

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE: 16 MARCH 2020

PUBLIC QUESTION NO. 1

Cecilia Fanner to ask the Chair of Strategic Environment, Planning & Transport Committee:

Taxi Drivers

Why are Reading Taxi drivers allowed to treat customers so badly ?

We have been told that it is in the policy that taxi drivers are supposed to help their customers. Is this true and if so, why is the Council not taking any action ?

REPLY by the Chair of the Strategic Environment, Planning & Transport Committee:

I invite Councillor Page, the Lead Councillor for Strategic Environment, Planning and Transport to make the response on my behalf.

REPLY by the Lead Councillor for Strategic Environment, Planning and Transport (Councillor Page):

I thank Ms Fanner for her question, and I am sorry to hear she has experienced a poor service from taxi drivers in Reading.

I presume she is referring to our black cab or hackney carriage drivers. These drivers undergo a written test in respect of conditions attached to the licence for which they are applying. The test covers the transportation of disabled passengers, safeguarding, the highway code and conditions attached to the licence.

Conditions on the licence include requirements to:

- Behave in a civil and orderly manner, ensuring the safety of persons travelling in or entering or leaving the vehicle;
- Assist in transporting a reasonable quantity of luggage;
- Present a clean and tidy appearance.

The Council's Licensing officers investigate and, where appropriate, act against drivers found to be in breach of conditions attached to their hackney driver licence.

Action can vary from a verbal warning, written warning or report to the Licensing Applications Sub Committee for the suspension/revocation of their hackney carriage vehicle driver licence.

Warnings are recorded against driver records with 3 written warnings in a twelve-month period resulting in a report to committee. Serious contraventions are taken straight to the Licensing Committee for determination. The information needed for a complaint to be investigated is the date and time, location of incident, type of incident and where possible vehicle and driver details.

If Ms Fanning wishes to make a complaint, officers will be happy to investigate.

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE: 16 MARCH 2020

PUBLIC QUESTION NO.2

Cecilia Fanner to ask the Chair of Strategic Environment, Planning & Transport Committee:

Fly Tippers

What is Reading Council going to do about fly tippers. There are many on Oxford Road ?

REPLY by the Chair of the Strategic Environment, Planning & Transport Committee:

I invite Councillor Page, the Lead Councillor for Strategic Environment, Planning and Transport to make the response on my behalf.

REPLY by the Lead Councillor for Strategic Environment, Planning and Transport (Councillor Page):

I thank Ms Fanner for your question.

As you will be aware Illegal fly-tipping is a major national problem, and councils are required to remove offending material from the highway. Reading tends to suffer from low level fly tipping rather than the large accumulations seen in rural areas, but our recycling banks and on-street litter bins prove particularly popular with those who choose not to manage their waste responsibly. Non-compliance with waste regulations by commercial premises is also a factor which compounds the problem.

The Council is determined to address this blight which has adverse impacts on all residents and visitors to our town, both visually and environmentally.

To that end, in November 2019, the Council established a team of five new Recycling and Enforcement Officers who carry out a wide range of recycling, education and environmental enforcement activities with residents, the Universities, schools, businesses and community groups.

One of the first priorities for the team was to deal with the issue of overflowing household waste bins for flats above shops, and fly-tipping along the Oxford Road.

The Council installed additional household waste bins for the flats, which has reduced the number of bags being left on the street, and regular inspections and monitoring of waste on the Oxford Road has been carried out.

Businesses in the area have received both visits and letters from the team explaining their duty of care in managing their waste, and the need to have a waste disposal contract in place. Those that haven't complied have been

issued with fixed penalty notices (FPNs) for failure to carry out their duty of care, littering or fly tipping.

In total the team have issued 106 FPN's for fly tipping or littering, and 7 of these are in relation to waste on the Oxford Road since November. 12 of these offences are due to be heard in court.

52 businesses along the Oxford road have had a visit from the team requesting that they provide details of their waste arrangements. 16 businesses have been unable to do this at that time, and have been issued with notices requesting this information, and failure to provide will lead to a FPN being issued.

