

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	20 th November 2013	AGENDA ITEM:	12
TITLE:	REVIEW OF CORE STRATEGY POLICY CS16, AFFORDABLE HOUSING. ALTERATION TO THE READING BOROUGH LDF/LOCAL PLAN.		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT TRANSPORT AND PLANNING
SERVICE:	PLANNING	WARDS:	ABBEY
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1. EXECUTIVE SUMMARY

- 1.1 Reading Borough Council has long supported a policy position that seeks to achieve high levels of affordable housing provision as part of developments to meet the acknowledged high levels of need for such housing in the Borough. However, current government policy, such as contained in the National Planning Policy Framework (NPPF), with its emphasis on economic growth and the delivery of development, gives very high priority to the issue of viability. Inevitably that means that some existing planning policies do not fully meet the requirements of national policy and will have to be changed as part of any review of the local plan. It is apparent that the Council's existing affordable housing policies, in particular Core Strategy Policy CS16, do not accord with new government guidance. They will need to be reviewed.
- 1.2 As a result of consulting on a Community Infrastructure Levy (CIL) Charging Schedule earlier during 2013, it has become apparent that the Council's existing adopted policies on affordable housing, in particular Core Strategy policy CS16, have a significant effect on the viability of development and thus the calculation of CIL. From recent CIL Examinations, it is clear that CIL Examiners are generally only accepting CIL rates that are informed by viability assessments that are based on the full policy compliant position. High affordable housing targets, therefore, have a significant effect on CIL charging rates. They are likely to result in an unreasonably low charge for residential development under CIL. As a result, and in the light of the fact that a review of the local plan is already underway, this reports seeks approval to commence a fast track review of the existing policies on affordable housing to bring them into line with government policy.

2. RECOMMENDED ACTION

- 2.1 That the proposed Review and Alteration of the Council's Affordable Housing Policies in its Local Development Framework be agreed; and
- 2.2 That the Draft Issues and Options Paper attached at Appendix 1 be approved for consultation;
- 2.3 That the Local Development Scheme be amended as set out at Appendix 2 to show the proposed Review and Alteration of the Council's Affordable Housing Policies.

3. POLICY CONTEXT

- 3.1 In July 2013, SEPT Committee approved the Local Development Scheme, effectively authorising the commencement of a review of the Council's current planning policies. While planning policies in the Council's Core Strategy date back to 2008, the main reason for reviewing policies is that recent changes to planning law and the publication of the National Planning Policy Framework (NPPF) mean that a small number of the Council's policies will need to be changed.
- 3.2 Representations received in response to the Council's consultation earlier this year on the Community Infrastructure Levy (CIL) have highlighted that assumptions in the Council's viability evidence have not used the full policy target in Core Strategy Policy CS16 of 50% affordable housing but a lower figure of 30% (reflecting the general level of affordable housing that has been achieved over recent years following viability assessment of individual schemes). They point out that this is contrary to conclusions in the Mid Devon CIL Examination Report published in February 2013. This report determined that, to be in accordance with the NPPF and DCLG guidance on CIL, any viability assessment upon which a CIL charge is based should reflect the full policy compliant position for affordable housing.
- 3.3 Paragraphs 173 and following of the NPPF are about viability and deliverability and essentially say that, in proposing a levy rate, charging authorities should show that the proposed rate would not threaten delivery of the relevant Plan as a whole taking account of any policies on planning obligations in the relevant Plan (in particular those for affordable housing and major strategic sites). The Mid Devon Examination Report advised that the viability should, as a result, be tested against the full policy compliant position. If the Council wishes to use a lower level of provision in order to avoid an unacceptably low rate for CIL this should be achieved through a review of adopted policies.
- 3.4 For RBC, officers constructed the CIL Charging Schedule based on a balance of different competing demands within the envelope of viability for

development in Reading. The proposed levels of charge would have achieved similar levels of contributions for infrastructure as currently being received via negotiated Section 106 payments, along with similar levels of affordable housing provision to those being negotiated as part of planning applications in the light of individual viability assessments. The assumption was that around 30% affordable housing provision was being achieved in the current market. It was felt that this was a fair, reasonable and balanced approach.

- 3.5 Officers have carried out further research on the Mid Devon decision. Two CIL Examination Reports issued since the Mid Devon Report have, more or less, followed the reasoning in the Mid Devon Report. A Senior Planning Inspector (with experience of conducting CIL examinations) has verbally indicated that advice currently being given to Inspectors is that they have to test the CIL rate against the viability of the fully compliant policy position for affordable housing. He strongly advised that, if the Council cannot accept a low CIL charge, even as an interim position, it should seek to alter its local plan.
- 3.6 It is apparent that progressing CIL on the basis of full compliance with the current policy target is likely to result in the Council having to adopt a CIL Charge for residential development that is very low or even nil. That would severely affect the funding of transport, education, open space and other infrastructure normally obtained from developer contributions. In order to progress a CIL charge which maintains a reasonable level of income for development related infrastructure provision, the advice is that the Council should fast track an alteration to its local plan (Local Development Framework) by reviewing its affordable housing policies, in particular Policy CS16.

4. THE PROPOSAL

(a) Current Position

- 4.1 Current regulations on CIL indicate that, at a point in time (DCLG has now indicated that this will be in April 2015), the Council will be restricted in the number of S106 obligations it can secure for specific items of infrastructure. The Council will, therefore, need to have CIL in place to maximise developer contributions. The review of the local plan authorised by SEPT Committee in July 2013, in approving the Local Development Scheme, is programmed to take approximately 36 months from starting. Any policy changes will therefore not be in place until 2016 or 2017, long after the rule changes on Section 106's come in to force. CIL needs to be in place much earlier.
- 4.2 There is a mechanism for bringing forward an alteration to a local plan much quicker where this involves only one or two policies. The Inspectorate can operate fast track reviews of specific policy issues to help councils update discrete parts of their local plan. A condensed Examination timetable can be operated on the basis of an Examination Hearing lasting only 1-2 days. Following examination, the Alteration would be adopted as part of the local

plan. Officers estimate that such an alteration could be progressed to adoption within a period of 12 months from the date of this Committee, allowing for the holding of an examination of the Alteration and the fact that various stages have to be approved by full Council. The CIL Charging schedule would be run in parallel to the progression of the Alteration to the Local Plan with its examination programmed to follow any examination of the Alteration to the local plan.

- 4.3 It is important that the council makes an early decision on this matter to enable the CIL Charging Schedule to be progressed to Examination as soon as possible.

(b) Option Proposed

- 4.4 Committee is requested to agree to the review of the Council's Affordable Housing Policies in its adopted Local Plan (formerly known as the Local development Framework) to bring the policies into line with new government policy for planning. Committee is also requested to approve the undertaking of a first stage of consultation for the Alteration of the Local Plan which will revolve around the Issues and Options for the review of the Affordable Housing Policies. This will include the publication of the attached Issues and Options Paper.
- 4.5 At the current time, the review will look at both Core Strategy policy CS16 and policy DM6 in the more recently adopted Sites and detailed Policies Document. It is clear that the target of 50% affordable housing provision in policy CS16 will need to be altered by setting a new specific requirement for affordable housing within a percentage range which is likely to be between 30 and 35% of the total number of units. An exact requirement will be determined following some more detailed viability assessment work. In relation to policy DM6, further viability work is being carried out on the policy requirements. As a result, it might be that those requirements may have to be adjusted slightly as part of the Alteration.
- 4.6 The Alteration will reflect viability in the current economic conditions. There will be an opportunity through the main review of the local plan to revisit the viability issue and corresponding evidence and to revise the affordable housing and CIL requirement to reflect, hopefully improved, economic conditions in the future. One of the implications of a planning regime that revolves so heavily around the issue of viability, a somewhat volatile concept, is that policies will need to be reviewed periodically, or even frequently, to reflect and take account of changing economic circumstances. The Draft Issues and Options Paper is attached at Appendix 1. This will form the basis of a community involvement exercise.
- 4.7 To allow for this review, Committee is also asked to agree an amendment to the Local Development Scheme (LDS) approved by this Committee on 9 July 2013 (Minute 8 refers) to show the scope and timetable of the review. Appendix 2 contains details of the proposed changes to the LDS.

(c) Other Options Considered

- 4.8 The alternative to proceeding with a fast track Alteration to the local plan is not to alter the local plan but to await the full review of the local plan. However, as is discussed above, such a review will take at least 36 months and the CIL Charging Schedule needs to be in place much earlier. Any other options therefore revolve around progressing CIL. In terms of CIL, officers did consider progressing on the basis that the Council's existing approach is reasonable and that the charging levels proposed would not compromise the Council's ability to continue to deliver affordable housing at levels experienced and expected in recent years. However, there is a high risk that an Examiner would impose a very low residential CIL charge in place of the £140m² currently proposed. This would result in a severe reduction in expected income for infrastructure (in particular, Transport, Education, Leisure, etc.). It is clear from recent Examination decisions and the conversations held with the Inspectorate, that this would be a very risky approach.
- 4.9 A second option is to run with two CIL rates, a low rate for sites of 15 dwellings or more (where the affordable housing target is 50%) and a higher rate for sites of less than 15 dwellings where the affordable housing target is lower. For the smaller sites, the anticipated income would not change. However for larger sites, which usually make the major contribution towards infrastructure provision, income could be significantly affected. Again, this would be a major issue for the future funding of transport, education and leisure infrastructure.
- 4.10 A further option would be to indicate a reduced affordable housing requirement under Policy CS16, by a simple resolution of Council not to implement policy CS16 above, say 35%. However, there is no guarantee that this will be accepted by either the development industry or the Inspectorate. It would still involve explicitly reducing the long held aspirational target for affordable housing provision.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The review of policies will continue to achieve the provision of affordable housing as part of planned development and will thus contribute to achieving the following strategic aims:
- The development of Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley;
 - Establishing Reading as a learning City and a stimulating and rewarding place to live and visit;
 - Promoting equality, social inclusion and a safe and healthy environment for all.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 It is proposed to undertake early community engagement as part of the review of the affordable housing policies. This will be undertaken in accordance with the council's updated Statement of Community Involvement (SCI) (see separate item on this agenda).

7. EQUALITY ASSESSMENT

- 7.1 The Scoping Assessment, included at Appendix 2 identifies that an Equality Impact Assessment (EqIA) is not required. The Council has had regard to the general equality duty imposed by the Equality Act 2010 (S.149). This requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation etc.; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and to foster good relations between people who share a relevant protected characteristic and those who do not.
- 7.2 The Council has carried out an Equality Impact Assessment, and considers that the application of the proposed Alteration of the Local Plan will not have a direct impact on any groups with protected characteristics. A Scoping Assessment has been undertaken (attached at Appendix 3) and it is considered that an Equality Impact Assessment (EqIA) is not required as the SPD will apply to all developers, nor was there evidence or belief that the operation of seeking and securing affordable housing will have a direct impact on any groups with protected characteristics.

8. LEGAL IMPLICATIONS

- 8.1 The preparation of the proposed Alteration to the Local Plan will be undertaken under powers contained in the Planning and Compulsory Purchase Act 2004, as amended by Planning Act 2008 and the Localism Act 2011. It will also be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. Regard will be given to the National Planning Policy Framework and any associated guidance.

9 FINANCIAL IMPLICATIONS

- 9.1 The preparation of the Alteration to the Local Plan will be funded from existing budgets and will have limited financial implications (some expenditure on developing the evidence base, undertaking consultation and paying for an Examination) that can be accommodated within existing budgets.

Value for Money (VFM)

- 9.2 The preparation of the Alteration to the local plan will ensure that developments make appropriate contributions to the provision of affordable housing to meet the identified needs in the area. It will also enable the Council to progress with CIL and to set a CIL charge that will result in receipts to the Council sufficient to ensure that significant effects are mitigated, and that contributions are made to local infrastructure made necessary by new development. Robust policies will also reduce the

likelihood of planning by appeal, which can result in the Council losing control over the form of some development, as well as significant financial implications. Production of the documents set out, in line with legislation, national policy and best practice, therefore represents good value for money.

Risk Assessment

9.7 There are no direct financial risks associated with the report.

BACKGROUND PAPERS

- Planning and Compulsory Purchase Act 2004 (Section 15);
- Planning Act 2008;
- Localism Act 2011 (Section 111);
- The Town and Country Planning (Local Planning) (England) Regulations 2012;
- National Planning Policy Framework;
- Local Development Scheme 2011.

Draft Alteration to the Reading Borough Local Development Framework (Local Plan) on Affordable Housing Provision - Issues and Options

Background

Reading Borough Council has long supported a policy position that seeks to achieve high levels of affordable housing provision as part of developments to meet the acknowledged high levels of need for such housing in the Borough. Over the years, various studies have demonstrated high levels of need for affordable housing in the Borough. A brief summary of the findings of the most recent study, the Housing Needs Assessment for Berkshire, carried out by DTZ and published in 2012, can be found at Appendix 1.

Existing policies CS16 (Core Strategy, 2008) and DM6 (Sites and Detailed Policies Document, SDPD, 2012) were drafted and adopted/largely adopted before the new planning regime brought in by the publication of the National Planning Policy Framework (NPPF) in March 2012. In preparing a draft Charging Schedule under the Community Infrastructure Levy, it is apparent that these policies may not fully fit in with the way that the NPPF views policy drafting in relation to the assessment of viability and the deliverability of development. Essentially, the NPPF indicates that all the policy requirements in a local plan need to be fully costed and assessed and should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable¹.

Policy CS16, in particular, reflects the Council's long-term policy target for affordable housing on sites of 15 or more dwellings of 50% affordable housing provision. The target of 50% was considered achievable in terms of viability in instances of greenfield development where some form of subsidy for affordable housing provision was available. It was an aspirational target. The text to the policy indicates that the council will be sensitive to exceptional costs in bringing a site to market. In practice this has meant that most applications for developments of this size have been accompanied by viability assessments and involved negotiation of the affordable housing content of each scheme. Generally, there has been agreement on the provision of affordable housing as part of schemes, the system has worked well and there has been a high level of delivery of housing, including affordable housing, in the Borough.

Monitoring of affordable housing provision as part of larger schemes in the Borough since 2006, shows that the proportion of affordable housing provided as part of schemes has varied widely. Excepting schemes where 100% provision has been made the proportion provided has varied from less than 20% up to 50%. A number of schemes have achieved 50% provision and a number of schemes have provided more than 40%. The average provision has been around the 30 - 35% mark, slightly less since the start of the recession in 2009.

Under the NPPF, the expectation is that authorities will set policy targets having carried out an assessment of viability, taking account of, *"...all the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle."* Community Infrastructure Levy Charging Schedules are being assessed on these principles. In the light

¹ Paragraph 173 and following Web link!

of this significant change to national policy, the Council has reluctantly accepted that it can no longer sustain a target of 50% affordable housing for schemes of more than 15 dwellings. It must therefore change the policy to provide a policy target that has been tested as part of an exercise that assesses the cumulative impact of all requirements on the viability of development in the area. Further commentary on the national and local policy position is provided in Appendix????

Similarly, Policy DM6 in the Sites and Detailed Policies Document sets targets that were intended to be relevant for a number of years as the economy comes out of recession. Its targets assumed that the economy will come out of recession reasonably quickly. It provided for the policy targets to be considered in each case in the light of individual viability assessments. However, in relation to the viability assessment that will inform the setting of a CIL rate, the targets in the policy may be ambitious in the current market. An exercise is being carried out to assess whether those targets are appropriate in 2014, as the Council goes forward with its CIL Charging Schedule, or whether they need to be adjusted.

The viability work undertaken for the Community Infrastructure Levy along with recent experience of negotiating viability for a number of planning applications provides an indication of current general viability in the Borough. A more detailed viability assessment is being prepared using a range of sample hypothetical sites. This will inform the drafting of the Pre-submission Draft Alteration.

ISSUES AND OPTIONS

The proposed revisions to policies CS16 and DM6 arise from the publication of the NPPF and the considerations for determining the viability of proposed charges under the Community Infrastructure Levy. It is intended that the policies will continue to rely on existing evidence in terms of identified need, priorities, mechanisms and methodology to guide the provision of affordable housing. A new Background Paper will be produced to inform the Pre-submission Draft Policies but this will rely on evidence previously produced for the Core Strategy and the Sites and Detailed Policies Document².

This issues and options consultation provides for stakeholders and consultees to comment on the policies. The starting point is obviously the existing policies that, as indicated above, have been used in operation and, from the Council's point of view work well. An Affordable Housing SPD was adopted in September 2013 to add further detail on how the policies will be operated.

This document forms the basis for consultation and involvement on the review of the Council's Affordable Housing policies. The main changes to the policies are their target levels of provision. These will be revised downwards to reflect the general level of viability of development in the Borough at the current time. The suggestion is that policy CS16 will have a target somewhere between 30 and 35%, the exact figure to be determined following further viability assessment. Similarly, the targets in Policy DM6 will be reviewed and subjected to further viability assessment. This may result in one or two of the targets being lowered by small amounts to reflect actual viability in the current market conditions. However, this is also an opportunity for you to comment on Policies CS16 and DM6 more generally. Are there ways that we could improve the operation of these policies?

Community Involvement.

² [Housing Background Paper](#) (Core Strategy Background Paper)
[Affordable Housing Background Paper](#) (Sites and Detailed Policies Document Background Paper)

This Issues and Options document forms the basis for community involvement on the review of the Council's existing affordable housing policies. Stakeholders and consultees are being invited to comment on the contents of this document. A direct phone number is provided for anyone who wishes to discuss the proposed Alteration in more detail. Comments and views will be considered in the drafting of the Pre-submission Draft Alteration.

Consultation will take place during December 2013 and January 2014. Any representations and comments, along with further evidence gathering, will be taken into account in preparing the Pre-submission Draft Alteration.

Programme

It is anticipated that the Pre-submission Draft Alteration will be published at the end of March 2014. The Draft Alteration would then be submitted to the Secretary of State during June/July 2014. An examination of the Alteration is anticipated during Autumn 2014.

Revised Policies.

Policy CS 16 - What the revised Policy might look like.

The following sets out the proposed wording of Policy CS16 (There is a separate track changes document that indicates how the existing policy CS16 would change in order to provide this draft altered policy):

Policy CS16: Affordable Housing.

All developments of 15 dwellings and above will provide (30-35%) of the total number of dwellings in the form of affordable housing to meet the needs of the area, as defined in a housing needs assessment.

Affordable Housing is subsidised housing that enables the asking price or rent to be substantially lower than the prevailing market prices or rents in the locality, and which is subject to mechanisms that will ensure that the housing remains affordable for those who cannot afford market housing.

What the revised text to the Policy might look like.

The text to the policy also remains largely relevant although it is felt that some additional detail related to experience in implementing the policy will help in its interpretation. It is copied below with indications in red of how it might change.

Affordable housing is defined (in the National Planning Policy Framework (NPPF)) as, "Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Where they have identified that affordable housing is needed, authorities have to set policies for meeting this need and contributing to the objective of creating mixed and balanced communities³.

The Berkshire Strategic Housing Market Assessment (SHMA), along with the Housing Needs Assessment published in 2012, provide evidence of the high level of need for affordable housing that exists in Reading and the surrounding areas. The Reading Borough Housing Strategy 2009-2014 that sets out strategic housing objectives and priorities for housing provision within the overall needs identified. The provision of family sized housing, specialist accommodation for vulnerable people and extra care housing for the elderly have the highest priority under the Strategy.

Affordable housing contributions will be sought from residential-only developments, mixed-use developments, and major B1 employment developments of more than 2,500m². On-site provision (serviced land or completed units) of affordable housing will always be sought in the first instance. Where there are exceptional reasons, the provision of surrogate sites (serviced land or completed units) or commuted sums that will enable the provision of a commensurate number and mix of affordable units, will be considered. In the case of commuted sums, the Council will choose the registered provider to which to direct the funding.

The target set in the policy has been determined as the result of an assessment of the viability of development of sites of various sizes in the Borough during early 2014 in accordance with the requirements of the NPPF. This will be the expected level of affordable housing provision.

³ DCLG, National Planning Policy Framework (NPPF) (2012). See Glossary - extract provided at Appendix 1.

However, the Council will be sensitive to exceptional costs of bringing a site to market such as for reasons of expensive reclamation, or infrastructure costs, or high existing use values. Where applicants can demonstrate, to the satisfaction of the Council, exceptional difficulties in bringing a site to market, the Council will be prepared to consider detailed information on the viability of a particular scheme and, where justified, to reduce the affordable housing requirement. As development costs are usually reflected in the residual land value, the purchase price of a particular site will not, on its own, be a reason for reducing the affordable housing requirement. The Council will generally secure provision of affordable housing through a Section 106 agreement.

The tenure, size and type of affordable housing provided as part of any scheme should respond to the identified need for affordable housing taking account of the details and specific priorities set out in any Affordable Housing Supplementary Planning Document or other Supplementary Planning Document. New development should therefore include a range and mix of tenures, sizes and types (e.g. house types, flats) of affordable housing (as appropriate depending on site size) to reflect local needs and to reflect the range and mix of house types in the scheme as a whole (i.e. the mix of dwelling sizes in the provision of affordable housing should reflect the mix proposed for the private housing).

Policy DM6 - What the revised Policy might look like.

DM6: AFFORDABLE HOUSING

On development sites of less than 15 dwellings, the following proportions of affordable housing provision will be provided:

- o on sites of 10 - 14 dwellings 30% ? provision;*
- o on sites of 5 - 9 dwellings 20%? provision; and*
- o on sites of 1 - 4 dwellings, a financial contribution will be made that will enable the equivalent of 10%? of the housing to be provided as affordable housing elsewhere in the Borough.*

For sites of more than 4 dwellings, provision should be made on site in the first instance with a financial contribution being negotiated to make up the full requirement as appropriate.

In all cases where proposals fall short of the policy targets/thresholds as a result of viability considerations, an open-book approach will be taken and the onus will be on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution.

In determining residential applications the Council will assess the site size, suitability and type of units to be delivered in relation to the current evidence of identified needs and against Policy CS15. The Council will seek a tenure split of 70% social rented and 30% intermediate affordable units, with the affordable units integrated into the development.

Priority needs are for family sized housing, specialist accommodation for vulnerable people and extra care housing. The Council will regularly monitor and review the need for, and delivery of, affordable housing.

What the revised text to the Policy might look like.

Aim of the Policy

The key national policy goal is that everyone should have the opportunity of a decent home, which they can afford. National policy seeks to provide sustainable, inclusive mixed and balanced communities in all areas. The key characteristics of a mixed community are defined as a variety of housing, particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people. This policy seeks to achieve those aims. In doing so it achieves Core Objective 2 of the Core Strategy.

Reason for the Policy

The NPPF indicates that obligations and policy burdens should be weighed against viability considerations. It notes that affordable housing should involve high quality design.

The Berkshire Strategic Housing Market Assessment (SHMA) provides up to date evidence of the high level of need for affordable housing that exists in Reading and the surrounding areas. The Berkshire SHMA has informed the preparation of a new Reading Borough Housing Strategy 2009-2014 that sets out strategic housing objectives and priorities for housing provision within the overall needs identified. The provision of family sized housing, specialist accommodation for vulnerable people and extra care housing for the elderly have the highest priority under the Strategy. These priorities are reflected in the policy.

How will the Policy be achieved?

In implementing the policy, the Council will have regard to the definitions and provisions in relevant national guidance. The type/mix of affordable housing provided should reflect the type/mix of the development as a whole and at least reflect the type/mix sought under Policy CS16. Affordable housing provision should include an appropriate proportion of wheelchair accessible homes within the mix, and should comply with the Lifetime Homes requirements. All development should meet the appropriate standards for Sustainable Design and Construction and an appropriate quality of design.

In the case of residential-only and mixed-use schemes, Reading's policy preference is for the affordable housing contribution to be in the form of serviced land or completed units on site. This contributes to forming mixed communities in line with national and other planning policy. In exceptional cases, it may be acceptable for the required affordable housing to be provided off-site, or for an appropriate financial contribution to be made instead of on-site provision. Examples may include sites where there are existing concentrations of particular types of affordable housing, where there are demonstrable benefits to be gained by providing the new units elsewhere (e.g. to create more socially-balanced communities), or where there is an opportunity to provide a particular type of much needed housing elsewhere (e.g. family housing). Under this policy it is accepted that affordable housing provision can take place off site or through contributions in the case of sites of less than 5 dwellings.

Affordable housing contributions must be secured in perpetuity and thus be available to successive generations of households in recognised housing need. The most effective way of doing this is through the involvement of a registered provider (RP).

The Council has carried out an informed assessment of the viability of the various thresholds and proportions of affordable housing proposed under its affordable housing policies. In reasonably buoyant economic circumstances (such as those that existed at September 2007), on sites with few exceptional costs and where grant funding is available,

this assessment shows that the thresholds and proportions required can be achieved without making these forms of development unviable. However, it is accepted that these circumstances will not always exist and that meeting the targets set will be ambitious in some cases in different economic conditions. Where applicants can demonstrate, to the satisfaction of the Council, exceptional difficulties in bringing a site to market, it will be prepared to consider detailed open book evidence on the viability of a particular scheme and, where justified, to reduce the affordable housing requirement. However, as development costs are usually reflected in the residual land value, the purchase price of a particular site will not, on its own, be a reason for reducing the affordable housing requirement.

It is intended that some additional detail on the provision of affordable housing will be provided in separate Supplementary Planning Document(s). This might include details of how economic conditions and other factors are accepted as affecting the viability of development at a particular point in time. It will also consider how LDF policies will be interpreted in the light of changes to government affordable housing policies and provision.

Appendix 2: Proposed Alterations to the 2013 Local Development Scheme

Amend Table 2 (Summary Programme for Producing Planning Policy Documents) as follows:

Document Title	Planned Consultation(s)	Expected Adoption Date	Policy Lineage
<i>'Development Plan' Status</i>			
Affordable Housing policies	Nov/Dec 2013 Spring 2014	Autumn 2014	National policy
Local Plan	July/Aug 2014 July/Aug 2015 Nov/Dec 2015	Nov 2016	National policy
<i>Supplementary Planning Document Status</i>			
Affordable Housing SPD	N/A (complete)	July 2013	Core Strategy, SDPD
Central Area Public Realm Strategy	Oct 2013	Jan 2014	RCAAP
Guidance on Implementation of Design & Development Policies	Nov 2014	Mar 2015	Core Strategy, SDPD
Kenavon Drive Planning Brief	Nov 2013	Mar 2014	RCAAP
Meadway Centre Planning Brief	N/A (complete)	Nov 2013	Core Strategy, SDPD
Residential Conversions SPD	N/A (complete)	Nov 2013	Core Strategy, SDPD
Planning Obligations under Section 106 of the T&CPA SPD	July-Sep 2013	Nov 2013	Core Strategy, SDPD
Site Specific Section 106 SPD	Nov 2013	Mar 2014	Core Strategy, SDPD
Sites in West Side of Central Reading Development Brief(s)	Nov 2014	Mar 2015	RCAAP
Other Site Development Briefs	As required	As required	Core Strategy, SDPD, RCAAP, Local Plan
<i>Other Document</i>			
Statement of Community Involvement	Nov 2013	Mar 2014	-
Sustainability Appraisal Scoping Report	Nov 2013	Feb 2013	-
Community Infrastructure Levy Charging Schedule	Nov/Dec 2013	Autumn 2014	Core Strategy, SDPD, RCAAP

Add new paragraph 3.4 as follows:

“However, the Council has identified a need to review its affordable housing policies prior to the production of a full Local Plan. The reason for this is to get a full set of policies in place that reflect latest viability considerations, to allow for the examination of the Community Infrastructure Levy (CIL). Seeking to introduce CIL with the policies worded as they stand risks the Council having to introduce a CIL rate for residential development that is very low or even nil. That would severely affect the funding of transport, education, open space and other infrastructure normally obtained from developer contributions. This review can be carried out prior to consultation on the full Local Plan, through a streamlined examination process offered by the Planning Inspectorate. In preparing the Local

Plan in full, these amended policies could then be incorporated into the document, or considered for further revision at the time.”

Add new section to the end of Appendix 2 as follows:

“ Affordable Housing policies

A2.7 The review of the Local Plan will be preceded by a more limited review of the Council’s affordable housing policies. The information on this is shown below.”

Title	REVIEW AND ALTERATION OF THE COUNCIL’S AFFORDABLE HOUSING POLICIES
Role and Subject	Policies for securing affordable housing from residential development
Geographic coverage	Whole Borough
Status	Development Plan Document
Policy lineage	National policy
Documents that would be replaced	Core Strategy policy CS16 Sites and Detailed Policies Document policy DM6
Issues and Options	November 2013
Pre-Submission Draft	Spring 2014
Submission	June 2014
Examination	Summer 2014
Adoption	Autumn 2014

APPENDIX 3: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed: Review and Alteration of the Council's Affordable Housing Policies in its Local Development Framework.

Directorate: DENS - Directorate of Environment and Neighbourhood Services.

Service: Planning and Building Control

Name: Kiaran Roughan

Job Title: Planning Policy Manager

Date of assessment: 05/11/2013

Scope your proposal

What is the aim of your policy or new service?

To review and alter existing planning policy on affordable housing to meet requirements in the National Planning Policy Framework.

Who will benefit from this proposal and how?

The Council will benefit from having an up to date policy that will at the same time allow the charging schedule for the Community Infrastructure Levy (CIL) to be set at an appropriate level to maintain a level of investment in infrastructure made necessary by new development. Stakeholders, including members of the public and the development industry, will benefit from the provision of affordable housing and new infrastructure as part of the overall benefits of new development in terms of the economic growth of the Borough and housing to meet demand and need within the Borough.

What outcomes will the change achieve and for whom?

The outcome will be a revised up to date policy that accords with the National Planning Policy Framework. It will also enable CIL to be progressed on the basis of providing a reasonable contribution to the provision of infrastructure in the future while continuing to achieve a reasonable level of provision of affordable housing.

Who are the main stakeholders and what do they want?

Developers/landowners, the public and community groups, infrastructure providers. All parties want certainty through up to date policy position. In addition, while the provision of affordable housing as part of new development is important to stakeholders, this has to be balanced with the need for new infrastructure to mitigate the impacts of new development. This policy review is intended to maintain the existing balance between these competing demands arising from new development.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes No

If the answer is Yes to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because the policies contained in the Local Plan Alteration will apply to all developers, and the levels of contribution will be based on the size and/or type of the proposed scheme. There is no evidence that any group would be treated differently. The output of the policy will be the provision of affordable housing balanced by contributions towards infrastructure provision, for which there is no evidence or belief that any group would be treated differently.

Signed (completing officer)	Kiaran Roughan	Date: 1 st November 2013
Signed (Lead Officer)	Kiaran Roughan	Date: 1 st November 2013

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE		
DATE:	20 th November 2013	AGENDA ITEM:	13
TITLE:	FINAL REVISED S106 PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT		
LEAD COUNCILLOR:	CLLR TONY PAGE	PORTFOLIO:	REGENERATION, TRANSPORT AND PLANNING
SERVICE:	PLANNING	WARDS:	ALL
LEAD OFFICER:	ALISON AMOAH	TEL:	0118 9372286
JOB TITLE:	PRINCIPAL PLANNER	E-MAIL:	Alison.amoah@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to set out the key changes included in the Final Revised S106 Planning Obligations Supplementary Planning Document (SPD). The existing adopted guidance¹ on S106 planning obligations was published in 2004 and some of its evidence base is now viewed as relatively out of date. A Draft Revised S106 SPD was consulted on during July to September 2013, which proposed changes involving an update of plans and costs. The Revised SPD is intended as an interim version until the introduction of Community Infrastructure Levy (CIL), at which time a new S106 SPD will be required to operate alongside CIL.
- 1.2 The primary infrastructure for which S106 will be sought is transport, education and open space, along with other types of infrastructure in accordance with the Council's adopted Sites and Detailed Policies Document Policy DM3: Infrastructure. This sets out all the types of infrastructure, which will be sought, where relevant, and in accordance with legal tests.
- 1.3 This revised SPD, once adopted, will need to be read in conjunction with the Employment, Skills and Training SPD (May 2013) and Affordable Housing SPD (July 2013).

2. RECOMMENDED ACTION

- 2.1 That Committee approves the Final Revised S106 Planning Obligations Supplementary Planning Document attached as at Appendix 1.
- 2.2 That Committee note the results of the consultation set out in the Statement of Consultation attached at Appendix 2.

¹ Planning Obligations under Section 106 of the Town and Country Planning Act 1990, Final Supplementary Planning Guidance (2004)

3. POLICY CONTEXT

- 3.1 The Council's Supplementary Planning Guidance on Planning Obligations was adopted in 2004. It has been used effectively to secure planning obligations from developers, which have contributed towards funding a range of infrastructure within the Borough.
- 3.2 However, since its adoption there have been significant changes in terms of relevant new policies and changes in costs and values. A number of recent planning appeal decisions have raised some issues with the SPG.
- 3.3 In 2010 the Community Infrastructure Levy Regulations introduced three **legal** tests to be applied when seeking planning obligations from developers. These are as follows and are also set out in paragraph 204 of the National Planning Policy Framework (NPPF), 2012:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 3.4 The NPPF recognises that where safeguards are necessary to make a particular development acceptable in planning terms the development should not be approved if the measures required cannot be secured through appropriate conditions or obligations through agreements. The NPPF also sets out in paragraph 173 that it is important that the scale of obligations does not threaten the ability of a site to be developed viably.
- 3.5 Since 2004 there has also been the adoption of a number of relevant local planning policies:
- Core Strategy (2008) Policy CS9: Infrastructure, Services, Resources and Amenities - which requires development proposals to be sustainable through the provision or re-provision of any infrastructure, services, resources or other assets affected by the development.
 - Sites and Detailed Policies Document (SDPD) Policy DM3: Infrastructure - sets out the specific infrastructure types, for which planning obligations will be sought. The Policy includes a prioritisation to be applied, for example for reasons of viability, when seeking to agree an appropriate range of measures for which planning obligations will be secured.
- 3.6 Additionally there are a number of policies within the Core Strategy, which include specific thresholds and quantified requirements for the provision of infrastructure, and policies, which include general requirements to enhance facilities, and to make new provision where appropriate. These include community infrastructure (CS32), biodiversity (CS36) and access to open space (CS30). There are also policies which require specific mitigation measures including CS20: Implementation of the Reading Transport Strategy; CS22: Transport Assessments; CS34: Pollution and Water Resources; and CS38: Trees, Hedges and Woodland.
- 3.7 The adopted Reading Central Area Action Plan (RCAAP, 2009) and the SDPD include a number of site specific allocations which include reference to specific infrastructure which will need to be considered in bringing the site forward for redevelopment as well as specific policies such as DM16: Provision of Open Space.
- 3.8 These policies seek to ensure that development proposals make an appropriate contribution towards necessary and relevant physical and social infrastructure in order

to ensure that development is both sustainable and contributes to the proper planning of an area.

4. THE PROPOSAL

a) Current Position

4.1 The Council currently secures developer contributions negotiated through s106 for a whole range of infrastructure projects. These comprise a mix of pooled and individual site related contributions. The receipt of S106 planning obligations has generated an average of about £3million per year over the past 10 years.

4.2 The current S106 SPG needs to be updated to ensure that it continues to provide a relevant basis for seeking obligations from developers.

b) Option Proposed

4.3 It is proposed to adopt the Final Revised S106 SPD to provide an updated basis for seeking planning obligations from developers in accordance with Policy DM3 of the Sites and Detailed Policies Document. This will serve as an interim version until a review is put in place alongside the introduction of Community Infrastructure Levy (CIL).

4.4 As a result of the consultation on the Draft Revised S106 SPD, approved for consultation by SEPT Committee, 9th July 2013, which took place during July-September 2013, a number of further changes are proposed. These can be summarised as follows:

- Additional reference to assessing obligations on a site by site basis in accordance with the relevant legal tests and to make a development acceptable in planning terms;
- Clarification that floorspace measurement is Gross Internal Area;
- Transport contributions are calculated with regard to the net increase in trip movements generated;
- Inclusion of general principles of open space provision (new Appendix 2).
- Amended wording regarding open space contributions for employment uses;
- Further information regarding the transport calculation;
- Additional detail in Section 8 regarding the other types of infrastructure;
- Other minor wording changes.

The full results of consultation are recorded in the Statement of Consultation that is attached at Appendix 2.

c) Other Options Considered

(i) Not updating the 2004 S106 SPG

4.6 Until a new S106 SPD is adopted, to operate alongside the introduction of the Community Infrastructure Levy, there is a need to have a Revised S106 guidance document. If this revision was not adopted, albeit it would only be in force for an interim period, the Council could face challenges to the validity of the SPG both from developers and through the appeal process. This could not only lead to additional costs, but could affect the level of contributions secured through S106, thereby potentially undermining the Council's ability to achieve sustainable growth.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The introduction of a Revised S106 SPD will contribute to achieving the Council's following strategic aims, through providing funding for a range of infrastructure to support development:

- To develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley;
- To establish Reading as a learning City and a stimulating and rewarding place to live and visit;
- To promote equality, social inclusion and a safe and healthy environment for all.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Consultation was undertaken on the Draft Revised S106 SPD for a period of nine weeks, with emails/letters sent to just over 670 individuals, organisations, councillors and internal officers, as well as being advertised via the local press and the RBC website. This was in accordance with the relevant Town and Country Planning Regulations². A number of changes have been made to the Draft Revised version of the SPD, as summarised in paragraph 4.4 above, as a result of the 15 responses received. These are summarised in the Statement of Consultation attached at Appendix 2.

6.2 A tracked changed version of the Draft Final SPD is attached at Appendix 1. An Adoption Statement will be prepared, and those who commented on the SPD will be informed of the adoption. This will be in accordance with the relevant Regulations.

7. EQUALITY IMPACT ASSESSMENT

7.1 The Council has had regard to the general equality duty imposed by the Equality Act 2010 (S.149). This requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation etc.; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and to foster good relations between people who share a relevant protected characteristic and those who do not.

7.2 The Council has carried out an Equality Impact Assessment, and considers that the application of the Revised S106 Planning Obligations SPD will not have a direct impact on any groups with protected characteristics. A Scoping Assessment was undertaken at the draft stage (Attached at Appendix 3) and it was considered that an Equality Impact Assessment (EqIA) was not relevant as the SPD will apply to all developers, nor was there evidence or belief that the operation of seeking and securing S106 planning obligations would have a direct impact on any groups with protected characteristics. The Final Revised S106 SPD includes a few further changes as a result of the consultation. These do not change the results of the Scoping Assessment with regard to the EqIA.

² The Town and Country Planning (Local Planning) (England) Regulations 2012.

8. LEGAL IMPLICATIONS

- 8.1 The framework for securing planning obligations was introduced under S106 the Town and Country Planning Act 1990. Regulation 122 (2) of the Community Infrastructure Levy Regulations introduced three legal tests to be applied when seeking planning obligations. This is reiterated in the National Planning Policy Framework. This Final Revised S106 SPD will be published in accordance with the Town and Country Planning Regulations 2012².

9. FINANCIAL IMPLICATIONS

- 9.1 The cost of administering S106 will be covered by existing budgets and staff costs. The relevant costs for monitoring and legal costs can be recouped as they are included as costs within the S106 legal agreements.

Value for Money

- 9.2 The introduction of the Revised SPD will ensure that the Council maximises developer funding towards infrastructure, and on the basis that the Council has the means to recoup legal and monitoring costs, then it represents value for money.

Risk Assessment

- 9.3 There are risks associated with not revising the 2004 SPG, in that it was adopted almost nine years ago and is out-of-date in some areas. The Council could be subject to increasing numbers of challenges to the validity of the evidence base being used to secure obligations. This could affect the levels of funding the Council is able to secure, thereby affecting the level of infrastructure provided to support development.

10. BACKGROUND PAPERS

- Town and Country Planning Act 1990
- The Community Infrastructure Levy Regulations 2010 (SI 948)
- The Town and Country Planning (Local Planning) (England) Regulations 2012.
- Reading Borough Council Supplementary Planning Guidance: Planning Obligations under Section 106 of the Town and Country Planning Act 1990, Final SPG (2004);
- Reading Borough Council Core Strategy (2008)
- Reading Borough Council Sites and Detailed Policies Document (2012)
- Reading Borough Council Reading Central Area Action Plan (2009)
- Reading Borough Council Infrastructure Delivery Plan (July 2011)

APPENDIX 1: FINAL REVISED S106 PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

(tracked changed version - please note that this tracked changed version and a 'clean' version will be published)

Insert Draft Revised S106 SPD

APPENDIX 2: STATEMENT OF CONSULTATION OCTOBER 2013

INSERT

APPENDIX 3: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Draft Revised S106 Planning Obligations Supplementary Planning Document

Directorate: ENCAS - Environment, Culture and Sport

Service: Planning and Building Control

Name: Alison Amoah

Job Title: Principal Planner

Date of assessment: 11/6/13

Scope your proposal

What is the aim of your policy or new service?

To set out the proposed S106 planning obligations and the relevant evidence.

Who will benefit from this proposal and how?

All developers will benefit as the Revised S106 Planning Obligations Supplementary Planning Document (SPD) will set out the proposed planning obligations that will be sought from developers.

What outcomes will the change achieve and for whom?

The Draft Revised SPD is the first stage of consultation leading to the adoption of a Revised SPD. This will enable the Council to secure developer contributions towards infrastructure, which in turn will enable sustainable development within the Borough. The SPD will provide a clear framework for developers, and the residents of the Borough will benefit from the outputs of spend of S106.

Who are the main stakeholders and what do they want?

All developers and the public. Developers want certainty over relevant costs to apply in bringing forward development proposals. Other stakeholders want to ensure that the Council uses all measures available to secure infrastructure to support development.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes No

If the answer is Yes to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because the Revised S106 Planning Obligations SPD, would apply to all developers, and the levels of contribution would be based on the size and/or type of the proposed scheme. There is no evidence that any group would be treated differently. The output of the policy would be the provision of infrastructure, for which there is no evidence or belief that any group would be treated differently.

Reading Borough Local Development Framework

Supplementary Planning Document

Planning Obligations under Section 106 of the Town and Country Planning Act 1990

Transport
Open Space, Sport and Recreation
Education
Other Contributions

FINAL REVISED SPD, NOVEMBER 2013

Director of Environment and Neighbourhood Services
Reading Borough Council.

