* the ‘London Plan’ which is established by the Mayor and contains a more strategic set of policies for the Capital.

As these plans can take many years to write, they can sometimes become superseded by changes at the national level, when the latter takes precedence.

Planning officers are usually the best judge of whether an application is compliant with planning policy, yet for large developments they are not usually the ones responsible for granting approval. This usually falls to planning committees, with a recommendation from the case officer as to whether an application should be approved or rejected. Planning committees comprise ward councillors from the borough and are within their rights to disagree with the officer’s recommendation. So, where an application is particularly contentious, members are often swayed by the level of objections to refuse an application against the advice of their officers even though doing so might put them at odds with the case officer’s superior knowledge of policy.

In some cases, planning applications are determined by officers alone, under what are called “delegated powers”. This is usually the case for smaller, less contentious planning applications (in most cases it doesn’t make sense for a planning committee to consider a domestic house extension, for instance), but even in the case of modest applications they can be referred to planning committee if there are a sufficient number of objections. The threshold varies, but generally, if a planning application receives more than 10 or so objections, if the planning officers are minded to approve then they may refer to the planning committee to have the final say. Alternatively, a ward councillor can request that an application – of any size – can be “called in” to be

determined by committee.

In London, all projects over a certain size (typically 150 dwellings or 30m in height) must be referred to the Mayor of London following a borough decision. In most cases the Mayor allows the decision (either approval or refusal) to stand, but in some cases, he can overturn a decision.

Any applicant who is aggrieved by a planning refusal also has recourse to appeal the decision to the Planning Inspectorate. Planning appeals can take a variety of different forms, but in all cases there is some cost to the council which cannot be recovered. The cost of fighting a public inquiry could run into hundreds of thousands of pounds; none of which can be recovered by the council if it loses. In some cases, where the local authority has acted unreasonably then the applicants' cost can be recovered against them.

The Planning Inspectorate does not review applications that have been approved, but various parties have the opportunity to judicially review these decisions through the courts.

How to Support Planning Applications

All planning applications are subject to a “consultation period” where those who may be affected by the proposed development receive notification that something is happening. This is usually based on geography: letters to neighbours, in the case of small development, or a wider area, in the case of large proposals. Of course, basing the catchment on geography alone means that, invariably, those who might *benefit* from the development are excluded as they may not live in the immediate vicinity of the application site. However, all planning applications are published to the LPA’s website where they can be viewed—and commented on—by anyone.

Unfortunately, the quality of the website on which planning applications are published varies widely: usually from the mildly infuriating to the downright impenetrable. Quite why these vital services remain so user-unfriendly is a separate discussion, but nevertheless familiarising yourself with your local council’s planning page is a useful exercise.

Every planning application will have a dedicated page on the planning authority’s website, most often in the following format:



2021 / 789342 / FULL

The first sequence is the year that the application was registered on the system. The second is a unique identifier. The third describes the type of application: “FULL” (or sometimes “FUL”) means that this is a full planning application⁴.

Large developments tend to attract a lot of resistance from local residents, concerned about noise, increased traffic, house prices and so on. It is not unusual for even modest applications for new homes attract hundreds of objections, which are usually submitted via the LPA’s “comment” function on the relevant planning page. Planning committees, comprising ward councillors from across the borough, are too often swayed by the volume of written objections from their constituents. Yet if there was an equal level of support from those constituents then it may make them think twice about voting against officers’ recommendations. The purpose of this document is to show councillors that significant support for new housing *does* exist, and how this support can be demonstrated.

Letters of support are particularly powerful, because they are often quite rare and unexpected (there is more motivation to write to oppose something than in favour of it). Even a little support in favour of an application can go a long way to reminding a Planning Committee that there is not blanket opposition to a development.

⁴ A “Full” planning application describes the overall extent and principle of proposed development. Once a full planning approval has been received, building work can commence - although there may be certain planning “conditions” which need to be discharged first, such as a construction method statement or confirmation of materials.