The service is exploring the use of our mobile cctv cameras to be used in hot spot fly-tipping areas.

We are determined to use all available Council resources to tackle the scourge of fly-tipping and hope that responsible members of the public will assist by providing any timely information about the culprits.

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE - 16 MARCH 2020

COUNCILLOR QUESTION NO. 1 in accordance with Standing Order No.36

Councillor Rose Williams to ask the Chair of Strategic Environment, Planning & Transport Committee:

Consolidated Figures

Further to his question at Planning Committee on 3 April 2019, will the Lead Councillor for Strategic Environment, Planning and Transport update the Committee with the most recent consolidated figures in respect of:

1. The number of residential units that have been approved via the Prior Notification Procedure introduced in May 2013 which allows conversions from former offices to residential use ?
2. The loss of fee income to the Borough Council as a result of this change and the estimated loss to the authority in respect of Section 106 contributions in the form of (a) affordable housing, (b) financial contributions to affordable housing off-site, (c) financial contributions to education and (d) financial contributions to leisure and open spaces ?
3. Summarising the impact of all these changes and the losses to RBC in affordable housing, education and transport and other essential contributions ?
4. The implications of the DCLG announcement on 28 November 2014 preventing this, and all other planning authorities, from seeking Section 106 contributions on proposed sites of ten homes or fewer ?
5. Updating the Committee on the result of recent relevant planning appeals in respect of securing affordable housing contributions from sites of up to 10 dwellings ?

REPLY by the Chair of the Strategic Environment, Planning & Transport Committee:

I invite Councillor Page, the Lead Councillor for Strategic Environment, Planning and Transport to make the response on my behalf.

REPLY by the Lead Councillor for Strategic Environment, Planning and Transport (Councillor Page):

I thank Councillor Williams for her question.

Conversions of offices to flats

Dealing first with the Prior Notification Procedure, changes made to the planning system in May 2013 removed the need to seek planning permission for changes of use from offices to residential, and made such changes subject to a prior approval process, where only

very limited considerations (transport impact, contamination and flooding) can be taken into account. This was a temporary right which was due to expire in May 2016. However, the Government has now made this right permanent by amendments to the General Permitted Development Order, which came into force on 6th April 2016. This change also added additional criteria that can be considered, namely the effect of noise from commercial premises.

The total number of residential units that have been approved by this Prior Approval process between its introduction in May 2013 and 31st December 2019 is **1,744**.

In terms of completed development so far, up to 31st March 2019, **938** homes had been completed as a result of the new permitted development right. Conversions to provide a further **100** homes were also underway at that point.

Had the proposals been submitted as planning applications, the fee income received up to 1st March 2020 would have been £1,165,473. This takes into account the charge of £80 for each prior approval application that has been applied for since October 2013.

In terms of contributions towards Transport, Education and leisure and open space it should be noted that, since the introduction of the Community Infrastructure Levy (CIL) on 1st April 2015, no Section 106 contributions would have been likely to have been made as these are now primarily covered by the CIL process, and Section 106 agreements would not therefore have been sought. Such development is subject to CIL but the CIL regulations render vacant floorspace as not liable to CIL where it has not been in use in the 3 years before the application is made. As a consequence, many office to residential conversion schemes approved since the end of March 2015 have not paid contributions towards such provision.

Therefore, based on local policy, we consider that, had the schemes approved before April 2015 that have received Prior Approval instead of planning permission been subject to full policy compliant Section 106 agreements, they might have been expected to lead to the following levels of contributions:

- a) £321,964 towards education;
- b) £1,850,400 towards leisure and open space.

Had those proposals that have received prior approval to 1st March 2020, been submitted as planning applications, there are challenges in estimating what the affordable housing contributions would have been as they are subject to negotiation that are heavily influenced by assessments of viability that would have to take account of relatively high existing use values for the former office premises. However, based on local policy, we consider that, had the schemes that have received Prior Approval instead of planning permission been subject to full policy compliant Section 106 agreements, they might have been expected to lead to the following levels of affordable housing contributions:

- a) 570 affordable housing units
- b) £3,063,000 towards off-site affordable housing.