2013

Core Strategy 2008 adopted policies:

CS1, CS3, CS9, CS13, CS16, CS20, CS22, CS23, CS29, CS30, CS32, CS34, CS36, CS38

Reading Central Area Action Plan 2009 adopted policies:

RC1, RC2, RC3, RC4, RC9, RC14

Sites and Detailed Policies Document 2012 adopted policies:

DM2, DM3, DM6, DM16, DM18, SA1, SA2, SA4

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1.0 Introduction

- 1.1 This Supplementary Planning Document (SPD) updates the Council's S106 Supplementary Planning Guidance adopted in 2004. Its purpose is to reflect up-to-date policy requirements and relevant costs.
- 1.2 In line with the Town and Country Planning Regulations (2012)¹ a SPD must contain a reasoned justification of the policies contained it and any policies must not conflict with the adopted development plan².
- 1.3 This SPD will form an interim update pending a more thorough review alongside the introduction of Community Infrastructure Levy (CIL) within the Borough, at which point there will be a need to provide clarity as to those matters, which will be sought through S106, and that infrastructure which the Council will provide through CIL.
- 1.4 In line with requirements of the National Planning Policy Framework (NPPF, para 173) the scale of planning obligations sought should not threaten the ability of a site to be delivered viably. As background evidence for introducing CIL the Council commissioned an economic viability assessment. This has considered the range of development costs in developing sites, including those associated with site related S106 planning obligations. The draft proposed CIL rates take account of the ongoing need to fund site related infrastructure through S106. The adopted policy framework at the local level recognises the issue of viability and provides an element of flexibility in applying requirements for planning obligations.
- 1.5 This guidance is intended to provide users of the planning service in Reading with an appropriate framework for determining what planning obligations will be sought in considering planning applications for development. It is not the role of S106 Planning obligations to deal with existing issues, but to mitigate and/ or compensate for the impact of development.
- 1.5 Planning obligations will be determined on a site by site basis, and in accordance with meeting the relevant legal tests for S106 obligations as set out in Regulation 122(2) of the CIL Regulations (2010, as amended) and within the NPPF. There is the ability for developers to present their specific case in terms of viability considerations.
- 1.7 This SPD should also be read in conjunction with the recently adopted Affordable Housing SPD (July, 2013) and the Employment, Skills and Training SPD (April, 2013).
- 1.8 This document provides advice on making contributions to the following primary infrastructure:

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012, S.I.2012 no.767

² Core Strategy (2008), Reading Central Area Action Plan (2009), Sites and Detailed Policies Document (2012)

- Transport;
- Open space, sport and recreation;
- Education.

- 1.9 However, there are a number of other areas relevant to planning that will be negotiated separately on individual planning applications. This will be in accordance with adopted policy DM3: Infrastructure, of the Sites and Detailed Policies Document (SDPD, October 2012), which is detailed in Section 8 below, and meeting the relevant legal tests..
- 1.10 In accordance with SDPD policy DM3 development proposals will be expected to mitigate all relevant impacts, but where for example for reasons of viability it will not be possible then the Council will take into account the priorities as set out in the policy when seeking to agree an appropriate range of measures.
- 1.11 The guidance will normally apply to all developments comprising a net addition of 1 dwelling or more and to all commercial floorspace comprising a net addition of more than 100m² (Gross Internal Floorspace) The guidance may also apply to changes of use where there is an increase in intensity of use. In all cases planning obligations will be sought where the relevant legal tests (set out in para 2.1 below) are met.
- 1.12 The rate of any contribution defined under the provisions of the SPD will be increased annually (As at April 1st) by an amount equivalent to the increase in the All Items Index of Retail Prices issued by the Office for National Statistics. This will be from the adoption of this SPD.
- 1.13 Table 1 below provides a summary of the type of contributions which will be sought.

Table 1: Summary of S106 Requirements Being Sought

Type of Contribution Sought	Requirements (per unit - dwelling/100m ² /bed)
Affordable Housing	Refer to Affordable Housing SPD adopted July 2013
Transport - Reading Urban Area Package (RUAP) for housing (Refer to Table 3)	£2,400 - £3,500 per dwelling depending on size/trip generation
Transport - RUAP for commercial B use classes (Refer to Table 3)	£1,200 per 100m ² (B8) £3,174 per 100m ² (B2) £5,030 per 100m ² (B1)
Transport - RUAP for retail uses (Refer to Table 3)	£14,496 (weighted) - £56,316 (weighted) per 100m ²
Transport - RUAP for leisure (Refer to Table 3)	£11,604 (weighted) per 100m ²
Transport - RUAP for hotel (Refer to Table 3)	£2,727 (weighted) per bed
Open Space, Sport and Recreation	£2,100 for dwelling up to and including 75m ² £2,800 for dwelling over 75m ² From £788 per room (covering student accommodation, hotels and guest houses, Houses in Multiple Occupation; town centre service apartments)
Education	£2,795 - £11,334 (for primary, secondary and post 16 education) per dwelling depending on the size and type of dwelling
Economic Development	Refer to Employment, Skills and Training SPD, April 2013
Other	To be negotiated separately as appropriate on major schemes

2.0 Relevant Policy and Legal Framework

- 2.1 In seeking planning obligations three legal tests have to be applied. These were introduced as part of the Community Infrastructure Levy Regulations 2010 (as amended)³. These tests replaced those set out in Circular 5/05 and are identified in the National Planning Policy Framework (NPPF, 2012) paragraph 204. This states that "*Planning obligations should only be sought where they meet the following tests:*
- *Necessary to make the development acceptable in planning terms;*
 - *Directly related to the development;*
 - *Fairly and reasonably related in scale and kind to the development"*.
- 2.2 Paragraph 176 of the NPPF recognises that "where safeguards are necessary to make a particular development acceptable in planning terms... the development should not be approved if the measures required cannot be secured through appropriate conditions or [obligations through] agreements." The NPPF also sets out in paragraph 173 that it is important that the scale of obligations does not threaten the ability of a site to be developed viably.
- 2.3 At the local level the Council has a number of relevant policies. Reading Borough Council's Core Strategy (2008) includes Policy CS9: Infrastructure, Services, Resources and Amenities, which requires development proposals to be sustainable through the provision or re-provision of any infrastructure, services, resources or other assets affected by the development. Adopted Policy DM3: Infrastructure, Sites and Detailed Policies Document⁴ sets out the specific infrastructure types, for which planning obligations will be sought. The Policy includes a prioritisation to be applied, for example for reasons of viability, when seeking to agree an appropriate range of measures for which planning obligations will be secured.
- 2.4 A number of policies within the Core Strategy include specific thresholds and quantified requirements for the provision of infrastructure. There are also policies, which include general requirements to enhance facilities, and to make new provision where appropriate, for example with regard to community infrastructure (CS32), biodiversity (CS36) and access to open space (CS30). There are also policies which require specific mitigation measures including CS20: Implementation of the Reading Transport Strategy; CS22: Transport Assessments; CS34: Pollution and Water Resources; and CS38: Trees, Hedges and Woodland.
- 2.5 The Reading Central Area Action Plan (RCAAP, 2009) and the SDPD include a number of site specific allocations which include reference to specific infrastructure which will need to be considered in bringing the site forward for redevelopment as well as specific policies such as DM16: Provision of Open Space.
- 2.6 These policies seek to ensure that development proposals make an appropriate contribution towards necessary and relevant physical and social infrastructure in order to ensure that development is both sustainable and contributes to the proper planning of an area.

3.0 Procedures

- 3.1 At present the handling of S106 planning obligations is undertaken in accordance with the Council's adopted S106 Procedure (September 2011). This Procedure

³ Regulation 122 (2)

⁴ SDPD, 2012

covers the entire S106 process, from request for contributions from developers through to the monitoring and collection of monies and the final allocation of receipts to specific projects.

- 3.2 In summary, the Council will assess each application individually, to determine whether an obligation is needed, and what matters it should address, and will justify the reasons for seeking an obligation/s.
- 3.3 Any requirement for a S106 will be raised with a developer as early in the process as possible. Details of the agreement will be recorded on the Council's S106 database. As the timetable for determining planning applications is 8 weeks for minor applications and 13 weeks for major applications it is advisable for heads of terms for Section 106 agreements to be agreed and documented prior to the submission of any planning application. The Council encourages pre-application discussions, one reason is to ensure that the process of agreeing, drawing up and signing agreements is well advanced and can be completed within the planning application determination period. Applications may be refused where agreements are not ready to be signed within the determination period.
- 3.4 The Council will use its reasonable endeavours to process Section 106 negotiations and agreements as quickly as reasonable. However, it is a complicated legal process and ample time needs to be available to complete the process. Developers will need to brief their own legal advisors early in the pre-application process.
- 3.5 Where an agreement is needed, developers will need to provide the following information:
 - (i) Proposed heads of terms of the legal agreement;
 - (ii) Copies of the "title deeds";
 - (iii) In the event that there are any charges, mortgages or other securities secured on the land, the names and addresses of the charges/mortgagees/holders of the security (since it will be necessary for any such to be joined as parties to the agreement and/or consent to its terms or execute a 'Consent to Dealing' as appropriate);
 - (iv) An undertaking to pay the Council's appropriate legal costs in connection with the preparation of the legal agreement/unilateral undertaking;
 - (v) In the event that the applicants are represented by solicitors, the relevant contact address and name of solicitor/person dealing with the matter.
- 3.6 Details should be included as part of the application to ensure that it is clear what is being offered by the development so that interested persons are aware of the full picture. It is unlikely that applications can be determined with a

favourable recommendation where such information is not provided before or at the same time as the application is submitted and registered.

- 3.7 Payment of contributions will generally either be sought upon commencement of development, or on occupation, depending on the type of obligation, unless it is agreed that an alternative stage in development is appropriate and acceptable. For larger scale proposals, the Council will (where appropriate) consider payment of contributions "phased" (dependent on material circumstances) according to (a) commencement, (b) different stages in implementation, (c) occupation and (d) phased completions on site, to be agreed by negotiation. Payments will (where appropriate) be index linked to the Retail Prices Index from the date of the agreement.

4.0 Monitoring and Expenditure

- 4.1 All S106 agreements are recorded on the Council's S106 database and there is a specific Officer within the Planning Section responsible for S106 monitoring. The Officer is responsible for regularly monitoring the implementation of development and on-going monitoring is undertaken throughout the year. However, the principal method used to identify Section 106 payments, that are overdue, is the Council's commitments monitoring which provides a snap shot of development progress every year. The results of the monitoring are checked against the Section 106 database, which has a comprehensive record of signed agreements and unpaid contributions, and the records for payments received.
- 4.2 All S106 payments received are recorded on the database immediately so any reports of developments reaching the trigger points for payment of contributions can be checked to see if any action is necessary.
- 4.3 Where a development has been commenced the Officer checks the obligations to determine whether they have been met in accordance with the trigger and terms of the agreements and chases these up in writing accordingly.
- 4.4 The Council publishes annual information on its website on S106 as part of its annual statement and accounts. This sets out the details and description of the scheme, S106 agreement number, amount brought forward into the accounting year, receipts within the accounting year, expenditure total, for what, and the amount to be carried forward into the next financial year.

5.0 Transport

Introduction

- 5.1 New developments have direct and indirect impacts for the transport systems in Reading and should contribute towards the mitigation of the negative impacts and the realisation of an improved and integrated transport system.

Policy Background

- 5.2 The key focus of the National Planning Policy Framework is that strategies are developed which provide for viable infrastructure necessary to support sustainable development. It also identifies that all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment.
- 5.3 The Council's third Local Transport Plan (LTP3), was adopted in April 2011 and contains two documents. The longer term strategy document sets the context up to 2026, whilst a 3 year rolling improvement plan details the current priority schemes. This builds upon LTP2, which focussed on developing long term transport measures and initiatives which promoted an integrated and balanced transport environment. Spending plans and annual progress plans are included in an annual report to the Council's Traffic Management Sub-Committee in March of each year⁵.
- 5.4 The Adopted Core Strategy (2008) highlights that the scale of development envisaged during the Plan period will have significant impacts on the transport system and that this will require major investment in all modes of transport. The Core transport infrastructure projects form an integral part of the spatial strategy and future development depends on the implementation of a range of projects, schemes and programmes. Policy CS20: Implementation of the Reading Transport Strategy requires that developments contribute to the provision of a balanced transport network. Other policies require provision of and commitment to measures to promote and improve sustainable transport facilities.
- 5.5 There are specific site allocations within the RCAAP and SDPD which require specific transport measures and/or appropriate contributions towards specific core transport projects.

Justification

- 5.6 Person trip movements resulting from larger new developments have significant impacts on transport infrastructure in terms of transport movements and the need for people to gain access via a range of transport modes. Such developments should make provision for necessary improvements arising directly from their use. Reduced car parking provision, that enables higher density

⁵ The latest report is at the following link:

<http://www.reading.gov.uk/GetAsset.aspx?id=fAAyADQAOAA1ADMAfAB8AFQAcgB1AGUafAB8ADAAfAA1>

development, means that it is essential that developments make appropriate provision for upgrading systems of non-car transport provision to enable residents and employees in such developments appropriate levels of accessibility. This is particularly the case in Central Reading.

- 5.7 In addition, new development has impacts on wider transport systems, which are already very congested. In the future, efficient and sustainable movement in and around the Borough and elsewhere will necessarily depend on the development of more integrated, usually non-car, transport systems. Person trip movement generation by new development adds significantly towards the need to improve and develop transport systems, in an already congested area, and should therefore contribute towards the improvement and development of the overall transport system.
- 5.8 It is not always sufficient therefore for a development to only contribute to transport improvements in the immediate vicinity of the site i.e. origin of trips. As new developments have direct and indirect impacts for the transport systems in Reading they should contribute towards mitigation of the negative impacts and the realisation of an integrated transport system. The Council will therefore seek developer contributions for improvements to infrastructure along transport corridors and at popular destinations, such as rail and bus stations, town and local centres etc.

Calculation of Contributions

- 5.9 The Council adopted the Local Transport Plan 3: Strategy 2011-2026 in April 2011⁶ and the spending plans required within this Local Transport Plan are calculated at £15.4 million for the spending period April 2012- March 2014 equating to a total of £7.7 million a year⁷.
- 5.10 New development will have a significant impact on the number of trips and should pay a proportion of the anticipated spending, to implement the programme of works which cannot be met through other funding and grants. In the main this will come from housing and employment developments although retail and other commercial developments will also contribute at a level commensurate with the level of person trip movements generated by such development. Contributions will relate to the net increase in trip movements generated.
- 5.11 Survey work derived from a number of sources⁸ provides estimates of person trips generated by different uses. Using these estimates, development impacts on the transport system can be apportioned, and a calculation made of a contribution per trip towards the annual expenditure figure. Average daily person trip rates are as set out in Table 2 below.

Table 2: Average Number of Person Trips for Different Development Types

Development Type	Average Daily No. of Person Trips
Residential - Large Private Housing (4+ bedrooms)	11.60

⁶ http://www.reading.gov.uk/documents/transport_streets/UTMC/24361/LTP3-Strategy-Plan.pdf

⁷ The latest report is at the following link:

<http://www.reading.gov.uk/GetAsset.aspx?id=fAAyADQAOAA1ADMAfAB8AFQAcgB1AGUafAB8ADAafAA1>

⁸ A combination of NTS data and Trip Rate Information Computer System (TRICS) version 6.11.2 Multimodal Trips Survey data.

Residential - Average Private Housing (3 bedrooms) over 75m ²	9.43
Small private dwelling (1+2 bedroom) up to 75m ²	9.0
Small rented (affordable) dwelling (1+2 bedroom) up to 75m ²	8.03
B1 Office Employment per 100m ²	16.67
B2 General Industry per 100m ²	10.52
B8 Warehouse (Distribution) per 100m ²	3.91
Leisure per 100m ²	71.23
Retail (non-food) per 100m ²	60.60
Retail (food) per 100m ²	252
Hotels (with conference and open facilities open to non-residents) per room	11.58

Source: Analysis of TRICS 2013 (a) V6 6.11.2 Multimodal Survey data

- 5.12 Proposed new development will contribute a proportion of the total cost of delivering the annual LTP programme. Based on a calculation of average per annum trip rates from new development, against a proportion of the £7.7million, would require £302 per daily unit trip for proposed new development⁹. By multiplying the person trip rates from Table 2 by £302, results in the following rounded contribution level for various forms of development, set out in Table 3 below.

Table 3: Transport Contribution per Development Type (per unit)

Development Type	Per Unit of Measurement	Contribution	Weighted Contribution
Residential - Large Private Housing (4+ bed)	dwelling	£3,500	
Residential - Average Private Housing (3 bed)	dwelling	£2,850	
Small private dwelling (1+2 bed)	dwelling	£2,700	
Small rented (affordable) dwelling (1+2 bedroom)	dwelling	£2,400	
B1 Office	100m ²	£5,030	
B2	100m ²	£3,174	
B8	100m ²	£1,200	
Leisure	100m ²	£21,490	£11,604
Retail (non-food)	100m ²	£18,120	£14,496
Retail (food)	100m ²	£76,104	£56,316
Hotel	bed	£3,497	£2,727

Note: The Weighted Contribution relates to the percentage of the daily person trips undertaken during the peak hours 08:00 - 09:00 and 17:00 - 18:00. The weighted contributions generally comprise reductions in relation to total trip rates reflecting the fact that a high percentage of trips to certain uses take place outside peak hours when there is the greatest pressure on transport systems.

⁹ a) A Per annum trip rate of 12,045 trips is calculated based on an average quantum of development derived from an average of 10 years; b) £7.7 million pa is the intended LTP programme of deliverable schemes; c) Based on historic patterns of transport funding an estimated total of 47% of the total £7.7 million is set against the number of trips generated by new development (£3,634,000); d) £302 therefore = 3,634,000/12045 (trips)

Types of Measures

a) *Site Specific Localised Impacts*

- 5.13 Developments will be required to provide on-site access and estate roads and to provide or contribute towards off-site improvements, such as junction improvements made necessary by the level of movement anticipated from that development or providing links to the local pedestrian/cycle system. Such developments will also be expected to provide footways, cycleways, lighting, bus stops, contributions to public transport services, electric vehicle charging point infrastructure etc., within the development and to provide infrastructure such as footpaths, cycleways and public transport infrastructure and services to ensure a minimum level of accessibility by different modes from their sites to local services and facilities.
- 5.14 Developers of employment and other traffic generating schemes will also be expected to enter into agreements to prepare and to operate in accordance with agreed travel plans that aim to reduce travel and car use and promote more sustainable non car modes of transport for access to any development.

b) *Wider Transport impacts*

- 5.15 In addition, developments will be expected to contribute to wider and strategic transport improvements, particularly in relation to roads, public transport, including mass rapid transport and park and ride, and facilities for cycling and pedestrians. Such improvements are set out in the Council's Local Transport Plan and Annual Progress Reports on the Plan¹⁰. These contain costed programmes of works. It is clear that new development should contribute towards transport projects and schemes serving the wider area. A large proportion of the projects under the Local Transport Plan will only go ahead, thus facilitating the levels of development anticipated, if funding is forthcoming from all new development.
- 5.16 The level of movement associated with new development and consequently the amount of contribution that should be sought can vary according to location. Residential properties in town centres, particularly where car-parking provision is low, are highly accessible locations for walking and cycling. Residents of developments in such locations can access a wide range of services and facilities, including employment, with minimal amounts of travel. However, in order to ensure a high level of access both within and around the town centre, transport facilities continue to need to be improved. Residents of town centres may work outside the Centre or need to have access to facilities outside the Centre, in which case they add to the need to provide wider transport improvements and such developments should make an appropriate contribution. Such residents will also benefit from programmed and planned improvements to transport systems serving the Central area in the future.

¹⁰ Refer to the latest report at the following link. This is presented annually:
<http://www.reading.gov.uk/GetAsset.aspx?id=fAAyADQAOAA1ADMAfAB8AFQAcgB1AGUAFAB8ADAAfAA1>

- 5.17 Similarly, employment located in town centres is highly accessible and this is undoubtedly the most sustainable location for such development. Town centre accessibility does, however, need to be improved both for journeys within the town centre and journeys to and from the town centre. For Reading, further high levels of investment are likely to be required for improving town centre accessibility in terms of capacity, quality, convenience, etc. Projects and schemes providing better facilities for walking and cycling, improving bus links, major improvement works at Reading Railway Station and the track in and out of the station, enhanced park and ride facilities and a Mass Rapid Transit System (forming part of a Strategic Thames Valley Network), will greatly improve overall accessibility.

6.0 Open Space, Sport and Recreation

Introduction

- 6.1 Parks and open spaces provide an essential contribution to the quality of life and health of everyone. As well as contributing to the townscape, they provide wildlife corridors and help promote and sustain biodiversity. A good quality public environment can have a significant impact on the economic life of a town or city as an essential part of any regeneration.
- 6.2 The Borough Council is required to co-ordinate the provision of recreational and leisure facilities to meet the needs of all those residents within its region. The land-use planning system makes an important contribution to this function.
- 6.3 There is a long tradition in Reading of obtaining contributions from development schemes towards quantitative and qualitative improvements in open space, recreation, community facilities and environmental improvements in the Borough.
- 6.4 Reading Borough Council's definition of open space follows central government guidelines:
1. Parks and gardens - including urban parks, country parks and formal gardens;
 2. Natural and semi-natural urban green spaces - including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits);
 3. Green corridors - including river and canal banks, cycleways, and rights of way;
 4. Outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;
 5. Amenity green space (most commonly, but not exclusively in housing areas) - including informal recreation spaces, green spaces in and around housing, domestic gardens and village greens;
 6. Provision for children and teenagers - including play areas, skateboard parks, BMX tracks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging out' areas, teenage shelters);
 7. Allotments, community gardens, and city (urban) farms;
 8. Cemeteries and churchyards;

Items 1-4, and to some extent items 7 and 8, are strategic spaces that serve the Borough as a whole - or large areas of the Borough. Items 5 and 6 are more dispersed local provision, serving local communities.

Policy Background

- 6.5 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. One of the 12 core planning principles identified in the NPPF includes taking account of and supporting local strategies to improve health, social and cultural wellbeing, and delivering sufficient community and cultural facilities and services to meet local needs. The NPPF also includes "Promoting Healthy Communities" as one of the themes identified for delivering sustainable development and states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 6.6 Reading's Sustainable Community Strategy aims to make healthy and attractive spaces available to all residents.
- 6.7 The Council's Open Spaces Strategy (2007) sets out aims and objectives to secure a more integrated, easily accessible and robust approach to the provision and distribution of open space. It points to a need for substantial qualitative improvements to many open space areas to meet the need of both the existing population and those occupying new developments. The Strategy states, with regard to S106, that "when negotiating new S106 agreements, new standards based on the local provision standards will be sought as the minimum provision as part of new developments."
- 6.8 There are a range of local strategies providing a vision and programme for:
- Improving the network of public open spaces (The Thames Park Plan, 2004);
 - Measures to protect and/ or mitigate the loss of important habitat (The Biodiversity Action Plan, 2006);
 - Increasing activity in allotment gardening (Reading's Allotments Plan, 2005);
 - Improving play opportunities for children, young people and families across the town (Reading's Play Strategy, 2010).
 - Protecting and increasing the number of trees across the Borough (The Council's Tree Strategy, 2010)
- 6.9 There are a range of site specific management plans whose overall objectives include improvement, enhancement and protection of important green spaces in Reading.
- 6.10 Policies in the Core Strategy, RCAAP and SDPD provide the context for developer provision of leisure, recreation and open space facilities in the Borough. In particular Core Strategy Policy CS29: Provision of Open Space requires all new development to make provision for the open space needs of the development through appropriate on- or off-site provision. Where a site has 50 units or more, or where a deficiency has been identified, the new open space is to be provided on site. Policy DM16 of the SDPD explains the type of open space or

improvements to open space that will be required. Appendix 2 sets out the general principles of open space provision (Section 17 of RBC's original Open Spaces Strategy).

Justification

- 6.11 Over a long period the Council has recognised the deficiencies in certain types of open space in particular locations as well as issues over the quality of open space provision within the Borough. The Council's Open Spaces Strategy (2007) and the Background Paper (2006) identify that, overall, the Borough is generally well served for open space, but that the total open space is less than national guidelines recommend and the distribution is uneven across the Borough. The key areas of deficiency are as follows:
- In central Reading, public open space is by and large where residents are not. However, as it is impractical to create new open space the Council will seek contributions to improving open space on the edge of the town centre and in public realm improvements;
 - In north Reading, large areas are lacking children's play facilities;
 - Areas immediately to the west, north-west, south and east of the town centre are amongst the most poorly supplied in the Borough in terms of recreational open space; the problem is exacerbated by very dense housing;
 - In the south there is no higher-tier park which would offer a greater variety of facilities;
 - Severance lines reduce further residents' access to open space.
- 6.12 New development, irrespective of its size, inevitably places increased pressure on all types of existing open space infrastructure. Each additional resident moving into a new development, who uses publicly provided leisure facilities, requires a marginal increase in the capacity of existing facilities as well as adding to the demand for additional facilities. It is important, therefore, that developments contribute to a managed programme of targeted open space growth and enhancement/ improvement of existing areas, in order to support sustainable growth in the Borough. Contributions from developments will be used to assist in implementing the adopted Strategies (referred to above), helping to mitigate the impact of new development in accordance with development plan policies.
- 6.13 All residents in urban areas need access to parks, open spaces, sports pitches, places to walk, place to run, places to relax in or play. Such provision is seen as increasingly important for public health. In the current era of high density developments that reduce external amenity areas and open space, the need for proper open space provision, and safe easy access to such spaces, is even more imperative. Consequently it is essential that new developments make provision for open space to meet the needs of the residents/occupiers of the development especially in the absence of any on-site recreational facilities. With a growing population resulting from new development, the amount and quality of open space in the Borough should increase over the Plan period.

Calculation of Contributions

- 6.14 The Council has an informal comprehensive costed list of required investment per park, the value of which is many millions of pounds. The list includes both new infrastructure and improvements to increase the capacity of existing facilities through bringing them up to modern standards. This investment list is updated regularly, and is used as a basis for identifying specific projects relevant to proposed developments. This includes specific detailed projects as set out within adopted strategies and plans such as the Thames Parks Plan.
- 6.15 There are two main types of developer contributions to open space provision namely, on-site and off-site. The following provides details of such obligations and the basis of calculation for any financial contributions sought.
- a) On-site provision*
- 6.16 In line with Core Strategy Policy CS29: Provision of Open Space where a site has 50 units or more, or where a deficiency has been identified, new open space is to be provided on-site. This would involve a non-financial obligation as part of a S106 agreement and would require direct provision on-site by the developer.
- 6.17 There will be a presumption that the Council will not adopt additional areas of public open space except in exceptional circumstances. Developers will therefore need to make provision for the continuing future maintenance of these open spaces, and the Council will need to be satisfied that such arrangements have been made for their long-term maintenance, which is usually through some form of private management arrangement.
- 6.18 In those instances when the Borough Council is prepared to adopt and maintain properly laid out public open space and play areas within urban residential areas, this will be subject to a payment by the developer of a commuted sum. This payment should cover costs of maintenance in perpetuity (usually 50 years).
- 6.19 On payment of the commuted sum, and when all liabilities for construction, equipment and maintenance have been met to the Borough Council's satisfaction, the open space will be transferred to the Council.
- 6.20 The commuted sum figure is calculated using current contract prices and maintenance costs for maintaining open space. This is currently calculated from existing work schedules, etc. This figure is multiplied to establish a fifty-year maintenance figure, which allows for inflation of contract prices, and deflation for diminishing present values over time.
- 6.21 Planning permission for developments will be subject to a legal agreement that will include all the above details. Commuted sums within these agreements will be index linked from the date the agreement was signed.

b) Off-Site Provision

- 6.22 In most circumstances (especially for small developments where it is not practical for open space or recreation facilities to be provided on-site, where it would be too small to be of any practical use), it is likely to be more appropriate to seek off-site contributions. These will be put towards capacity improvements and the enhancement of existing open spaces in the locality of the development.
- 6.23 Additionally, contributions will be sought towards the capital expenditure required to increase the capacity of the areas of open space that serve all of the population of the Borough. These will be used for sports and play provision, other recreational enhancements, allotments provision, improving nature conservation, implementing the Biodiversity Action Plan and improving rights of way where they relate to parks and other open spaces. Priorities as to which improvements are required as a result of increasing population pressures are continually being assessed.
- 6.24 The calculation of contributions for off-site open space is as follows:

Table 4: Contributions Towards Open Space Provision

Development Type	Contribution
C3 residential - Dwelling up to and including 75 m ²	£2100 per dwelling
C3 residential - Dwelling over 75 m ²	£2800 per dwelling
Hotels and guest houses ^a	£788 per room
Town centre serviced apartments ^b	£966 per room
Student accommodation ^c	£788 per room
Houses in Multiple Occupation (over 6 person - large HMOs - Sui Generis) ^d	See below
Offices (B1a) ^e	See below

^a This assumes that there is 75% occupancy and that of those 50% will use parks and open spaces (against small dwelling rate of £2,100).

^b This assumes that there is 92% occupancy and of those 50% will use parks and open spaces (against small dwelling rate of £2,100).

^c This is based on applying 50% of the small dwelling rate of £2,100, because single people or couples, rather than families are accommodated in student accommodation. However, since students are in residence for 75% of the year, the contribution is discounted to reflect this.

^d This would be based on the additional occupants over and above that which could have been accommodated in the original (C3) dwelling house. For example if there are 10 bedrooms, there would be a minimum of 10 people. Given that a large dwelling could accommodate 6 people it would be reasonable to request a contribution towards the 4 additional occupants of £2,800 (based on large dwelling rate).

^e For major office schemes (1000sqm and above) a contribution will be sought towards enhancements to public open space/ other public realm. This will be considered on a site-by-site basis related to the specific impacts of a scheme in relation to relevant infrastructure.

Types of Measures

- 6.25 Contributions will be sought to pay for specific works or improvements set out in approved Council strategies and programmes which are approved through Policy Committee on an annual basis.
- 6.26 In terms of on-site open space provision this should be well located to the rest of the development in which it is to be provided and be of a usable size and shape, and must be capable of use for a range of activities across a range of ages. Such provision will include related facilities, such as seating, cycle parking, play equipment and equipment suitable for teenage groups, e.g. shelters, basketball hoops and goal posts, both for informal social and recreational purposes. The design of open space and recreation facilities must aim to secure a safe environment. Advice on the dimensions, design and provision of open space and recreation facilities should be sought from the Council's Parks Section.
- 6.27 Off-site local facilities will include amenity greenspace (most commonly, but not exclusively in housing areas), formal and informal parks, gardens and other recreation spaces, village greens, provision for children and teenagers, allotments, sports facilities, rights of way, and other more informal areas.
- 6.28 Examples of improvements include (but are not limited to) the following: new furniture (seats, benches, picnic tables, bins); planting (trees, shrubs, herbaceous plants and bulbs); boundary and entrance improvements; new toddler, junior and teen play equipment; sports facilities; improvements to drainage and surfacing of sports pitches; signage and interpretation information; new paths and the upgrade of existing ones; habitat improvements; and investment in supporting infrastructure, like parking, toilets, changing rooms and associated facilities.

7.0 Education

Introduction

- 7.1 Local authorities have a statutory duty to make sufficient, suitable school places available for pupils living within their areas. Local authorities may meet increased demand for places in several ways: using surplus places at existing schools and transporting children to these if necessary; expanding existing schools through improving the suitability and condition, converting existing spare accommodation, or constructing a new extension; or facilitate the development or opening of new schools¹¹. There is significant evidence now that the quality of the built environment in schools and other settings has a direct, positive impact on the quality of learning.
- 7.2 The need for school places has increased in recent years due to a range of factors including in-migration and significant increases in the birth rate in the Borough. Using Census information, between 2001 and 2011, the population of the Borough rose by just over 12,500¹², an 8% increase. The 0-5 year old population has grown 34% between the census years of 2001 and 2011, which has led to a growth in demand for primary places of around 20% - 2520 places in total.
- 7.3 In 2009-12 RBC provided 770 permanent new places in primary schools through expansions and improvements to existing schools. Since September 2011 RBC has planned for a total of 595 additional places in primary schools up to and including September 2013. From September 2014 onwards permanent solutions are required and RBC has forecast the need to provide 2520 additional primary places with immediate effect. By September 2017 all existing secondary school capacity will be full.

Policy background

- 7.4 In terms of delivering sustainable development the NPPF (2012) identifies, under the theme of promoting healthy communities that the *“Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”*. In achieving this it states the local planning authorities should give weight to the need to create, expand or alter schools.
- 7.5 Adopted Policy DM3 of the SDPD states that proposals for development will make appropriate provision for infrastructure, which includes education infrastructure including cross boundary facilities.

Justification

- 7.6 Reading’s primary school places are under huge pressure and will begin to have an impact on secondary provision in 2016/17. The Council forecast the need to provide 2520 additional primary school places from September 2014. The total level of funding required is in the region of £64 million and although there is

¹¹ As the provider of new schools is now normally another body to the Local Authority

¹² Based on 155,698 2011 population and 143,096 2001 population, ONS

funding available through the Department for Education's Targeted Basic Need Programme this is funding at a level far below that which is required to provide new school places. Local Authorities need to finance the gap. Additional development brings with it pressures on the existing educational school places and therefore developments, based on their specific pupil product, should contribute to creating additional spaces and additional capacity at existing schools.

Calculation of contribution

- 7.7 Consistent with meeting its duties and responsibilities, Reading Borough Council will seek a contribution from developers towards the costs of providing or improving schools in the area of the particular development arising out of the impacts of that development. A contribution will be sought per dwelling based on the pupil yield of dwellings when the development would have an impact on local school(s). The contribution will vary according to the number of bedrooms of the dwelling and whether the dwelling is a house or a flat or apartment. One-bedroom dwellings will not be required to contribute towards educational facilities as the yield is considered to be too low.
- 7.8 Where the schools in the area of the development would require new places in order to meet the projected additional demand due to that development, the full contribution will be sought. In some cases, a commuted contribution will be sought towards the costs of refurbishment to improve the condition and suitability of accommodation in schools and of developing other facilities to meet the demands of the increasing school roll.
- 7.9 It is Reading Borough Council policy for primary schools to admit "Rising Fives", so the primary school pupil yield is that for children aged 4 - 10. The secondary school pupil yield is that for children aged 11 - 18.
- 7.10 The current programme for additional school places in Reading (mainly through the expansion of existing schools) indicates an average build cost per place (excluding any land cost) of in the region of £24,000. Allowing for assumed levels of government funding per additional place and some locally sourced funding (including capital borrowing), the provision of each additional space will require an average of £7,763 from other sources. New residential development will be expected to provide that level of funding to enable additional educational spaces to be provided, to ensure adequate education provision to meet the pupil product of new development.
- 7.11 The formula used to calculate a contribution is:
- Pupil product x average cost per place**
- The Pupil product is identified in tables 5 and 6 below.
 - The average cost per place of £7,763¹³

¹³ This is based on an estimate of the gap remaining to fund the average cost per place in Reading, less an allowance for current government funding along with an allowance for local funding derived from borrowing and other sources.

Table 5: The Pupil Product Ratio for Houses in Reading

Dwelling Size	Rising Fives (4)	Primary (5-10)	Primary including Rising Fives (4-10)	Secondary (11-16)	Post 16 (17-18)
2- bed	0.10	0.56	0.66	0.15	0.01
3-bed	0.13	0.74	0.87	0.51	0.08

(Note these are based on figures derived from the Study of the Pupil Product of New Housing in Berkshire, 2001. In calculating contributions, the Council will apply the figures for the 3 bedroom house for all houses of 3 bedrooms and over).

- 7.12 The study shows the average pupil yield for a particular type of dwelling. For example, 100 new 2-bed dwellings will generate 10 four-year old children, 56 primary school children, 15 secondary school children and 1 post 16 student. Also, 100 new 2-bed dwellings will create pressure on primary schools from the 56 actual children and the 10 four-year old children who will move onto primary schools in one year. Similarly, 100 new 2-bed dwellings will create pressure on secondary schools from the 15 actual children and the 56 children in primary schools who will move onto secondary schools in the next 5 years.
- 7.13 The *Study of the Pupil Product of New Housing in Berkshire, 2001* did not include flats and apartments as it was assumed that there would not be a significant difference between the pupil yields of flats and apartments and houses. There is no distinction made between a flat and an apartment. A flat/apartment is a dwelling that is not a house and part of which is above or below another dwelling. A subsequent analysis of actual pupil yield of 2 bedroom flats/apartments was carried out. The figures for 3 bedroom flats was calculated by scaling each 2 bedroom flat pupil yield by the corresponding ratio of pupil yields for 3-bedroom houses compared with 2-bedroom houses. A similar calculation was carried out to find the yield for 4 and over-bedroom flats.

Table 6: The Pupil Product Ratio for Flats/Apartments in Reading

Dwelling Size	Rising Fives (4)	Primary (5-10)	Primary including Rising Fives (4-10)	Secondary (11-16)	Post 16 (17-18)
2 - bed flat	0.12	0.17	0.29	0.05	0.02
3 - bed and over flat	0.18	0.22	0.40	0.17	0.16

(Note these are based on figures derived from an analysis of the actual yield of flats/apartments, December 2002. In calculating contributions, the Council will apply the figures for the 3-bedroom flat for all flats of 3 bedrooms and over)

- 7.14 Worked examples of education contributions are attached at Appendix 1.

Types of Measures

- 7.15 Education contributions will be used towards creating additional school places by funding the expansion of existing schools, refurbishment of existing schools to increase their capacity or through facilitating the provision of new schools.

8.0 Other Contributions

- 8.1 In accordance with adopted policies CS9 (Core Strategy, 2008) and DM3 (SDPD, 2012) proposals for development need to make appropriate provision for relevant infrastructure, resources and amenities. This SPD provides detail in sections 5-7 above for those primary areas of infrastructure to which the Council will seek S106 obligations. In relation to some sites, the Council will also be seeking contributions towards other items of infrastructure, as relevant to a specific site. The other types of infrastructure are as set out in policy DM3: Infrastructure and referred to as follows:
- 8.2 ***Economic Development*** services and infrastructure, including employment, skills and training development initiatives and childcare provision – Employment, skills and training measures are dealt with through the Employment, Skills and Training SPD, adopted April 2013. Adopted Core Strategy Policy CS13: Impact of Employment Development recognises that new employment may have a wide range of impacts, and as well as securing planning obligations for employment, skills, and training there are other measures which may be necessary to maximise the potential of the existing population to fill the jobs being created. Access to childcare facilities is a barrier to many wishing to take up employment. Contributions will be sought towards, or for the provision of, affordable childcare facilities, where this is in accordance with meeting the relevant CIL Regulation 122 (2) tests (as set out in paragraph 2.1 above). This would be considered on a site by site basis and with regard to those schemes for major employment generating developments (1000m² or more). The size of a workplace nursery should be proportional to the employment generated.
- 8.3 ***Energy infrastructure***, including decentralised energy projects – In accordance with SDPD Policy DM2: Decentralised Energy, any development of more than 20 dwellings and/or non-residential development of over 1000m² shall consider the inclusion of a Combined Heat and Power plant or biomass-fuelled heating system, or other form of decentralised energy provision. In the longer term obligations may contribute towards carbon-saving projects, which could be on, off or near site solutions.¹⁴
- 8.4 ***Health*** provision, ***Police Service*** infrastructure, and ***Community facilities*** – For large residential schemes, which add to local pressures on health, Police and other community infrastructure, obligations will be sought to contribute towards local community based provision, where there is a shortfall in other available funding sources. Adopted Core Strategy Policy CS32: Impacts on Community Facilities, requires mitigation to be provided in line with the scale of additional impacts. Community facilities can include youth and community centres, meeting places and libraries.

¹⁴ The Government recently consulted on Allowable Solutions - off-site projects or measures that reduce carbon emissions - which house builders may support to achieve the zero carbon homes standard, as it recognises that it will not always be cost-effective, affordable or technically feasible for house builders to reduce all carbon emissions through on-site measures.

- 8.5 ***Leisure and cultural*** infrastructure including public art, library and archive services - For major schemes, developers will be encouraged to adopt the percent for art recommendation whereby approximately 1%¹⁵ of total construction costs is given over to public art either as part of the proposals or in the locality of the application site
- 8.6 ***Reading Central Area infrastructure and amenities***, including public realm and street care enhancements and ***Environmental enhancements outside of the Central Area***, such as within local centres, including off-street tree and other tree planting - Contributions will be sought from proposed developments located in areas where environmental improvements/ enhancements are programmed, or which lie in the vicinity of a local centre where works are proposed, where the resulting development will benefit from such works. This could include community safety measures such as CCTV. Obligations may also be sought towards improvements to and the mitigation of adverse impacts on the historic environment.
- 8.7 ***Measures to tackle poor air quality or for on-going air quality monitoring*** - Adopted SDPD policy DM19: Air Quality, sets out that development should have regard to the need to improve air quality and reduce the effects of poor air quality. Where it is identified that a scheme will increase emissions within the Air Quality Management Area measures will be required to mitigate such increases. These could include: Travel Plans; through design, e.g improved air flow around development, or alternative plant; reducing the number of car parking spaces; allocated parking for car clubs/ low emission vehicles; provision of electric charging bays or low emission fuelling points; provision of cycling facilities / residents cycles; improvements to local public transport. As set out in the accompanying text to Policy DM19 in some circumstances it may be appropriate for a developer to fund mitigating measures elsewhere. This would be to offset any increase in local pollutant emissions resulting from the proposed development. This may involve a specific scheme or a contribution to the costs of the monitoring network.
- 8.8 All such contributions will be considered on a case by case basis and will need to meet the relevant legal tests for obligations as set out in paragraph 2.1 above and in light of viability considerations.

¹⁵ The 1% for art was an original target identified in the Reading Local Plan and is within the existing 2004 S106 SPG. It originated from the promotion of a per cent for art by the Arts Council and the recommendation that this should be done through planning by the incorporation of policies and targets.

Appendix 1: Worked Examples of Education Contributions for New Build

The formula used to calculate a contribution is:

Pupil product x average cost per place

- The Pupil Product is as set out in Tables 5 and 6.
- The average cost per place £7,763 (based on the 'gap' between cost per place Government funding and Council borrowing).