As described above, the cost to taxpayers of refusing housing against officers' advice can be vast – a public inquiry could run into hundreds of thousands of pounds – yet this is rarely a subject of discussion. Perhaps if the losses to the public purse were writ large, planning committee might be less willing to ignore their officers' advice?

Due to the sequence in which the consultation process takes place, it will not be apparent if planning officers will recommend a proposal for approval or not. So, some degree of discretion may be required to make the most effective use of collective efforts to support applications for new homes. It is highly likely that local community groups will mobilise early and start a campaign of letter writing, door knocking and social media activity to put pressure on councillors to oppose new development. To their credit, planning officers usually stand fast against this onslaught and make a rational assessment of each application against the relevant policies and make a recommendation accordingly. Officers are required to consider all representations and to report on this consideration in their report. Some complaints – such as a negative effect on house values, for example – are not valid planning considerations. However, housing need is a significant matter in planning policy and presenting support in terms of meeting this need allows officers to restate the case for new homes that will be prominent in the Local Plan. Planning committees, however, are usually made up of lay people and can be swayed by vocal opposition. Councillors will have received training and will know that any decision they make must be on planning grounds, yet political

considerations can often influence how they reach their conclusion. Direct representation to committee members should be avoided for two reasons: members are expected to enter the discussion with an open mind and receiving representations might be seen to compromise this concern; and representations might be used by an otherwise sympathetic member to recuse themselves by declaring an interest.

It is not uncommon for planning officers to have found an application to be compliant with planning policy, thereby recommending approval, only for the scheme to be refused at committee and then write a report which contradicts all of the conclusions they'd arrived at previously.

A common feature of anti-housing campaigns is to complain about a whole range of spurious issues which have nothing to do with the planning system: effects on house prices, loss of a view, impact of construction, and so on. Yet these emotive issues are often the ones to which planning committees respond. A rational campaign in support of new housing might dismiss these non-policy issues and concentrate solely on how it meets Local Plan objectives. Yet plucking at the heartstrings is perhaps a more effective tool. Planning officers don't need letters of support focusing solely on how a scheme complies with planning policy; better to demonstrate the strength of feeling to those ultimately responsible for making the decision. A parallel pro-development campaign, targeted at ward councillors, in addition to expressing support on the authority's planning portal, could help neutralise – or at least mitigate – a negative campaign. If one of the ward

councillors is a planning committee member, it is best not to make direct representations to them. Where possible, comments should speak of the dire consequences of insufficient housing: couples unable to start families due to insufficient space, high proportions of income spent on rent, living in cramped conditions or poor-quality housing. Most of these are not strictly planning issues, but they are likely to find more currency with planning committee members than comments which are limited to those which concern housing targets or proximity to public transport.

Ultimately, though, it comes down to numbers. For any large development the amount of support an application receives is usually dwarfed by objections by several orders of magnitude, and regardless of their validity, ward councillors – who are concerned primarily with chasing votes in the short term – will often respond accordingly.

Planning committees sit in public, and in most cases there will be an opportunity for members of the public to speak, although this is usually limited to one or two representatives in favour, and against the application. Typically, the applicant (in most cases the developer, or their nominated representative such as their planning consultant) will speak first, followed by either objectors or supporters. Each party will get three minutes to state their case. If you get the opportunity to speak, do so. A strong representation can make the difference between a refusal or an approval.

The same approach should be adopted to writing letters of support: members of the committee are more likely to be influenced by an impassioned speech about overcrowded housing or the insufficient space to start a

family than issues of practical policy.

If, after all this, the application is refused – don't get disheartened. There are still a few steps that the developer can take to overturn a refusal. As previously highlighted, the right of appeal exists via a submission to the Planning Inspectorate, an independent panel of highly-qualified individuals who are impervious to political interference. A planning application which has been determined as compliant with policy by officers, but then refused by committee, has a good chance at appeal. Planning appeals can take many months to determine or even a year due to the sheer number of appeals, but an impartial decision is eventually reached. In London, the Mayor also has the right to "call in" the application to decide himself, provided that the scheme qualifies and meets his own policy objectives.