To summarise, the total Section 106 contributions lost is £5,235,364, in addition to the 570 affordable housing units.

Sites of up to 10 dwellings

A Ministerial statement was made to Parliament on 28 November 2014 and, at the same time, DCLG published alterations to National Planning Policy Guidance ("NPPG"). Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions. They also introduced a new provision, the Vacant Building Credit, which excluded existing floorspace from calculations on the provision of affordable housing and infrastructure payments.

This change would have had a very significant effect on the contributions that could be secured in Section 106 agreements. Since the introduction of the Community Infrastructure Levy in 2015, the implications would mainly be on the provision of affordable housing.

The proposed change would have had a significant effect on affordable housing provision within the Borough. As Committee is aware, Reading Borough Council and West Berkshire Council challenged the changes through the High Court. The case was heard in the High Court in April 2015. The High Court judgement found in favour of the challenge by the local authorities and quashed the amendments to the National Planning Practice Guidance. Committee will recall that an appeal by the Secretary of State was upheld by the Court of Appeal in May 2016 and the Ministerial Statement and the changes to the National Planning Practice Guidance were reinstated. This policy position has subsequently been incorporated into the National Planning Policy Framework, published in 2019.

However, the Court of Appeal did emphasise that "local circumstances may justify lower (or no) thresholds as an exception to the national policy." It is clear therefore that an LPA can seek to demonstrate that local circumstances can be used to justify an exception to the WMS and NPPG. At its meeting in July 2016, Strategic Environment, Planning and Transport Committee decided that the Council should continue to operate Policy DM6 seeking the provision of affordable housing for schemes of 10 or less dwellings, with some qualifications.

At the same time, the Council prepared a new Local Plan which carried forward the requirement for all sizes of residential development from one dwelling upwards contribute towards affordable housing. Local plans need to generally comply with national policy. However, during the public examination of the plan, the Council was able to demonstrate that there were exceptional circumstances justifying the local policy approach, and the Planning Inspector agreed in her report that the Local Plan policy H3 was sound. The Local Plan, containing this policy, was adopted on 4th November 2019. The Council's policy approach has therefore been endorsed through the independent examination process.

A number of appeals have been made against the Council's refusal of planning permission or failure to determine planning applications for sites of less than ten dwellings. For all appeals, the Council provides a full case explaining why "local circumstances would justify no thresholds as an exception to the national policy". To date the Council has received 38 decisions relating to affordable housing provision on small sites of which 35 decisions have either been dismissed on the grounds that that justification for an exception to national policy exists, or have been allowed but have included a contribution to affordable housing as an exception to national policy.

As reported to this Committee in March 2017, in the latter part of February 2017, the Council received decisions upholding 2 separate appeals where an inspector (the same inspector in both cases) concluded that the Council's case did not outweigh national policy. Officers wrote to the Inspectorate complaining about inconsistency of decision making and the Council received an apology accepting that the Inspector had not applied himself correctly to the policy framework.

In conclusion, it is lamentable that the Government steadfastly refuses to recognise the enormous damage that these permitted development rights have done to Reading and scores of other cities and towns by this policy. We identified the damage years ago, and I am pleased to note that the Tory-led LGA eventually endorsed our position as well. Nearly £6m of investment in essential services and infrastructure has been denied to Reading by successive Tory Ministers so blinded by their subservience to the interests of their property developer interests who continue to bankroll the Conservative Party.

To compound this insulting record, we learn from last week's Budget that Tory Ministers are now proposing to give property owners new permitted development rights to add extra storeys to existing blocks of flats. As with office conversions to residential this will be without proper minimum space safeguards and will be exempted from any contributions to essential local services and infrastructure - Reading and other urban areas are set to lose yet further millions if this disgraceful proposal is allowed to go ahead.