Contributions sought for development of new houses:

Dwelling Size	Total
2-bed house	£6,366
3-bed and over house	£11,334

Contributions sought for development of new flats/apartments:

Dwelling Size	Total
2-bed flat	£2,795
3-bed and over flat	£5,667

APPENDIX 2: General Principles of Open Space Provision

In general, open spaces planning obligations will require the following main elements:

- In areas deficient in recreational open space, the provision of appropriate (defined below) new public open space, with a commuted sum to ensure funding for future maintenance to a high standard
- In areas with an adequate quantity of public open space, a financial contribution to improving existing open space to cater for additional use

New public open space must be:

- A minimum of 0.2 ha where the provision of a new neighbourhood park is required; in the case of very large developments, the provision of a new local park (minimum area of 1.0-2.0 ha) should be required
- Integrated, not overly fragmented, open space (in terms of both area and topography)
- Linked to adjacent local communities (not buried within the new development)
- Accessible to the general public and to people of all capabilities
- Not severed by roads
- At least in part, informal landscaping for both aesthetic and recreational purposes
- Appropriate, in that it satisfies the most urgent local need, whether formal play provision for children; youth facilities; sports grounds; green links; or informal landscaping

The rationale for these requirements is as follows:

- An integrated space is important for creating a sense of place and local 'ownership'.
- Tall buildings or vehicular access within the space tend effectively to separate the spaces and reduce the recreational value of the park.
- In smaller fragmented spaces, buildings may dominate the space.
- In smaller fragmented spaces, activity in the space may adversely affect adjacent properties.
- Open space scattered amongst buildings will appear less accessible to the general public (who will think it is a private open space 'belonging' to the development and not to the community).
- Open space scattered between buildings is more difficult to manage, less attractive and more subject to being shaded.
- Small scattered spaces do not adequately accommodate sizeable parks-scale trees without impacting upon neighbouring properties. Large trees contribute to pollution abatement and rain water absorption, as well as to sense of place.
- A long linear space or wide corridor is likely to create the same difficulties as fragmentation.
- Vehicular access cutting across open spaces used by children is hazardous as well as aesthetically weak. Pedestrian routes, however, may be integrated into public open space.

- Densely populated residential areas, inadequately provided for in terms of appropriately landscaped public open space, are less desirable places in which to live.
- The appropriate provision standards, size, proximity, and level and mix of use, are set out in Table 17.1.
- A variety of landscape types within the area will increase community value, whether informal play, formal plantings, formal play, etc. These best benefit from being within an integrated area.
- Isolated pockets of open space accessed solely by very steep slopes are unlikely to serve a recreational need and should not be included with the calculation of recreational open space provided.

CONSULTATION STATEMENT

DRAFT REVISED S106 SUPPLEMENTARY PLANNING DOCUMENT

OCTOBER 2013

Background

- 1.1 The Revised Section 106 Supplementary Planning Document (SPD) will replace the adopted S106 Planning Obligations Supplementary Planning Guidance (SPG) (2004). The SPD will provide detailed guidance for securing planning obligation contributions towards leisure, transport and education as well as setting out other infrastructure for which S106 may be sought, in accordance with national and local policies.
- 1.2 The Draft Revised SPD was prepared in July 2013 as an update to the existing 2004 SPG. Since the time of the adoption of the SPG there have been changes to national and local policy and the revision was required to reflect these policy changes and more current prices.
- 1.3 The intention is to adopt this Document as a SPD Document. This SPD has therefore been prepared in line with Regulation 12 (a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, which states that, before Council adopts a SPD, it must produce a statement setting out:
 - (i) The persons the local planning authority consulted when preparing the supplementary planning document;
 - (ii) A summary of the main issues raised by those persons; and
 - (iii) How those issues have been addressed in the supplementary planning document.

- 1.4 This Document fulfils the requirements of the Regulations, in that it sets out the representations received, and contains a response detailing how the representation has been taken into account in preparing the amended version of SPD.

Consultation

- 1.5 The Draft Revised S106 SPD (July 2013) was subject to community involvement between July 19th and September 20th 2013.
- 1.6 A number of methods were used to seek responses as follows:
 - Mail out - Information was sent to just over 670 individuals, organisations, councillors, and internal officers. This was undertaken via letter or email. As required by the Regulations (Reg. 12), a full list of consultees is included at Annex B.
 - Press release - A press release appeared on the Reading Borough Council's website on 18th July 2013.
 - Other Measures - The SPD was published on the Council's website and was available in hard copy at the ground floor reception of the Council's Civic Offices and at all public libraries in the Borough.

Responses

- 1.7 In total the Council received representations from a total of 15 individuals and groups. The responses covered a few key issues. The following sets out a summary of the matters raised:
- The SPD should include an element of flexibility on the level of funding required rather than a strict adherence to set formulas.
 - The SPD should include text explaining that the level of contribution sought will be subject to viability testing.
 - The SPD does not demonstrate why the obligations sought are justified, or that they would satisfy the three tests set out within Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010
- 1.8 Annex A contains a summary of each representation, together with the response, noting whether any amendments to the Draft Revised SPD are required for the final version for adoption.

Annex A - Schedule of Representations and Council Responses

Customer/ Organisation Details	Summary of Comments Received	Officer Response
Blandy & Blandy	<p>The reference to CIL [Community Infrastructure Levy] regulation 122, the NPPF and in particular the acknowledgement of matters relating to viability is welcomed. So is the acknowledgment that it is the impact of development that needs to be dealt with, and it is not the role of new development to put right existing problems. That point should be made expressly in the introduction.</p> <p>The tenor of the SPD implies that all applications will be dealt with on the basis of a formulaic approach. This is not consistent with Regulation 122 [of CIL]. There is an implication that, for example, the transport contribution sought should always follow the formula. If that is the way in which the SPD is to be applied then that implies that the contributions sought would not be tested against the requirements of Regulation 122. The key question is whether the contribution is necessary and directly related to the development. The correct test is stated in para 8.8 and this should be stated clearly either in the introduction or Section 2 [policy and legal framework].</p> <p>The response does not deal with evidence base. In the interests of the SPD being a clear and robust document no doubt the Borough Council will take full account of representations made in respect of the underlying evidence. As a general comment, we note that the transport contribution is based upon the historic figure applicable to this current year rather than based on anticipated or indeed identified expenditure in the future. Contributions should be directed to specific</p>	<p><u>Partially agreed. Proposed changes.</u></p> <p>Additional references, as in paragraph 8.8, have been added to the introduction and within other sections of the SPD.</p> <p>The SPD is intended to provide a level of certainty for developers in terms of the type of obligations and level of funding which will be sought. It is an update of a document conceived in 2004. However, the SPD will serve as a framework and basis for discussion and the specific obligations secured will need to be in accordance with the relevant CIL Regulation 122 (2) tests and will not be applied as a blanket approach. As is stated in paragraph 1.4 specifically, the consideration of obligations will be in the context of viability and being flexible. This is to ensure that obligations meet the relevant legal tests and are in compliance with the National Planning policy Framework, in terms of not threatening the ability of a site to be developed viably. This is whilst ensuring that a scheme properly mitigates its impact to ensure that it is acceptable in planning terms (reference in para 2.2 of the draft SPD).</p> <p>This revision of the SPD is intended to update the relevant policies and programmes and other information considered out of date from the existing 2004 SPG. This is as a result of issues raised by Planning Inspectors, who it must be noted have not questioned the overall principles</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>infrastructure matters.</p> <p>It is accepted in principle that when an application is submitted details of what may be proposed for any S106 should be set out. It is not always the case however that that process can be applied. The SPD requires front loading. That may not be appropriate particularly when there is no certainty that an application will be approved on planning merits alone. The principle of the development needs to be established first and the impact of it assessed subsequently.</p> <p>Catering facilities and childcare facilities (Para 6.28 & 8.2) will be self-financing. Health provision and policing should be financed out of direct taxation and reference to this infrastructure should be deleted.</p> <p>The reference to community facilities is vague. Is that deliberate?</p>	<p>contained within it. The Council, of course needs to ensure that when seeking planning obligations that the relevant tests are met. The figures for transport are based on a costed plan of transport schemes (set out in the Council's Local Transport Plan 3) and the S106 obligations towards such, would be for specific mitigation relating to a particular scheme and in accordance with the relevant tests. The purpose of the updated SDP is as a short term interim document, until the publication of CIL and a new S106 guidance document, so the figures included are those which are current and not related to some years hence.</p> <p>Especially for major schemes it is likely that there will be certain infrastructure required for mitigation of a scheme. It is important that there are at least early discussions as to the nature of these. It is accepted that the specific impacts will be considered, and relevant mitigation through S106 discussed, once the principle of the development is first established. It is an established part of the Pre-application process that principles of S106 are discussed.</p> <p>The provision of the infrastructure for catering may be required to support an extended leisure offer. It is accepted that the actual operation of it should be self-financing. The wording will be amended in paragraph 6.28.</p> <p>In terms of childcare facilities, again the actual set up/ infrastructure for the provision might be required to support the development in the sense that the development will bring pressures on childcare where there might be a lack of such facilities, but that the ongoing operation of it should be self-financing. This is supported in adopted policies - Core Strategy (CS13), and Sites and Detailed Policies Document (SDPD, DM3). For</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>[The respondent also makes a number of specific suggestions on amended wording for sections throughout the SPD including:] There is no justification for paying the Council's costs where it is necessary to enter into a unilateral undertaking (para 3.5 (iv)). Para 6.20 the calculation of a commuted sum should be dealt with at the relevant time against actual costs rather than simply multiplying an unrelated figure by 50. Para 8.5 what is the justification in policy terms for 1% [for public art]?</p> <p>The SPD needs to make it clearer that each contribution sought will need to be considered on a case-by-case basis. Otherwise the SPD is in danger of falling foul of the principles in the regulations and the NPPF.</p> <p>It needs to be clear what is an aspiration and what is a justification for contribution.</p>	<p>health and police infrastructure this is intended to be for those cases where development brings additional pressures over and above normal planned development, and in areas where there might already be pressures on such infrastructure provision.</p> <p>The existing SPG includes seeking planning obligations towards community facilities and is within policy DM3: Infrastructure. The type of facilities this will include will be included in the final version of the SPD. However, the details of any financial contribution that would be relevant would be based on the specifics of each case and therefore discussed and agreed at that time.</p> <p>A number of minor changes to wording have been made throughout the document, further to the respondent's comments.</p> <p>The 1% for art was an original target identified in the Reading Local Plan and is within the existing 2004 S106 SPG. It originated from the promotion of a percent for art by the Arts Council and the recommendation that this should be done through planning by the incorporation of policies and targets. The wording in para 8.5 has been amended.</p>
English Heritage	Development specific planning obligations offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and re-use of buildings or other heritage assets. This should be acknowledged in Section 8.	<p><u>Agreed. Proposed changes.</u></p> <p>Additional wording has been added to Section 8.</p>
Environment Agency	We support definition of open spaces on page 15, which includes wetlands, open and running water and; Green Corridors - including river banks. These areas can	<u>Support noted.</u>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>provide an opportunity for the enhancement of biodiversity in wet areas and can be multifunctional and be used for flood risk management in some instances. Support the inclusion of Flood mitigation and prevention from policy DM3 of the SDPD (Oct 2012).</p>	
GL Hearn	<p>The transport charge for food retail per 100m2 appears to be very high and may make development unviable. Further analysis of this data is required.</p>	<p><u>Not agreed. No changes proposed.</u></p> <p>The charges for transport are based on an analysis of the latest TRICS trips data resulting in an average daily trip rate arising from specific development types. The trip rate cost is calculated by:</p> <ol style="list-style-type: none"> 1) Applying trip rates against an average figure of development per annum (based on an average over 10 years) to generate a pa trip rate of 12,045 trips. 2) A total cost of schemes is £7.7 million pa, which is the intended LTP programme of deliverable schemes for the next 2 years (as this document is intended as an interim version, with a very limited lifespan, this was considered to be a reasonable approach), and Inspectors have accepted this amount when the Council has justified contribution amounts. Based on historic patterns of transport funding an estimated 47% of the total £7.7m is set against the number of trips generated by new development (£3,634,000). The remainder will be provided through public funding. This equates to an average trip rate cost of £302, i.e. £3,634,000 divided by 12045 (trips). This is a reduction on the rate identified in the 2004 S106 SPG to reflect the change in trip rates for specific types of development. Future LTP Programmes are likely to involve schemes involving similar levels of costs and public funding.

Customer/ Organisation Details	Summary of Comments Received	Officer Response
		Indeed the figure for food retail is a reduction on that in the adopted 2004 SPG and is considered to be a reasonable basis for determining and agreeing transport obligations, where such meet the relevant legal CIL Regulation 122(2) tests.
Jenny Hicks	<p>I welcome any new ways to mitigate all the monies to go the community not just the portion that is agreed at source.</p> <p>Please can you advise why a S106 was reduced with regard to an item last year in Caversham? Hence resulting in reduction paid to the Council. If the developer has signed an agreement stating an amount is to be paid in relation to a S106 then this is law isn't it?</p>	<p><u>Comments noted.</u></p> <p>A response was provided by email to the customer. In summary in general terms, the Government are very keen on allowing developers to renegotiate Section 106 agreements on the grounds of being financially unviable. A process of applying to reduce affordable housing contribution within S106 agreements has also been introduced by the Government along with a right of appeal against refusal of these applications. However, until such time as both parties have agreed to a renegotiated Section 106, then it represents a legal obligation, which should be fulfilled.</p>
Highways Agency	We would be keen to have early discussions with Reading about any identified transport interventions that the S106 might contribute towards that could impact on the M4.	<u>Comments noted.</u>
Natural England	Natural England does not have any comments to make on this document.	<u>Comments noted.</u>
Nimbus Property Developments Ltd	<p>I am a "hobbyist" property developer, and as such am really only interested in smaller in-fill developments whereby the S106 SPD has material consideration on future developments.</p> <p>[For education] A 2 bedroom house is required to pay 133% more contributions than the same bedroomed flat. The rationale is explained in para 7.13. My issue with this is viability. The education portion of a S106 is the major portion. The difference between [the values of] houses and flats does not justify a 133% difference [between S106]. The statistics used to derive the values are unfair: One set of figures (for houses) is produced by an independent organisation;</p>	<p><u>Partially agreed. Proposed changes.</u></p> <p>The percentage difference is actually lower than the respondent has identified and indeed is significantly lower than that in the existing SPG (ca 194% difference). In any case the basis of the figure is the pupil product ratio related to property type and bedroom numbers. Evidence shows that houses produce higher numbers of pupils than flats. The policy is about mitigating</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>One set (flats) by Reading BC; Both sets of data are hopelessly old; No independent review of the figures has been seen; The amount of flats/ apartments has mushroomed in the past 12 years; The statistics only work if there are an equal number of flats and houses.</p> <p>Given the data is from two different organisation and the data is hopelessly old, it would be prudent to ignore the data and either rebalance the numbers based on house prices which can be accurately garnered from the Land Registry. S106 and affordable housing contributions must be viable or take a study if the current snapshot of pupils in RBCS' education gather their addresses and identify if they are houses or flats which is a simple IT exercise in order to justify the figures used.</p> <p>Request that the contribution level is raised for flats and lowered for housing.</p> <p>Large dwelling is termed >75sqm through the SPD, but as a medium dwelling of 3 bedrooms in Table 2. 75 sqm is not large at all. Since contributions are based on number of people in the house, then it would be better to delineate on number of bedrooms. Alternatively term large dwellings bigger than 75sqm, such as 85sqm.</p> <p>Whilst there has been delineation for education between flats and houses, I see it as perverse that the same has happened here [contributions towards open space provision]. Clearly flats, due to the lack of private gardens, require more provision for open space, such as parks, yet there is no delineation. The calculations should have some offset for developers providing garden space.</p>	<p>impacts. The issue of viability is not really relevant. It is accepted that the figures are a number of years old, but as this was an interim study, with a limited lifespan it was considered that an update of the figures, based on readily available information, would be the most cost effective approach. There is no updated pupil product information. Also at the time of producing the draft there were limited additional census figures available upon which to base an assessment of likely numbers of school age children being generated from new development. The fact that the existing pupil product data was based on a study and internal work does not make them invalid. However, it is not agreed that it would be a simple IT exercise to gather address of pupils and then cross refer this to determine what sort of properties and how many bedrooms.</p> <p>Using house prices as a basis for determining relevant contributions does not appear to be a reasonable basis as this has no relationship to the number of children being generated from the development. No clear justification is presented to justify the suggestion that the contribution level should be raised for flats and lowered for houses.</p> <p>Table 4 has been amended to state dwellings up to and including 75m², and above 75m². This floorspace is the minimum size where a property has a larger number of bedrooms. It is reasonable for large families, who have more diverse leisure needs, to make a larger contribution to publicly provided leisure facilities.</p> <p>Leisure space is not only about being out of doors but also about leisure opportunities that cannot be satisfied in a private garden: playing football, walking the dog, outings for small children, social recreation, etc. People living in dwellings with</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>The use of the RPI as an inflator for S106 is obvious for the Local Council to use. However, it is not linked with anything that the Council provides. Either CPI or house value would work as one is tied to viability and one is tied to the inflator of where the contributions are sought. RPI is just pure fantasy and has no real correlation to providing an equitable inflator to S106 contributions.</p>	<p>private gardens use public open space for recreational purposes every bit as much as (families often more than) flat dwellers.</p> <p>It is standard practice to use the RPI, which is the nationally recognised inflator.</p>
<p>Deloitte LLP on behalf of Oxford Properties</p>	<p>As a major landowner Oxford properties is keen to continue to actively engage with Reading Council to ensure that future development proposals to expand Green Park continue to be viable. It is critical to ensure that the proposed level of planning contributions, either via S106 or future CIL would not undermine the future investment and economic growth potential of this regionally significant employment location.</p> <p>We would welcome clarification of how the threshold of a net addition of 100sqm of floorspace has been proposed, as this could result in relatively small-scale developments, which could not possibly cause stresses on education, open space and transport for example, being brought into the potential realm of S106 contributions.</p> <p>The phraseology used in the SDP should reflect wording of the National Planning Policy Framework (NPPF) Para 173, that to ensure viability the costs of any Section 106 requirements should <i>“when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land developer to enable the development to be deliverable.”</i></p> <p>The SPD should make it clear, notwithstanding the standard tariffs provided (as guidance) that the Local Planning Authority will work with the developer to understand the precise level of mitigation required with any scheme, and make every effort to minimise these costs where possible in order to incentivise development.</p> <p>In terms of the contribution towards wider transport impacts, we support the principle of a reduction in financial contribution (compared to 2004 SPG) across all development types, which reflects market conditions and the reduction in average</p>	<p><u>Partially agreed. Proposed changes</u></p> <p>This threshold has been carried forward from the existing S106 SPG (2004) and is considered to be the minimum scale of development where there might be impacts (specifically in terms of the transport network). Only the relevant obligations will be applied which meet the CIL Regulation 122(2) tests.</p> <p>The SPD refers specifically to para 173 of the NPPF regarding that the scale of obligations does not threaten the ability of a site to be developed viably. Further clarification will be provided in the introduction.</p> <p>The figures presented in the SPD are intended to be a framework to provide some certainty to developers as to the level of contributions, which might be applied, notwithstanding the requirements for any obligations to meet the relevant legal tests. There is the ability for developers to present their specific case in terms of trip generation etc., which will impact on the overall obligations required to mitigate the</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>daily trips. It should be clear that the Local Planning Authority will work with the developer to minimise the costs of any required mitigation.</p> <p>We note the approach of the SPD, which requires all new development to make provision for the open space needs of the development (rather than just residential development as previously).</p> <p>Given the extensive amount of open space already provided at Green Park or planned as part of extant planning permissions, we do not consider that the area could be assessed as having a deficiency in this regard. In this scenario the SPD suggests that an off-site open space contribution could potentially be triggered by any future development at Green Park that meets the threshold of the SPD.</p> <p>We suggest that the policy wording should recognise exceptions like Green Park, where the quality of open space already provided, the commitment to maintaining and enhancing the existing open space, as well as providing further on-site open space as part of any future development, mean that a significant contribution has been made to open space and that the requirement for any further contribution in this regard should be assessed within this context.</p> <p>In line with the SDPD Policy DM3: Infrastructure, we recommend that the policy wording should recognise that where there is a challenge to viability and where earlier phases of a development have already delivered significant levels of infrastructure capable of serving future development phases, this should be taken into account in the Council's approach to contributions.</p>	<p>impacts of the scheme. This flexible approach is set out in the SPD.</p> <p>Seeking open space obligations for other developments to residential reflects the approach, which has been applied over a number of years, and is about the use of urban space relevant to those uses.</p> <p>The site specifics of a case would be discussed and considered at the time of the consideration of a scheme and would affect the level of contributions sought. The SPD includes flexibility within it and the figures are guidelines to be applied on a site by site basis. The specifics of each case are taken into account and obligations sought which are in accordance with the relevant legal tests.</p> <p>The SPD makes specific reference to SDPD policy DM3 and further reiterates the issue regarding viability.</p>
<p>Quod on behalf of Sackville Developments (Reading) Ltd</p>	<p>We have a number of concerns with the content and evidence base underpinning the draft document.</p> <p>Regulation 122 (2) of the CIL Regulations provides that a planning obligation may only constitute a reason for granting planning permission if the obligation is: Necessary to make development acceptable in planning terms; Directly related to the development; and Fairly and reasonably related in scale and kind to the development.</p> <p>Paragraph 204 of the NPPF states that planning obligations can only be sought where they meet all the tests. It is important for any policies which the Council adopt to be compliant with the regulations otherwise they can be disregarded at</p>	<p><u>Partially agreed. Proposed changes.</u></p> <p>As is stated in paragraph 1.4 specifically, the consideration of obligations will be in the context of viability and being flexible. This is to ensure that obligations meet the relevant legal tests and are in compliance with the National Planning policy Framework, in terms of not threatening the ability of a site to be developed viably.</p> <p>This is an interim version, which updates the existing 2004 S106 SPG, which has been in use for almost 10 years. The update is to reflect new</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>the planning application stage. Paragraph 153 of the NPPF provides specific guidance in respect of SPDs and makes specific reference to the need for clear justification and not imposing financial burdens as follows: <i>“Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development”</i>.</p> <p>National Planning Practice Guidance has recently been published by the Government. The guidance includes the following provisions:</p> <ul style="list-style-type: none"> • Policies for seeking obligations should be set out in a development plan document. SPDs should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. • In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligations meets the relevant tests. They will need to be able to justify the contributions sought • Obligations should only be sought where they are necessary to make development acceptable in planning terms. Where local planning authorities are requiring affordable housing contribution or tariff style contributions, they should be flexible in their requirements. The policy should be clear that such obligations will take into account specific site circumstances. <p>Welcome recognition that the Council will take into account viability considerations. However, viability considerations should also be an integral part of the policy making itself with the tariffs proposed scrutinised in the context of viability considerations. It is not apparent that has been taken into account at all in this draft SPD.</p>	<p>policies, increased costs, so is not considered to unnecessarily add to the financial burden on development. There is flexibility in the approach, which takes account of viability considerations.</p> <p>A further S106 guidance document will be produced alongside the introduction of CIL. This version is an update of an existing SPG. The relevant tests will be applied when seeking planning obligations. Site specific considerations will be taken into account as referred to in para 8.8 and additional wording will be added to reiterate this, within the introduction section.</p> <p>The rates presented are an update of the existing SPG figures and are intended to provide a level of certainty to developers, but will be applied in accordance with relevant tests and the overall obligations determined with regard to viability considerations and a flexible approach.</p> <p>While the figures are not directly comparable to CIL charges, they will produce contributions that are likely to not be too dissimilar to the charges per unit under CIL. The proposed CIL charges have been subject to viability assessment. To that extent it is incorrect to say that the proposed figures have not been scrutinised in terms of their impact on CIL. In any case any development that does not mitigate its impacts on infrastructure is</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>The BC is proposing to introduce a transport tariff based on a series of transport improvements included in its local transport plan. This is not in itself an unreasonable approach provided contributions are proportionate to identified impacts on new development and resulting contributions do not affect development viability.</p> <p>It is not at all transparent how the BC has translated the [spending plan of £7.7million pa] into a contribution requirement of £302 per daily trip. It is also unclear why reference is made to a 2 year spending plan and how this relates to planned development. The table in the Traffic Management Advisory Panel Report Mar 2013 shows costs which do not appear to reflect this. This report gives estimated costs of projects in the upcoming financial year, but it is not clear whether spend will be spread evenly over the following years. In some cases, the spend is totalled in 2013/14, but the scheme is not identified to be progress until 2015/16. There are also no details of how the £7.7m spend has been calculated and what proportion of the spend has already been secured.</p> <p>The level of planned development associated with this contribution calculation is also not included. Therefore if the figure of £302 per trip has any basis at all, it is neither transparent from the draft SPD, or backed up by supporting documents.</p> <p>There is no indication of the scale of development assumed, the timing of its delivery in relation to transport infrastructure, or explanation about why the contributions are considered proportionate.</p> <p>It is not evident that the proposed tariff is demonstrably robust, proportionate and therefore consistent with Regulation 122 tests.</p> <p>The SPD proposes an open space tariff for office development based on a formulae relating to employees and visitors. It is based on an unsubstantiated assertion that £2.5million is required to repair and maintain open space. This is then divided by the number of users per year plus additional users (calculated by how many additional visits would be from new office building) and then multiplying this to give a cost. This is overly complicated and is flawed as follows:</p> <ul style="list-style-type: none"> • By adding the additional users into the denominator to work out the cost of maintenance per users, implies that the number of users does not 	<p>unlikely to be sustainable development and is therefore likely to be refused.</p> <p>Additional wording is included within the Transport section of the SPD to provide explanation as to basis of the £302 per daily trip.</p> <p>The £7.7 million pa is what the intended LTP programme would be for the next 2 years (as this document is intended as an interim version, with a very limited lifespan, this was considered to be a reasonable approach), and Inspectors have accepted this amount when the Council has justified contribution amounts.</p> <p>This section has been amended to identify that seeking this obligation would be on a site by site basis and would be related to the specific impacts of a scheme in relation to the relevant infrastructure. This consideration would apply to employment generating schemes of 1000m2 and above.</p> <p>Survey work was undertaken to determine</p>

Customer/ Organisation Details	Summary of Comments Received	Officer Response
	<p>impact in the cost, therefore additional users do not increase the cost of maintenance;</p> <ul style="list-style-type: none"> • There is not empirical evidence to demonstrate that each office employee uses a park once a week, and no explanation why, even if this was a reasonable assumption, why other employees (e.g. working in hospitals, school, shops etc) would not also generate demand for open space. • No account has been taken of the significant additional income from business rates which will assist in funding of parks and other infrastructure <p>No justification has been provide of the level of tariff for hotel and serviced apartments.</p> <p>No evidence has been provided to explain how the rate of £2,100/£2,800 has been calculated. This lack of transparency is unsatisfactory and means that it is not possible for the Council to demonstrate that any tariff is proportionate.</p> <p>The cost per school place has not been broken down per phase of education. It is unclear without proper justification impossible to judge where the proposed tariff meets the test in Regulation 122.</p> <p>Before the Council can adopt any revised policies relating to S106 tariffs it must address the deficit in the evidence base and thoroughly review and justify its approach. Recommend that the Council re-consults.</p>	<p>occupancy levels of hotels and a reasonable assumption regarding the level of hotel users who would visit open spaces during their stay.</p> <p>For visitor numbers sampling was undertaken and extrapolated as appropriate. A reasonable assumption was applied as to the numbers of office workers using open spaces.</p> <p>The original 2004 SPG figures were based on a national average being applied by other Local Authorities. These 2004 figures have been updated to take account of inflation. The other figures for other uses are a percentage of these, as explained in the footnotes to Table 4.</p> <p>Previously there was a build cost for primary and a build cost for secondary. These nationally produced figures have not been updated for a number of years. Using BCIS data to try and update these, generated significantly higher figures than what is presented in the revised SPD. It was considered that a more modest increase would be appropriate. The basis of the revised figures is using a gap funding approach, i.e. after other funding sources have been taken into account, what level of costs would be required per place to be apportioned to developments, related to the number of children generated from them. This cost per place single figure is then applied to the pupil product ratio.</p> <p>There will be no additional consultation. Indeed this is an interim version and there will be a new S106 guidance to operate alongside CIL, which will be consulted on.</p>

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<p>Savills on behalf of Scottish Widows Investment Partnership</p>	<p>We are concerned that a single category for Retail (Non-food) does not take into account the broad sub-categories within non-food retail operations and the different values inherent within these sub-categories. The existence of sub-categories is recognised in the [Council's] 'Retail Assessment for Reading Central Area Action Plan'.</p> <p>The application of a single contribution level for all non-food retail does not take account of the different characteristics and trip generation associated with the individual no-food sub categories. This would adversely affect the viability of new bulky goods floorspace due to the lower rental and investment values of such floorspace. We request that the LPA creates new sub-categories. Also consider that provision should be made to allow lower payments associated with the creation of additional floorspace at mezzanine level within existing premises. The majority of the custom from new mezzanine floorspace will be from existing customers already visiting a retail destination, therefore these trips will already have been on the highways network. The SPD should include provision for a separate assessment of the trip generation for new mezzanine to ensure that the contribution levels do not adversely affect the viability of such developments.</p> <p>The proposed retail non-food contribution for transport doubles from the 2004 SPG. When this contribution is considered against CIL or wider development costs, the proposed contribution levels would adversely affect the viability of new development. We consider that the Revised SPD provides for an unsustainable increase in contribution levels, which will suppress future retail investment in Reading. The contribution level should be reduced for non-food retail.</p> <p>Recommend that the SPD is amended to ensure that the proposed transport contributions meet the NPPF tests.</p>	<p><u>Not agreed. No changes proposed.</u></p> <p>The TRICS data was based on the analysis of various non-food retail uses and is averaged out. At application stage an applicant is able to submit specific data to justify that the figure proposed is high and this will be considered by officers.</p> <p>The installation of Mezzanine floors does not mean that the customers would already be visiting that retail destination. It can allow a significant number of alternative products to be purchased and may result in trips diverting from one retail destination to another. Such trips may have material implications on transport flows in the vicinity of the retail unit.</p> <p>This updated SPD is intended as an interim version and a new S106 SPD will be published and consulted on, which will operate alongside the future introduction of CIL.</p>
<p>Sport England</p>	<p>Sport England supports that financial contributions would be based on recommendations made by the Council's strategies. It is therefore important that these are robust and kept up to date. In this respect, it is noted that the Council's Open Spaces Strategy was published in 2007.</p> <p>Sport England is currently developing guidance on how to undertake an assessment of needs and opportunities for sporting provision. It is intended that this guidance will assist with meeting the requirement for robust and up to date assessments</p>	<p><u>Comments noted.</u></p> <p>The policies on which we base negotiations for S106 postdate the Open Spaces Strategy. The Council keeps an up-to-date record of the relevant infrastructure needs for open space, area by area. Site- specific assessments are provided of where recreational capacity needs enhancement, to</p>

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	<p>required by the NPPF. The Sports Facility Calculator can be used to estimate the amount of demand for swimming pools, sports halls and artificial grass pitches created by a given population.</p>	<p>make a development acceptable in planning terms. We welcome Sport England's guidance and will take account of it when it is published.</p>
<p>Savills on behalf of Standard Life Investments Ltd</p>	<p>We are concerned that a single category for Retail (Non-food) does not take into account the broad sub-categories within non-food retail operations and the different values inherent within these sub-categories. The existence of sub-categories is recognised in the [Council's] 'Retail Assessment for Reading Central Area Action Plan'.</p> <p>The application of a single contribution level for all non-food retail does not take account of the different characteristics and trip generation associated with the individual no-food sub categories. This would adversely affect the viability of new bulky goods floorspace due to the lower rental and investment values of such floorspace. We request that the LPA creates new sub-categories. Also consider that provision should be made to allow lower payments associated with the creation of additional floorspace at mezzanine level within existing premises. The majority of the custom from new mezzanine floorspace will be from existing customers already visiting a retail destination, therefore these trips will already have been on the highways network. The SPD should include provision for a separate assessment of the trip generation for new mezzanine to ensure that the contribution levels do not adversely affect the viability of such developments.</p> <p>The proposed retail non-food contribution for transport doubles from the 2004 SPG. When this contribution is considered against CIL or wider development costs, the proposed contribution levels would adversely affect the viability of new development. We consider that the Revised SPD provides for an unsustainable increase in contribution levels, which will suppress future retail investment in Reading. The contribution level should be reduced for non-food retail.</p> <p>Recommend that the SPD is amended to ensure that the proposed transport contributions meet the NPPF tests.</p>	<p><u>Not agreed. No changes proposed</u></p> <p>The TRICS data was based on the analysis of various non-food retail uses and is averaged out. At application stage an applicant is able to submit specific data to justify that the figure proposed is high and this will be considered by officers.</p> <p>The installation of Mezzanine floors does not mean that the customers would already be visiting that retail destination. It can allow a significant number of alternative products to be purchased and may result in trips diverting from one retail destination to another. Such trips may have material implications on transport flows in the vicinity of the retail unit.</p> <p>This updated SPD is intended as an interim version and a new S106 SPD will be published and consulted on, which will operate alongside the future introduction of CIL.</p>
<p>Barton Willmore on behalf of the University of Reading</p>	<p>It is apparent from a review of RBC's emerging CIL policy that, following the introduction of CIL, the remit of S106 SPD will be scaled back. The intention is that funding for wider infrastructure schemes identified that are currently addressed in the S106 SPD will instead be sourced through CIL rather than S106. Propose amended wording to para 1.3 [regarding the nature of the SPD and its</p>	<p><u>Partially Agreed. Changes Proposed.</u></p> <p>Paragraph 1.3 is considered to satisfactorily state that the intention is that the revised S106 SPD will be an interim version. The specifics of what will be sought from S106 once CIL is introduced will form part of a separate consultation and the</p>

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	<p>revision once CIL is introduced]. In our view the wording of para 3.6 is inappropriate. It suggests that planning obligations are on offer, whereas they can only be sought where the three legal tests are met.</p> <p>The Borough Council should not adopt the view that contributions payable from development should simply be based on those figures. Regardless of the presence of a tariff based calculation method, it is still essential to have regard to other matters, including national planning policies and the necessity of the contribution being made in individual cases.</p> <p>The University does not accept that contributions towards the ongoing costs of monitoring the implementation and payment of planning contributions is justified. It is a statutory duty. The SPD should be amended to acknowledge that contributions towards monitoring will not be sought.</p> <p>Suggest that para 5.5 is amended to ensure that all developments pay a fair and equitable contribution towards the wider transport improvements while also addressing specific local improvement needs generated specifically as a result of those developments.</p> <p>Suggest that para 5.7 is amended [to remove reference to the wider transport system being already every congested and not all proposed development would create a significant impact on the transport systems].</p> <p>A number of important parameters are used within the calculation methodology presented in paragraph 5.12 [transport]. However, it is not evident whether these parameters are assumed or are based on evidence.</p> <p>To provide greater transparency it is therefore recommended that this is expanded to clarify the evidence base used when deriving the parameters as follows:</p> <ul style="list-style-type: none"> • How has the £7.7million been derived? • It is understood from discussions with RBC that the S106 obligations allow 	<p>relevant detail included at that time. Clearly any obligations need to be in accordance with the relevant legal tests and considered within the relevant policy framework.</p> <p>The SPD seeks to present a level of certainty and a framework for discussion with developers, but obligations sought will be subject to meeting the legal tests and the specifics of each case.</p> <p>Under S111 of the 1972 Local Government Act “a local authority shall have power to do anything ...which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.” It is part of normal contractual arrangements and we are able to agree terms and conditions as appropriate. This approach is common among local authorities. Monitoring of planning obligations is not a statutory duty.</p> <p>Paragraph 5.5 refers to site related requirements specifically set out in adopted planning policies. In terms of contributions towards wider transport improvements this is already covered within section 5.</p> <p>Each scheme will be considered and the relevant contributions sought. Each development will have cumulative impacts on the transport system.</p> <p>The charges for transport are based on an analysis of the latest TRICS trips data resulting in an average daily trip rate arising from specific development types. The trip rate cost is calculated by:</p> <ol style="list-style-type: none"> 1) Applying trip rates against an average figure of development per annum (based on an average over 10 years) to generate a pa trip rate of 12,045 trips.