Step by Step Guide

1

Keep an eye on social media or in the local press for new planning applications for housing in your area. Your local YIMBY group is a good source for new applications; if there isn't already a YIMBY group where you live, perhaps you'd consider starting one?

2

Once you've identified a planning application in need of support, find it on the local planning authority's website and register your support, adding a positive comment if you can.

3

Join (or start) a social media campaign, targeted at members of the planning committee or other local ward councillors. You can find a list of these individuals on the council's website. Remember: planning is, unfortunately, a divisive topic, so remain civil, rational, and polite at all times. You have the moral high ground – don't relinquish it to opponents of affordable housing.

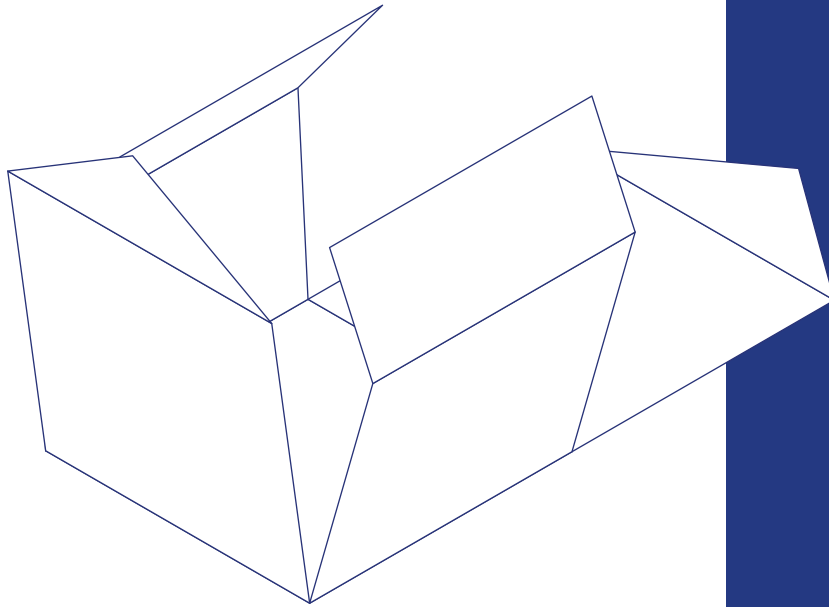
4

Write letters of support to your local Member of Parliament. Although MPs have no actual influence over local planning decisions, they do have political influence at a local level; and

5

Ask to speak at the planning committee when the application comes before it. This will be nerve-racking, but don't be put off. You have as much right to speak as anyone else.





Sample Representation

“Thank you for allowing me to speak at this evening’s committee.

“The planning officers have already determined that this application is compliant with planning policy, so there is little to be gained from arguing otherwise. You will now make a decision based on whether you think the proposed scheme has merit or not, and I hope you will be minded to approve it.

“We have heard this evening from people who are objecting to this development on the grounds that it will have an impact on their community. They have raised concerns about the impact on traffic, on local amenities and the loss of open space. These concerns are legitimate: any development will have some impact on those who live close by, and it is inevitable that those lucky enough to own their own home are uncomfortable about the idea of change in the place that they have chosen to set down roots.

“However, their concerns pale into insignificance compared to the thousands of people living in London, like me, who do not benefit from a proper home.

“I am a young professional, desperate to settle down and contribute to a community such as the one the objectors are trying to protect, yet I am unable to afford a decent place to live. My partner and I are desperate to start a family, but we currently live in a tiny flatshare and our

monthly rent leaves little left over to allow us to save up for a deposit. Furthermore, our tenancy is uncertain and we don’t know whether we will be living in the same flat this time next year. This is not an environment which is conducive to raising children, nor is it good for our mental health.

“So, before you make your decision this evening, I urge you to consider those who are denied the opportunity to settle down in this area due to the lack of decent homes. By approving this application, you will offer me, and people like me, an opportunity to finally have a stable, affordable home of our own. I hope you will make the right decision.

“Thank you again for giving me the opportunity to speak.”