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STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE - 16 MARCH 2020

COUNCILLOR QUESTION NO. 2 in accordance with Standing Order No.36

Councillor McGonigle to ask the Chair of Strategic Environment, Planning & Transport Committee:

On Street Electric Car Charging Points

Please can I have an update on the usage of the new on street electric car charging points?

I have been contacted by residents who would like one on their streets in Redlands. Is there a list of proposed sites that we can add to? Is it possible to install a post or one of the new pop up chargers on streets where the lampposts are on the inside of the pavement?

REPLY by the Chair of the Strategic Environment, Planning & Transport Committee:

I invite Councillor Page, the Lead Councillor for Strategic Environment, Planning and Transport to make the response on my behalf.

REPLY by the Lead Councillor for Strategic Environment, Planning and Transport (Councillor Page):

I thank Cllr McGonigle for her question.

The charge points installed by the council to date have been done under the 'Go Electric Reading' project using an Air Quality Grant from DEFRA. Phase 1 of the project installed lamp column charge points where it was possible to do so following responses received in a resident survey.

It has not been possible to install as many lamp column charge points as first planned due to difficulties associated with the lamp columns being at the back of footpaths, which would have resulted in cables trailing across footpaths. Also many footpaths in these areas are narrow, making it undesirable to narrow them further by installing additional feeder pillars.

To date the data collected on the usage of the lamp column charge points shows that a few are being used regularly, but most are only being used occasionally.

Phase 2 of the 'Go Electric Reading' project will install 22kW charge points for residents in Chester Street Car Park, Thames Side Promenade Car Park and Kensington Road Car Park. This is now nearing completion, with the charge points scheduled to be in operation in April.

The Council is now using the lessons learned during this project to inform a strategy for the installation of EV charge points across the borough, with a particular focus on residential areas without off street parking.

For those who have an electric vehicle there is already a network of public EV charge points available around the borough. The Council has listed them on the RBC website, or alternatively Zap Map locates all the available charge points in the borough and across the country.

For residents with off street parking the Electric Vehicle Homecharge Scheme is a government run scheme providing grant funding of up to 75% towards the cost of installing electric vehicle charge points at domestic properties across the UK.

For those residents wishing to purchase an EV who are without off street parking, I would recommend that they contact the Council so that a record can be kept of where there is demand. This information can then be used to inform us of the areas in most need of new EV charge points.

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE - 16 MARCH 2020

COUNCILLOR QUESTION NO. 3 in accordance with Standing Order No.36

Councillor McGonigle to ask the Chair of Strategic Environment, Planning & Transport Committee:

Bonds to Tackle Climate Change

Municipal Bonds are a powerful tool to raise funds for sustainable investment.

West Berkshire is planning to do this and has published a report.

What plans does RBC have to leverage Municipal Bonds to facilitate installation of renewable energy and high value savings measures?

REPLY by the Chair of the Strategic Environment, Planning & Transport Committee:

I invite Councillor Page, the Lead Councillor for Strategic Environment, Planning and Transport to make the response on my behalf.

REPLY by the Lead Councillor for Strategic Environment, Planning and Transport (Councillor Page):

I thank Cllr McGonigle for her question.

The consultation draft of the Reading Climate Emergency Strategy 2020-25, which was endorsed unanimously by the Policy Committee for public consultation on Monday 9th March, identifies the need for new financial instruments to help us respond to the climate emergency.

Municipal bonds are therefore among a number of ideas we will be investigating further. I will ask officers to make contact with West Berkshire to understand more about the approach they have taken.

In the meantime, we continue to press ahead with renewable energy installations across our estate which, alongside investment in energy efficiency, has enabled us to reduce the Council's carbon footprint by 62.5% since 2008.

In addition, we continue to support the Reading Community Energy Society with its solar energy programme, funded through a community share offer, which has seen solar arrays fitted on 20 community buildings and which includes plans for a further 4,000 solar panels to be installed across Reading in the near future.