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	<p>for private development to fund approximately 47% of the annual £7.7 million cost. The SPD should provide evidence to justify that this is a reasonable proportion of the cost that is to be borne by developers It is also understood that to derive the £302, an expected build profile has been identified, which sets out how the combined contributions will meet the annual funding targets. The SPD should present the build profile along with the evidence which demonstrated that the assumptions used are reasonable</p> <p>Where proposed development replaces an existing facility or extant consented use, account should be taken of the trips that would no longer occur when establishing the level of contributions, i.e. the contribution per daily person trip should only apply to the net increase in trips.</p> <p>Para 5.15 sets out that developments need to make financial contributions for wider transport measures. This is in addition to site specific localised measures. There may be instances where the site specific localised improvements also relate to or contribute towards the LTP schedule of works. In such instances, in order to avoid double counting it is considered that there should be a discount to reflect the element that is already being provided by the development.</p> <p>Table 1 is different to Table 4, where the contributions towards open space provision differ.</p>	<p>2) A total cost of schemes is £7.7 million pa, which is the intended LTP programme of deliverable schemes for the next 2 years (as this document is intended as an interim version, with a very limited lifespan, this was considered to be a reasonable approach), and Inspectors have accepted this amount when the Council has justified contribution amounts. Based on historic patterns of transport funding an estimated 47% of the total £7.7m is set against the number of trips generated by new development (£3,634,000). The remainder will be provided through public funding. This equates to an average trip rate cost of £302, i.e. £3,634,000 divided by 12045 (trips). This is a reduction on the rate identified in the 2004 S106 SPG to reflect the change in trip rates for specific types of development. Future LTP Programmes are likely to involve schemes involving similar levels of costs and public funding.</p> <p>Yes, the contribution is for the net increase in trips. Additional wording will be added to clarify this.</p> <p>The specifics of each scheme will be taken into account when considering the relevant obligations.</p> <p>It is unclear what is considered to be different. Table 1 is intended as a summary. For some of the uses in Table 4 there is no specific figure included. Table 1 therefore identifies a 'from' figure.</p> <p>This is about open space policy not contributions.</p>

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	<p>The S106 states that when negotiating new s106 agreements, new standards based on local provision standards will be sought as the minimum provision as part of new developments. The Open Spaces Strategy does not give quantity standards of open space provision, only the expected minimum sizes of different typologies and minimum radial catchment distances. There is no guidance in the S106 SPD to suggest the quantity of open space expected from a proposed development of a given size. There is no indication what size a proposed development needs to be to trigger the provision of a 60ha borough park or a 20ha district park. Policy DM16 of the SDPD provides no further guidance on quantities of open space provision either. In the Open Spaces Strategy the Council uses the National Playing Field Association (now Fields in Trust - FiT) guidelines for play provision and summarises the minimum sizes for different facility's activity zones and the minimum radial distances. However, the FiT benchmark quality standard is omitted. Developers could assume that the FiT standard [0.8ha/1000 population for outdoor play space] would be acceptable to the Council' this is not confirmed in the SPD. It is worth noting that if the minimum size of LEAP specified in table 7.1 of the OISS is provided to FiT standards then the size of development would need to be over 167 units.</p> <p>Para 6.11 of the SPD states that total open space in the Borough is less than national guidelines recommend. In Section 4.3 of the OSS it states that the provision of green space is 2.9ha per 1000. The former NPFA 6 acre standard or 2.43ha/1000 population is exceeded and is not less than national guidelines.</p> <p>It is not confirmed that if a development is able to accommodate all its open space provision on site then no further off-site contributions will be sought. Is it expected that developers will provide all eight types of open space defined in paragraph 6.4 of the SPD? Will an additional off-site contribution be expected for cemeteries and churchyards?</p>	<p>The comment conflates the requirements of provision criteria in the Open Spaces Strategy (based on the guidelines in the former PPG17), and the requirements for S106 contributions as provided for in the T&CPA (1990) and Circular 05/2005. While these are related, the local provision standards in the OSS are denominated by average use; those set out in the SPD relate to the marginal increase in use created by the new development. Size is a factor, which is why the SPD relates the value of a planning obligation to the size of a new development (by sq.m and number of units), but borough and district parks are expected to be used by residents from all over the Borough, so a new large park could not be considered to be related in scale and kind to a new development. The creation of new neighbourhood parks may, however, be entirely appropriate in large new developments, and the Core Strategy provides guidelines on this.</p> <p>The 6 acre standard requires at least 4 acres/1000 population to be sports facilities. Reading is significantly underprovided for in terms of the typology of open space required in the former NPFA standards, so the two statements are entirely consistent. The point is that whether one uses national guidelines, or compares open-space provision with that of other local authorities, Reading has less than recommended and less than provided elsewhere.</p> <p>If a development provides sufficient new open space for its own residents, in a location accessible to its surrounding neighbourhood to encourage integration of the new residents as well as to provide a benefit to neighbouring residents, then we do not additionally require off-site contributions. Usually, however, developers squeeze on-site recreational development to the</p>

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	<p>Where the "...Council is prepared to adopt ..public open space, ...this will be subject to a...commuted sum. This payment should cover costs of maintenance in perpetuity (usually 50 years)." There are no examples of how a commuted sum may be calculated and whether contract prices and maintenance costs will be published on an annual basis. 50 year seems excessive in comparison with other Councils. Over a 50-year period, it is expected that play equipment will require replacement every 15 to 20 years, but there is no suggestion of this being included in the calculation of the commuted sum.</p> <p>There appear to be no auditable figures providing the background data as to how the contribution costs [from different development types towards open space provision] have been calculated or any justification for the figures set.</p> <p>Where proposed development replaces existing facilities (e.g. student accommodation become outdated and needs to be replaced), but there will be no overall increase in student numbers, then such development should not be expected to contribute to off-site open space.</p> <p>The student accommodation open space contribution is discounted compared to that payable from small dwellings on the basis that it will be occupied by single people rather than couples. It is clear that the SPD assumes that dwellings up to 75m2 may comprise 1& 2 bed dwellings and as such it is reasonable to assume that such occupation may be occupied by families. Student accommodation will not be occupied by couples or families. A discount of more than 50% should be applied for student accommodation.</p> <p>Para 6.23 suggests that contributions will be sought towards the capital expenditure required to increase the capacity of the areas of open space that serve all of the population of the Borough. This fails to have regard to the facts that occupiers of student accommodation will not make use of all the types of open space listed in the way that a long term resident of the Borough might do. In the event that a contribution is justified it should be reduced.</p> <p>The campus comprises significant areas of open space for informal and formal sports use and is accessible for use by students. In respect of student</p>	<p>point of there being not really fit for purpose. In such instances, we require proportionate and relevant off-site contributions.</p> <p>The 50-year lifetime relates to the life of the new development and not the life of the play area, since the obligation is actually to provide facilities for the new residents. Irrespective of what other councils do, this is entirely reasonable.</p> <p>The basis of the calculation is the current cost to the Council of maintaining a play (or other recreational) space of the proposed size and complexity of equipment.</p> <p>Obligations apply to net increases in the number of dwelling units.</p> <p>Students generally make above-average use of local recreational facilities, and some student accommodation is occupied by couples or families. The 50% may be a rough discount, but it is probably fair on average, particularly since there is a further discount for students not being in residence all year.</p> <p>Students make above-average use of certain types of open space, which is funded by local residents, like the velodrome and ballcourts at Palmer Park, and the rights of way network. They are also free to use all types of free-to-use open space around Reading.</p> <p>The university campus is lovely and provides a wide variety of recreational activities for students. It remains a matter of fact that students</p>

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	<p>accommodation the rate of contribution towards open space should be reduced further on the basis that significant provision already exists. There may well be a justification for student accommodation making no contributions towards open space.</p> <p>It would be helpful to clarify that the provider of new schools is now normally another body [not the Local Authority].</p> <p>The wording at para 7.6 suggests that this [financing the gap in funding] is considered to provide justification for requiring contributions. Once again this has no regard to the CIL legal tests and is inappropriate. It would not be unreasonable to say that general financial pressures on the availability of DfE funding mean it is important that developments make appropriate provision for the additional needs they will create, perhaps as part of the introduction. The reference to pupil product of developments is welcome.</p> <p>“Schools in the area” is not defined. In some cases it may be appropriate to take a wider view if there is pupil movement between areas affecting the available capacity. In addition seeking a full contribution will only be appropriate of both primary and secondary schools are shown to have no capacity. In other circumstances a partial contribution may be appropriate. It would be helpful to provide a worked example that was less straightforward, or at least acknowledge that full contributions might not be justified in all cases.</p>	<p>nevertheless make significant use of local parks, sports facilities and rights of way.</p> <p>This will be clarified in Section 7.</p> <p>Previously there was a build cost for primary and a build cost for secondary. These nationally produced figures have not been updated for a number of years. Using BCIS data to try and update these, generated significantly higher figures than what is presented in the revised SPD. It was considered that a more modest increase would be appropriate. The basis of the revised figures is using a gap funding approach, i.e. after other funding sources have been taken into account, what level of costs would be required per place to be apportioned to developments, related to the number of children generated from them. This cost per place single figure is then applied to the pupil product ratio.</p> <p>Schools in the area would include those within the Borough, but if there is a significant impact on neighbouring Local Education Authority’s schools then a contribution might be sought on behalf of the neighbouring authorities.</p> <p>The relevant obligations will be sought and will relate to whether there are capacity issues at existing schools that the development will place pressure on. At present there are issues with capacity of both primary and secondary schools places and therefore new development will have an impact on both areas of provision, and therefore it is relevant that they should contribute to such.</p> <p>In terms of childcare facilities new development could bring pressures on childcare in an area</p>

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	<p>The statement that contributions will be sought from major employment generating development towards affordable childcare facilities is at odds with the Regulation 122 tests. Contributions should only be sought where it is necessary for the impact on such infrastructure to be mitigated. Furthermore there is no clarity as to how contributions towards affordable childcare will be calculated.</p> <p>The SPD states that contributions will be sought towards health provision and police service infrastructure and states that such contributions will be sought where there is a shortfall in other available funding sources. This gives rise to a number of concerns, including that it appears as though contributions may be utilised in order to remedy existing funding deficiencies. Planning contributions should not be utilised to substitute for funds which should be available through existing sources. Such an approach represents an additional tax on development and goes beyond the remit of seeking contributions. The SPD refers to other community infrastructure, however it provides no clarification as to what infrastructure this might comprise. No clarity is provided as to how the contributions towards such matters will be calculated.</p> <p>Although the SPD indicates that developers will be 'encouraged' to provide approximately 1% of the total construction costs to public art, the Council should note that should such a requirement be imposed then the Council will need to demonstrate how the requirements satisfies the legal tests.</p> <p>The contributions sought under paragraph 8.6 [Reading Central Area Infrastructure and Amenities and Environmental Enhancements outside of the Central Area] should only be required where the three tests are satisfied. At present the draft text suggests that all development located in areas where environmental improvements/ enhancements are programmed or which lie in the vicinity. It is not necessarily the case that all developments in such areas will need to make contributions towards these matters if the development is acceptable in planning terms. There is no clarity as to how the contributions will be calculated.</p> <p>The University supports the recognition at para 8.8 that all such contributions will</p>	<p>where there is a lack of such facilities. Contributions would be determined on a case by case basis relevant to the specifics of a scheme. This is supported in adopted policies - Core Strategy (CS13), and Sites and Detailed Policies Document (SDPD, DM3).</p> <p>For health and police infrastructure this is intended to be for those cases where development brings additional pressures over and above normal planned development, and in areas where there might already be pressures on such infrastructure provision.</p> <p>The existing SPG includes seeking planning obligations towards community facilities and is within policy DM3: Infrastructure. The type of facilities this will include will be included in the final version of the SPD. However, the details of any financial contribution that would be relevant would be based on the specifics of each case and therefore discussed and agreed at that time.</p> <p>Any contributions sought will be in accordance with meeting the relevant legal tests.</p> <p>Any contributions sought will be in accordance with meeting the relevant legal tests and relevant to make a development acceptable in planning terms. However, the details of any financial contribution that would be relevant would be based on the specifics of each case and therefore discussed and agreed at that time.</p> <p>Additional wording is included in other sections of the SPD to reiterate this point.</p>

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	<p>be considered on a site by site basis. However, it is also considered that such references should be included elsewhere in the SPD, as the wording of other sections imply that all developments will contribute towards the matters addressed by the SPD, regardless of the need for them to do so.</p>	
Deirdre Wells	<p>It would be extremely helpful if the precise definition of dwelling and commercial floorspace could be provided.</p> <p>It is unclear whether contributions are due where new Class C4 developments are proposed, or changes of use (those requiring planning permission) to specific forms of residential use, such as specialist housing, student accommodation, and houses converted to HMOs.</p> <p>Commercial floorspace is not a planning term, and again it would be useful if this could be defined in terms of use classes to avoid misunderstandings.</p> <p>The current document is not as clear as it needs to be. I doubt whether it makes giving advice on these areas straightforward for your DM planners.</p>	<p><u>Partially agreed. Proposed changes.</u></p> <p>The SPD is intended as guide and framework for S106 obligations and it would be very difficult to list each individual use class and those specific forms of development classed as sui generis, to which obligations might be applied to make a scheme acceptable in planning terms.</p> <p>For changes of use where there is an increase in the intensity of use might justify seeking S106 obligations (where of course the relevant legal tests are met). Additional wording will be added to the introduction.</p> <p>In terms of commercial floorspace this is commonly used to refer to any A or B use classes, however, each scheme needs to be considered and so there might be instances where developments not within these use classes would be required to provide obligations where these meet legal tests and make the scheme acceptable in planning terms.</p>

Annex B - List of Consultees

3	Ash Prajapati	British Sign And Graphics Association
Abbots Walk (Reading) Ltd	ATP Group Partnership	Britt Bjoro And Dave Long
Ability Housing Association	Aviva Life Pensions UK Ltd	Broadway Malyan
Abracad	Baljit Dhindsa	Broadway Malyan
Access Architects	Banner Homes	BT Open Reach
Adrian Collett	Barclays Bank Plc	Building Design
ADS	Barratt Thames Valley	Burghfield PC
AED Practice	Barton Willmore	C M Makin
Alan Barnes Consulting Engineers	Basingstoke and Deane	CAD Studio
Alex Hill	BDO Stoy Hayward LLP	CADRA
Alexandra Hemming	BDS Chartered Surveyors	Calum Macleod
Alison Bell	Beard Construction	Campbell Gordon
Alison Bond	Belinda Pearce	Canal and River Trust
Alison Stevens	Bell Cornwell Partnership	Carolyn Davidson
Alistair DeJoux	Bellway Homes	Carolyn Jenkins - Parks
Alistair Lloyd	Ben Burfoot - Sustainability	Carter & Son (Thatcham) Ltd
Alliance Environment and Planning	Ben Kirk	Catherine Place Properties
Alok Sharma MP	Ben Stanesby - Parks	Cathy Szklar
Amar Dave	Berkshire Archaeology	Caversham Globe
Andrew Case	Bewley Homes Plc	CBRE
Andrew Clifton And Annette McCartney	Blandy And Blandy	Cedarmart Ltd
Andrew Edwardson	Bluestone Planning Ltd	CEMEX
Andrew Tudor	Bob Reeves	CEMEX UK Ltd
Andy Baker	Bob Tarling	CgMs Consulting
Andy Meader	Boyer Planning Limited	Chair, Reading Chamber Of Commerce
ARD Architects	Boyes Turner	Chillingham Limited
Arqiva Limited	Bracknell Forest	Chris Aveyard
Art R Miller	Brian Westall	Chris Brett

Chris Saunders - Transport	Crest Nicholson Ltd	Councillor Jo Lovelock
Chris Thomas Ltd	Crossrail	Councillor John Ennis
Christian Dorin	CSJ Planning Consultants	Councillor Kelly Edwards
Christopher Marsh	Cumming Anderton Architects	Councillor Liz Terry
Clair Drever	D J Bailey	Councillor Marian Livingstone
Claire Weaver	D2 Planning	Councillor Mark Ralph
Colin Brench	Dalgleish And Co	Councillor Matt Rodda
Colin Dawson	Daniel Patrick Russell, Oxford Analytica	Councillor Melanie Eastwood
Colin Dodds	David And Gaylene Shepherd	Councillor Meri O'Connell
Consultant Public Health Reading	David Birkett Associates	Councillor Mike Orton
Councillor Andrew Cumpsty	David Breeze - Planning	Councillor Mohammed Ayub
Councillor Bet Tickner	David Cooksley	Councillor Paul Gittings
Councillor Chris Maskell	David Denham	Councillor Paul Woodward
Councillor Daisy Benson	David Farage	Councillor Pete Ruhemann
Councillor David Stevens	David Hall	Councillor Peter Jones
Councillor Daya Pal Singh	David Holtham	Councillor Rachel Eden
Councillor Deborah Edwards	David Leighton	Councillor Rebecca Rye
Councillor Ed Hopper	David Lock Associates	Councillor Richard Davies
Councillor Eileen McElligott	David Parsons	Councillor Richard Willis
Councillor Graeme Hoskin	David Syrad Architects	Councillor Ricky Duveen
Councillor Gul Khan	David Taylor	Councillor Rob White
Councillor Isobel Ballsdon	David Tingle	Councillor Rose Williams
Councillor James Anderson	David Watsham	Councillor Sandra Vickers
Councillor Jamie Whitham	Day Tanner Partnership	Councillor Sarah Hacker
Councillor Jan Gavin	Defence Estates	Councillor Timothy Harris
Councillor Jane Stanford-Beale	Denis King And Gillian King	Councillor Tom Stanway
Councillor Jeanette Skeats	Denton And Gibson Ltd	Councillor Tony Jones
Councillor Jenny Rynn	Dinesh Gohil	Councillor Tony Page

DPDS Consulting Group	Federation Of Small Businesses	Haslams
Dr Adrian Tompkins	First Great Western Trains	Head Teacher - Prospect School
Dr And Mrs Caithness	Firstplan	Health and Safety Executive
Dr Andrew Smith	Foster Wheeler	Heather Le Couteur
Dr Caroline Charles	FPD Savills	Heineken (UK) Ltd
Dr John Partington	Freshwater Group	Helen Pickering - Housing
Dr Kevin Blackburn	Friends of the Earth	Hermes
Dr Maria Pletnikova	Fusion Online Limited	Hicks Baker
Dr Marianne Field	G J Grashoff And A B Grashoff	Hicks Developments Ltd
Dr Neil Buchan	G Moffett	Highdown Avenue Management Association Limited
Drews Limited	Gillian Makin	Highways Agency
Drivers Jonas	Gladman Developments	Hives Planning
Drivers Jonas Deloitte	Globe - Lower Caversham - Mr Robert O'Neill	Holybrook PC
Drivers Jonas Deloitte	Globe - Newtown	Home Group
Drivers Jonas Deloitte	Globe - Newtown - Rob White	Horstonbridge Development Management Ltd
DTZ Pieda Consulting	Globe - Southcote	Howard Thomas
Dunster And Morton	Globe- Tilehurst - Jenny Cottee	Hugh Thomas
EA	Globe-Tilehurst - Liz Ellis	I Rivers
EA	Goodman	Iain Stevenson
Earley Town Council	Goodman International Ltd	Ian Golding
Edgington Spink And Hyne	Graham Beck	Ian Hunt Associates Ltd
Edwards Irish Partnership	Graham Biddle	Ian Lasseter
Emma Rawlinson	Graham Griffiths	Iceni Projects
English Heritage	Grosvenor Photography	IKEA Investment Properties Ltd
Evander Properties	GVA Grimley	Imperial Properties (Reading) Ltd
Eye and Dunsden PC	Hallam Land Management Ltd	Imperial Property Company Ltd
Farmglade Limited	Halsn Mackley Partnership	Inchcape Estates Limited
Federation Of Small Businesses	Hampshire CC	ING Real Estate Investment Management

Isabel Burn	Kennet Properties Ltd	Mark Drukker
James Dredge	Kevin McDaniel - Education	Mark Groom
James Harris	Kidmore End Parish Council	Mark Leedale Planning
Januarys	King Sturge	Mark Thackeray
Jasmail Dhalay	King Sturge	Martin & Pole
Jean Atkins	King Sturge	Martin Bishop
Jeanne Harris	Lafarge A & C UK	Martin Clayton
Jeff Asemi	Lambert Smith Hampton	Martin Lloyd
Jeffrey Dobson	Lambert Smith Hampton	Mary And Richard Dixon
Jennifer Leach	Lambert Smith Hampton	Mary Cook
Joan And Graham Clark	Lancaster Plc/Bondco No 312	Mary Davis
John Dicks	Larrywatson58@hotmail.com	Michael Burgess
John Hall	LaSalle Investment Management	Mick Howlett
John Hayward	Lauren Cook	Miss Adrienne Duke
John Lewis Partnership	Leslie Jones	Miss Brigid O'Leary
John Sharkey & Co.	Leszek Humm-Gaska	Miss Charlotte Hopley
Jon Spires	Lind Gregory - Legal	Miss Davies
Jonathan And Gemma Matthews	Liz And Les Killick	Miss Elaine Cobb
Jones Lang LaSalle	Liz Norton	Miss Elonwy Rees
Jones Lang LaSalle	Lloyd Pople	Miss Emma Perry
K Phillips	Lloyd Turner	Miss Gillian Hopper
Kadambari Michaels	Lok 'n Store	Miss Jenna Polak
Kathleen Logue	Lorna Andrew And Jed Ellerby	Miss Marissa Tsoukas
Katie Dean	LSC?	Miss Nicola Crouch
Keen Partnership	Lynne Jones	Miss Rebecca Mashayekh
Keith Halson	Lynne Reynolds - Parks	Miss Sally Cross
Keith Richards	Mapeley (STEPS) Limited	Miss Tanya Rosenberg
Kempton Carr Croft	Mark And Betty Pargeter	Mohinder Chana

Mr & Mrs Sirisena	Mr D Browne	Mr Jonathan Fisher
Mr A.M Hooper	Mr Damian Bell	Mr Jonathan Sutton
Mr Alan Overton	Mr Darren Mulcahy	Mr Jose Marino
Mr Allen Sinclair	Mr David Earnshaw	Mr Julian Jones
Mr And Mrs A Murray	Mr David Farrell	Mr Kevin Griffiths
Mr And Mrs C Goslar	Mr David Patterson	Mr Leszek Luszowicz
Mr And Mrs C K Neo	Mr David Slade	Mr Logan Morris
Mr And Mrs C.R. And H.E. Hanshaw	Mr Derek Bertin	Mr Lumbroso
Mr And Mrs J Colbourn	Mr Derek Chapman	Mr Lyttle
Mr And Mrs M Gulliford	Mr Duncan Blease	Mr M Barrett
Mr And Mrs R Buzza	Mr Edward Hammond	Mr Magnus Smyly
Mr And Mrs S Watson	Mr FA Bisby	Mr Marc Weeks
Mr And Mrs Stone	Mr Fred Higgs	Mr Mark Roach
Mr And Mrs W Courtnage	Mr Gary Shukie	Mr Martin Wagner
Mr Andrew Black	Mr Gordan Ball	Mr Martyn Jones
Mr Andrew Clayfield	Mr Greg Farrell	Mr Matthew Pentland
Mr Andrew Somerville	Mr Hora Tevfik	Mr Michael Thomas
Mr Aston And Ms Wilshaw	Mr Howlett	Mr Michael Wellock
Mr B Garvie	Mr Huw Farmer	Mr Nick Clark
Mr Biddle	Mr Ian Fullbrook	Mr Nick Stone
Mr Brian Warren	Mr Ian Knock	Mr Nigel Armstead
Mr Chris Townsend	Mr Ian Seymour	Mr Paul Harrison
Mr Chris Voysey	Mr Jan Steele	Mr Paul Morris
Mr Chris Wood	Mr Jason Pyke	Mr Paul Raynsford
Mr CJ Harding	Mr Johannes Hersbach	Mr Peter Moran
Mr Colin Hatcher	Mr John Hendy	Mr Peter Woodbridge
Mr Colin Lee	Mr John Hoggett	Mr Phillip Gill
Mr Craig Anderson	Mr John Mould	Mr Rab Lee

Mr Richard Kenwood	Mrs G Irvine	Ms Nicola Suter
Mr Richard Riley	Mrs Gillian Wilson	Ms Ruth Perkins
Mr Rob Wilson MP	Mrs Heidi Anderson	Ms Sarah Waite
Mr Roger N Walton	Mrs Jenny Hicks	Ms Stella Clark
Mr Ronald Cutting	Mrs June Hardcastle	Ms Tanya Fenton
Mr Ross	Mrs Karen Close	Ms Taplin
Mr Ross Thomson	Mrs Linda McCauley	Ms Vickie Abel
Mr Russ Wood	Mrs Lis Howlett	Muhtasham Qureshi
Mr Sean Cullen	Mrs Robson	MUSE Developments
Mr Simon Walters	Mrs S Elston	Myles Milner - Education
Mr Spencer Rodd	Mrs Sarah Beale	Nathaniel Lichfield And Partners
Mr Stephen Barlow	Mrs Tina Barnes	National Grid
Mr Stuart Gould	Mrs V Munro	Natural England
Mr Sunil Fernandes	Ms Amanda Day	Network Rail
Mr Tim Byrne	Ms Baldock	Network Rail
Mr Tom Howell	Ms Beth Scott	Neville Turner
Mr Tom Winchester	Ms Caroline Anscombe	NHS Property Services
Mr Trevor Thomas	Ms Catherine Hutchison	Nicholas Blunt
Mr Vincent Hudson	Ms CP Lim	Nicholas Bundy
Mr W S G Macphee	Ms Fiona Loughlin	Nicky Simpson - Committee Services
Mr Wilkins	Ms Hitchcock And Mr Watts	Nicola Gooch
Mr Williams	Ms Isla Geddes	Nicola Taplin
Mrs Ann Rance	Ms J Manning Brown	Nigel And Helen Dodd
Mrs Cara Benda	Ms Jean Heward	Nigel Garrett
Mrs Carolyn Ribbons	Ms JM Langford	Nigel Horton-Baker - Transport
Mrs Christine Cliburn	Ms Karin Herbst	O2
Mrs Christine Cuthbertson	Ms Lynne Lemon	Oak Leaf Surveyors
Mrs Elaine Warwick	Ms Marie Percival	Office for Nuclear Regulation - Agency of HSE

Outdoor Media Centre	Professor Paul Bardos	Robert Rigby Architects
Owner/Occupier	Prospect Estate Agents	Robert Turley Associates
Owners Of Harveys Nurseries	Provision Planning	Roger Miles
Oxon CC	Prudential Plc	Romans
P J Planning	Prudential Portfolio Investment Managers	Ross Jarvis - Environmental Health
Pangbourne Beaver Investments	Purley-on-Thames Parish Council	Rowberry Morris
Paul Bonney	Quod	Roy Hood
Paul Hoddy	Radian	Royal Berkshire Fire and Rescue Service (Porta Planning)
Paul Masters	Raglan Housing Association	Royal Borough of Windsor and Maidenhead
Paul Semple	Rapleys	Royal Mail Group Limited
Peacock & Smith	Rapleys	Royal Mail Group Ltd
Pegasus Planning Group	Reading Chronicle	RPS
Perry Simons	Reading LETS	RPS
Pete Nicholson	Reading Transport	RPS
Peter Brett Associates	Reading Youth Cabinet	RPS Planning
Peter Brett Associates	Red Kite Development Consultancy	Ruth Leuillette - Transport
Peter J Vallance	Redlands Globe	S E Tucker And J Calcutt
Peter Webb	Redrow Homes Eastern Division	S J Walton
Philip Portch	RFTRA	Sackville Developments (Reading) Ltd
Phillip Shell	Richard Dodwell	SAKOMA
Pioneer Property Services	Richard Fenn	Samuel Kompfner
Pitmans	Richard Pike - Housing	Sara Batting Estate Agents
Plan Ahead Drawing Services	Ridge and Partners	Sarah Gee - Housing
Planning Potential	RO Developments Ltd And Urban Switch Ltd	Sarah Hayter
Planning Potential Ltd	Robert Banham	Sarah Judge
Planning Section	Robert Dimmick	Sarah Kopp
Police (RPS)	Robert Markus Gyselynck & Mya Davis	Savills
Professor Nigel Bell	Robert Norris	Savills

Savills	Steve Hicks - Valuation	Tim Cook
Savills	Steve Kendrick	T-Mobile
Scott Brownrigg	Steven Edwards	Tracey Essery
Scott Brownrigg	Steven Leitch	TRW Pensions Trust Ltd
Sean Sulley	Steven O'Grady	UBS Global Asset Management (UK) Ltd
Sehmi Builders Merchants	Stewart Ross Associates	Universities Superannuation Scheme Limited
Setsquare Solutions	Stuart Norris	University Of Reading
Shinfield Parish Council	Stuart Walker	University Of Reading
Shurgard Self-Storage	Sue Brackley - Transport	V Barker
Sia Israel	Sunil Mehan	Vail Williams LLP
Sikandar Ali	Susan Knight	Vodafone
Singleton Architects	TA Fisher	Washbourne Greenwood Development Planning
Skandia Property Fund	Thames Valley Chamber of Commerce	Waterman Group
Slough	Thames Valley Chamber Of Commerce	West Berkshire
Sonning Parish Council	Thames Valley HA	West Berkshire
South Oxfordshire	Thames Valley University	Westbuild Homes Limited
Southern Gas Networks	Thames Water (Savills)	Wharf Land Investments Ltd
Southern Housing Group	Thames Water Property Services Ltd	White Young Green
Spen Hill Developments	The Coal Authority	White Young Green Planning
Sport England	The JTS Partnership LLP	William Barrett
SSE Power Distribution	The Laurel Dawn Property Trading Partnership	William Graham
St James Group Ltd	The Licensed Trade Charity	Wimpey Homes
Standard Life Investments	The Ramblers Association - Berkshire Area	Wm Morrison Supermarkets Plc
Stephen Bowley Planning Consultancy	The Theatres Trust	Wokingham
Stephen Quayle - Legal	Thomas Homes	Woodley Town Council
Stephen Tait	Tilehurst Parish Council	Woolf Bond Planning
Steve Atkinson	Tilehurst Poor's Land Charity	Worton Grange Industrial Ltd
Steve Biddle	Tim Abram	Zoe Lewis

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	Strategic Environment Planning and Transport Committee		
DATE OF MEETING:	20 NOVEMBER 2013	AGENDA ITEM	14
TITLE:	Draft Residential Conversions Supplementary Planning Document		
LEAD COUNCILLOR:	Councillor Page	PORTFOLIO:	Regeneration, Transport and Planning
SERVICE:	Planning	WARDS:	All
LEAD OFFICER:	Julia Mountford	TEL:	0118 937 4741
JOB TITLE:	Senior Planning Officer	E-MAIL:	Julia.mountford@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The existing supplementary planning guidance on converting residential properties to flats or Houses in Multiple Occupation (HMOs), entitled, 'House Conversions and Houses in Multiple Occupation' was adopted in September 2003. There have been several significant changes to national legislation surrounding HMOs since that time. Reading Borough Council has also adopted its suite of Local Development Framework Documents, which include up-to-date policies covering such conversions.
- 1.2 Additionally, an Article 4 Direction to remove permitted development rights to convert from C3 dwelling houses to C4 small houses in multiple occupation has been made for parts of Redlands, Katesgrove and Park Wards. This Direction came into force on 16 May 2013.
- 1.3 In response to the new policies and the need for detail on the interpretation of relevant policies in light of the Article 4 Direction, the Council approved a revised Draft Supplementary Planning Document entitled 'Residential Conversions' on 15 April 2013. This was approved for community involvement. The community involvement stage has now been completed, responses considered and minor changes made to the SPD. This report recommends that the SPD is adopted. This will mean that the SPD has full weight in the determination of planning applications.

2. RECOMMENDED ACTION

- 2.1 That Committee agree the attached Statement of Community Involvement (Appendix 1).
- 2.2 That Committee adopt the Residential Conversions Supplementary Planning Document (which shows minor changes to the Draft Residential Conversions Supplementary Planning Document) as attached at Appendix 2.

3. POLICY CONTEXT

- 3.1 The Residential Conversions Supplementary Planning Document (SPD) will form part of the Local Development Framework (LDF). Together, the documents in the LDF set out the planning strategy for Reading. A SPD is a lower-level document that expands upon existing policy within a higher-level Development Plan Document (DPD). In this case, the Draft SPD expands upon policy in the Core Strategy (adopted in 2008) and Sites and Detailed Policies Document (the SDPD, adopted in October 2012).
- 3.2 The main policies that the Draft SPD expands upon are policy CS18 of the Core Strategy (Residential Conversions) and policy DM8 of the SDPD (Residential Conversions). Policy CS18 sets out the strategic approach to converting residential properties into self-contained flats or for multiple occupation, covering aspects such as impact on the amenity and character of the area, loss of privacy, ensuring adequate car parking etc. Policy DM8 sets out additional detailed matters for consideration of all types of conversions, self-contained flats and 'sui generis' HMOs (i.e. those which already required planning permission before the C4 Use Class was introduced, typically those housing more than 6 unrelated persons). This includes, for example, unduly diluting or harming an existing mixed and sustainable community, minimum size for converting properties to flats or 'sui generis' HMOs and to ensure that 'sui generis' HMOs have an appropriate balance between communal and private areas.
- 3.3 The SPD will also be used to assess applications that are required as a result of the 'Article 4 Direction' that came into effect in May 2013 that has removed permitted development rights to convert from a dwellinghouse (C3 use) to a small house in multiple occupation (C4 use) in parts of Redlands, Katesgrove and Park Wards.
- 3.4 The background to this Direction is set out in the reports that went to Cabinet on 12 March 2012 (Minute 170 refers) and 1 October 2012 (Minute 55 refers), referenced in section 10 of this report. The Direction was made on 16 May 2012 and it came into force on 16 May 2013.
- 3.5 Adopted policies CS18 and DM8 will form the basis for consideration of applications submitted as a result of this Direction.
- 3.6 13 representations were received as a result of consultation on the Draft Residential Conversions Supplementary Planning Document. The consultation period ran from 15th May 2013 to 12th September 2013 and formed a part of the wider consultation, 'Let's Talk Housing, Private Sector Housing'.
- 3.7 Four consultation responses expressed support for the document including the proposed threshold level, six broadly welcomed the document but with some reservations, three of which specifically requested a lower threshold and three responses raised other matters relating to:
- amenity standards;
 - crime issues;
 - cross border impacts of the Article 4 Direction.
- 3.8 A Statement of Community Involvement is attached as Appendix 1. This provides a full summary of the consultation representations received along with recommended Council responses and proposed changes to the draft SPD.

4. THE PROPOSAL

- 4.1 The document has been prepared in consultation with colleagues in the Private Housing section and has been the subject of wide consultation with the community. The revised Residential Conversions Supplementary Planning Document contains up to date guidance on conversions of properties into flats and both 'sui generis' and smaller C4 HMOs, and provides details of how HMOs that are within the Article 4 Direction will be assessed.
- 4.2 The SPD provides information about ensuring the community remains mixed and sustainable. The draft SPD proposed that in areas where evidence shows that 25% or more of the properties within a specified area are in HMO use, there would be a presumption that no further HMOs would be permitted based on a radius of 50m taken from the location of the property. Careful consideration has been given to the threshold level proposed in the draft and has taken into account all consultation responses. It is considered that, on balance, the approach recommended in the draft SPD is the best approach (see options considered below).
- 4.3 Committee is recommended to adopt the Residential Conversions Supplementary Planning Document (which includes Minor Changes to the Draft Residential Conversions Supplementary Planning Document). (See Appendix 2).
- 4.4 A number of minor changes to the document are recommended. These include the following proposed changes:
- Clarification as to how the four bedroom threshold for conversions of houses to flats will be considered. The number of bedrooms is part of the minimum size of property requirement to enable a property to be converted under the policy. The SPD clarifies that this is referring to original bedrooms in the property as built i.e. bedrooms that are a result of extensions or using ground floor rooms intended as reception rooms cannot be counted as bedrooms under the policy. This is intended to reduce the loss of small/medium sized family housing while enabling conversions in larger properties;
 - How extensions will be taken into account in implementing the threshold (paragraphs 5.30 to 5.35).
 - Clarification as to how the application property itself will be taken into account when implementing the threshold.
 - Clarification as to how kitchens will be taken into account when considering communal accommodation (Paragraph 4.7).
 - Clarification to ensure opportunities for the provision of additional landscaping is taken (paragraph 2.37).
 - Reference to how satellite dishes and television aerials will be taken into account (paragraph 2.3 and 2.6).
 - Some minor typographical/ grammatical corrections.

Other Options Considered

- 4.5 There are several general alternative options that could be considered:
1. Not proceed to adopt this SPD on residential conversions and continue to rely on the existing SPD;

2. Adopt this SPD but with an alternative threshold level;
 3. Adopt this SPD but with an alternative measurement for the threshold area.
- 4.6 The first option of not proceeding to adopt the SPD on residential conversions would mean that the Council fails to take the opportunity to provide a more robust guidance framework for the consideration of residential conversions. Applications that are received as a result of the Article 4 Direction in particular may lack the clarity of guidance in how such applications should be determined. The existing House Conversions and Houses in Multiple Occupation SPD is now out of date and additionally was produced prior to the introduction of the C4 (small HMOs) use class. Whilst CS18 and DM8 are both robust policies, there could be a significant number of applications, particularly within the Article 4 Area, and there would be less likelihood of securing consistency of implementation, giving certainty to applicants, residents and the Council, without the SPD.
- 4.7 The second option would mean introducing either a higher or a lower threshold to inform the consideration of whether any further HMOs in an area would contribute to a mixed and sustainable community. Given the level of known HMOs across the area covered by the Article 4 Direction, partly a result of its proximity to the University, the evidence available to the Council to use in assessing levels of HMOs when considering planning applications, and the approach of other authorities, a threshold of 25% is considered to be a fair, balanced and defensible threshold. Significantly different thresholds would not be supported by the evidence and the consultation responses have not raised any material issues that have not previously been considered.
- 4.8 The third and last option would mean introducing an alternative means of measuring the area to inform the threshold of HMOs. This could either be a smaller or larger circle, based on a different radius size, or a sample not based on an area approach but a street approach. Whilst there are pros and cons to any method of measuring the radius, broadly it is considered that the radius approach is likely to be more consistent and take into account the slightly wider community. The consultation responses did not directly raise any concerns with the proposed methodology.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Residential Conversions SPD will contribute directly to promoting equality, social inclusion and a safe and healthy environment for all.
- 5.2 It could also contribute to all delivery themes of the Sustainable Community Strategy, April 2011, namely:
- People,
 - Places,
 - Prosperity.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Considerable consultation has already been undertaken with regards the Article 4 Direction as detailed in the Cabinet reports relating to the Article 4 Direction. Some responses and feedback from these consultations have been drawn upon in order to inform the approach recommended for the SPD.

- 6.2 13 representations were received as a result of consultation on the Draft Residential Conversions Supplementary Planning Document. The consultation period ran from 15th May 2013 to 12th September 2013 and formed a part of the wider Council consultation, 'Let's Talk Housing, Private Sector Housing'. This wider consultation involved a range of events at which there were further opportunities to discuss the SPD as part of a co-ordinated approach to Private Sector Housing. An exhibition relating to the SPD was held on Monday 3rd June at the Hamilton Centre on Bulmershe Road.
- 6.3 Local residents already on the Council's consultation list, Neighbourhood Action Groups, the University of Reading, Landlord Associations, neighbouring authorities and other internal departments were included in the formal consultation about this SPD, summarised in the Statement of Community Involvement, see Appendix 1. The consultation was carried out in accordance with the Council's Statement of Community Involvement.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 In taking the decision to produce a Residential Conversions SPD, the Council has had regard to the general equality duty imposed by the Equality Act 2010. This requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation etc.; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and to foster good relations between people who share a relevant protected characteristic and those who do not.
- 7.2 The Council has carried out an equality impact assessment, and considers that the production of the SPD itself does not have a direct impact on any groups with protected characteristics. It is intended that the SPD will be used as part of the assessment of planning applications for residential conversions assessed against policies DM8 and CS18. These policies and the SPD will also be used to assess applications required as a result of the HMO Article 4 Direction. Given the introduction of the threshold for levels of HMOs within that area through the Residential Conversions SPD, the SPD may have a potential impact on people with a protected characteristic (age) in that the area and type of housing affected by the direction is typically occupied by young students. It is considered however that the effect of the direction will promote good relations between people who do not share the protected characteristic (age) and those who do, in that it is likely to result in a more balanced and mixed community.

8. LEGAL IMPLICATIONS

- 8.1 Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the requirements for consulting on draft Supplementary Planning Documents. Regulation 12 specifies that the period for making representations should be a minimum of four weeks. The production of and consultation on the SPD are in compliance with the requirements under the Regulations.

9. FINANCIAL IMPLICATIONS

- 9.1 The work undertaken on drafting the documents and the expenditure on community engagement has been, and will continue to be, funded from existing budgets.
- 9.2 Whilst there are no other direct revenue or financial implications arising from this report, as set out previously in the Cabinet reports relating to the Article 4 Direction for small HMOs (referenced in the Background Papers), planning applications submitted solely because of an Article 4 Direction are not subject to any fee and the whole cost of considering and determining such applications therefore falls to the local planning authority.

Value for Money

- 9.3 The contents of the SPD provide clear and consistent interpretation of policy for assessing applications for residential conversions, which will bring valuable benefits to Reading. This will be evident in terms of ensuring any residential conversions that are granted are appropriate in terms of both the area and in terms of residential amenity and additionally enabling any negative planning implications of concentrations of HMOs to be managed and assessed against relevant planning policy. Where applications are required, residents will also have the opportunity to comment on applications.

Risk Assessment

- 9.4 There are no direct financial risks associated with the report. However, there are indirect risks given the links between this SPD and the Article 4 Direction for small HMOs which will come into force on 16 May 2013. These risks were initially set out in the Report plus Appendices put to Cabinet on 12 March 2012 entitled, 'Implementation of Article 4 Direction Relating to Houses in Multiple Occupation (C4 Use)'. They are also reiterated again below.
- 9.5 As the Article 4 Direction has now come into force, a planning application now needs to be submitted to convert a property from a C3 dwellinghouse to a C4 HMO. Planning applications submitted solely because of an Article 4 Direction are not subject to any fee and the whole cost of considering and determining such applications therefore falls to the local planning authority.
- 9.6 This Direction has brought and is likely to continue to bring to light potentially unauthorised HMOs. Investigation of these enforcement enquiries is placing an additional burden on the authority's enforcement function. Owners of properties falling into this category may decide to apply for a certificate of lawfulness rather than planning permission depending on when the change of use to an HMO took place. Again, the Certificate of Lawfulness would not be subject to any fee.
- 9.7 Additionally, depending on the resources available to assess the threshold approach, any application could be resource intensive in terms of the time taken to assess and determine it. The potential resource implications of researching and implementing the policy has been a consideration in determining the proposed approach.
- 9.8 The increase in workload needs to continue to be carefully monitored and the resource implications continue to be considered to deal with the increase in enforcement workload. Alternatively, the increase in workload could be accommodated through reconsidering the Planning Section's other priorities.

10. BACKGROUND PAPERS

- Report put to Cabinet 15 April 2013 entitled, 'Residential Conversions Draft Supplementary Planning Document'.
- Report plus Appendices put to Cabinet on 12 March 2012 entitled, 'Implementation of Article 4 Direction Relating to Houses in Multiple Occupation (C4 Use)'.
- Decision Book Report, Issue 390 dated 4 May 2012, entitled 'Neighbour Notification Procedure of Article 4 Direction Relating to Houses in Multiple Occupation (C4 Use)'
- Report put to Cabinet on 1 October 2012 entitled, 'Confirmation of Article 4 Direction relating to Houses in Multiple Occupation'
- Reading Borough Local Development Framework Core Strategy 2008
- Sites and Detailed Policies Document, Submission Draft July 2011
- National Planning Policy Framework

STATEMENT OF CONSULTATION

Summary of Representations and Responses

Full details of the representations are available upon request and the details provided in this table should be treated as a summary only.

	Customer details	Summary of content	Recommended response
1	Peter Scott	<p>Support</p> <p>The threshold is welcomed as it would mitigate several current problems in our area relating to parking, litter, landlords extending properties eroding the character of the conservation area and the quality of the local environment.</p>	<p>Noted, no change needed.</p>
2	Michael and Charlotte Fulford	<p>Support with reservations</p> <p>We welcome the proposals to seek to prevent future high density of HMOs and the negative impact this can have on local streets and communities. We welcome the proposed standards to govern the quality of such accommodation for the tenants and the way the accommodation impacts the surrounding area.</p> <p>Asked for all residents in areas with high density HMO accommodation to be made aware of this consultation.</p> <p>The threshold of 25% HMOs within 50m radius is too high and a reduction to 15% is suggested.</p> <p>The document makes no mention of how to address existing areas of high density HMOs within the borough. The areas with existing high densities have nothing to gain from these new proposals, except to remain as they are. To address this, the following suggestions have been made:</p> <ul style="list-style-type: none"> - The Council sets up a Register and Inspection system of HMOs within the Borough and of their owners. - A self financing and inspection system for HMOs which landlords will be required to register with and pay a fee for; the fee should cover the costs of running the register and inspections. - This will enable the Council to have the resources to inspect properties and ensure they meet the standards in the SPD. It would also provide an up to date database of all HMOs in the borough, a reliable picture 	<p>Noted - no change needed</p> <p>Wide public consultation was carried out running from 15th May to 12th September 2013. Full details are provided in the 20th November report to Strategic Environment Planning and Transport Committee. Resources do not allow for individual notification for this SPD to be provided to every household.</p> <p>Paragraph 5.25 to 5.29 of the draft SPD sets out the justification for the proposed threshold. This justification remains valid and no changes to this are proposed.</p> <p>Paras 5.28 states, '<i>The threshold needs to recognise that many streets are already suffering severe impacts and are no longer considered to be balanced and unsustainable, whilst also acknowledging the proximity of the university to the area covered by the HMO Article 4 Direction.</i>'</p>

		<p>of their distribution and ownership.</p> <ul style="list-style-type: none"> - Enforcement powers would back up the register and inspection system with time limits for compliance by landlords whose properties do not meet the required standards. - Existing HMOs will be given a 2-year time limit to comply with the new standards. - The Council must reduce the current density of HMOs in areas above the new threshold % by setting a time-limit on HMO status of current HMOs, via the licensing system and by requiring landlords to re-apply for planning consent once the time has expired. The time limit could be 5 years and where there is an excess of such properties, the Planning Authority will limit the number of new consents given in order that a certain proportion of dwellings are returned to single family occupation thus bringing the proportion of approved HMOs within the new threshold %. This would help restore the balance between HMO properties with short term tenancies and those in longer term residential use, to the benefit of all residents in an area. - Parking - regularly causes problems for all residents where there is insufficient on-street parking. There needs to be a requirement on landlords to include in their tenancy agreement a restriction on the number of cars associated with each property, allowing only as many as can be accommodated within the property boundary, but without damaging the boundary/ property itself. This number needs to be stipulated in the planning consent and enforced by the landlord. - In areas with a high density of HMOs and where there is no Residents Parking Scheme, a consultation with those residents in the same streets is conducted to see whether a scheme can be introduced which addresses non-HMO residents' parking needs whilst addressing over-crowding and pavement parking. - Such a consultation was carried out in Redlands Ward but not in Hamilton Road, Park Ward. - The SPD states that HMO residents would not have a right to Parking Permits so that any scheme would only have to satisfy the needs of residents in other properties. (Such a scheme in Hamilton Road would stop pavement parking, improve safety for pedestrians, reduce aggravation between citizens and improve 	<p>The planning requirements in the SPD will only apply to future applications for HMOs and cannot be applied retrospectively (this applies to time limits to comply with standards, reducing current densities of existing authorised HMOs and any other aspects sought to be applied retrospectively). Given permitted development rights and the different definitions of HMOs across different departments it is incredibly difficult to get entirely up to date and accurate information about HMOs. However, the planning department is working closely with other departments, in particular the HMO team in order to share information wherever possible ensuring that any data protection requirements are not compromised.</p> <p>Where planning permission has already been granted or in cases where planning permission was not required, it is not possible to withdraw that permission or force people to comply with planning requirements that had not previously applied. It is also not possible for the Council to retrospectively apply a time limit for existing planning permissions or for properties that previously did not require planning permission and are currently operating lawfully.</p> <p>The threshold level set in the version of the SPD for adoption seeks to ensure that mixed and sustainable communities within the area covered by the Article 4</p>
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		car access in and out of properties, allow access 24/7 for large and emergency vehicles.)	<p>Direction are secured. Where areas already exceed the threshold level (and therefore could be considered to no longer be mixed and sustainable) the threshold level will help ensure that this impact is not worsened.</p> <p>There is a process of assessing HMOs under the licensing system. Planning Enforcement is covered by separate legislation as are the funding regulations for both systems.</p> <p>Where a planning application is needed parking levels would be assessed against current policy and through consultation with the Transport Strategy team. Where appropriate, conditions are attached to planning permissions granted.</p> <p>Transport Strategy has confirmed that in the first instance they would look for the majority of residents to demonstrate support for any residents parking scheme, for example through a petition. Any consultation and subsequent residents parking scheme would seek to address the needs of all residents.</p>
3	GK Renshaw	<p>Support Support the proposal for 25% HMOs in a 50 metre radius in Park Ward.</p>	<p>Noted, no change needed.</p>
4	Peter Kayes Chair, Redlands and University Neighbourhood Action Group	<p>Support with reservations We welcome much that is proposed and in particular the elements relating to HMOs. However there are some specific proposals which we wish to challenge.</p> <p>Our primary concern relates to the proportion of properties which will</p>	<p>Noted, no change needed.</p> <p>Paragraph 5.25 to 5.29 of the draft SPD sets out the justification for the proposed threshold. This justification remains valid and no</p>

		<p>be permitted to convert to HMOs within specified areas. The use of a 50m radius appears a reasonable approach, however, a percentage as high as 25% before an application is rejected is too high and would prefer to see a figure adopted nearer to the 10% proposed in our earlier submission.</p> <p>A significant number of roads across the NAG area where the proportion of properties already converted to HMOs is in excess of 25% and a number where it exceeds 50% and this concentration is already putting a huge strain on the local communities as well as services and creating undue pressure on roadside parking space. These pressures cause an overspill into neighbouring roads where the proportion of HMOs may be lower.</p> <p>There are areas with a low concentration of HMOs or outside the 50m radius which are already being impacted upon, in terms of parking, noise levels and activity. A lower limit than the 25% is needed to prevent further adverse impact on the community as a whole. A 10% limit for properties seeking to convert would be appropriate given that these properties would be likely to constitute 20% of the residential population. This acknowledges that some roads will be well in excess of the permitted level and whilst no more conversion would be likely to be approved in these roads they already have a disproportionate impact on the wider surrounding area. A lower limit for future approvals will also help to compensate for the existing excess of existing HMOs beyond the 25% limit in these areas.</p> <p>We recognise that a proportion of HMOs are needed to support the local student population as well as others sharing accommodation in HMOs, however, the University has advised there is already a surplus of accommodation as a result of the substantial number of conversions which have taken place over the last couple of years, before the Article 4 Directions came into effect. There is no specific local demand for more properties of this type.</p>	<p>changes to this are proposed.</p> <p>The issues that have been raised have been taken into account in demonstrating the exceptional circumstances for removing permitted development rights to convert from a C3 to a C4 use by means of an Article 4 Direction.</p> <p>Where a planning application is needed parking levels would be assessed against current policy and through consultation with the Transport Strategy team. Where appropriate, conditions are attached to planning permissions granted.</p>
5	Michael Clare Crime Prevention Design Advisor	<p>Additional detail required</p> <p>Second submission of comments:</p> <p>Whilst in support of the above policy, Government have also changed permitted rights so that offices can be converted to dwellings. Whilst this is a good idea it takes away from the council the ability to look at how the change of use may affect how the building functions. Such</p>	<p>Noted, partially agreed. Minor changes proposed.</p> <p>Much of this representation concerns new build residential development, whereas the SPD is concerned with conversions of existing buildings. It is difficult for</p>

		<p>functions that need attention to detail so as to remove a fear of crime or even facilitating crime are:</p> <ol style="list-style-type: none"> 1. Communal entrances which maybe good during the day for office staff with a reception, but for dwellings with no reception / no concierge, with communal entrances tucked around a corner, can affect a feeling of safety for residents. 2. Bins stores in a semi public area, but with no natural surveillance and again tucked away, can also create a fear of crime. 3. Access control via the communal entrances if more than 10 dwellings should incorporate visual as well as audible access control. (This is the Secured by Design standard designed to help counter offenders gaining easy entrance to such developments.) 4. Postal delivery, again needs to be planned. Tradesman's buttons are not allowed on Secured by Design developments, so as to stop offenders gaining access during the day to break into flats. 5. Individual flat entrance doors off a shared corridor, need to be to internal door standard BS Pas 24:2012, so as to stop other residents or offenders gaining entrance to the block and forcing individual entrance doors to burgle the various dwellings. <p>Because of such permitted development rights I note there are a few planning applications for offices to be converted to dwellings / HMO's. Such permitted development without the above attention to detail, could mean that the new use ends up facilitating crime and make the development unsustainable.</p> <p>I would ask that the Council also consider such development on their area and include it within the Draft Residential Conversions SPD or consider an article 4 direction for Reading for such development so council has control as to how such development will function and to be able to help design out crime.</p> <p>First submission of comments: The document makes reference to:</p> <ol style="list-style-type: none"> 1. Crime and safety - mentioned at para 2.5 2. Secure cycle storage - mentioned at para 2.38 and 3. Checklist 16 - Again mentions secure cycle storage - on page 19 4. Housing Act 2004 - Housing Health and Safety Rating Scheme (para 2.52) which has as one of its 29 hazards, 	<p>the Planning system to achieve many of the requirements set out in the consultation response at this stage. Prior approval for offices to residential development does not allow for consultation of crime safety issues.</p> <p>Issues that are pertinent to this SPD are addressed below: The role and importance of design in creating safe and accessible environments is recognised in the Core Strategy policy CS7: Design and the Public Realm.</p> <p>Conditions will be attached to specific applications as appropriate regarding design and designing out crime. To highlight the importance of designing out crime, an informative, as appropriate could also be attached to any permissions granted regarding the security of curtilage buildings and achieving Part 2 of the Secured by Design award. Policy DM4: Safeguarding Amenity, refers to crime and safety. The Crime and Safety element of policy DM4 is relevant to checklist points 2, 5 and 16 in particular. A footnote will be added to checklist point 5 regarding reference to the Secured by Design Award in an informative and a point of clarification regarding crime and safety at paragraph 2.39.</p> <p>There is also a policy about sustainable design and construction in the Core Strategy (Policy CS1) which addresses how reductions in CO2 emissions would be secured, as</p>
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		<p style="text-align: center;">‘Entry by Intruder’.</p> <p>I could not see further reference to crime and safety</p> <p>Because Reading is a University town, the majority of HMO’s are for student accommodation. Home Office research shows that <i>“Students are, statistically, one of the most likely groups to fall victim to crime. Students own more expensive consumer goods per head than the rest of the population. It is no surprise then that 1 in 3 students becomes the victim of a crime each year. Added to that fact, young people (aged 16 to 24 year old) are around three times more likely to be victims of burglary than people in other age groups, which makes students all the more vulnerable.”</i></p> <p>Houses should be capable of being secured to deter against unauthorised entry. Ground floor windows and doors should be robust and fitted with adequate security locks.</p> <p>Externally, the curtilage of the property, including any garden or yard should be properly enclosed. Access to rear gardens should be restricted and be properly gated. Sheds or outbuildings should be maintained in good order and made secure. Security lighting should be fitted to provide illumination adjacent to access points and to illuminate areas that might permit concealment.</p> <p>It therefore follows that such HMO’s should have a commensurate level of physical security to deter and prevent crime so that students or other occupiers have suitable safe accommodation that helps them to study / work and successfully achieve their aims at the University. From police experience of problems of theft and burglary in HMO’s with inadequate security, the imposition of conditions regarding physical security standards could be justified.</p> <p>National sustained research proves that Secured by Design housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.</p> <p>Crime is also a generator of CO2 emissions and in England & Wales is estimated to create 12 million tonnes of CO2 emissions - equivalent to 2% of the UK’s total CO2 output. If new development is constructed to part 2 (physical security) of the Secured by Design award, not only will this reduce crime, but also reduce CO2 emissions and make the development more sustainable for its lifetime.</p>	<p>appropriate through planning applications.</p>
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		<p>I would therefore request a condition that all new dwellings built as HMOs & refurbished dwellings that are converted to HMO's will achieve part 2 of the Secured by Design award, which relates to physical security and will be confirmed to the council by Thames Valley Police.</p> <p>For existing dwellings that are converted and where the front and rear doors and window frames and individual occupants private room are not in need of replacement (if replaced should be to Secured by Design standard as per above condition), then there should be suitable locks on these items to Home Office Standards as well as other security measures.</p> <p>Again this could be conditioned.</p>	
6	Carolyn Jenkins Parks Department RBC	<p>Clarification/ amendments required</p> <p>I have looked through the draft SPD, and have the following comments on both amenity and other open space.</p> <p>2.16 I accept that central Reading developments may not meet the standards set out in 2.15. However, should you qualify your requirement for sitting-out and drying space by requiring that it is space that is not shaded for the entire day every day of the year (it may be shaded all day in winter, but one would expect some direct sunlight during the summer, if the space is to be attractive enough to actually be used).</p> <p>2.37 The Open Spaces Strategy includes the requirement that we would seek, where possible, boundary tree planting for new town centre developments in order to increase tree cover within the town centre. Could this be strengthened, not simply to protect existing green landscaping (as well as boundary walls, etc.) but to require, where possible, enhancements to existing green landscaping on road frontages?</p> <p>2.45 Refer to the draft revised Planning Obligations SPD.</p> <p>3.3 A closing bracket is missing.</p> <p>3.5 Are you saying that private space for a family-sized unit may be provided at the expense of any space at all for non family-sized units? This needs clarification.</p>	<p>Noted, minor changes proposed.</p> <p>Clarification has been added to paragraph 2.16 to state that ideally this open space should benefit from direct sunlight particularly during the summer months.</p> <p>Clarification has been added to paragraph 2.37 to set out that opportunities should be taken to enhance existing green landscaping on road frontages as part of any proposal.</p> <p>The Revised Planning Obligations SPD has now been referred to.</p> <p>The grammar and punctuation errors at paragraph 3.3, 5.17 and 5.22 have been addressed.</p> <p>Checklist point 4 relates to an appropriate level of outdoor amenity space and relates to all conversions. A sentence is proposed to be added to Paragraph 3.5 to</p>

		5.17 'data' is plural: '... Census data indicate ...'; ditto 5.22	clarify that all units should still meet the requirements of policy DM10.
7	Michael Corbett Wokingham Borough Council	<p>Concerns raised</p> <p>The Draft Residential Conversions SPD is broadly in line with Policy CC04: Sustainable Design and Construction, TB05: Housing Mix and TB07: Internal Space Standards of the MDD DPD.</p> <p>The Article 4 Direction is located in the Park Ward (of Reading Borough), which borders the Wokingham Borough parish of Earley and the wards of Bulmershe and Whitegates and Maiden Erlegh.</p> <p>It is noted by Wokingham Borough Council that there is a 50m radius in the Draft SPD for determining the 'tipping point' for house in multiple occupation (HMO) concentration, but that only those properties in Reading Borough will contribute to the assessment as to whether 25% of the nearby properties are already HMO and thus a proposal would push an area over the 'tipping point'.</p> <p>Wokingham Borough Council has concerns about the potential for cross border impacts of this and the potential to result in a proliferation of HMOs in the surrounding areas that are within the Wokingham Borough, as HMO developments may be 'pushed' out of the Article 4 Direction area and into those surrounding.</p> <p>Wokingham Borough Council is concerned about the potential for HMO developments to increase in the adjacent areas to the Article 4 Direction area in the Park ward and would recommend cooperation and coordinated working with Wokingham Borough Council on potential developments in this area as they arise.</p>	<p>Noted, no change needed.</p> <p>Wokingham Borough Council was consulted prior to the Article 4 Direction being made and was also formally consulted when the Direction was made on 16 May 2012 and did not submit comments at either of these stages.</p> <p>Where relevant, in accordance with our internal consultation procedure and to meet statutory consultation requirements, Wokingham Borough will be consulted on applications as they are submitted.</p>
8	Rupert Shute	<p>Support with additional suggestions</p> <p>Support proposed cap on HMOs of 25% in 50 metres.</p> <p>Also propose that an additional ward-cap is introduced e.g. 10%, so:</p> <ol style="list-style-type: none"> 1. Are 10% of the houses in the given ward already HMOs? 2. Within 50 meter radius are more than 25% of houses HMOs? <p>Planning permission would only be granted if the answer to both 1 and 2 is NO.</p>	<p>Noted, no changes needed.</p> <p>Paragraph 5.25 to 5.29 of the draft SPD sets out the justification for the proposed threshold. This justification remains valid and no changes to this are proposed.</p> <p>The Article 4 Direction applies to parts of Redlands, Katesgrove and Park Wards and no ward is fully</p>

			<p>covered by the Article 4 Direction, so this proposal would not tie in with the Article 4 Direction boundaries.</p> <p>Additionally, it would add an additional layer of complexity and be incredibly resource intensive (whole wards would need to be analysed) and it is not clear what/ if any benefit that this approach would be.</p>
9	Cllr Tony Jones Labour Councillor for Redlands Ward	<p>Support</p> <p>I welcome:</p> <ol style="list-style-type: none"> 1. The incorporation of the previous Planning Guidance for flat and HMO conversion into this new document dealing also with the maintenance of a mixed and sustainable community in the Article 4 areas. 2. The criteria set out for the securing of a mixed and sustainable community in the Article 4 Direction areas. I know that many other residents in Redlands will also welcome them. 3. The level of 25% for the ‘tipping point’ of concentration of HMOs as a reasonable one. 4. The radius of 50m to be used for assessment, given that part properties fall into the assessment, is also reasonable and practical. The exclusions provided for I also consider reasonable. 	Noted, no change needed.
10	Tom Lake	<p>Support</p> <p><i>Officer note: the perceived impacts of HMOs are firstly detailed in this respondent’s comments.</i></p> <p>I welcome the incorporation of the previous Planning Guidance for flat and HMO conversion into this new document dealing also with the maintenance of a mixed and sustainable community in the Article 4 areas.</p> <p>The evils of overconcentration of HMOs are well-known, are referenced in the document and have been rehearsed above. I thoroughly welcome</p>	Noted, no change needed.

		<p>the explicit and clear criteria set out for the securing of a mixed and sustainable community in the Article 4 Direction areas. I know that many other residents will also welcome it. It does not provide a halt to conversion, but it does provide for a stop to over-concentration of HMOs which will make a real contribution to our local community. The applicability of the main part of the planning document to HMO conversions will also make a good contribution to the standard and future utility of the housing stock.</p> <p>The level of 25% for the “tipping point” of concentration of HMOs is a reasonable one. Given the greater intensity of accommodation in HMOs compared to their neighbours we can see that this represents a proportion of HMO dwellers around 50% and certainly anything higher would miss the aim. The radius of 50m to be used for assessment, given that part properties fall into the assessment, is also reasonable and practical. The exclusions provided for I also consider reasonable.</p> <p>There has been some concern that in preventing further conversion in the HMO hot-spots areas that are presently entirely unaffected could be subject to HMO conversion. Certainly, the aim is to see any new HMO conversions away from the existing hot-spots. But it is worth nothing, as explained above, that streets like Alexandra Road are subject to a type of HMO conversion different to that in our Victorian terraces and that this distinction is likely to remain and apply generally throughout the Article 4 area.</p> <p>I therefore thoroughly support the proposed new planning document and commend those who have carried through so clearly and effectively the aims of much of the community in the light of real evidence from here and elsewhere. I look forward to seeing it used in practice and hope it might become a standard which others might look to in drawing up their own guidance.</p>	
11	Brian Morley	<p>Support with suggestions</p> <p>I am pleased with the proposal to limit the density of HMOs by the proposed 25% within 50m radius circles. As the density of much of the area is already greater than the proposal (tipping point has already passed) I trust that the proposal will prevent much more change in the area.</p> <p>I have some concerns to be considered in the administration of the plan:</p> <ul style="list-style-type: none"> - I am concerned about the areas where the dense housing of terrace streets backs onto less dense streets and longer back 	<p>Noted, no change needed.</p> <p>Paragraph 5.25 to 5.29 of the draft SPD sets out the justification for the proposed threshold. This justification remains valid and no changes to this are proposed.</p> <p>The issues that have been raised have been taken into account in</p>

		<p>gardens such as Eastern Avenue and Alexandra Road, and that it may lead to greater density in such areas.</p> <ul style="list-style-type: none"> - I am also concerned that changes from family houses to HMOs is still going on rapidly and would like the council to note current applications for planning permission and building regulations approval and advise that acceptance as an HMO is unlikely to be granted. The current projects should also be noted so that they can be checked as HMOs and included in calculations of density. I do not think voters register information and non council tax paying houses is sufficient for the calculation purposes. 	<p>demonstrating the exceptional circumstances for removing permitted development rights to convert from a C3 to a C4 use by means of an Article 4 Direction.</p> <p>As the planning department becomes aware of new HMOs, these will be taken into consideration in future calculations.</p> <p>Paragraphs 5.36 to 5.42 of the draft SPD set out how properties will be identified in terms of whether they are considered to be a HMO.</p> <p>For a number of reasons, as set out in paragraph 5.41, <i>'it will not be possible to guarantee a 100% accurate count in all cases...'</i>. After considerable work investigating appropriate methods to consider whether properties are in an HMO use, environmental health and Council tax information are considered to be some of the most reliable forms of information to contribute to a conclusion as to whether a property is being used as an HMO or not.</p>
12	Richard Towers	<p>Support with reservations</p> <p>My wife and I are greatly encouraged by the Council's recognition that the over concentration of HMOs in Reading has resulted in an unwelcome change in the communities most affected.</p> <p>Several issues need additional attention:</p> <ul style="list-style-type: none"> - Parking. The document goes a long way to addressing this issue but refusal of resident parking permits will only displace vehicles to streets where no permit is required. Where HMOs have small drives it is often the case that the last car home parks on the pavement. I would like to see obstructive parking classified as a breach of the permitted development right for an 	<p>Noted, partially agreed and minor change proposed.</p> <p>Where a planning application is needed parking levels would be assessed against current policy and through consultation with the Transport Strategy team. Where appropriate, conditions are attached to planning permissions granted. If Transport provision is contrary to policy, the position would be assessed as part of the application</p>

		<p>HMO. I do not consider that the proximity of a bus route and local amenities will reduce the need for parking. Young adults want their own cars and the permission for an HMO use should assume one car per bedroom and then be sure that those cars can be accommodated in the street. If they cannot be accommodated then permission should be refused.</p> <ul style="list-style-type: none"> - Bins. Many if not most occupants of HMOs prefer to leave the bins on the pavement rather than remember to put them out every week. Bin accessibility is dealt with, however, as part of permitting HMOs positive action should also ensure that bins are taken in after they are emptied and persistent failure to observe this made a breach of a permitting condition of being an HMO. The landlord would then need to ensure that his/ her tenants complied. - Estate Agents boards. Although this matter is being dealt with elsewhere, would it be possible for an HMO permit to be conditional on no estate agent's board being displayed for lettings? - Paragraph 5.17 should read, '...almost 100% higher in Reading...' It would be wrong to underplay the significance of HMO density in any way in any part of the document. - The threshold proposed in paragraphs 5.27 and 5.29 is not low enough. It is wrong to consider the threshold by reference to the areas which have the highest density. 25% is indeed much lower than the density of 40% in Redlands, but it is very nearly 600% higher than the national average. There should be an attempt to reverse this blight on many areas of Reading by reference at least to the current average of HMO dwellings in the town - i.e. 6.6%. I would really prefer to see a threshold much lower than 25%. - Enforcement. The document recognises that enforcement is difficult and costly. I have direct experience of an HMO next door to me which is occupied and advertised as being a 7 student HMO although the Council states it should be occupied by no more than 6 people. This has been ignored by the landlord and demonstrates that landlords will take advantage of a weak enforcement regime. Therefore in paragraph 5.41 where there is significant doubt as to whether a dwelling is an HMO or no, the presumption should be that it is one and it will count towards the threshold. 	<p>and a view taken as to what the outcome of the application should be. It is not reasonable, nor possible to state categorically in an SPD that an application would be refused if parking standards are not met.</p> <p>Permitted development rights are set by national not local government and are not something that could be altered through this SPD.</p> <p>Where appropriate conditions relating to bin storage could be attached to any permissions granted. Conditions cannot be attached retrospectively to address existing situations though.</p> <p>Licensing of HMOs are dealt with under separate legislation to Estate Agent's boards, which fall under Advertisement Consent regulations and fall outside the scope of this SPD.</p> <p>Paragraph 5.17 has been altered to read '<i>This figure is just over 80% higher...</i>'</p> <p>Paragraph 5.25 to 5.29 of the draft SPD sets out the justification for the proposed threshold. This justification remains valid and no changes to this are proposed.</p> <p>The issues that have been raised have been taken into account in demonstrating the exceptional circumstances for removing permitted development rights to convert from a C3 to a C4 use by</p>
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			<p>means of an Article 4 Direction.</p> <p>The Council's adopted Planning Enforcement Policy is set out on the Councils website at www.reading.gov.uk.</p> <p>The Council must have a reasonable approach in terms of how HMOs are considered and the existing approach as set out at paragraph 5.41 is considered reasonable and therefore no changes are proposed.</p>
13	Martine Naughton	<p>Support broad principles but concern over some elements</p> <p>We live on Hamilton Road and the impact of HMOs on our street is very clear when comparing the north and south of the street.</p> <p>At the Cemetery Junction end of our street, the majority of housing is of HMOs which conflicts with a number of the checklist points on the consultation document and certainly exceeds the 25% density in a 50m radius.</p> <p>Checklist points in conflict are: Checkpoint 1 - Driveways have been concreted over to create minimal parking (but not enough for the number of residents).</p> <p>Checkpoint 13 - Parking is not sufficient on the road for the number of people living in the street and significantly more cars are parked at the end of the street with HMOs as there is not sufficient off-road parking.</p> <p>Checkpoint 17 - Bins of the HMOs are placed close to the pavement and stored in prominent places in front of the houses. There is insufficient capacity in bins for the number of people living per property and so they overflow. On bin day the bins block the pavements even more than the cars.</p> <p>Checkpoint 20 - Enforcement notices. Several properties on Hamilton Road have caused conflict because they have been modified for HMO use but the landlords have carried out the modification work first and contacted the council for 'retrospective planning permission' once they have tenants and thus an income. Tenants can live in the properties for</p>	<p>Noted, partially agreed, minor change proposed</p> <p>The requirements of the SPD will not apply retrospectively, they will however, be taken into consideration in the determination of future planning applications.</p> <p>The restrictions for satellite dishes and television aerials are covered by permitted development rights. Additional wording added to paragraphs 2.3 and 2.6 of the version of the SPD for adoption to confirm that where satellite dishes and television aerials require planning permission, they should be located to respect the character of the property as much as possible, particularly in conservation areas.</p> <p>The Council's adopted Planning Enforcement Policy is set out on the Councils website at www.reading.gov.uk.</p> <p>The resource implications that the SPD raises are considered in the</p>

		<p>months/ years before anything is done about them.</p> <p>Finally there isn't anything relating to satellite dishes, the number of TV aerials on a property, or the location of these transmitters on a property. The end of the street demonstrates many of these conflicting with Conservation Area rules in Park.</p> <p>Our biggest concern is that the Council do not appear to have the money in order to carry out legal action against anyone who does not meet with planning rules and regulation.</p> <p>Without the resources to enforce planning control, how will the council enforce the checkpoints? What can be done about the landlords that submit planning applications, withdraw them when they meet with conflict, only to see them submitted again, delaying any resolution for months or years?</p> <p>In summary, in theory I agree with some sort of density of HMOs and 25% per 50 metres would be a good start (although I would prefer it to be less) but I don't see how the council will be able to enforce any measures whatever ratios are decided upon if, as we were advised they are under resourced financially.</p>	<p>'Risk Assessment' part of the committee report. Re-evaluating the resource implications will not alter the ability of landlords to withdraw applications once submitted.</p> <p>Paragraph 5.25 to 5.29 of the draft SPD sets out the justification for the proposed threshold. This justification remains valid and no changes to this are proposed.</p>
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DRAFT

RESIDENTIAL CONVERSIONS

SUPPLEMENTARY PLANNING DOCUMENT

Conversion of Properties to Self-Contained Flats or for Multiple
Occupation



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'Checklist' for consideration of residential conversions applications

Note: Policies with the prefix 'CS' are adopted Core Strategy policies and policies with the prefix 'DM' are adopted Sites and Detailed Policies Document policies.

Checklist 1	(CS18, DM8): Any external alterations must be carried out sympathetically, respecting the physical character of the area.	
Checklist 2	(DM4, DM9, DM10): Extensions must achieve acceptable residential amenity for existing and new occupiers plus respect the character of the existing house and area ensuring outside amenity space is not unacceptably reduced.	
Checklist 3	(DM8): Any residential conversion must contribute to achieving an appropriately mixed and sustainable community by providing an acceptable housing mix, ensuring that, as appropriate, single family housing remains the dominant form of dwelling in the vicinity of the application and ensuring there is not a detrimental impact on the physical character of the area.	
Checklist 4	(DM10): An appropriate level of private outdoor space will be expected.	
Checklist 5	(DM4, DM8): Issues such as those below need to be taken into account in any residential conversions application: <ul style="list-style-type: none"> • privacy and overlooking, • access to sunlight and daylight, • visual dominance and overbearing effects of a development, • noise and disturbance, • crime and safety. 	
Checklist 6	(DM8): The property to be converted to a flat or large HMO should have four or more bedrooms or measure more than 120 square metres gross. When calculating the floor area of the property the measurement should be based on the external dimensions as at 1 st July 1948 or when built (whichever is the later).	
Checklist 7	The Local Planning Authority will consider applications for house conversions including both HMOs and flats against the Council's adopted minimum internal floorspace standards as set out at Appendix 1.	
Checklist 8	(DM4, DM8): It will be necessary to ensure appropriate sound insulation between proposed and neighbouring units before a converted property is occupied.	
Checklist 9	(DM4, DM8): Proposed layouts should avoid locating living rooms, bathrooms and kitchens next to, above, or below	

	proposed and neighbouring bedrooms. Instead, the ‘stacking’ of rooms of a similar type is preferable.	
Checklist 10	(DM4, DM8): Habitable rooms, such as living rooms and bedrooms, should benefit from an external window. The provision of natural light and ventilation is a legal requirement under Environmental Health legislation.	
Checklist 11	(DM4, DM8): Proposals for self-contained units, solely within a basement, will normally be permitted where this unit would benefit from dual aspect*, an acceptable outlook** and sufficient headroom***.	
Checklist 12	(DM8): Proposals which seek to convert attic/ loft space will normally be permitted where the attic/loft space would benefit from sufficient headroom and is incorporated into a self-contained unit which is split over two floors of accommodation.	
Checklist 13	(CS18, CS24): Parking standards for all residential conversions should be in accordance with the Council’s adopted ‘Revised Parking Standards and Design’ (2011) SPD.	
Checklist 14	HMOs located within a street where a residents’ parking permit scheme operates will not be entitled to on-street car parking permits. The same restrictions may apply to new flats in such streets, see the ‘Revised Parking Standards and Design’ SPD.	
Checklist 15	(CS7, CS18, DM8, DM9): Removal of boundary treatment to accommodate parking or access to parking will not be permitted where it makes a valuable contribution to the character of the area.	
Checklist 16	(CS24, DM4, DM8): The provision of outdoor cycle storage should have a secure, covered and convenient location. The storage area should be lockable with provision to secure bicycles within it.	
Checklist 17	(CS18, DM8): Sufficient and suitable refuse containers should be provided within the curtilage of the application building which are easily accessible for all occupants of the house and the refuse collectors and ensuring they are sympathetically located with regard to their visual impact.	
Checklist 18	(CS5): Where possible, a level access from the public highway to the building’s principal entrance should be provided or retained.	
Checklist 19	(CS9, CS16, CS20, CS29, DM3, DM6): Developers should compensate for loss or damage created by a development and mitigate any impact caused. A planning obligation to secure a financial or other contribution towards physical or social infrastructure improvements may be sought.	

Checklist 20	The Council can serve an Enforcement Notice where conversion works have been carried out without planning permission. This action can result in the unauthorised works being removed (or the unauthorised use discontinued) and the building/ use being reinstated. Non-compliance with the provisions of an enforcement notice constitutes a criminal offence.	
Checklist 21	Early discussions with a Building Control Officer will improve the internal layout of the scheme and may avoid the need for external fire-escapes (which may require planning permission in their own right).	
Checklist 22	The HMO team should be contacted about Environmental Health matters.	
Checklist 23	(DM8): At least one unit of accommodation created should be suitable for family occupation with a minimum of two bedrooms.	
Checklist 24	Where a proposal incorporates a family sized unit, that unit should have direct access to a useable area of private, rather than communal, garden space.	
Checklist 25	(DM8): A standard of one communal room for every 4-6 bedrooms (depending on the size of the bedroom) will be provided, which will have acceptable amenity standards and appropriate access for all residents.	
Checklist 26	(DM8): A proper agreement may be required to ensure acceptable management of all communal parts of the HMO.	

**A unit with dual aspect is one which provides residents with an outlook in two different directions.*

*** An acceptable outlook is one that, for example, provides residents with a view of a garden area and/ or the sky and is not restricted to narrow light wells and associated retaining walls.*

****There is no statutory minimum requirement for ceiling heights, although Building Regulations requires a 2.0 metres headroom clearance for staircases. It is, nevertheless, generally recommended that residential accommodation should have a 'good practice' minimum floor to ceiling height of 2.15 metres. This standard will be applied to the principal rooms of accommodation, which include kitchens, bathrooms and living rooms. This will prevent cramped residential accommodation.*

RESIDENTIAL CONVERSIONS SUPPLEMENTARY PLANNING DOCUMENT

1.0 INTRODUCTION

Background

- 1.1 Residential conversions have an important role to play in housing land supply in Reading. The subdivision of large houses has often enabled renovation and affordable maintenance of properties. Conversion to flats and houses in multiple occupation has also added a valuable supply of reasonably affordable private rented accommodation, meeting a need in the market. The Council's Housing Strategy 2009-2014 notes that the private rented sector is a very important part of the housing market in Reading.
- 1.2 However, in some circumstances, residential conversions have proved unsatisfactory, providing poor or inadequate accommodation for tenants and leading to problems and issues for adjoining residents and for wider local areas. The significant loss of family housing can erode the character of an area through insensitive individual conversions and the cumulative impacts of physical changes to properties as a result of such use. Additionally, conversions, either individually or cumulatively, can have a harmful impact on the character of the area through unduly diluting mixed and sustainable communities. Conversely, in locations with already high numbers of flats or houses in multiple occupation, conversions to single family housing could help create a more mixed and sustainable community.
- 1.3 Whilst the Housing Strategy seeks to continue to develop a healthy private rented sector, this must be undertaken in a manner that minimises the potential adverse impacts that high concentrations of conversions and intensification of use can bring to areas of the Borough.
- 1.4 For the purposes of this SPD, residential conversions are considered to include flats and houses in multiple occupation (HMOs), which are sub-divided into small and large HMOs. A definition for both flats and the two types of HMO is set out below.

Definitions and Permitted Development Rights

- 1.5 - **Flat:** Is a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally.

- 1.6 There are two types of HMO referred to for planning purposes and throughout this document. These are defined below:
- **C4 HMO (or small HMO):** Broadly a property which is occupied by 3-6 unrelated individuals, who share one or more basic amenities¹.
 - **Sui Generis HMO (or large HMO):** If there are more than 6 unrelated individuals sharing one or more basic amenity, it is likely to be classed as a 'large HMO' falling outside Use Class C4 and classed as sui generis.
- 1.7 Note: The Environmental Health, Council Tax and Building Control departments operate under different legislation and requirements and their definition of an HMO may not be entirely consistent with the planning definition. Therefore individual departments should be contacted with regards their specific legislation and requirements.
- 1.8 Permitted development rights under Part 1 of the General Permitted Development Order (GPDO) apply to dwellinghouses (flats or buildings containing flats are excluded). A dwellinghouse is considered to be a house occupied by a single person, or people regarded as forming a single household (basically a family); a house occupied by up to 6 residents living as a single household and receiving care (e.g. supported housing); or certain other limited cases (e.g. small religious communities, or owners residing with up to two lodgers).
- 1.9 Houses occupied by unrelated people are considered to be 'houses in multiple occupation' and, depending on the number of occupants, are likely either to fall within the C4 Use Class, or to be outside the Use Class altogether. **In either case, houses in multiple occupation are not considered to be in use as dwellinghouses for the purposes of the GPDO i.e. they will not have permitted development rights under Part 1.** An application for a certificate of lawfulness may be advisable in order to establish what is the lawful use of the property, and whether or not permitted development rights are available.

Policy Background

- 1.10 Since the existing Supplementary Planning Guidance on 'House Conversions and Houses in Multiple Occupation' was adopted in September 2003, there have been several significant changes to national legislation. Reading Borough Council has also adopted its suite of Local Development Framework Documents, which include up-to-date policies covering such conversions.
- 1.11 Of particular note are policy CS18: Residential Conversions of the Core Strategy and policy DM8: Residential Conversions of the Sites and Detailed Policies

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) confirms that, 'For the purposes of Class C4 a 'house in multiple occupation' does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004'.

Document (SDPD). Policy CS18 sets out the strategic approach to converting residential properties into self-contained flats or for multiple occupation, covering aspects such as impact on the amenity and character of the area, loss of privacy, ensuring adequate car parking etc.

- 1.12 Policy DM8 sets out additional detailed matters for consideration of all types of conversions, self-contained flats and sui generis HMOs (i.e. those which already required planning permission before the C4 Use Class was introduced, typically those housing more than 6 unrelated persons.) This includes for example, unduly diluting or harming an existing mixed and sustainable community, minimum size for converting properties to flats or 'sui generis' HMOs and to ensure that 'sui generis' HMOs have an appropriate balance between communal and private areas.
- 1.13 With regard to HMOs within Reading, in particular, evidence demonstrated that in an area around the University, incorporating parts of Redlands, Park and Katesgrove wards, there were exceptional circumstances and strong justification for the removal of permitted development rights for converting from a house to a small HMO. Planning permission is now required to convert from a house to a small HMO within a defined area and from a house to a large HMO in any part of the Borough.
- 1.14 Adopted policies covering all residential conversions plus the introduction of the Article 4 Direction for HMOs together aim to find the right balance between:
 - Making a contribution towards identified housing needs;
 - Ensuring adequate standards of accommodation, which are suited to the needs of the growing number of smaller households;
 - Protecting existing residential amenity;
 - Providing acceptable levels of on-site amenity space and car parking;
 - Ensuring a mixed and sustainable community; and
 - Maintaining the supply of single family housing.

Purpose and structure of the SPD

- 1.15 This draft SPD is split into two sections; the first (Section A) deals with conversion of properties into self-contained flats or for multiple occupation, including both small (C4) HMOs and larger (sui generis) HMOs. The second section (Section B) will focus on how applications that are required as a result of the 'Article 4 Direction' that came into force on 16th May 2013, will be assessed. The Article 4 Direction removes permitted development rights to convert from a dwellinghouse (C3 use) to a small house in multiple occupation (C4 use) in parts of Redlands, Katesgrove and Park Wards. It should be noted that applications required as a result of the Article 4 Direction will also be considered under Section A of the SPD.

Weight of this SPD

- 1.16 As an adopted supplementary planning document (SPD), this document is a material consideration in the determination of planning applications. This guidance supersedes the previous 'House Conversions and Houses in Multiple Occupation' Supplementary Planning Guidance adopted on 22 September 2003.

SECTION A: GENERAL ASSESSMENT OF ALL CONVERSIONS

2.0 ALL CONVERSIONS

- 2.1 This part should be used in the assessment of any application for a residential conversion and in particular provides detail on the interpretation of policy CS18: Residential Conversions of the Core Strategy and DM8: Residential Conversions in the Sites and Detailed Policies Document. Some parts of the document also draw on other policy requirements, and these are referenced as appropriate. Policies with the prefix 'CS' are adopted Core Strategy policies and policies with the prefix 'DM' are adopted Sites and Detailed Policies Document policies.

Physical character of the area

- 2.2 A report by Ecotec that was commissioned by the Government entitled "Evidence Gathering - Housing in Multiple Occupation and Possible Planning Responses" (CLG, 2008)² found that the poor management of rented HMO accommodation can lead to amenity and character issues which directly affect a local community. These issues can include: poor refuse management; on-street parking pressure; noise and anti-social behaviour; high property turnover; neglected gardens and lack of maintenance to housing stock. These issues tend to be exacerbated where there is a high concentration of HMOs.

External alterations

- 2.3 Many house conversions affect the outside appearance of a property. External alterations may include the removal of boundary treatment and landscaping along the frontage to accommodate bin storage, cycle storage or additional parking or facilitate access to an enlarged or altered parking area. Satellite dishes and television aerials may also be added to external elevations. Where these require planning permission, they may also be considered under this Section.

Checklist 1 (CS18, DM8): Any external alterations must be carried out sympathetically, respecting the physical character of the area.

External alterations including Extensions

- 2.4 Conversions should normally be carried out within the existing shell of the building, but where external alterations, including an extension is proposed the details will be assessed against the Council's adopted policies, in particular policy DM4: Safeguarding Amenity and DM9: House Extensions and Ancillary Accommodation of the Sites and Detailed Policies Document, plus SPG, 'A Design Guide to House Extensions'.

² www.communities.gov.uk/publications/planningandbuilding/evidencegatheringresearch

- 2.5 Policy DM4 highlights the need to ensure proposals do not have a detrimental impact to the living environment of existing or new residents taking into account issues such as
- privacy and overlooking,
 - access to sunlight and daylight,
 - visual dominance and overbearing effects of a development,
 - noise and disturbance,
 - crime and safety.
- 2.6 Policy DM9 emphasises the need to respect the character of the house in terms of scale, location, materials and design, plus the character and pattern of neighbouring properties. The location of satellite dishes and television aerials should be located to have minimum visual impact and respect the character of the house as much as possible, particularly in conservation areas.
- 2.7 Additionally, Policy DM10: Private and Communal Outdoor Space explains that house extensions should not reduce the amount of amenity space for the property to an unacceptable degree.

Checklist 2 (DM4, DM9, DM10): Extensions must achieve acceptable residential amenity for existing and new occupiers plus respect the character of the existing house and area ensuring outside amenity space is not unacceptably reduced.

Mixed and sustainable community

- 2.8 Note: this criteria should be taken into account for any residential conversion. Where the residential conversion relates to the creation of an HMO within the area covered by the Article 4 Direction for HMOs, section 2 of this SPD provides additional detail on how such applications will be considered.
- 2.9 It is recognised that residential conversions have an important role to play in housing land supply in Reading with the subdivision of large houses providing a valuable supply of reasonably affordable private rented accommodation. However, the significant loss of family housing can erode the character of an area and either individually or cumulatively, can have a harmful impact on the character of the area through unduly diluting mixed and sustainable communities, as set out in more detail in the supporting text to policy DM8: Residential Conversions.
- 2.10 In certain parts of the Borough, there are high concentrations of flat conversions and houses in multiple occupation, in part reflecting the very high student population which is especially prevalent around the universities. In the vicinity of the universities, a high proportion of the housing accommodates students. Given that they are predominantly present during term time only, it can leave some roads and areas feeling quite dormant at other times, adding to the problems and issues arising from failing to achieve a mixed and sustainable community.
- 2.11 In order to achieve an appropriate mixed and sustainable community that respects the physical character of the area, any residential conversion must demonstrate:

- How it will contribute to an acceptable housing mix, taking into account the thrust of policy DM5: Housing Mix even where less than 10 dwellings are proposed and policy RC9: Living in the Centre as appropriate.
- That single family housing would remain the dominant form of dwelling within the vicinity of the application.
- That there would not be an undesirable intensification of the use of the property which cumulatively, in addition to other conversions, may impact on the physical character of the area.

Checklist 3 (DM8): Any residential conversion must contribute to achieving an appropriately mixed and sustainable community by providing an acceptable housing mix, ensuring that, as appropriate, single family housing remains the dominant form of dwelling in the vicinity of the application and ensuring there is not a detrimental impact on the physical character of the area.

Useable Outdoor Amenity Space

- 2.12 The provision of outdoor amenity space can make a vital contribution to a high quality of life, it benefits occupants (in terms of outlook and amenity) and maintains space between buildings. Policy DM10: Private and Communal Outdoor Space and the supporting text sets out the standards that will be considered acceptable when considering applications.
- 2.13 Policy DM10 sets out that houses will be provided with private outdoor space whereas flats may be provided with communal outdoor space, balconies and/ or roof gardens.
- 2.14 When considering HMOs an equivalent level to a house will be considered appropriate, in that the useable private outdoor space should be no less than the gross floor area of the dwelling to which it relates (measured externally and including garage space).
- 2.15 Flats outside central Reading will be expected to provide:
- For 1 and 2-bedroom flats: 25sqm per flat;
 - For 3 or more bedroom flats: 40sqm per flat.
- 2.16 Development in central Reading will not always be expected to comply with the standards above. Open space is nonetheless required, unless exceptional circumstances prevail, to accommodate modest sitting out areas and clothes drying facilities. Ideally this open space should benefit from direct sunlight particularly during the summer months.
- 2.17 Where amenity space can be provided for non-family units it should be conveniently accessible. The Council recognises that not all residents, will, however, want to own and/ or maintain an area of private amenity space. Where a communal area is provided, there may be problems with its maintenance if there is

not a sense of ownership by residents. The Council is committed to ensuring that outdoor amenity space, where provided, is accessible and put to ‘best use’.

Checklist 4 (DM10): An appropriate level of private outdoor space will be expected.

Note: Checklist point 10 should also be referred to in the case of flat conversions.

Intensification of activity and safeguarding amenity

2.18 Adopted policy DM4: Safeguarding Amenity recognises that development must be designed so that an acceptable living environment for both existing and new residents is provided. Without careful planning, an intensified use of a building may result in a poor standard of development and may harm the residential amenity of both prospective occupants and nearby residents. When considering an application for conversion:

Checklist 5 (DM4, DM8): Issues such as those below need to be taken into account in any residential conversions application:

- privacy and overlooking,
- access to sunlight and daylight,
- visual dominance and overbearing effects of a development,
- noise and disturbance,
- crime and safety³.

Minimum size of property (maintaining family supply of housing)

2.19 The Council’s policies seek to deliver appropriate residential conversions whilst maintaining a supply of family housing and protecting the character and amenity of the surrounding area. In this regard properties must be a minimum size as detailed below in order for a conversion to a flat or large HMO to be considered acceptable.

Checklist 6 (DM8): The property to be converted to a flat or large HMO should have four or more bedrooms⁴ or measure more than 120 square metres gross. When calculating the floor area of the property the measurement should be based on the external dimensions as at 1st July 1948 or when built (whichever is the later).

Minimum internal floorspace standards and headroom

³ Where appropriate, an informative could be added to any permission granted to draw the applicant’s attention to Part 2 of the Secured by Design, which is a minimum standard for security.

⁴ ‘Four or more bedrooms’ means the original number of bedrooms in the property as built i.e. bedrooms that are a result of extensions or using ground floor rooms intended as reception rooms cannot be used to be counted as bedrooms for the purposes of checklist 6.

- 2.20 Adopted SDPD policy DM8 recognises that, without careful planning, an intensified use of a building may result in a poor standard of development and may harm the residential amenity of prospective occupants and neighbours.
- 2.21 House conversions can be more successful when they alter the existing property as little as possible. This is particularly the case for applications involving a listed building, where the Council will seek to conserve and where appropriate enhance the internal and external parts of the building in accordance with the NPPF and policy CS33: Protection and Enhancement of the Historic Environment.

Internal Floorspace Standards

- 2.22 The Council has adopted minimum internal floorspace standards relating to house conversions and HMOs. See Appendix 1.

Checklist 7: The Local Planning Authority will consider applications for house conversions including both HMOs and flats against the Council's adopted minimum internal floorspace standards as set out at Appendix 1.

- 2.23 There may be situations where a room meets the minimum floor area but is not suitable due to its shape or ceiling height. When measuring a unit's floorspace only the useable space* will be considered. Planning permission will be refused for schemes where the accommodation is so inadequate that it cannot function satisfactorily as a viable living unit.

**'Useable space', in this instance, refers to that part of the proposed unit where the occupant can comfortably move about.*

Noise and disturbance

Checklist 8 (DM4, DM8): It will be necessary to ensure appropriate sound insulation between proposed and neighbouring units before a converted property is occupied.

- 2.24 Such works are likely to be required by way of condition attached to any planning permission issued, and a minimum standard of sound insulation is also required under the Building Regulations. Failure to adequately sound-proof conversions when built could lead to complaints, which may result in action under the Environmental Protection Act (1990) (as amended).
- 2.25 In accordance with Building Regulations entrance lobbies should be provided for each flat so that entry is not achieved directly into a living room from a flight of communal stairs. Adequate ventilation and daylight must be available to all rooms.

Stacking and location of rooms and sound insulation

2.26 When considering a conversion the impact from noise and disturbance, in terms of the number and layout of units proposed and the proximity of the property to other residential properties, will need to be addressed.

Checklist 9 (DM4, DM8): Proposed layouts should avoid locating living rooms, bathrooms and kitchens next to, above, or below proposed and neighbouring bedrooms. Instead, the 'stacking' of rooms of a similar type is preferable.

Checklist 10 (DM4, DM8): Habitable rooms, such as living rooms and bedrooms, should benefit from an external window. The provision of natural light and ventilation is a legal requirement under Environmental Health legislation.

2.27 These requirements will often be secured through Building Regulations and Environmental Health legislation and, therefore, pre-application discussion with a Building Control and Environmental Health Officer is advised.

Basements

2.28 A large proportion of Reading's existing housing stock, particularly within the town centre, is terraced. Those units that are, in principle, capable of being converted often contain a basement level. However, not all basements are suitable for conversion to a separate unit of living accommodation. In terms of daylight provision, outlook and headroom the basement level is often deficient. There are no adopted standards relating specifically to basements, but a planning judgement will be made as to the suitability of the accommodation proposed.

Checklist 11 (DM4, DM8): Proposals for self-contained units solely within a basement will normally be permitted where this unit would benefit from dual aspect*, an acceptable outlook and sufficient headroom***.**

**A unit with dual aspect is one which provides residents with an outlook in two different directions.*

*** An acceptable outlook is one that, for example, provides residents with a view of a garden area and/ or the sky and is not restricted to narrow light wells and associated retaining walls.*

****There is no statutory minimum requirement for ceiling heights, although Building Regulations requires a 2.0 metres headroom clearance for staircases. It is, nevertheless, generally recommended that residential accommodation should have a 'good practice' minimum floor to ceiling height of 2.15 metres. This standard will be applied to the principal rooms of accommodation, which include kitchens, bathrooms and living rooms. This will prevent cramped residential accommodation.*

2.29 When a basement is proposed for conversion the application should be supported by drawings of the building in section.

Loft/ attic accommodation

- 2.30 The Local Planning Authority recognises that attic accommodation can provide a valuable housing resource. It is, however, evident that many attics are not suitable for conversion to a separate unit of residential accommodation as they often result in a cramped form of living space. The addition of dormer windows may not be a suitable solution to providing additional headroom and useable space.

Checklist 12 (DM8): Proposals which seek to convert attic/ loft space will normally be permitted where the attic/loft space would benefit from sufficient headroom and is incorporated into a self-contained unit which is split over two floors of accommodation.

- 2.31 In larger properties the conversion of an existing attic space to self-contained living accommodation may be acceptable when adequate headroom and useable space can be provided. When an attic is proposed for conversion the application should be supported by drawings of the building in section.
- 2.32 The use of dormer windows to accommodate additional headroom should be sensitively designed so as not to dominate the roof. Applications will be considered against the criteria contained in the adopted Sites and Detailed Policies Document, policy DM9: House Extensions and Ancillary Accommodation plus the Council's SPG on House Extensions and where relevant, policy CS33: Protection and Enhancement of the Historic Environment. In some cases, a double glazed roof-light may be a more acceptable alternative to a dormer window.

Location of adequate on-site parking

- 2.33 The Council's parking standards are set out in the adopted SPD 'Revised Parking Standards and Design'. This document sets out the required parking standards across the Borough. The urban nature of Reading, coupled with good alternatives to the private car provide an ideal base to create a zonal system for parking standards. The principle is that developments located close to public transport and local centres will require less parking than equivalent developments in less sustainable areas of the Borough.
- 2.34 The table for Residential Parking Provision on page 15 of the 'Revised Parking Standards and Design' SPD sets out the required parking levels for all types of residential development, including C3, C4 and Sui Generis HMOs in all of the four zones in Reading Borough.

Checklist 13 (CS18, CS24): Parking standards for all residential conversions should be in accordance with the Council's adopted 'Revised Parking Standards and Design' (2011) SPD.

Parking permits

- 2.35 Residents parking schemes operate in many streets within the Borough. The Reading Borough website provides information on the streets involved plus other relevant information at www.reading.gov.uk/transportandstreets/parking/residentsparkingscheme/
- 2.36 In considering applications for residential conversions, where there is already competition for on-street parking space, it is likely that the issue of residents' parking permits to the occupants of new flats will not be possible. The 'Revised Parking Standards and Design' SPD clarifies that occupiers of houses in multiple occupation will not be entitled to on-street car parking permits. An informative will be attached to planning permissions in these cases.

Checklist 14: HMOs located within a street where a residents' parking permit scheme operates will not be entitled to on-street car parking permits. The same restrictions may apply to new flats in such streets, see the 'Revised Parking Standards and Design' SPD.

- 2.37 Where a site is providing off-street car parking, the laying of hardstanding will only be considered acceptable where it is in keeping with the character of the area. Similarly, if access to off-street car parking is dependent on the removal of boundary walls or other boundary treatment this will not be considered acceptable where the boundary treatment makes a valuable contribution to the character of the area. Proposals which result in the loss of existing green landscaping ~~which that~~ currently makes a valuable contribution to the streetscene, such as boundary hedging and planting, will not normally be permitted. Opportunities should be taken to enhance existing green landscaping on road frontages as part of any proposal. Also see the 'external alterations' section of the SPD.

Checklist 15 (CS7, CS18, DM8, DM9): Removal of boundary treatment to accommodate parking or access to parking will not be permitted where it makes a valuable contribution to the character of the area.

Cycle storage

- 2.38 The provision of cycle parking must be considered essential for most developments. The quality of any cycle parking should reflect the likely usage with more secure systems being used for longer term storage such as within residential developments. Standards for cycle parking should be applied as minimum standards and reflect the potential for cycling.
- 2.39 Cycle parking and storage facilities should be designed with consideration for the following objectives:
- Conveniently located in relation to the trip origin and destination;
 - Where the cycle can be easily secured;
 - Secure cycle storage, to contribute to designing out crime;
 - Covered.

Checklist 16 (CS24, DM4, DM8): The provision of outdoor cycle storage should have a secure, covered and convenient location. The storage area should be lockable with provision to secure bicycles within it.

Bin storage

Checklist 17 (CS18, DM8): Sufficient and suitable refuse containers should be provided within the curtilage of the application building which are easily accessible for all occupants of the house and the refuse collectors and ensuring they are sympathetically located with regard to their visual impact.

2.40 The use and layout of external space to the front and rear of the property should be carefully considered. For instance, the visual impact of converted dwellings can be lessened by screening refuse storage areas and providing external spaces that are easy to maintain (i.e. with hard standing and hardy plant species). Bin storage should have a level access to the public highway in order to facilitate collection. Bin storage should be located with a maximum carry distance of 9 metres for refuse collectors. Details of the refuse disposal arrangements must be included as part of any planning application for a conversion.

Accessibility

2.41 Society's awareness of access issues is being raised and a number of pieces of legislation have been introduced in recent years to tackle the issue. The NPPF emphasises the need for '*Designing the built environment, to be inclusive, in that all buildings and their surrounding spaces, can be accessed and used by everyone*'. Policy CS5: Inclusive Access re-emphasises this requirement at the local level. When considering an application for conversion:

Checklist 18 (CS5): Where possible, a level access from the public highway to the building's principal entrance should be provided or retained.

2.42 It is however, recognised that many buildings suitable for conversion are already constrained by existing levels and steps.

Planning Obligations

2.43 Development impacts on local amenity and the provision of infrastructure, affordable housing, services and facilities etc. Development is required to play a role in delivering sustainable development and should minimise damage, loss and impact upon existing infrastructure and environmental assets.

Checklist 19 (CS9, CS16, CS20, CS29, DM3, DM6): Developers should compensate for loss or damage created by a development and mitigate any impact caused. A planning obligation to secure a financial or other contribution towards physical or social infrastructure improvements may be sought.

- 2.44 Planning obligations are normally secured through a legal agreement or unilateral undertaking. Any contribution would be sought in accordance with adopted policy including CS9: Infrastructure, Services, Resources and Amenities, CS16: Affordable Housing, CS20: Implementation of the Reading Transport Strategy (Local Transport Plan 2006-2011), CS29: Provision of Open Space of the Core Strategy and policy DM3: Infrastructure Planning and DM6: Affordable Housing of the Sites and Detailed Policies Document.
- 2.45 There is currently one adopted [Revised S106 Planning Obligations Supplementary Planning Guidance Document](#), [‘Planning Obligations under Section 106 of the Town and Country Planning Act 1990’ November 2013](#) and also an emerging [Affordable Housing Supplementary Planning Document, July 2013](#) [‘Affordable Housing Provision as part of Planning Obligations under Section 106 of the Town and Country Planning Act 1990’](#) which are both relevant. Both are available on the Council’s website via: <http://www.reading.gov.uk/businesses/Planning/planning-policy/supplementary-planning-guidance-and-documents-topics/>
- 2.46 Paragraph 4.87 of ~~this the~~ [‘Affordable Housing Provision’ SPD draft SPD](#) clarifies that, *‘Building conversions therefore fall to be considered under these policies, [policy CS16 and DM6] particularly Policy DM6. This covers proposals to convert houses to flats, or the conversion of commercial and other non-residential floorspace to residential use, where additional self-contained residential units are being provided. The policies will not apply to the change of use of a single dwelling house to a house in multiple occupation, where unrelated residents live communally and share common facilities within the single residential property.’*
- 2.47 Additionally, in the future, the Council’s Community Infrastructure Levy (CIL) will be relevant. There are a number of stages to go through until the Council will be in a position to adopt its CIL, which is expected to be 2014⁵. The up to date position regarding CIL can be found on the Council’s website at: <http://www.reading.gov.uk/businesses/Planning/planning-policy/community-infrastructure-levy/cil/>.

Planning Enforcement and Lawful Development Certificates

Checklist 20: The Council can serve an Enforcement Notice where conversion works have been carried out without planning permission. This action can result in the unauthorised works being removed (or the unauthorised use discontinued) and the building/ use being reinstated. Non-compliance with the provisions of an enforcement notice constitutes a criminal offence.

- 2.48 However, the planning system provides the possibility of obtaining a statutory document confirming that an existing use is lawful for planning management purposes. For instance, unauthorised house conversions to self-contained flats may claim the ‘four year rule’ and apply for a Lawful Development Certificate (LDC). In those circumstances where an application for a LDC for a conversion is accompanied by appropriate evidence (such as Council Tax information,

Environmental Health Licencing information, utility bills, tenancy agreements etc confirming that the number of units created by the sub-division have been paying Council Tax, had a licence, paid bills, paid rent etc for a minimum continuous period of 4 years from a specific date) the Council will regularise the use accordingly. However, there may still be action taken by Environmental Health and/ or Building Control Officers in respect of, for instance, fire safety or sound insulation.

- 2.49 Applications for HMOs will need to demonstrate that the property has been used in that manner continuously for 10 years from the date a specific date unless an applicant is seeking to demonstrate that permitted development rights for C4 HMOs have been exercised.
- 2.50 In all cases the onus of proof lies with the applicant to provide relevant evidence and where appropriate continuous use for the specified time periods. Further information is available on the planning portal website at <http://www.planningportal.gov.uk/permission/responsibilities/planningpermission/ldc>.

Other Departments of Council most actively involved with Residential Conversions

Building Regulations Requirements

Means of escape:

Checklist 21: Early discussions with a Building Control Officer will improve the internal layout of the scheme and may avoid the need for external fire-escapes (which may require planning permission in their own right).

- 2.51 External fire escapes are often unsightly and result in unacceptable levels of overlooking towards neighbouring property. Where external fire escapes are necessary and do not cause harm to residential amenity, particular attention should be given to the position, design and colour of the escapes. These details should be included as part of the planning application to enable a full assessment of the implications and should also comply with Building Regulations.

Environmental Health legislation

- 2.52 The HMO team should be contacted about matters such as
- Council Inspections and Procedures
 - Enforcement Powers
 - Housing Act 2004 - Housing Health and Safety Rating System
 - Licensing of Houses in Multiple Occupation
 - Fire Safety in Houses in Multiple Occupation
 - Space Standards in Housing

- 2.53 Further Environmental Health information about HMOs can be found at: <http://www.reading.gov.uk/residents/housing/housesinmultipleoccupation/hmo-management-pack/>

Checklist 22: The HMO team should be contacted about Environmental Health matters.

3.0 FLATS

- 3.1 The Council's policies seek to deliver appropriate residential conversions whilst maintaining a supply of family housing and protecting the character and amenity of the surrounding area.
- 3.2 The NPPF highlights the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. When determining an application for a house conversion, the provision of choice will be an important issue to consider and the provision of only one-bed units will fail to provide that choice for potential occupants. Instead, such a development will result in the loss of a family-sized unit and is likely to lead to an undesirable intensification of the use of the property in terms of noise and activity. It may also dilute the existing character of the street; many of which are currently characterised by a mix of family dwellings and smaller households. To achieve this aim, the following considerations should be taken into account when considering planning applications:
- 3.3 Note: In order for a conversion to a flat the residential building must have four bedrooms or measure more than 120 square metres. See checklist point 6 above.

Provision of family accommodation (maintaining supply of family housing).

Checklist 23 (DM8): At least one unit of accommodation created should be suitable for family occupation with a minimum of two bedrooms.

- 3.4 There may be exceptional circumstances where the retention of a family unit is not physically possible and, in these cases, the Council will consider such applications on their own merits. The onus will be on the applicant to demonstrate that a building cannot be converted in accordance with the above Checklist Note.

Checklist 24: Where a proposal incorporates a family sized unit, that unit should have direct access to a useable area of private, rather than communal, garden space.

- 3.5 This requirement may result in non-family sized units being approved without direct access to amenity space, although these units will still benefit from an enhanced outlook. On balance, the Council believes that conversions which provide family-sized accommodation with direct access to a useable area of private amenity space will result in the 'best use' of amenity space. [All units should meet the requirements of policy DM10: Private and Communal Outdoor Space.](#) Also, see general section on useable outdoor amenity space.

4.0 SUI GENERIS HMOS

- 4.1 The Council will expect any proposals for non self-contained accommodation to be of good standard with an appropriate level of facilities. To this end full consultation will be undertaken with the Council's Environmental Health and HMO Team when considering proposals for non self-contained accommodation and regard will be had for the standards set out in their code of practice. All units of accommodation shall have access to a kitchen or cooking facilities that are conveniently accessible, suitable and sufficient for the number of occupants.
- 4.2 Planning applications for the change of use of properties into large HMOs will be assessed using the threshold limit as discussed in Section 2 of this SPD.
- 4.3 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO (without any physical extension or external alteration to the property) by increasing the number of occupiers. In this instance the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, have no further effect on the concentration of HMOs and balance and mix of households in the local community.
- 4.4 These types of planning applications will be assessed on their own individual merits on a case by case basis against the Council's relevant policies and guidance, including mixed and sustainable communities, character of the area, residential amenity, parking standards, cycle storage and bin storage, as set out in adopted policy and in this SPD.
- 4.5 To achieve these aims; the following points should be taken into account in the determination of such an application:

Minimum size of property for conversion (maintaining supply of family housing)

- 4.6 See checklist point 6 above, in the general part of the SPD about residential conversions which sets out that properties need to be a minimum size to be considered appropriate for such conversions in addition to other considerations as set out in this SPD.

Appropriate balance between communal and private areas

- 4.7 The amount of communal space in larger HMOs that is considered appropriate will depend on the number of bedrooms and the size of the bedrooms proposed.
- 4.8 Communal rooms will be expected to have an acceptable outlook and meet the amenity standards as set out in policy DM4 in particular, in terms of access to sunlight and daylight, noise and disturbance and artificial lighting to ensure the standard of accommodation meets the needs of the occupants using this space.
- 4.9 If the bedrooms provided as part of the HMO are at the minimum size considered appropriate, then a standard of one communal room per four bedrooms as a guide

would be sought. Each communal room must provide sufficient space for four occupants, given that bedrooms are likely to have little or no room for any living space. It is not sufficient to have one large room, as with a significant number of residents living together this is considered more likely to result in conflict between the users. It should be assumed that the provision of a communal room is in addition to the provision of a kitchen, particularly where the kitchen provides no seating area or space to relax and is purely a functional area.

- 4.10 Where all bedrooms significantly exceed minimum room standards and Environmental Health confirms that any licence demonstrates the rooms are intended for single occupancy only, as a guide, one communal room per six bedrooms, may be considered appropriate.
- 4.11 All units of occupation shall have independent access to the communal areas. Proposals which rely on access through another unit of occupation will not be accepted.

Checklist 25 (DM8): A standard of one communal room for every 4-6 bedrooms (depending on the size of the bedroom) will be provided, which will have acceptable amenity standards and appropriate access for all residents.

- 4.12 The applicant will be required to fully provide all communal spaces as approved prior to first occupation by the tenants and, thereafter, retained unless otherwise agreed in writing with the Council. Where appropriate, it may be required that a proper agreement is in place to secure acceptable management of the HMO which will cover all internal and external communal areas.

Checklist 26: A proper agreement may be required to ensure acceptable management of all communal parts of the HMO.

SECTION 2: APPLICATIONS FOR HMOS WITHIN THE AREA COVERED BY THE ARTICLE 4 DIRECTION

5.0 CONSIDERATION OF APPLICATIONS FOR HMOS WITHIN AREA COVERED BY ARTICLE 4 DIRECTION

Local background and context

- 5.1 In Reading, 6.9% of dwellings, which is higher than the national average, are estimated to be Houses in Multiple Occupation (HMOs) as defined under the Housing Act 2004, distributed unevenly across the borough. In wards with higher concentrations of HMOs the complex and often conflicting issues surrounding these properties can at times be keenly felt by residents.
- 5.2 A map showing the distribution of all HMOs across the borough, based on Environmental Health data is included at Appendix 2 below.
- 5.3 Reading is home to the University of Reading, as well as Reading College. Residential conversions, often in the form of houses in multiple occupation, provides suitable accommodation sought by students who often spend some time at University in shared houses. Over recent years, there has been substantial growth in university places. Housing areas close to universities have seen an expansion in houses being bought and converted for let to students. It is unclear if this trend will continue, given changes to fees on one hand and changes to housing benefits for single people under 35 years on the other, plus other factors including the recession. Nevertheless, students and other more transient populations currently have, and are likely to continue to have, a significant effect on several parts of Reading Borough.
- 5.4 The issues surrounding residential conversions including conversions to houses in multiple occupation (HMOs) are complex and often conflicting. On the one hand, such conversions contribute to the provision of reasonably affordable rented accommodation, meeting an important need in the market. They can also contribute to the need for small, flexibly let accommodation reflecting household formation trends in the population and the more transient nature of some households, e.g. student households and parts of the labour market.
- 5.5 On the other hand, where there are concentrations of flats and HMOs, they are often perceived as being the cause of environmental and social problems, impacting on the character and appearance of an area or street, bringing increased pressure for parking and other issues associated with the more intensive use of properties. In addition, there are concerns about the mix of communities along with various social and anti-social behavioural problems.

Background of Article 4 Direction

- 5.6 The SPD will be used to assess applications that are required as a result of the 'Article 4 Direction' that was made in May 2012. This Direction removes permitted

development rights to convert from a dwellinghouse (C3 use) to a house in multiple occupation (C4 use) in parts of Redlands, Katesgrove and Park Wards.

- 5.7 As set out above in paragraph 4.3, in cases where small HMOs are proposed to be converted to a larger, sui generis HMO, they will not trigger the threshold criteria. Paragraph 4.3 explains how they will be considered.
- 5.8 The background to this Direction is that planning legislation relating to Houses in Multiple Occupation (HMOs) changed on 6 April 2010 and a new planning use class (C4) for small HMOs (see definition below)⁵ was introduced. Further changes came into effect on 1 October 2010 enabling changes between a dwellinghouse (C3) and the new use class 'C4', (small HMO), to be carried out without the need for planning permission. These changes are classed as permitted development. However, there are powers for a local planning authority to make an 'Article 4 Direction' to remove those permitted development rights.
- 5.9 A map of the Article 4 Direction in Reading covering parts of Redlands, Park and Katesgrove Wards is included at Appendix 3. This Article 4 Direction ~~will come~~ into force on 16 May 2013.
- 5.10 Adopted policies CS18 and DM8 in particular will form the basis for consideration of such applications. The SPD will provide detail on the interpretation of policy DM8 in particular with regard to applications required as a result of the Article 4 Direction.

Securing a mixed and sustainable community - significant loss of single family housing/ background

- 5.11 As set out both in the introduction to this SPD and general section on ensuring a mixed and sustainable community:
- 'Residential conversions have an important role to play in housing land supply in Reading and contributing to the provision of reasonably affordable rented accommodation. However, conversions, either individually or cumulatively, can have a harmful impact through unduly diluting mixed and sustainable communities.'*
- 5.12 There is therefore a need to identify what proportion of properties an area can accommodate as HMOs and what proportion of properties would represent a 'significant loss of single family housing' which would result in 'unduly diluting or harming an existing mixed and sustainable community'.

⁵ A property, which is occupied by 3-6 unrelated individuals, who share one or more basic amenities, is an HMO under the new Use Class C4: Houses in Multiple Occupation. See also footnote 1. If there are more than 6, it is likely to be classed as a 'large HMO' (sui generis) which will be outside Use Class C4.

5.13 This proportion is defined as a ‘tipping point’, i.e. when the concentration of HMOs becomes over dominant and the community is no longer considered to be mixed and sustainable. Some streets within the area covered by the Article 4 Direction have will already have exceeded this ‘tipping point’. In those areas, it is unlikely that further HMOs would be permitted. If properties in an HMO use are converted back to a single family use, it may be possible to start to redress the balance over time. However, residents that have lawfully converted their property prior to the Article 4 Direction coming into force will be entitled to continue to use their property as an HMO.

Defining the tipping point

5.14 It is difficult to identify precisely what constitutes a mixed and sustainable community. It is evident that areas with high concentrations of HMOs experience negative impacts on the sustainability of the communities (especially as perceived by permanent residents).

5.15 Paragraph 50 of the NPPF does states that, *‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...*
- *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*

5.16 In order to help define a tipping point, various considerations have been taken into account including:

- changes to the population structure of households in the three wards have been compared over a 10 year period using Census data from 2001 and comparing this to Census data from 2011.
- Reviewing Environmental Health and Council Tax data to establish known levels of HMOs.
- Feedback from consultations within the Article 4 Direction area.

5.17 The Census data indicates that across England there are around 3.6% of multi-person households. This figure is just over almost 580% higher in Reading at 6.6% of households in 2011.

5.18 For Reading as a whole, the proportion of multi-person households has remained virtually the same throughout the 10 year period from 2001 to 2011 at 6.6 and 6.7% respectively. Breaking this figure down further, Redlands Ward has seen the largest increase in the total number of multi-person households with an increase from 14.8% of the total households in 2001 to 20.5% in 2011, representing a 37.9 percentage increase.

5.19 Multi-person households are split into two sub-sections in the Census data;

- a) All full time students;
 - b) Other multi-person households.
- 5.20 When the statistics are broken down further, England, the South East and Reading Borough have seen an approximate 50% percentage increase in the multi-person households occupied by full time students. In Redlands, this percentage increase is over double that amount at 126%. In Park ward there has been a percentage increase of multi-person households occupied by full time students of 30.9%.
- 5.21 In Redlands there is almost three times the proportion of HMOs compared to Reading Borough. Park has just over double the proportion compared to Reading Borough and Katesgrove has just under double this figure. Reading Borough itself has almost double the proportion compared to the proportion in England as a whole.
- 5.22 The 2011 Census data therefore demonstrates that the levels of HMOs in these three wards are significantly higher than the average mix for other parts of the Borough and country.
- 5.23 Furthermore, research carried out when considering the area for the Article 4 Direction identified that large numbers of respondents, when questioned about the impacts of HMOs and what happens to an area when there are lots of HMOs, responded that there is the breakdown of the community and lack of interest by student tenants in the local community. There is a loss of families and children in the area, which are replaced by transient tenants. The social structure changes affects shops, schools and other amenities and there is a loss of a sense of community due to the increasing numbers of transient tenants.
- 5.24 This is contrary to the aims of the NPPF and the SDPD. Both the Census data and research collected from residents demonstrate that in parts of these wards, levels are such that the community is already considered to no longer be mixed and sustainable.
- 5.25 The definition of a tipping point must take into account historical data and a comparison of that data with current data and consideration of the impacts of the changes to the population.
- 5.26 The figures in the 2011 Census data represent the entire ward. As shown in Figure 1 above, there are definite hotspots of HMOs within certain parts of these three wards, with larger more concentrated hotspots in Redlands and Park wards. In terms of levels of HMOs, Council Tax and Environmental Health information indicates that levels of HMOs in some of these roads in Redlands and Park Ward are in excess of 40%. These roads are already suffering severe impacts in terms of the breakdown of the community structure as highlighted through feedback from residents during consultation carried out in these areas as well as various physical impacts on the character of the area.

- 5.27 The tipping level, or threshold, needs to be set significantly below the current levels of some hotspots of HMOs in these areas given that these are already considered to be severely suffering from the effects of a community that is no longer mixed and sustainable.
- 5.28 The threshold needs to recognise that many streets are already suffering severe impacts and are no longer considered to be balanced and unsustainable, whilst also acknowledging the proximity of the university to the area covered by the HMO Article 4 Direction.
- 5.29 A threshold of 25% meets this balance. This level would fall well below these concentrated hotspot levels, but would be above the average level for each of the wards as identified in the 2011 Census data.

Implementing the Threshold

- 5.30 Having considered different radii, a 50m radius provides a fair and balanced area to create a meaningful sample size that will also respond to area specific concentrations.
- 5.31 The centre of the radius will be the front door of the property. A 50m radius will be drawn from this point and any properties or any part of a building falling within the radius will be taken into account in the assessment. If a part of a building falls within the circle and partly without, then the property will form a part of the assessment.⁶
- 5.32 This approach provides a consistent method of identifying the area surrounding the application site affected by a concentration of HMOs. A radius of 50m defined in this way, will almost always include the immediate neighbours to the application site and will typically include some properties on nearby streets.
- 5.33 Where the radius includes properties that are within Reading Borough's administrative boundaries but outside the area covered by the Article 4 Direction, they will be taken into account in the assessment.
- 5.34 Where the radius includes properties that lie outside Reading Borough's administrative boundaries (for example they fall within Wokingham Borough boundary), they will not be taken into account in the assessment and only those properties in Reading Borough will contribute to the assessment.
- 5.35 Where the radius includes entire buildings falling within an A, B, C1 or C2 use class, D or Sui Generis Use Class apart from a Sui Generis HMO they will be discounted

⁶ Where a garage is attached to a property, it will be taken as a part of the property and where it is detached, it will not be taken into account in the assessment. Outbuildings will be considered in the same way. Extensions that have been completed and result in a property falling within the 50m radius, the property will be taken into account in the assessment. Where there is any doubt as to whether an extension is completed, it will also be taken into account.

from the total number of buildings in the radius⁷. Similarly, purpose built flats will be discounted from the total number of buildings in the radius. Any existing flat conversions will be included in the number of C3 dwellings and will not be included in the number of HMOs for the purposes of the threshold calculation. Any concern about how the number of flats contributes to the mixed and sustainable community will be considered in the general section about mix above.

Identifying types of properties

- 5.36 The Council will use information available to it to identify which of these properties is within an HMO use (either C4 or Sui Generis). It is anticipated that the information to calculate the percentage will initially be based primarily on environmental health and council tax information. Given data protection and other regulations preventing the use of certain information, these will form the principal sources of information. As part of data protection controls, the Council Tax information will be unable to identify specific properties in any public report, but will be able to refer to percentages of known HMOs within the defined area. However, it is intended that the evidence base would be built up over time from other available sources such as estate agency information.
- 5.37 The applicant should also undertake their own estimate of the number of HMOs to accompany the planning application and provide all of their supporting data. It is advised that pre-application advice is sought prior to submitting any planning application. It should also be noted that where the threshold in an area already is at, or exceeds, 25%, there will be a presumption against permitting any further HMOs within the Article 4 Direction area.
- 5.38 Using the above information and other sources as they emerge, the concentration of HMOs within the defined area will be calculated. The concentration of HMOs in the area surrounding the application site is calculated as a percentage of the 'total estimated number of existing HMOs' against the 'total number of residential properties', following the methodology set out above under 'Implementing the Threshold'.
- 5.39 Any extant but as yet unimplemented planning permissions will be counted as being in that use. For example, where a Sui Generis HMO has been granted planning permission, this would count towards the proportion of HMOs, even if it had not yet been implemented.
- 5.40 There may be existing HMOs which are occupied but unknown to the Council. In particular, on 6th April 2010 the Uses Classes Order introduced a class for HMOs to reclassify C3 dwellings to either the new C3 or C4 classes. The reclassification of existing dwellings to C4 use did not require planning permission and therefore will not be registered on the Council's register of planning applications. Planning

⁷ For clarification, if a building is partly within an A, B, C1 or C2 use class, D or Sui Generis Use Class (apart from a Sui Generis HMO) and partly used as a C3, C4 or sui generis HMO, the C3, C4 or sui generis HMO use will still count towards the threshold calculation.

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permission was not required to convert from C3 to C4 under permitted development rights until the Article 4 direction came into effect on 16 May 2013.

- 5.41 The environmental health and council tax information will initially provide a reasonable indication of the numbers and location of HMOs in a street and further sources will be used as records develop over time. Further investigation of individual properties may be required by the planning officer to provide greater confidence in the estimate, but it is emphasised that it will not be possible to guarantee a 100% accurate count in all cases. Where there is significant doubt as to whether a property is an HMO, it will not be counted towards the threshold.
- 5.42 The Council does not have a comprehensive database or register of HMOs and it would be impossible to create or maintain one with the resources available.

Threshold Guidance

- 5.43 In implementing policy DM8 and ensuring that any change of use to a HMO within the area covered by the Article 4 Direction, either individually or cumulatively, does not unduly dilute or harm an existing mixed and sustainable community through the significant loss of single family housing, the following guidance will be used to determine a planning application:

Planning permission will not normally be granted where the proportion of HMOs (either C4 or Sui Generis) will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site.*

*Paragraph 5.31 explains how the radius would be measured and paragraph 5.35 explains how various building uses would be taken into account in calculating the percentage and additionally which buildings would be discounted from the calculations.

- 5.44 For clarification in interpreting the threshold guidance; if by permitting a planning application, it would result in the proportion of HMOs being taken from below 25% to 25% or over, then planning permission will not normally be granted. For the avoidance of doubt, the application property will be taken into account in calculating this percentage of properties.
- 5.45 A worked example of the threshold approach is included at Appendix 4.

APPENDIX 1

Internal Floorspace Guidance Note - Summary

A1.0 Note: The HMO Management: Fact Sheet 12 contains more detailed information about Space Standards in Housing and can be obtained from the Council's Environmental Health Department or via the link below:

<http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CC8QFjAA&url=http%3A%2F%2Fwww.reading.gov.uk%2Fdocuments%255Cconsumerse rvices%255Cenvironmentalhealth%255Chmo-team%2F14030%2FFact-sheet-12-v01-11.pdf&ei=rdh4Up3QG52lhQe76oCIBA&usg=AFQjCNE-ck5AHu-2hHibqtZbBXeGiAtxOA>
http://www.google.co.uk/url?q=http://www.reading.gov.uk/documents%255Cconsumerse rvices%255Cenvironmentalhealth%255Chmo-team/14030/Fact-sheet-12-v01-11.pdf&sa=U&ei=4bRaUc_3DaGI0AXD4YHwAg&ved=0CB4QFjAA&usg=AFQjCNFWvX126sz5n-wXM_fd8p5HqAjG7A

A1.1 This Appendix provides a summary of information within that factsheet.

A1.2 The Housing Act 2004 sets out that Crowding and Space is a hazard associated with lack of space within the dwelling for living, sleeping and normal family/ household life. Lack of space and overcrowded conditions can affect mental and physical health. It can cause psychological distress, mental disorders and less ability to concentrate. Crowded conditions are also linked with increased hygiene risks, increased risk of accidents and spread of contagious diseases.

Standards Applicable to Houses in Multiple Occupation

A1.3 The space standards apply to habitable rooms, which for the purposes of these standards are bedrooms and living rooms. Kitchens, bathrooms and hallways are not classed as habitable rooms for the purpose of applying the standards. The floor area for a shared kitchen shall be not less than 7.0 square metres and not more than two floors distant from any user.

A1.4 When determining room sizes, the useable space will be considered. There may be situations where a room meets the minimum size but is not suitable due to its shape or ceiling height.

A1.5 Where the cooking facilities are provided in a separate room, each bedroom must be a minimum of:

- 6.5 square metres if occupied by one person;
- 10.5 square metres if occupied by two persons.

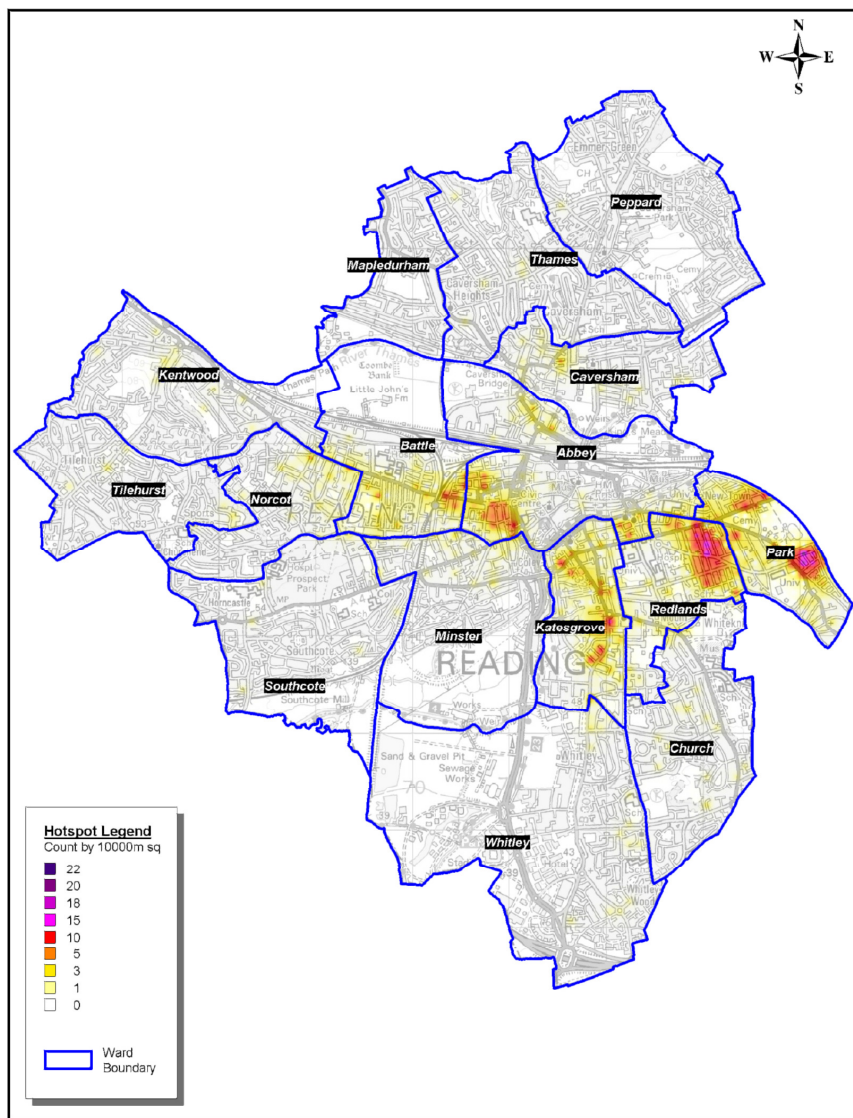
A1.6 For rooms with cooking facilities within the room, the following minimum room sizes shall apply:

- 10.5 square metres (if occupied by one person);
- 14.5 square metres (if occupied by two people).

A1.7 Room sizes for bedrooms to be used to house more than two occupants will be determined on a case-by-case basis.

APPENDIX 2

Distribution of HMOs across the Borough (based on Environmental Health Data)



Title: Census HMO Data 2011 - Hotspot Theme

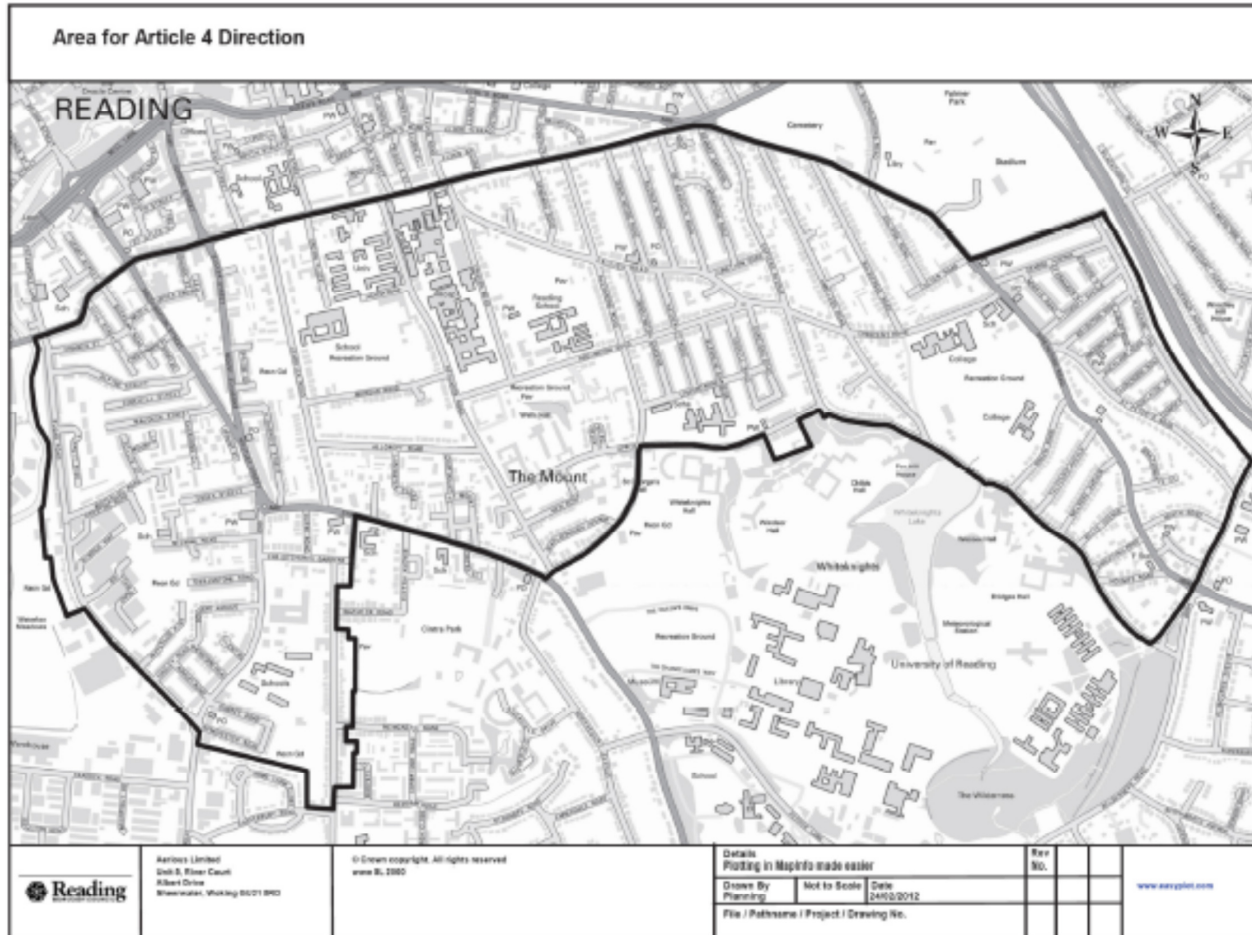
Drg.No.: Produced by GIS & Mapping Services
Date: 07/04/2011
Scale at A4: 1:46000
Ref: 35075\Census HMO Data 2011, Hotspot - A4P.wor



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APPENDIX 3

Map showing Area Covered by the 'Article 4 Direction' relating to Small HMOs



APPENDIX 4

Worked example of the threshold guidance

- In the example below at Figure 1, an application has been submitted on the property marked with a star.
- A radius of 50m from the application property would result in a circle being drawn as shown in red.
- There are 568 properties that are fully or partly located within the circle.
- Upon consultation with environmental health and council tax data, 31 properties are recorded as being occupied by students, or are recorded as being an HMO under either environmental health or council tax data.
- This equates to 5.3% of properties within this area as being in an HMO use.

Diagrammatic example of 50m radius



Figure 4

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Figure 1

Note: this is a purely theoretical example of how the threshold will be calculated in the assessment of planning applications.

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	20 th NOVEMBER 2013	AGENDA ITEM:	15
TITLE:	DRAFT STATEMENT OF COMMUNITY INVOLVEMENT AND SUSTAINABILITY APPRAISAL SCOPING REPORT		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	REGENERATION, TRANSPORT AND PLANNING
SERVICE:	PLANNING	WARDS:	ALL
LEAD OFFICER:	MARK WORRINGHAM	TEL:	0118 9373337
JOB TITLE:	PRINCIPAL PLANNER	E-MAIL:	mark.worringham@reading.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Statement of Community Involvement and Sustainability Appraisal Scoping Report are two planning documents that specifically deal with the process of producing planning policy and making major planning decisions. The Statement of Community Involvement details how consultation and community involvement on plans and applications will be carried out, whilst the Sustainability Appraisal Scoping Report sets the basis for assessing the environmental, social and economic effects of documents. Both documents are statutory requirements.
- 1.2 The Council has existing versions of both of these document, dating from 2006 and 2008 respectively. However, with work expected to begin soon on reviewing the local development plan, there is an opportunity to revise these documents to take account of recent changes, learn from experience, and make them more appropriate to current circumstances.

2. RECOMMENDED ACTION

- 2.1 That the draft Statement of Community Involvement (Appendix 2) be approved for community involvement.
- 2.2 That the draft Sustainability Appraisal Scoping Consultation Paper (Appendix 3) be approved for community involvement.

3. POLICY CONTEXT

- 3.1 The Statement of Community Involvement is a document which is part of a local authority's set of planning policy documents, and its purpose is to set out how the local planning authority will involve the community in producing planning documents, as well as on planning applications and pre-application enquiries. It discusses which groups will be consulted, when, how and for how long. It is a statutory requirement that a local planning authority should have a Statement of Community Involvement.
- 3.2 A Sustainability Appraisal Scoping Report sets out the framework for undertaking sustainability appraisal of plans and proposals. Sustainability appraisal is a process of assessing plans or proposals against a range of environmental, social and economic effects to highlight what the effects of the plan or proposal would be. Each version of each of the Council's development plan documents has been accompanied by a sustainability appraisal. A Scoping Report determines which environmental, social and economic objectives will be used in the assessment, and sets out key baseline information for carrying out the assessment. For example, if one of the objectives is to do with air quality, the Scoping Report sets out up-to-date information on current levels of air quality in Reading.

4. THE PROPOSAL

(a) Current Position

- 4.1 The Council adopted its current Statement of Community Involvement in July 2006, after going through two consultation stages and an independent examination (which was undertaken by written representations rather than by hearing). Its role was to provide the basis for undertaking consultation and community involvement in producing the Local Development Framework (LDF).
- 4.2 The SCI therefore was used in designing and carrying out community involvement in producing the Core Strategy (adopted in January 2008), Reading Central Area Action Plan (adopted January 2009) and the Sites and Detailed Policies Document (adopted October 2012), as well as a number of Supplementary Planning Documents providing more detail on these documents. The Council is now at a stage where the main LDF documents have been produced, and now intends to work towards replacing these documents with a single Local Plan. The process for undertaking this is set out in the Local Development Scheme, approved by this Committee on 9th July 2013 (Minute 8 refers), and it includes production of a revised SCI.
- 4.3 A revised SCI represents an opportunity to bring the document into line with new Council consultation guidance, to reflect the substantial recent experience of community involvement, to streamline processes to make the most of resources, and to slim down the document to make it more concise.

4.4 The last version of the Sustainability Appraisal Scoping Report was published in October 2008. Its main purpose was to ensure an up-to-date basis for undertaking sustainability appraisal on site allocations and development management policies which were included in the Sites and Detailed Policies Document. However, the baseline information included in the document is now somewhat out of date.

(b) Option Proposed

4.5 Committee is recommended to approve the Draft Statement of Community Involvement (Appendix 2) and Draft Sustainability Appraisal Consultation Paper (Appendix 3) for consultation.

4.6 Once consultation is complete, the Council will consider the need for further changes to the two documents. Unless very significant changes are required, the documents can then be adopted at some point early in 2014.

4.7 The draft version of the Statement of Community Involvement is an entirely new document from what was adopted in 2006. The main changes can be summarised as follows:

- The Regulations on what to include within a SCI have been substantially relaxed and the process simplified. This means that much of the content and presentation has been streamlined, as it will not be required to include specific elements in order to pass a public examination. It has therefore been made substantially shorter and more concise.
- It has been updated to be based around the Council's 2012 Community Involvement Guidance.
- It has drawn on a substantial amount of experience of consultations between 2006 and now, in terms of what works, at which time, and in which places. In particular, it strengthens the approach of undertaking the widest possible consultation at the earliest possible stage to ensure the community have the maximum opportunity to help shape plans and strategies.
- Past experience of community involvement has also highlighted which respondents are under-represented, which particularly include people under 40, ethnic minority groups and people living in certain parts of Reading, particularly the South. The SCI therefore identifies these groups in particular.
- There needs to be an increasing move towards communicating electronically, through contacting consultees by e-mail and also use of social media. Whilst there is still a need for notifying some consultees by letter, particularly where they do not have internet access, moving increasingly to electronic communication will represent a significant resource saving.

4.8 In terms of the Sustainability Appraisal Scoping Report, a new version will need to update the baseline information and make amendments to

the sustainability objectives against which plans are assessed. It is important to ensure up to date baseline information, as the appraisal should be informed by the most accurate data possible to avoid being open to challenge. In addition, the objectives need some review to keep up to date with local strategies and priorities and to be more practical to operate. There are also other assessments of plans that are usually required, particularly Equality Impact Assessment and Habitat Regulations Assessment, and this represents an opportunity to combine sustainability appraisal with the initial screening-level assessment to comply with those requirements. A full version of the Scoping Report is not required at the consultation stage, as much of the baseline data is merely factual information. Therefore, a Consultation Paper is proposed which summarises the principal changes proposed (Appendix 3).

(c) Other Options Considered

4.9 There is one alternative option, which is not to produce new versions of the documents and instead continue to rely on the 2006/2008 versions.

4.10 This option would continue to fulfil the statutory minimum requirements. However, it would have a number of disadvantages. For the SCI, it would result in a consultation approach which does not target resources most efficiently and which does not reflect the Council's current consultation guidance. For the Scoping Report, it would mean relying on outdated baseline data, which could lead to less accurate assessment of sustainability effects, and therefore provide a poor basis for developing planning policy. It would also result in the duplication of effort with other assessments such as Equality Impact Assessment.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The Statement of Community Involvement and Sustainability Appraisal Scoping Report will contribute to achieving the following strategic aims, through ensuring that planning policy takes account of the views of the community and that environmental, social and economic effects are taken account of:

- The development of Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley;
- Establishing Reading as a learning City and a stimulating and rewarding place to live and visit;
- Promoting equality, social inclusion and a safe and healthy environment for all.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 The Statement of Community Involvement sets out how community involvement on planning matters will be carried out. The Draft Statement of Community Involvement and Draft Sustainability Appraisal Scoping Report will be subject to a six-week period of consultation. This

will be carried out in line with the existing Statement of Community Involvement (SCI), adopted by Council on 27 June 2006 (minute 17 refers).

7. EQUALITY ASSESSMENT

- 7.1 The Scoping Assessment, included at Appendix 1 identifies that an Equality Impact Assessment (EqIA) is relevant to the Statement of Community Involvement and Sustainability Appraisal Scoping Report. The EqIA (also at Appendix 1) identifies that there are positive impacts for all protected characteristic, but particularly on age and racial groups, as defined in the Equality Act, because some of these groups have traditionally been underrepresented in consultation in the past meaning that specific measures are proposed in the draft SCI. Compliance with the duties under S149 of the Equality Act 2010 can involve treating some persons more favourably than others, but it is not considered that there will be a negative impact on other groups with relevant protected characteristics.

8. LEGAL IMPLICATIONS

- 8.1 A Statement of Community Involvement is a requirement under Section 18 of the Planning and Compulsory Purchase Act 2004. The 2004 Act was amended by section 180 of the Planning Act 2008, which streamlined the process of production, including removing the need for independent examination. An additional amendment to Section 18 was made by Schedule 12 of the Localism Act 2011 to reflect neighbourhood planning.
- 8.2 The need to undertake sustainability appraisal of plans and policies and publish the results is set out in Section 19(5) of the Planning and Compulsory Purchase Act 2004. The Environmental Assessment of Plans and Programmes Regulations 2004 contain more detailed regulations on how sustainability appraisal is to be carried out.

9 FINANCIAL IMPLICATIONS

- 9.1 The work undertaken on drafting the documents and the expenditure on community engagement has been, and will continue to be, funded from existing budgets. There are no other direct revenue or financial implications arising from this report.

Value for Money (VFM)

- 9.2 The SCI will provide value for money in that it specifically considers how resources could be most efficiently used in carrying out community involvement, particularly including through electronic communications. It also considers how to target specific groups and areas to make best use of resources.

- 9.3 The Sustainability Appraisal Scoping Report will provide value for money in particular by seeking to combine the initial screening level Equalities Impact Assessment and Habitat Regulations Assessment with the Sustainability Appraisal process to avoid duplication of effort.

Risk Assessment

- 9.3 There are no direct financial risks associated with the report.

BACKGROUND PAPERS

- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Environmental Assessment of Plans and Programmes Regulations 2004
- National Planning Policy Framework
- Statement of Community Involvement (adopted June 2006)
- Revised Sustainability Appraisal Scoping Report (October 2008)
- Local Development Scheme (July 2013)

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Statement of Community Involvement (SCI)

Sustainability Appraisal Scoping Report (SASR)

Directorate: DENS - Directorate of Environment and Neighbourhood Services

Service: Planning, Development and Regulatory Services

Name: Mark Worringham

Job Title: Principal Planner

Date of assessment: 01/10/13

Scope your proposal

What is the aim of your policy or new service?

SCI - to set out how community involvement on planning documents and decisions will be carried out.

SASR - to establish the basis for assessing the significant effects of plans and proposals on environmental, social and economic objectives.

Who will benefit from this proposal and how?

SCI - the local community and other stakeholders will benefit through being involved in planning documents and decisions at a time and in a way when there is a genuine opportunity to shape the results.

SASR - the local community will benefit through environmental, social and economic effects being taken into account throughout planning policy development.

What outcomes will the change achieve and for whom?

SCI - the community will have a genuine say in planning documents and decisions. For planning policy documents, specific efforts will be made to reach previously underrepresented groups, e.g. younger people, ethnic minorities and people in certain areas of Reading.

SASR - the SA process will influence the development of planning policy, resulting in policies which seek to avoid or mitigate significant environmental, social or economic effects.

Who are the main stakeholders and what do they want?

SCI - Local residents, community and voluntary groups, local businesses, relevant developers and landowners, infrastructure providers, statutory consultees. All stakeholders would like a greater say in the planning process, and in a manner which enables them to have a genuine influence.

SASR - statutory consultees such as the Environment Agency and Natural England are particularly relevant, and they would like their specific areas of interest strongly represented in the objectives. Developers and landowners would wish the document to clearly set out the authority's assessment process and avoid unreasonable burdens

on development. All other stakeholders (local residents, community and voluntary groups, local businesses, relevant developers and landowners, infrastructure providers) could be affected by the document, and they would wish the document to clearly reflect how the assessment process will be carried out on a consistent basis.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes No

If the answer is Yes to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because: N/A

Assess the Impact of the Proposal

Your assessment must include:

- Consultation
- Collection and Assessment of Data
- Judgement about whether the impact is negative or positive

Consultation

Relevant groups/experts	How were/will the views of these groups be obtained	Date when contacted
Local residents, community and voluntary groups, local businesses, relevant developers and landowners, infrastructure providers, statutory consultees	Consultation will involve notifying consultees of the documents, publication on the website, availability in key offices, press releases, social media etc.	November - December 2013

Collect and Assess your Data

Describe how could this proposal impact on Racial groups

In the SCI, ethnic minority groups have been specifically identified as being groups whose involvement should be specifically sought due to their underrepresentation in previous consultations. The SCI proposes measures to achieve this.

The SASR links the sustainability appraisal and equality impact assessment processes to ensure that equality impacts are factored into planning policy production from the outset.

Impacts are therefore expected to be positive.

Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Gender/transgender (cover pregnancy and maternity, marriage)

The SASR links the sustainability appraisal and equality impact assessment processes to ensure that equality impacts are factored into planning policy production from the outset.

Impacts are therefore expected to be positive.

Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Disability

The SCI specifically identifies disability groups as needing to be included within consultation exercises where appropriate.

The SASR links the sustainability appraisal and equality impact assessment processes to ensure that equality impacts are factored into planning policy production from the outset.

Impacts are therefore expected to be positive.

Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Sexual orientation (cover civil partnership)

The SASR links the sustainability appraisal and equality impact assessment processes to ensure that equality impacts are factored into planning policy production from the outset.

Impacts are therefore expected to be positive.

Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Age

In the SCI, younger people (under 40) have been specifically identified as being groups whose involvement should be specifically sought due to their underrepresentation in previous consultations. The SCI proposes measures to achieve this.

The SASR links the sustainability appraisal and equality impact assessment processes to ensure that equality impacts are factored into planning policy production from the outset.

Impacts are therefore expected to be positive.

Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Religious belief?

The SCI specifically identifies religious groups as needing to be included within consultation exercises where appropriate.

Impacts are therefore expected to be positive.

Is there a negative impact? Yes No Not sure

Make a Decision

Tick which applies

1. **No negative impact identified** Go to sign off
2. **Negative impact identified but there is a justifiable reason**

 You must give due regard or weight but this does not necessarily mean that the equality duty overrides other clearly conflicting statutory duties that you must comply with.
 Reason
3. **Negative impact identified or uncertain**

 What action will you take to eliminate or reduce the impact? Set out your actions and timescale?

How will you monitor for adverse impact in the future?

The results of consultation exercises will continue to be analysed to identify whether any particular groups are particularly excluded from the community involvement processes.

The SASR contains proposals for monitoring the significant effects of plans and proposals against sustainability objectives, including objectives relating to equality and diversity.

Signed (completing officer) Mark Worringham Date: 1st October 2013
Signed (Lead Officer) Mark Worringham Date: 1st October 2013

APPENDIX 2: DRAFT STATEMENT OF COMMUNITY INVOLVEMENT

READING BOROUGH COUNCIL

**DRAFT STATEMENT OF COMMUNITY
INVOLVEMENT**

NOVEMBER 2013

Introduction

- 1.1 Under the Planning and Compulsory Purchase Act 2004, the Council is required to produce a Statement of Community Involvement (SCI). This document sets out how the authority intends to achieve continuous community involvement in the preparation of local development documents in their area. The SCI also covers how people and the community will be engaged in decisions on planning applications for major development that affect the authority's area.
- 1.2 The SCI needs to set out a clear framework for how to involve the community, whilst allowing for the fact that different consultations will have different purposes and emphases. It should give clarity about what standards the Council will be expected to adhere to in carrying out community involvement on planning matters.
- 1.3 The statement will apply to all planning projects: Local Development Documents (LDD's); Supplementary Planning Documents (SPD's) covering policy interpretation, development frameworks, development briefs; changes to the service and procedures of the Planning Section; major planning applications; monitoring/ information packs; etc.
- 1.4 This version of the SCI is a draft for community involvement. Your comments on the document are welcomed. Please send any comments to:

LDF Planning Team
Civic Offices
Reading
RG1 7AE

LDF@reading.gov.uk

Please ensure that any comments are received by 5pm on xxx January 2014.

1. Statutory Requirements

- 2.1 In consulting with the community and other key stakeholders, the Council must comply with some minimum statutory requirements. For planning policy documents, these requirements are at the time of writing set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. For planning applications, the requirements are in xxx.
- 2.2 The main requirements of the 2012 Regulations for local plans and supplementary planning documents can be summarised as follows:
- For local plans, two period of consultation or community involvement are required - an early stage where representations are invited on the scope and content of the document, and a pre-submission stage when representations are invited on the full document (Regulations 18, 19, 20). The pre-submission consultation should be a minimum of six weeks;
 - For supplementary planning documents, a single consultation period is required which cannot be less than four weeks (Regulation 12);
 - Documents should be available at the Council's principal offices during normal office hours, and published on the web (Regulation 35);
 - For local plans, a number of specific bodies must be consulted if they have an interest in the area (e.g. English Heritage, Natural England, Highways Agency, utilities providers and adjoining authorities); and
 - For local plans, the Council must consult whichever more general bodies (voluntary groups, groups representing ethnicities or nationalities, businesses etc) it considers appropriate.
- 2.3 Other legislation, whilst not dictating the form and timing of planning consultations, has an impact on how they should be carried out. In summary:
- The Local Government and Public Involvement in Health Act 2007 placed a duty on local authorities to involve local people by keeping them informed, consulting them and involving them in other ways in the design and delivery of services
 - The Equality Act 2010 places an 'Equality Duty' on public bodies, to understand how their plans to introduce new, or change existing, policies, procedures or services will affect groups protected under equality legislation
 - The Gunning principles (1985)¹ established 4 necessary elements for statutory consultations:
 - Consult when proposals are still at a formative stage
 - Give sufficient reasons (and information) for your proposals to permit 'intelligent consideration'
 - Give adequate time for consideration and response
 - Take responses conscientiously into account
- 2.4 What is demonstrated above is that the minimum statutory requirements for consultation are actually quite limited. The Council generally significantly exceeds the statutory minimum on every major planning policy consultation. Of most importance is the requirement to carry out consultation in line with an adopted Statement of Community Involvement, which underlines the importance of this document.

¹ R v LB Brent ex parte Gunning (1985)

3. Duty to Co-Operate

- 3.1 In addition to statutory consultation requirements, Section 110 of the Localism Act 2011 introduced a duty to co-operate in relation to planning of sustainable development. The 'duty to co-operate', as it is generally known, requires local planning authorities to engage constructively with one another and with other specified bodies such as the Environment Agency, English Heritage and the Homes and Communities Agency on an ongoing basis in preparing local planning documents.
- 3.2 The duty to co-operate is a substantially more significant task than merely consulting certain organisations within specified periods. It requires ongoing co-operation from the very start of the process, and is the first test that will be considered in an examination on a local plan. Where compliance with the duty to co-operate cannot be demonstrated, local plans will have no hope of being found 'sound'.
- 3.3 Because the duty to co-operate is a separate task from community involvement, and will also be dependent on the timescales and processes of other bodies, this SCI does not set out proposals for how it will be undertaken. However, it is important to be aware of its existence, as it means that consultation with the bodies prescribed in the Regulations² will only be part of an overall picture of how those bodies are engaged. The Council is in the process of agreeing Memoranda of Understanding with the other five Berkshire Unitary Authorities in terms of strategic planning and minerals and waste planning to guide how the duty to co-operate will be undertaken with those bodies.

² Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012

4. Principles

4.1 The Council produced 'Working Better With You: Community Involvement Guidance' in 2012, which sets out a policy and set of principles for involving residents and customers. The guidance is based around eight principles for community consultation, as follows:

- **Accessibility and choice:** We will ensure that you are informed/consulted/involved in a way that considers your needs. It is your choice whether to be involved, how to get involved and to what extent (within legal boundaries).
- **Timeliness:** We will inform, consult and/or involve you as early as possible.
- **Inclusiveness and equity:** We will seek and welcome all views. We value diversity. Opportunities to get involved will be equally accessible to everyone, young people's views are considered equal to those of adults.
- **Transparency and honesty:** We will be open from the start about our proposals, the process, outcomes, timeframes for implementation and levels of influence, any resource limitations or statutory requirements. You have the right to challenge any barrier to your involvement (e.g. process, approach, assumptions) and to work with us to seek solutions.
- **Respect and listening:** We value, listen to, respect and learn from the contribution of all participants.
- **Accountability:** We will demonstrate what difference your involvement makes in processes or outcomes.
- **Flexibility and evolution:** We will regularly re-evaluate our involvement processes and methods and modify them in response to feedback or changing or developing needs. We will seek and share innovative and creative ways to improve involvement.

4.2 These can be further developed into a number of principles for consulting and involving on planning matters, using the same headings. These principles should be used to guide how consultation and community involvement exercises are carried out. More specific guidance on particular types of planning document is included in section 6.

4.3 *Accessibility and Choice*

1. The Council will maintain a list of individuals, groups and organisations that have expressed an interest in being involved in consultations on planning matters, and will consult them on all relevant planning matters.
2. Measures to involve and consult the community will be appropriate to the type, scope and stage of the policy or plan, and to the community itself.
3. The Council will clearly state the methods for responding, and the timescales, at the beginning of the process. This will be on the website, and any consultation material, letters and e-mails produced.
4. The Council is emphasising the importance of working at a neighbourhood level. In consulting on planning documents, the Council will use existing neighbourhood networks and structures to consult and involve, where those networks and structures are representative of the neighbourhood, and this may mean a differing approach in different neighbourhoods.

4.4 *Timeliness*

5. Community involvement on policies and proposals will be front-loaded. This means that the most wide-ranging and open involvement will take place at the earliest stage, when the opportunity to shape the outcome is greatest. As policies and proposals develop further, consultations should become more focussed and seek views on more detailed matters.
6. Any community involvement stage for a planning policy document will last for a minimum of six weeks;
7. The Council will avoid consulting over Christmas and New Year insofar as is possible. Where consultations over these periods are inevitable, consultation periods will be extended to take account of this;
8. Events designed to publicise the community involvement (e.g. public exhibitions) will be held at a time within the community involvement period which allows time for responses afterwards, e.g. not within the last ten days before the period closes.

4.5 *Inclusiveness and Equity*

9. All groups will have equal opportunities to get involved in the process, and this will include the selection of venues and timing of events.
10. Whilst enabling all groups to be involved in the process, the Council will make particular efforts to reach groups that have typically been difficult to involve in past planning policy consultation exercises in Reading. These include:
 - Younger people (under 40);
 - Black and minority ethnic populations; and
 - Residents of less affluent communities, including much of South Reading and parts of West and Central Reading

4.6 *Transparency and Honesty*

11. Where background evidence is vital to an understanding of the decisions to be made, this will be made available on the Council's website and on request, and will be highlighted within the consultation documents themselves.
12. The Council will highlight any significant constraints that prevent the pursuit of certain options, and will not consult on options that are not realistic or achievable.

4.7 *Respect and Listening*

13. All responses received in writing within the specified consultation period will be taken into account.
14. When publishing consultation results, the Council will publish only the name of the respondent and no other personal details.

4.8 *Accountability*

15. In reporting on the community involvement, the Council will respond to each individual point made, stating what action, if any, the Council will be taking to address the point. Where the number of responses is reasonably low, for example under 50, this may be done individually for each respondent. However, where a significant number of responses have been received, where the same point has been made by a number of different respondents, these may be grouped together with a single Council response.

16. A report of consultation will be published which summarises the consultation undertaken, and summarises the representations received and the Council response to those representations. This will be published at the next stage of the document at the latest and will be available on the website and in hard copy in Reading Borough libraries and the Civic Offices.
17. The Council will contact anyone who made representations on planning policy to notify them of the next stage of that policy production. In doing so, the Council will highlight the availability of the report of consultation.

4.9 *Flexibility and Evolution*

18. The Council will welcome any comments on the community involvement processes used, and will take account of them in future exercises, and will ask for feedback on specific events, e.g. workshops and exhibitions.
19. Lessons learned from individual community involvement stages will be reported on in the Report of Consultation, and will be taken into account in future exercises.
20. The Council will not set consultation processes in stone, but will instead evolve each consultation taking account of past experience, whilst still following the principles of this SCI.

5. Resources

- 5.1 Whilst well-designed and appropriate community involvement adds significant value to the process, planning and preparation, carrying out consultation, recording and analysis of results and reporting results and giving feedback does take considerable time and effort, involving significant manpower and financial resources. Therefore, while being fully committed to ensuring that all sections of the community are fully involved in planning decision-making processes and that their views are taken into account, methodologies must be cost effective and capable of being contained within defined manpower and financial budgets, particularly in the current climate. As such, the Council will need to consider at each stage of each document the type and extent of community involvement that represents best use of resources whilst complying with statutory requirements and the principles of this SCI.
- 5.2 In the past, the Council has kept a number of individuals and organisations on its planning consultation lists for years, where there is no e-mail address. This has meant that letters have been sent out every year, costing the Council a great deal in postage and staff time. The response rate has been very poor. This approach is not effective and no longer sustainable, and, as part of the process of producing the Sites and Detailed Policies Document, the Council specifically asked whether respondents without e-mail addresses wished to continue to receive letters. Very few responded positively. Therefore, with a handful of exceptions (such as those who have specifically requested letters), the Council will now send notifications of consultation to those on the lists **by e-mail only**.
- 5.3 Electronic communications are of increasing importance in involvement and consultation, and can be a very resource-efficient measure. The Council will need to continue to evolve the way that it uses such areas as social networking and interactive online tools to better enable community involvement.
- 5.4 An important way of significantly reducing resource burdens is by combining consultations, either with other planning consultations, or with other consultations being carried out by the Council. The recent Residential Conversions SPD, for example, was consulted upon as part of the wider 'Let's Talk Housing' consultation. The Council will continue to look for such opportunities to combine consultations where appropriate.

6. Document Types

6.1 This section gives some commentary on the main types of planning policy document and gives some information on how the process of production may fit in with the principles. It also highlights different approaches to engaging with the community, using the five levels of involvement set out in the Council's consultation guidance, as follows:

	Inform	Consult	Involve	Collaborate	Empower
Participation level	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Example methods	Fact sheets Web sites Road shows	Public comment Focus groups Surveys Public meetings	Workshops Deliberative polling	Citizen advisory committees Consensus-building Participatory decision-making	Citizen juries Ballots Delegated decision

Local Plan

6.2 The local plan comprises a document, or documents, with 'development plan' status, i.e. it is the primary consideration in determining planning applications. These are the most important documents that the Council produces, and the community involvement should reflect the fact that it is in the local plan that the planning strategy for the Borough is decided.

Pre-Preparation

6.3 This stage is referred to in Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which states that the local planning authority should consult on what a local plan should contain. This stage is therefore a very wide-ranging stage, where the front-loading referred to in principle 5 should occur. The main emphasis at this stage will be to *involve*.

6.4 This stage may be based around discussions of which issues to cover, and how to approach those issues, together with a range of alternative options. A full draft document would not be available, or appropriate, at this stage.

6.5 Appropriate involvement tools at this stage might include:

- Interactive workshops;
- Questionnaires;
- Leaflet drops across a defined area;

- Exhibitions, particularly in locations and at times which would maximise the number of people not previously involved in planning matters attending, e.g. shopping centres;
- Forum discussions.

Pre-Submission Draft

- 6.6 This is the statutory consultation stage on the full draft document, as specified in Regulation 19. A full draft of the document must be published and comments invited. As there is now a full draft in place, there is little purpose in asking open-ended questions, or posing multiple options, and this could in fact be construed as being actively dishonest. Instead, the Council should be asking for views on the document, whether the approach is correct, and how it might be improved. The emphasis here is to *consult*.
- 6.7 Appropriate involvement tools at this stage might include:
- Directly contacting important consultees, including those involved at earlier stages;
 - Direct discussion with key stakeholders;
 - Drop-in events, particularly in locations and at times where interested individuals have a chance to discuss aspects of the policy or plan with Council representatives;
 - Publication of the policy or plan online.
- 6.8 The Pre-Submission Draft consultation stage can be repeated if necessary.

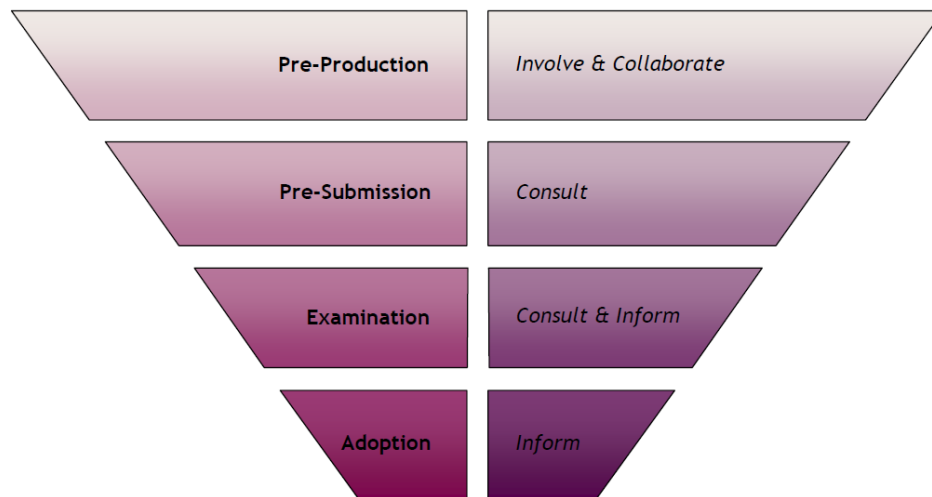
Examination

- 6.9 Once the document is submitted to the Secretary of State, this marks the beginning of the process of Examination. Whilst some consultees will be involved in the Examination process, including providing written evidence and appearing at hearings, this will be under the control of the Inspector rather than the Council, so this is not for the SCI to manage.
- 6.10 If it appears during the Examination process that changes are needed that would not result in significant policy shifts, there is a process by which the Council can consult on some limited changes and request that the Inspector make these changes to the document. This happened twice, for instance, during the Examination of the Sites and Detailed Policies Document in spring and summer 2012. The consultation will need to be fairly limited, as there is not scope to make substantial changes at this point. However, the Council will need to consult broadly the same groups and individuals consulted at Pre-Submission stage.

Adoption

- 6.11 When the DPD is adopted in its final form, the Council simply needs to *inform*, as there is no longer an opportunity to affect the document other than through the judicial review process. Appropriate tools at this stage might include:
- Directly informing important consultees and those previously involved;
 - Publication of the policy and plan online.

Figure 1: Approach to Development Plan Documents



Supplementary Planning Documents

- 6.12 Supplementary Planning Documents (SPDs) supplement policy in higher level Development Plan Documents. They are not able to make entirely new policy themselves. Examples of SPDs include Briefs for specific sites, particularly where they are identified in DPDs, or detailed guidelines on matters such as sustainable design or parking standards. As these are lower-level documents, there are fewer consultation or involvement stages.

Initial Involvement (optional)

- 6.13 Initial involvement is not a statutory stage in preparing a Supplementary Planning Document, and may only be necessary in certain cases. For instance, where a SPD already provides clear guidance, from which a SPD cannot deviate, there is little benefit of a consultation that seeks to start from scratch.
- 6.14 However, in other cases an initial involvement exercise may be vital. For instance, the Meadway Centre Planning Brief process started with a wide consultation on issues and potential options for the development of the centre, based on a questionnaire. This received a good response, which played a crucial role on the contents of the Brief once drafted. This was appropriate in this case because; (a) the Meadway Centre, as a district centre, plays a key role in the functioning of the local community, who will ultimately be the users of the site; and (b), because the adopted policy that it supplemented did not already give a great deal of specific guidance on the site. An initial involvement exercise can therefore be an extremely useful tool in some circumstances. The emphasis here is to *involve*.
- 6.15 Appropriate involvement tools at this stage might include:
- Interactive workshops;
 - Questionnaires;
 - Leaflet drops across a defined area;
 - Exhibitions, particularly in locations and at times which would maximise the number of people not previously involved in planning matters attending, e.g. shopping centres;
 - Forum discussions.

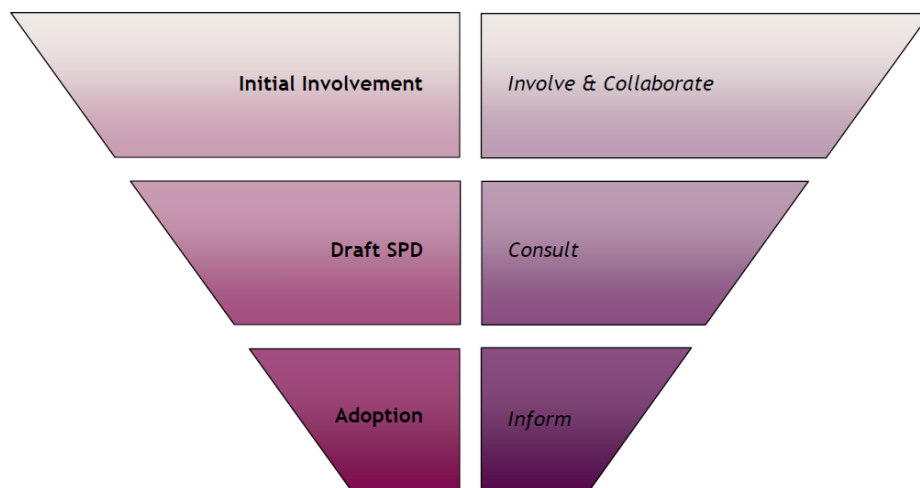
Draft SPD

- 6.16 This is the statutory consultation stage on the Draft SPD. A full draft of the document must be published and comments invited. As there is now a full draft in place, there is little purpose in asking open-ended questions, or posing multiple options, and this could in fact be construed as being actively dishonest. Instead, the Council should be asking for views on the document, whether the approach is correct, and how it might be improved. The emphasis here is to *consult*.
- 6.17 The minimum statutory period for a Draft SPD consultation is four weeks, but the Council will consult for at least six weeks to give sufficient time for responses.
- 6.18 Appropriate involvement tools at this stage might include:
- Directly contacting important consultees, including those involved at earlier stages;
 - Direct discussion with key stakeholders;
 - Drop-in events, particularly in locations and at times where interested individuals have a chance to discuss aspects of the policy or plan with Council representatives;
 - Publication of the policy or plan online.
- 6.19 The Draft SPD consultation stage can be repeated if necessary.

Adopted SPD

- 6.20 When the SPD is adopted in its final form, the Council simply needs to *inform*, as there is no longer an opportunity to affect the document other than through the judicial review process. Appropriate tools at this stage might include:
- Directly informing important consultees and those previously involved;
 - Publication of the policy and plan online.

Figure 2: Approach to Supplementary Planning Documents



Neighbourhood Plans

- 6.21 At this point, the Council is not aware of any proposals to produce neighbourhood plans in Reading. However, such plans could emerge over

the life of the SCI. Although the Council has an important role in providing support to those producing neighbourhood plans, it will be for the neighbourhood forum to take the lead on the document. The emphasis at every stage of such a document is therefore to *empower*.

- 6.22 The statutory requirements for consultation on neighbourhood plans are set out in sections 14 and 16 of the Neighbourhood Planning (General) Regulations 2012. Unlike for other planning documents, neighbourhood plans are not required by law to comply with the SCI, so it is not for this document to include any more detail. However, the principles set out in section 4 are a useful guide to how to undertake consultation and involvement on planning matters. The Planning Advisory Service also publishes a useful guide on the process for neighbourhood plans, including undertaking consultation³.

³ <http://www.pas.gov.uk/process-for-preparing-neighbourhood-plans-and-orders#2>

7. Development Proposals

Pre-Application Consultation on Significant or Sensitive Proposals

- 7.1 The Government has identified the importance of applicants engaging with the local community prior to making a planning application, as part of the pre-application process. Paragraph 189 of the National Planning Policy Framework states that a local planning authority:

"... should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications."

- 7.2 The Council agrees with this emphasis on engaging the community from the outset. It can result in an improved scheme which takes the needs of the existing community into account, and a better relationship between the developer and the community that carries through the application process and beyond. This is particularly the case for proposals that are sensitive or of a significant scale.

- 7.3 The following categories of development are considered to be sensitive or of a significant scale. If a development falls within any of the following categories, it will generally be expected to follow the guidance in this section:

- Development exceeding the following thresholds:
 - Housing: a net increase of more than 50 units;
 - Retail: a net increase in floorspace of 2,500m²;
 - Office: a net increase of 2,500 m²;
 - Other employment: development with similar levels of employment to 2,500m² office floorspace.
 - Other uses or mixed uses: developments involving other uses or mixed uses will be assessed in terms of being "major" on their individual merits.
- Development which would not be in accordance with the development plan;
- Development proposed on playing fields owned by a local authority or used by an educational institution;
- Development proposed on more than 5 ha of greenfield land;
- Schedule 1 and 2 developments as defined by the Environmental Impact Assessment Regulations;
- Developments involving the loss of allotments; and
- Any other proposals that are judged by the planning case officer to be particularly sensitive or of significant interest to the wider local community.

- 7.3 Developers of schemes proposing lower amounts of development are also invited to carry out similar pre-application involvement and consultation in line with the provisions set out in this paper, as a matter of good practice.
- 7.4 Promoters of significant development schemes will need to have regard to the principles set out in section 4 of this SCI. They should pay particular attention to the need to properly plan and resource community involvement exercises. In particular, the following measures should be taken:
- Developers should prepare a full project plan for pre-application involvement and consultation to be discussed and agreed with the case officer. The case officer will provide assistance in identifying and providing contact information on local representatives, groups and individuals who should be invited by the applicant to become involved in the proposals. This will include local residential and other property, representatives of community groups, including local Councillors, relevant statutory and non-statutory consultees, statutory undertakers and any other bodies or individuals to which such information is deemed relevant by the local planning authority. Where proposals relate to the historic environment, the developer will be required to consult a number of organisations with interests in these matters⁴.
 - The Developers project plan should include an outline of the manpower and other resources that will be made available for the intended community involvement. This should include details of the materials that will be made available to the community and stakeholders and the venues proposed for holding interactive events. Website development resources should also be highlighted.
 - The project plan should also discuss the need for local authority officer resources as part of the involvement process. Reading Borough Council already faces considerable pressure on planning staff resources with continuing issues over recruitment and retention of staff. The Council cannot therefore guarantee to make staff resources available to assist involvement exercises or to attend public events. As a minimum, as part of pre- application discussions and correspondence, case officers from the Planning Section will: -
 - Provide information and advice on consultees and stakeholders relevant to involvement in a particular proposal;
 - Provide information and advice on potential venues for public interactive events;
 - Appraise and provide comment and advice on a community involvement project plan prepared by the developer/ potential applicant; and
 - Arrange for links or material to be loaded onto the Council's website.

⁴ English Heritage; CABE; Ancient Monuments Society; Council for British Archaeology; Society for the Protection of Ancient Buildings; The Georgian Group; The Victorian Society; The Twentieth Century Society; Garden History Society; The National Trust; Local Civic/Amenity Society; Local Building Preservation Trust; Local Archaeological and Antiquarian Societies, and local history societies. Also refer to "Planning and Development in the Historic Environment – A Charter for English Heritage Advisory Services," English Heritage, 2005.

Case officers will make efforts to attend events and take part in involvement exercises as observers, if time and resources allow. Where officer attendance or assistance in pre-application involvement exercises is specifically requested by a developer/ potential applicant, and this is agreed on a "without prejudice" basis by the Planning Manager, any cost to the local authority will be charged to the developer/ potential applicant at the Council's standard rates for officer time and any materials.

- Initial approaches to the community and stakeholders should offer a range of involvement approaches and express willingness to meet groups or hold exhibitions/ meetings to explore proposals. They should invite suggestions from the community and stakeholders on how involvement should take place to best meet the needs of the community. Prospective applicants should discuss with the community matters such as possible venues for exhibitions, meetings and other events, and the timing of those events to meet the needs of all in the community. This will be particularly important in involving hard to reach and specific groups within the community.
- Developers should prepare circular information on the developer/ applicant's intentions to make a planning application and develop a particular site. Developers should agree the form and content of the information to be provided with the local planning authority. Such circular information shall be designed to include a means to feed back appropriate responses either by prompted questions or through other written and digital communication.
- Developers should widely distribute such information as may be agreed by the local planning authority by posting to household addresses and other addresses determined in conjunction with and agreed by the local planning authority.
- Developers should arrange and provide at least one, professionally facilitated, interactive involvement event designed to enable all consultees to attend, receive information, participate and feed back information on their area and its community and their views on possible development or other change in the area.
- Such an event might take the form of a place check, enquiry by design event, exhibition and workshop, a planning for real exercise, public meeting or similar, facilitated interactive event. Details of the time, location, illustrative materials, facilitation arrangements and event programme should be agreed in writing with the local planning authority as part of the project plan. The local planning authority must be invited to send representatives to observe and, if appropriate, to participate in any event.
- Developers should provide a website of relevant information or provide digital images and information (or a suitable document such as a document in .pdf format) that can be put on the planning page of the Reading Borough Council Website.

- Developers or prospective applicants will be expected to prepare a public report of community involvement for submission with any planning application, detailing the extent of the community involvement exercise carried out, reporting all views and responses and indicating the actions that have been carried out or that it is proposed are carried out in order to meet the views and concerns raised by the community involvement.

7.5 In order to meet these requirements, a prospective applicant will need to allow considerable time for carrying out pre-application involvement.

Consultation on Planning Applications

7.6 Consultation on planning applications will be carried out in line with the relevant statutory requirements, taking account of resource availability.

APPENDIX 3: REVISED SUSTAINABILITY APPRAISAL SCOPING REPORT CONSULTATION ON CHANGES PROPOSED (November 2013)

1. Introduction

1.1 New development plans must be accompanied by a sustainability appraisal, which assesses the likely environmental, social and economic effects of the plan. This is done by appraising the plan against a number of sustainability objectives. A Sustainability Appraisal Scoping Report sets the framework for sustainability appraisal, by containing all of the information needed to carry out the assessment. It therefore includes the sustainability objectives against which the appraisal will be made, baseline factual information relating to areas of sustainability, other plans and strategies that need to be taken into account, and major sustainability issues in the area.

1.2 The most recent Sustainability Appraisal Scoping Report for Reading was published in October 2008, and was successfully used in the production of development plan documents, in particular the Sites and Detailed Policies Document. However, it is now five years old, and needs review to consider whether it is still fit for purpose.

1.3 Sustainability Appraisal is a multi-stage process, most of which is undertaken in separate appraisals of individual plans. The Scoping Report covers Stage A (as defined in national guidance), comprising five tasks, as follows:

STAGE A: Setting the context and objectives, establishing the baseline and deciding on the scope

A1 - Identifying other relevant plans, programmes, and sustainability objectives.

A2 - Collecting baseline information

A3 - Identifying sustainability issues and problems

A4 - Developing the SA Framework

A5 - Consulting on the scope of the SA.

1.4 At this stage, it is not proposed to consult on a full version of the Scoping Report, much of which will be comprised of factual information to use as a baseline for appraisal. Instead, this brief paper highlights key changes that are proposed and asks for responses on those changes.

1.5 In summary, the main changes proposed are:

- Identification of an updated set of relevant plans and proposals (Task A1)
- Revision of the sustainability objectives (Task A4)
- Incorporation of Habitat Regulations Assessment Screening into the SA process (Task A4)
- Incorporation of Equalities Impact Assessment Screening into the SA process (Task A4)

1.6 These changes are proposed to be made to the most recent Sustainability Appraisal Scoping Report (October 2008), which is available to view on the Council's website:

http://www.reading.gov.uk/documents/servingyou/planning/local_development_framework/20267/Revised-SA-Scoping-Report-1008.pdf

2 A1: Identifying Other Relevant Plans, Programmes and Sustainability Objectives

2.1 Identifying other plans, programmes and objectives is an important stage as it allows an appraisal to have a complete picture of what is proposed that might influence the assessment. The list published in 2008 is clearly in need of updating, as much has changed in five years. A revised list of plans and programmes is included in Annex 1.

3 A2: Collecting Baseline Information

3.1 A substantial amount of baseline information is included within the 2008 version of the Sustainability Appraisal Scoping Report. Updated information is not included within this paper, but it will be required in the final version of the revised Scoping Report. Any comments suggesting changes to the baseline information reported in the 2008 report are welcomed.

4 A3: Identifying Sustainability Issues and Problems

4.1 The vast majority of the Sustainability Issues identified within the 2008 Sustainability Appraisal Scoping Report are still current. It is not therefore proposed that substantial change be made to this section. However, comments on whether these sustainability issues are still relevant are welcomed.

5 A4: Developing the Sustainability Appraisal Framework

Sustainability Objectives

5.1 The 2008 Report contained 18 sustainability objectives, covering environmental, social and economic matters, against which plans and policies are appraised. It is proposed to make a number of changes to these objectives, and the proposed revised list of 20 objectives is set out below. The reasons for the changes proposed are detailed in Annex 2, but in summary there are three main reasons:

- To address issues which were either not covered particularly well in the previous list, or which have emerged strongly since, for instance in national policy;
- As they have proven difficult to apply in practice, or not particularly useful, in the last five years of undertaking sustainability appraisals;
- To cover other related statutory assessment processes (see below).

Table 1: Proposed Revised Sustainability Objectives (2013)

Living within Environmental Limits (Environmental Objectives)	
1	To limit the impact of climate change through minimising CO2 emissions and other greenhouse gases.
2	Adapt to inevitable climate change in terms of preparedness for extreme weather events, including managing the risk of flooding, heat wave and storm damage.
3	Ensure appropriate, efficient, reliable and careful use and supply of energy, water, minerals, food and other natural resources.
4	Minimise the consumption of, and reduce damage to, undeveloped land.
5	Minimise the generation of waste and promote more sustainable approaches to waste management.
6	Minimise air, water, soil/ ground and noise pollution, and improve existing areas of contaminated land and poor air quality.
7	Value, protect and enhance the amount and diversity of wildlife, habitat and geology, and other

	contributors to natural diversity, including establishing/enhancing ecological networks.
8	Avoid significant effects on internationally-designated wildlife sites.
9	Create, enhance and maintain attractive and clean environments including protecting and, where appropriate, enhancing important landscapes and townscape.
10	Value, protect and, where appropriate, enhance heritage assets and the contribution that they make to society and the environment.
Ensuring a Strong, Healthy and Just Society (Social & Economic Objectives)	
10	Protect, promote and improve human health, safety and well-being including through healthy lifestyles.
11	Promote strong and vibrant communities through reduction in crime and the fear of crime and enhanced community cohesion.
12	Ensure high quality housing of a type and cost appropriate to the needs of the area.
13	Reduce the need for travel and transport particularly by car or lorry and facilitate sustainable travel choices.
	Ensure good physical access for all to essential services and facilities, including healthcare.
14	Avoid significant negative effects on groups or individuals with regard to race, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
15	Ensure accessible opportunities for all to engage in culture, leisure, and physical and recreational activity, particularly in areas of open space and waterspace.
16	Facilitate sustainable economic growth and regeneration that provides employment opportunities for all and supports a successful, competitive, and balanced local economy that meets the needs of the area.
17	Reduce deprivation and inequality within and between communities.
18	Maximise access for all to the necessary education, skills and knowledge to play a full role in society and support the sustainable growth of the local economy.

Appropriate Assessment (Habitat Regulations)

- 5.2 The Council is required to undertake an 'Appropriate Assessment' of development plans under the European Community (EC) Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC) (*commonly known as the Habitats Directive*) and Conservation (Natural Habitats &) Regulations 1994, commonly known as the *Habitats Regulations*. This assesses the likely effects on European designated wildlife sites (Special Areas of Conservation and Special Protection Areas) in terms of those sites' conservation objectives.
- 5.3 Screening level appropriate assessments have been produced for the Reading Central Area Action Plan and Sites and Detailed Policies Document as separate documents, distinct from the sustainability appraisal process. However, it would make sense for these processes to be combined, as impact on significant biodiversity assets is part of the sustainability appraisal. This will save on resources and will avoid duplication of effort.
- 5.4 To do this, a sustainability objective relating purely to SACs, SPAs and Ramsar sites is required in addition to more general biodiversity effects, in order that the specific requirements of legislation can be highlighted at this stage. This is included in the list of objectives in Table 1.
- 5.5 It will also mean including a certain amount of baseline information on European designated wildlife sites within the Scoping Report. This will include the following four steps of the Screening methodology used in previous assessments:
- Stage 1: Identify the sites to be assessed

- Stage 2: Identify relevant characteristics of the sites likely to be affected
 - Stage 3: Identify potential hazards
 - Stage 4: Identify other plans and strategies that may give rise to cumulative effects.
- 5.6 Stages 5 (determine potential significant effects), 6 (assess need for additional Appropriate Assessment stages) and 7 (consultation) will need to be carried out alongside the sustainability appraisal itself, as these stages will differ significantly according to what is being appraised.
- 5.7 If screening reveals that a full Habitat Regulations Assessment is required, this will be undertaken separately from the sustainability appraisal process.
- 5.8 Annex 3 sets out the proposed information on Appropriate Assessment that we intend to include within the Sustainability Appraisal Scoping Report.

Equality Impact Assessment

- 5.9 The Council is required to undertake an Equality Impact Assessment (EqIA) of development plans. This focuses on how a policy or function will affect people from different groups and in turn whether it has a negative impact on groups or individuals in particular with regard to race, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 5.10 Reading Borough Council has a clear process for meeting the requirements of undertaking EqIAs. The following sequential stages are required, where relevant:
- ***Equality Relevance Test*** - to identify whether policies being assessed have a relevance to the equality duties.
 - ***Stage 1 - Initial Screening or Desktop Exercise*** to ascertain whether a partial or full assessment is required.
 - ***Stage 2 - Partial Impact Assessment*** will be necessary if the initial screening identifies a differential negative impact on any of the groups. If the outcome highlights real concerns then a stage 3 assessment will be required.
 - ***Stage 3 - Full Impact Assessment*** is carried out to investigate where there is an adverse impact and the EqIA will address how to reverse the impact.
 - ***Equality Impact Assessment Report*** - A report summarising the findings and required actions resulting from the assessments under stages 1-3
- 5.11 A full EqIA has been produced for each development plan document in Reading as separate documents, distinct from the sustainability appraisal process. However, it would make sense for these processes to be combined, as impact on equality is also covered the sustainability appraisal. This will save on resources and will avoid duplication of effort. The sustainability appraisal process has the potential to cover the equality relevance test and Stage 1 (screening) of the EqIA without requiring a separate document.

- 5.12 To do this, a sustainability objective relating purely to the protected equality characteristics is required, in order that the specific requirements of legislation can be highlighted at this stage. This is included in the list of objectives in Table 1.
- 5.13 However, if screening reveals that a full Equality Impact Assessment is required, this will be undertaken separately from the sustainability appraisal process.

6 A5: Consulting on the Scope of the Sustainability Appraisal

- 6.1 This paper is intended to fulfil Task A5, to consult on the scope of the Sustainability Appraisal. A number of proposed changes are set out above, but any other comments on the scope of the Appraisal are also welcome.
- 6.2 Please send any comments to

LDF@reading.gov.uk

LDF Team, Planning Section
Civic Offices
Reading
RG1 7AE

ANNEX 1: UPDATED LIST OF PLANS, PROGRAMMES AND SUSTAINABILITY OBJECTIVES

U.K.
Sustainable Development Strategy (2005)
National Planning Policy Framework
PPS10: Planning for Sustainable Waste Management
Code for Sustainable Homes
Biodiversity 2020
National Adaptation Programme
Energy Efficiency Strategy
South East
South East Plan policy NRM 6
South East Regional Forestry Framework
Berkshire/Sub-Regional
Berkshire Biodiversity Strategy
Berkshire Replacement Minerals Local Plan (saved policies)
Berkshire Waste Local Plan (saved policies)
Reading
Core Strategy
Reading Central Area Action Plan
Sites and Detailed Policies Document
Draft Community Infrastructure Levy Charging Schedule
Reading Economic Development Strategy
Sustainable Community Strategy
Local Transport Plan
Cycling Strategy
Climate Change Strategy
Biodiversity Action Plan
Tree Strategy
Open Space Strategy
Cultural Strategy
Re3 Waste Management Strategy
Air Quality Action Plan
Reading's Health and Well-Being Strategy
Community Cohesion Framework
Contaminated Land Strategy
Adjoining Areas
Wokingham Borough Core Strategy
Wokingham Managing Development Delivery Document (Draft)
West Berkshire Core Strategy
South Oxfordshire Core Strategy
Oxfordshire Minerals and Waste Local Plan

The above documents are the main plans and programmes that will need to be taken into account most frequently. However, in individual sustainability appraisals, additional plans may need to be considered. This will need to be undertaken on a case-by-case basis.

ANNEX 2: PROPOSED CHANGES TO SUSTAINABILITY OBJECTIVES AND REASONS

Existing Objective	1. To limit the impact of climate change through minimising CO2 emissions and other greenhouse gases
Comments	No changes are required to this objective
Proposed objective(s)	1. To limit the impact of climate change through minimising CO2 emissions and other greenhouse gases
Existing Objective	2. Adapt to inevitable climate change in terms of preparedness for extreme weather events, including managing the risk of flooding
Comments	The objective should be expanded to refer to some of the other likely effects of climate change such as heat waves and storm damage.
Proposed objective(s)	2. Adapt to inevitable climate change in terms of preparedness for extreme weather events, including managing the risk of flooding, <u>heat wave and storm damage.</u>
Existing Objective	3. Use energy, water, minerals and other natural resources appropriately, efficiently and with care
Comments	There are some important elements of sustainability that are not covered in the existing objectives. In particular, they do not cover the increasingly important issue of ensuring a reliable supply of resources, particularly energy, often through decentralised sources. They also do not cover local production of food. In addition, as the Council is now likely to produce minerals policies itself rather than as a joint Berkshire plan, the sustainability appraisal framework will need to be used to assess minerals policies, and ensuring supply of minerals is a key sustainability consideration.
Proposed objective(s)	3. <u>Use-Ensure appropriate, efficient, reliable and careful use and supply of energy, water, minerals, food and other natural resources</u> appropriately, efficiently and with care
Existing Objective	4. Minimise the consumption of, and reduce damage to, undeveloped land, appropriately utilising brownfield land
Comments	The objective does not require substantial alteration, although it can be shortened as the appropriate use of brownfield land is implicit in minimising consumption of undeveloped land.
Proposed objective(s)	4. <u>Minimise the consumption of, and reduce damage to, undeveloped land,</u> appropriately utilising brownfield land
Existing Objective	5. Minimise the generation of waste and promote more sustainable approaches to waste management
Comments	No changes are required to this objective. It will be of increasing importance in appraising waste policies, as the Council is now likely to produce waste policies itself rather than as a joint Berkshire plan.
Proposed objective(s)	5. Minimise the generation of waste and promote more sustainable approaches to waste management
Existing Objective	6. Minimise air, water, soil/ ground and noise pollution
Comments	This objective adequately covers effects on various aspects of pollution. However, it does not deal with existing issues of contaminated land and poor air quality, which are substantial sustainability issues in an urban area such as

	Reading, where development will usually take place in brownfield sites with areas of significant existing human activity. Both contaminated land and air quality have been identified as key issues in Reading, and the Council has strategies and plans in place to deal with both.
Proposed objective(s)	6. <u>Minimise air, water, soil, ground and noise pollution and improve existing areas of contaminated land and poor air quality</u>
Existing Objective	7. Value, protect and enhance the amount and diversity of wildlife and habitat, and other contributors to natural diversity, including establishing/enhancing ecological networks
Comments	<p>The objective as it stands does not require substantial change, and adequately covers the important elements of natural diversity and the Council's approach to them. Reference should be made to geo-diversity, to reflect the Council's policy CS36 as well as to reflect the likely increasing role that the sustainability appraisal will have in assessing minerals policies.</p> <p>In addition, as set out in section 5, in order to encompass the Appropriate Assessment process within sustainability appraisal, a specific objective relating to European-designated wildlife sites is also required.</p>
Proposed objective(s)	<p>7. <u>Value, protect and enhance the amount and diversity of wildlife and habitat and geology, and other contributors to natural diversity, including establishing/enhancing ecological networks</u></p> <p>8. <u>Avoid significant effects on internationally-designated wildlife sites</u></p>
Existing Objective	8. Create, enhance and maintain safer, cleaner and greener environments and attractive and functional buildings
Comments	This has proven a very difficult objective to apply in practice, as it includes many different elements and it is not clear entirely what the objective entails. It is not clear whether it is concerned with safety, attractiveness, functionality or open space and greenery. The objective should be restructured around the need to ensure high-quality landscape and townscape, which are important issues, recognised by local policies but not covered by the existing objectives. Safety is covered elsewhere and does not need to be referred to here, as is open space.
Proposed objective(s)	8.9. Create, enhance and maintain safer, cleaner and greener attractive and clean environments and attractive and functional buildings including protecting and, where appropriate, enhancing important landscapes and townscapes.
Existing Objective	9. Value, protect and, where appropriate, enhance the historic environment
Comments	National policy now refers to 'heritage assets' rather than the historic environment, and the wording should be updated to reflect this. In addition, national policy places an emphasis on not just heritage assets themselves, but how these assets contribute to the wider environment and society, and how they should be built into strategies for enhancing the whole area. This means that the objective should be widened.
Proposed objective(s)	10.9. Value, protect and, where appropriate, enhance the historic environment <u>heritage assets and the contribution that they make to society and the environment</u>
Existing Objective	10. Protect, promote and improve human health and well-being through healthy lifestyles and healthcare provision
Comments	This objective has proven difficult to use in assessments in the past, mainly because it refers to two very distinct health elements. Prevention of ill health is very different to treatment of ill health. For example, the way the objective is worded at the moment would make it difficult to assess an application for a residential development in an area of poor air quality that included a health clinic, because the air quality issue might lead to a negative score whilst the

	<p>provision of healthcare might lead to a positive score. Whilst there is always potential for mixed effects in each objective, this has arisen most frequently in relation to this objective. Access to healthcare should therefore be removed and dealt with in a separate objective that covers access to essential services.</p> <p>In addition, human safety is part and parcel of health, and it should be referred to here rather than in the other locations safety is dealt with.</p>
Proposed objective(s)	10 11. Protect, promote and improve human health, <u>safety</u> and well-being <u>including through healthy lifestyles</u> and healthcare provision
Existing Objective	11. Promote safe, stronger and vibrant communities through measures to reduce crime and the fear of crime and enhance community cohesion
Comments	This is one of a number of objectives that currently refer to safety. Reference to safety is now included in a single objective, and this enables this objective to be more focused on the strength and vibrancy of communities.
Proposed objective(s)	11 12. Promote safe, stronger and vibrant communities through measures to reduce <u>reduction in</u> crime and the fear of crime and <u>enhanced</u> community cohesion
Existing Objective	12. Provide high quality housing of a type and cost appropriate to the needs of the area
Comments	This objective does not require substantial change, but it should reflect the importance of upgrading existing housing to the standards the Council would expect of new housing. This can be done by a simple change.
Proposed objective(s)	12 13. Provide <u>Ensure</u> high quality housing of a type and cost appropriate to the needs of the area
Existing Objective	13. Reduce the need for travel and transport particularly by car or lorry while providing good physical access for all to services, facilities and other people by means such as walking and cycling
Comments	This is another objective that has proven difficult to apply in practice, as it conflates two related but distinct elements, i.e. access to services and more sustainable travel choices. These are both vital elements of sustainability, so the objective should be divided into two. The access to services should cover access to healthcare, which is proposed to be removed from objective 10.
Proposed objective(s)	13 14. Reduce the need for travel and transport particularly by car or lorry <u>and facilitate sustainable travel choices</u> while providing good physical access for all to services, facilities and other people by means such as walking and cycling <u>15. Ensure good physical access for all to essential services and facilities, including healthcare.</u>
Existing Objective	14. Value the social and cultural diversity and the local distinctiveness of communities
Comments	This is an objective that has been very difficult to apply in practice, often because it is very far from clear what effects a plan or proposal might have on what is a fairly intangible concept. This often leads to uncertain assessments, which do not shed any light on the effects of the development. Whilst it is a valuable objective in itself, it is preferable for the purposes of appraisal to focus instead on more tangible aspects such as equality for individuals, and inequality between communities.
Proposed objective(s)	None.
Existing Objective	None.

Comments	As set out in section 5, in order to encompass the Equality Impact Assessment screening process within sustainability appraisal, a specific objective relating to equality as relating to the protected characteristics under law is also required.
Proposed objective(s)	<u>16. Avoid significant negative effects on groups or individuals with regard to race, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</u>
Existing Objective	15. Ensure accessible opportunities for all to engage in culture, leisure, and physical and recreational activity, particularly in areas of open space and waterspace
Comments	No changes are required to this objective
Proposed objective(s)	15 17. Ensure accessible opportunities for all to engage in culture, leisure, and physical and recreational activity, particularly in areas of open space and waterspace
Existing Objective	16. Facilitate sustainable economic growth and regeneration that provides employment opportunities for all and supports a successful, competitive, and balanced local economy that meets the needs of the area, and improves the economic situation for particularly deprived communities
Comments	This objective covers two areas which are absolutely vital for the sustainability of Reading - economic growth as a whole, and deprivation within particular communities. The situation in Reading is that the area is generally economically buoyant, but there are pockets of deprivation where many people do not benefit from the overall buoyancy. There will often therefore be situations where a possible option or proposal would lead to economic growth in the Borough but would do nothing, or even worsen the situation, for deprived communities. The appraisal needs to highlight this, and these two elements should therefore be separated out into different objectives.
Proposed objective(s)	16 18. Facilitate sustainable economic growth and regeneration that provides employment opportunities for all and supports a successful, competitive, and balanced local economy that meets the needs of the area, and improves the economic situation for particularly deprived communities 19. <u>Reduce deprivation and inequality within and between communities.</u>
Existing Objective	17. Maximise access for all to the necessary education, skills and knowledge to play a full role in society
Comments	This objective does not require substantial change, but it should emphasise the importance that education and skills have on the health of the local economy.
Proposed objective(s)	17 20. Maximise access for all to the necessary education, skills and knowledge to play a full role in society <u>and support the sustainable growth of the local economy</u>
Existing Objective	18. Provide opportunities for all to participate fully in society including local democracy and decision-making processes
Comments	This objective is an important role for the Council. However, in countless appraisals over the past five years, this objective has rarely been appraised with anything other than a neutral score, because very few options have differing effects on this objective. Assessment against this objective therefore rarely sheds any light on the sustainability of a proposal, and it is not therefore a priority for sustainability appraisal to address. This issue is dealt with in the Council's Statement of Community Involvement.
Proposed objective(s)	None.

ANNEX 3: PROPOSED SECTION ON APPROPRIATE ASSESSMENT SCREENING

A3.1 Introduction

An Appropriate Assessment Screening of new planning policy is required in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC). The purpose is to consider whether the proposals would be likely to have significant effects on the identified Natura 2000 sites and whether a full Appropriate Assessment is required.

Article 3 of the European Habitats Directive (Directive 92/43/EEC) provides for a network of *Natura 2000* Sites, which includes Special Area of Conservation (SACs - designated under the EU Directive) and Special Protection Areas (SPAs - designated under the Birds Directive, 79/409/EEC)

The Directive includes a requirement, which emerges through Regulation 48, that all plans that are 'likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects)' should 'make an appropriate assessment of the implications for the site in view of that site's conservation objectives'.

Guidance from the Department for Communities and Local Government (DCLG)¹ identifies three stages for undertaking the process of Appropriate Assessments:

- *Task 1*: Identifying likely significant effects
- *Task 2*: Appropriate assessment and ascertaining the effect on site integrity and
- *Task 3*: Mitigation and alternative solutions

Task 1 involves gathering evidence and screening for likely impacts which is covered in a 'Screening' level document. This screening process determines whether the plan is likely to have a significant effect on a European site and hence whether the subsequent steps of the AA are required. If it concludes that there are no likely significant effects, it will not be necessary to undertake *Tasks 2* and *3*.

Task 1 can be undertaken as part of the sustainability appraisal process, by assessing policies and proposals against sustainability objective 8. The appraisal will then set out whether significant effects on Natura 2000 sites are likely, and, if so, what. This will then highlight whether a full Appropriate Assessment is required.

A3.2 Methodology

The methodology for carrying out the Screening Appropriate Assessment has been derived with reference to the DCLG guidance on carrying out Appropriate Assessments, and has been agreed with Natural England.

¹ 'Planning for the Protection of European Sites: Appropriate Assessment', DCLG, 2006

The overall methodology for the screening exercise goes through seven sequential stages:

- Stage 1: Identify the sites to be assessed
- Stage 2: Identify relevant characteristics of the sites likely to be affected
- Stage 3: Identify potential hazards
- Stage 4: Identify other plans and strategies that may give rise to combined effects
- Stage 5: Determine potential significant effects
- Stage 6: Assess need for additional Appropriate Assessment stages
- Stage 7: Consultation

Stages 5-7 can only be undertaken in relation to a specific plan or proposal, and must therefore be left to the individual sustainability appraisal. However, Stages 1-4 can be undertaken within the Sustainability Appraisal Scoping Report.

A3.3 Stage 1: Sites to be assessed

This stage identifies those sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) upon which it is considered that plans within Reading Borough have the potential for significant effects.

Whilst there are no Natura 2000 sites within the Reading Borough boundary, there are 2-3 potential sites within the sub-region. After consultation with Natural England on previous Appropriate Assessment screening exercises, the Council decided to usually assess sites within 15 km of the boundary of the Borough. It was felt that other sites would be too far away for any significant effects to arise as a result of development plan proposals. Whilst 15 km will generally be used, where there is reason to believe that a plan may give rise to effects on more distant sites, these will also be included, and highlighted within the relevant sustainability appraisal report. There are no RAMSAR sites within a 20 km threshold.

Screening Appropriate Assessments will therefore look at the following three sites:

- Hartslock Wood SAC (5.5 km of Reading Borough boundary)
- Thames Basin Heaths SPA (6 km)
- Chilterns Beechwoods SAC (12.5 km)

Thames Basin Heaths SPA and Chilterns Beechwoods SAC are areas made up of several sites, and both only partially fall within the 15 km threshold. Therefore, the following elements of each are assessed within this document:

Thames Basin Heaths SPA

- *Broadmoor to Bagshot Woods and Heaths SSSI*
- *Sandhurst to Owlsmoor Bogs and Heaths SSSI*
- *Castle Bottom to Yateley and Hawley Commons SSSI*
- *Bramshill SSSI*
- *Hazeley Heath SSSI*

Chilterns Beechwoods SAC

- *Bisham Woods SSSI*
- *Hollowhill and Pullinghill Woods SSSI*

Figure A3.1 outlines the location of the three sites to be assessed relative to the Borough boundary:

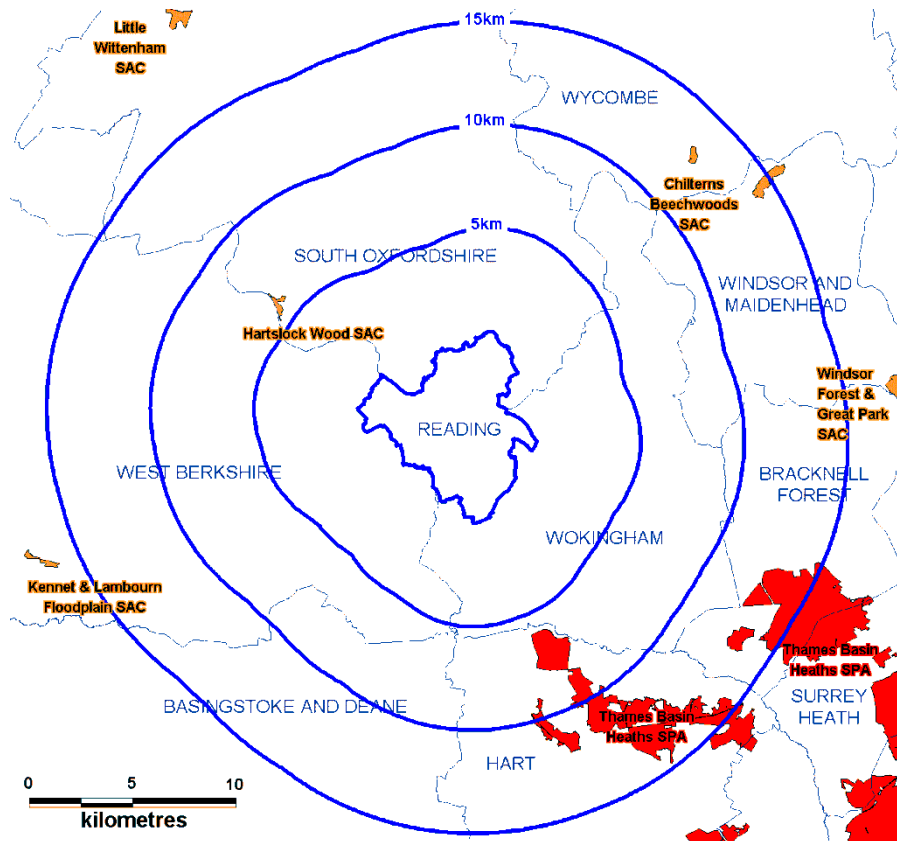


Figure A3.1: Location of designated sites to be assessed

A3.4 Stage 2: Relevant characteristics of the sites likely to be affected

According to the European Directive, the significance of effects should be 'determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives'.

This stage of the methodology therefore sets out the following two pieces of information for each site:

- The reasons for the designation of the site, i.e. the features that qualify the site as being of European significance. These will include both primary and non-primary features; and
- The conservation objectives for each site, sourced from Natural England.

These are set out in Table A3.2

Table A3.2: Reasons for designation and conservation objectives

HARTSLOCK WOOD S.A.C.

Reasons for designation (source: Joint Nature Conservation Committee, www.jncc.gov.uk)

HABITATS (PRIMARY)

Semi-natural dry grassland and scrubland facies: on calcareous substrates (*Festuco-Brometalia*) (important orchid sites):

The steep slopes of this site on the chalk of the Chilterns comprise a mosaic of chalk grassland, chalk scrub and broadleaved woodland. The chalk grassland mostly consists of a mosaic of shorter-turf NVC type CG2 *Festuca ovina-Avenula pratensis* grassland and taller CG3 *Bromus erectus* grassland. The site supports one of only three UK populations of monkey orchid *Orchis simia*, a nationally rare Red Data Book species.

Taxus baccata woods of the British Isles:

The bulk of this site lies on a steep slope above the River Thames. Recent storms and landslips have resulted in a diverse age-structure for the yew population. Open patches show a rich flora including local species such as southern wood-rush *Luzula forsteri*, wood barley *Hordelymus europaeus* and narrow-lipped helleborine *Epipactis leptochila*.

Conservation objectives (source: Natural England)

Subject to natural change, to maintain the following habitats and geological features in favourable condition (*), with particular reference to any dependent component special interest features (habitats, vegetation types, species, species assemblages etc.) for which the land is designated (SSSI, SAC, SPA, Ramsar).

- Broadleaved mixed and yew woodland
- Calcareous grassland

(*) or restored to favourable condition if features are judged to be unfavourable.

CHILTERN BEECHWOODS S.A.C.

Reasons for designation (source: Joint Nature Conservation Committee, www.jncc.gov.uk)

HABITATS (PRIMARY)

Asperulo-Fagetum beech forests:

The Chilterns Beechwoods represent a very extensive tract of *Asperulo-Fagetum* beech forests in the centre of the habitat's UK range. The woodland is an important part of a grassland-scrub-woodland mosaic. A distinctive feature in the woodland flora is the occurrence of the rare coralroot *Cardamine bulbifera*.

HABITATS (NON-PRIMARY)

- Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*)
- *Asperulo-Fagetum* beech forests for which this is considered to be one of the best areas in the UK
- *Lucanus cervus* for which the area is considered to support a significant presence.

SPECIES (NON-PRIMARY)

Stag beetle, *Lucanus cervus*

Conservation objectives (source: Natural England)

Subject to natural change, to maintain the following habitats and geological features in favourable condition (*), with particular reference to any dependent component special interest features (habitats, vegetation types, species, species assemblages etc.) for which the land is designated (SSSI, SAC, SPA, Ramsar).

Bisham Woods SSSI

- Broadleaved mixed and yew woodland

Hollowhill and Pullingshill Woods SSSI

- Lowland mixed broadleaf woodland

(*) or restored to favourable condition if features are judged to be unfavourable.

THAMES BASIN HEATHS S.P.A.

Reasons for designation (source: Joint Nature Conservation Committee, www.jncc.gov.uk)

During the breeding season the area regularly supports:

Caprimulgus europaeus (Nightjar)
7.8% of the GB breeding population
Count mean (RSPB 1998-99)

Lullula arborea (Woodlark)
9.9% of the GB breeding population
Count as at 1997 (Wotton & Gillings 2000)

Sylvia undata (Dartford warbler)
27.8% of the GB breeding population
Count as at 1999 (RSPB)

Conservation objectives (source: Natural England)

Broadmoor to Bagshot Woods and Heaths SSSI

To maintain*, in favourable condition, the habitats for the populations of Annex 1 species+ of European importance, with particular reference to:

- lowland heathland (Sandhurst to Owlsmoor Bogs and Heaths SSSI, Castle Bottom to Yateley and Hawley Commons SSSI, Bramshill SSSI, Hazeley Heath SSSI)
- rotationally managed plantation

+ Woodlark, Nightjar, Dartford Warbler (Sandhurst to Owlsmoor Bogs and Heaths SSSI, Castle Bottom to Yateley and Hawley Commons SSSI, Bramshill SSSI, Hazeley Heath SSSI)

* maintenance implies restoration if the feature is not currently in favourable condition

A3.5 Stage 3: Potential hazards

At this stage, the assessment identifies those potential hazards that development plans in Reading could have on the identified sites. This list has been agreed with Natural England as part of the assessment methodology on previous screening exercises.

Noise and vibration

Noise and vibration can disturb animal species, particularly when breeding. Strong vibrations may also affect roots of trees and plants. The potential effects of a development plan could be to directly increase noise and vibrations through development activity, but more likely are indirect effects through increases in transport to and from Reading.

Air pollution and quality

Reductions in air quality, through pollution, dust or other substances, can have direct effects on animal and plant life, by causing ill-health or death or restricting their growth. Airborne pollutants can also enter watercourses. Such pollutants could emerge as a result of development plan through construction/development processes or other operations, or through the end use, either directly from new development or as a result of more journeys, particularly by car, to Reading.

Water pollution and quality

Reductions in water quality could affect designated sites in a variety of ways. It can have direct effects on the health, growth and breeding of flora and fauna, both in and out of the water, and it can also change the habitat over time, resulting in a change in the species that inhabit it. This water pollution could come about as a result of pollutants entering watercourses or groundwater directly or via airborne pollution, either through development activity or the end use of developments.

Water flows

If surface- or groundwater flows are permanently changed, this could fundamentally alter the habitats present in designated sites, and therefore the species that inhabit them. Redevelopment can change water flows by changing the building footprint, or changing areas of hard surfacing. There could also be increases in water abstraction during development or through the end use, and this could also affect water flows.

Climate change

Climate change could result in higher temperatures, rising water levels and increased flooding, and more extreme weather conditions, as well as a wide range of other effects, such as increased pressure for development on higher ground. These effects would fundamentally alter existing habitats. A development plan could contribute to these effects by increasing traffic generation, construction processes and use of resources, among other factors.

Habitat loss and degradation

Habitat loss and degradation would directly affect the species present on the protected sites, and would compromise the reason for the designation, or fragment larger areas of habitat. Given that the Borough does not include, or is not adjacent to, any protected sites, direct habitat loss is unlikely to occur, but an increasing population could mean more visitors to the sites, with consequent degradation of the habitat. Strategic infrastructure requirements, if necessitated by the proposals, could mean some habitat loss, which is more likely to be a 'combined' effect than one simply as a result of the plan.

Landscape effects

Given the distance to the designated sites, the most likely landscape effects as a result of a development plan would be as a result of large or tall buildings. These could interrupt migration or feeding routes for birds or other animals present at the sites.

Lighting

Increasing lighting can disturb breeding and feeding for the wildlife present in the designated sites. Increased lighting could come from projected development in the Borough, also possibly from higher buildings, as well as from additional traffic generated from any development.

A3.6 Stage 4: Other plans and strategies that could give rise to combined effects

According to Regulation 48, the implications of a plan in combination with other plans and projects will need to be assessed. An appropriate assessment therefore needs to identify the plans that may give rise to combined effects, and consider their implications on the designated sites.

The sites identified for the purposes of carrying out appropriate assessment are those sites, or parts of sites, which fall within 15 km of the Reading Borough boundary. Therefore, this section looks only at those plans and projects that are in close proximity to the parts of the designated sites that are being assessed. A large designated site, such as Thames Basin Heaths SPA, stretches up to 40 km away from the Borough, and therefore an assessment of all plans or projects close to the whole area would be unwieldy, and unlikely to shed further light on the effects. This assessment defines 'close proximity' as areas with a significant area within 10 km of the designated site. Table A3.3 identifies which authorities contain plans or projects which have been assessed for combined effects for each site.

Table A3.3: Locations of plans and projects that may give rise to 'combined effects'

Hartslock Wood SAC	<ul style="list-style-type: none"> ▪ Oxfordshire County ▪ South Oxfordshire District ▪ West Berkshire District ▪ Reading Borough
Chilterns Beechwoods SAC	<ul style="list-style-type: none"> ▪ Buckinghamshire County ▪ South Bucks District ▪ Wycombe District ▪ Royal Borough of Windsor and Maidenhead ▪ Reading Borough ▪ Wokingham Borough ▪ Oxfordshire County ▪ South Oxfordshire District
Thames Basin Heath SPA	<ul style="list-style-type: none"> ▪ Bracknell Forest Borough ▪ Wokingham Borough ▪ Royal Borough of Windsor and Maidenhead ▪ Reading Borough ▪ West Berkshire District ▪ Surrey County ▪ Surrey Heath Borough ▪ Runnymede Borough ▪ Woking Borough ▪ Guildford Borough ▪ Hampshire County ▪ Hart District ▪ Rushmoor Borough ▪ Basingstoke and Deane District

The tables below take each site in turn, and examine the proposals of adopted or emerging development plans insofar as they may affect the designated site. Where these plans are accompanied by an Appropriate Assessment, the results of this inform the discussion. These have been taken into account in assessing the implications under Stage 5.

HARTSLOCK WOOD (location: South Oxfordshire District)

Oxfordshire

Oxfordshire Minerals and Waste Local Plan (Adopted 1996) - saved policies
Oxfordshire Minerals and Waste Core Strategy - (Withdrawn 2013)

South Oxfordshire

South Oxfordshire Core Strategy (Adopted 2012)
South Oxfordshire Local Plan 2011 (Adopted 2006) - saved policies
Woodcote Neighbourhood Development Plan (Submitted 2013)

Berkshire

Replacement Minerals Local Plan for Berkshire - saved policies
Waste Local Plan for Berkshire - saved policies

Reading

Core Strategy (Adopted 2008)
Reading Central Area Action Plan (Adopted 2009)
Sites and Detailed Policies Document (Adopted 2012)

West Berkshire

Core Strategy (Adopted 2012)
Local Plan 1991-2006 (Adopted 2002) - saved policies

CHILTERN BEECHWOODS (location of parts within 20 km of Reading: Wycombe District and Royal Borough of Windsor and Maidenhead)

Buckinghamshire

Buckinghamshire Minerals and Waste Core Strategy (Adopted 2012)
Buckinghamshire Minerals and Waste Local Plan 2004-2016 - saved policies

Wycombe

Core Strategy (Adopted 2008)
Delivery and Site Allocations Plan (Adopted 2013)
Wycombe District Local Plan (Adopted 2004) - saved policies

South Bucks

South Bucks Core Strategy (Adopted 2011)
South Bucks Local Plan (Adopted 1999) - saved policies

Berkshire

Replacement Minerals Local Plan for Berkshire - saved policies
Waste Local Plan for Berkshire - saved policies

Windsor and Maidenhead

Maidenhead Town Centre Area Action Plan (Adopted 2011)
The Royal Borough of Windsor and Maidenhead Local Plan (Adopted 2003) - saved policies

Reading

Core Strategy (Adopted 2008)
Reading Central Area Action Plan (Adopted 2009)
Sites and Detailed Policies Document (Adopted 2012)

Wokingham

Wokingham Borough Core Strategy (Adopted 2010)
Managing Development Delivery Document (Main Modifications stage 2013)
Wokingham District Local Plan (Adopted 2004) - saved policies

Oxfordshire

Oxfordshire Minerals and Waste Local Plan (Adopted 1996) - saved policies

Oxfordshire Minerals and Waste Core Strategy - (Withdrawn 2013)

South Oxfordshire

South Oxfordshire Core Strategy (Adopted 2012)
South Oxfordshire Local Plan 2011 (Adopted 2006) - saved policies
Henley-Harpsden Neighbourhood Development Plan (Submitted 2013)

THAMES BASIN HEATHS (location of parts within 20 km of Reading: Bracknell Forest Borough, Hart District, Rushmoor Borough and Surrey Heath Borough)

South East

Saved Policy NRM6 of the South East Plan (Published 2009)

Berkshire

Replacement Minerals Local Plan for Berkshire - saved policies
Waste Local Plan for Berkshire - saved policies

Bracknell Forest (South East Plan housing allocation: 12,780)
Bracknell Forest Core Strategy (Adopted 2008)
Site Allocations Local Plan (Adopted 2013)
Bracknell Forest Borough Local Plan (Adopted 2002) - saved policies

Wokingham

Wokingham Borough Core Strategy (Adopted 2010)
Managing Development Delivery Document (Main Modifications stage 2013)
Wokingham District Local Plan (Adopted 2004) - saved policies

Windsor and Maidenhead

Maidenhead Town Centre Area Action Plan (Adopted 2011)
The Royal Borough of Windsor and Maidenhead Local Plan (Adopted 2003) - saved policies
Ascot, Sunninghill and Sunningdale Neighbourhood Plan (Draft 2013)

Reading

Core Strategy (Adopted 2008)
Reading Central Area Action Plan (Adopted 2009)
Sites and Detailed Policies Document (Adopted 2012)

West Berkshire

Core Strategy (Adopted 2012)
Local Plan 1991-2006 (Adopted 2002) - saved policies

Surrey

Surrey Minerals Plan Core Strategy (Adopted 2013)
Aggregates Recycling Joint Development Plan Document (Adopted 2013)
Surrey Waste Plan (Adopted 2008)

Runnymede

Runnymede Local Plan Core Strategy (Pre-Submission 2013)
Runnymede Borough Local Plan (Adopted 2001) - saved policies

Woking

Woking Borough Core Strategy (Adopted 2012)
Woking Borough Local Plan (Adopted 1999) - saved policies

Guildford

Local Plan Strategy and Sites (Issues and Options 2013)
Guildford Borough Local Plan (Adopted 2003) - saved policies

Surrey Heath

Core Strategy and Development Management Policies (Adopted 2012)

Camberley Town Centre Area Action Plan (Submitted 2013)
Surrey Heath Local Plan (Adopted 2000) - saved policies

Waverley

The Core Strategy for Waverley (Withdrawn 2013)
Waverley Core Strategy (Adopted 2002) - saved policies

Elmbridge

Elmbridge Core Strategy (Adopted 2011)
Development Management Plan (Draft 2013)
Replacement Elmbridge Local Plan (Adopted 2000) - saved policies

Hampshire

Hampshire Minerals and Waste Plan (Adopted 2013)

Basingstoke and Deane

Local Plan (Pre-Submission Draft 2013)
Local Plan (Adopted 2006) - saved policies

Hart

Hart District Local Plan (Replacement) (Adopted 2002, First Alterations Adopted 2006) - saved policies
Hart District Core Strategy (Withdrawn 2013)

Rushmoor

Rushmoor Core Strategy (Adopted 2011)
Rushmoor Local Plan Review (Adopted 2000) - saved policies
Farnborough Airport Area Action Plan (Preferred Approach 2010)