

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE - 14 MARCH 2022

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

Councillor Challenger 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 Challenger for his question.

This question relates to the permitted development right first introduced in May 2013 that allows conversion from offices to residential without requiring planning permission, instead relying on a prior approval process under which only a very limited number of matters can be taken into account. The office to residential permitted development right existed up to 2021, when it was subsumed into a more wide-ranging right to convert all

commercial uses under new planning use class E, which also include retail, restaurants, light industrial, health centres and indoor sport and fitness uses, to residential.

These permitted development rights are of significant concern to this Council for a wide range of reasons, including the poor quality and small size of accommodation, impacts of noise and poor air quality, loss of important employment land, the health of our high streets and the lack of contribution towards infrastructure and affordable housing. We have strongly objected to these permitted development rights in the past, and recently contributed to the House of Commons Housing, Communities and Local Government Committee inquiry into permitted development rights, which was highly critical of their impact. In November 2021, the Council made a legal direction under Article 4 of the General Permitted Development Order to withdraw this and other associated permitted development rights in parts of Reading including the town centre, our district and local centres, the most important employment and commercial areas and the areas of poorest air quality. This direction would come into effect in November 2022, after which a planning application would once more be required to undertake such changes. We are currently awaiting a response from the Secretary of State, who has powers to modify or cancel the direction.

This question also relates to changes made to national planning policy that seek to exempt developments of up to 10 dwellings from the need to contribute towards affordable housing and local infrastructure. These changes were originally made by Ministerial Statement on 28th November 2014 and accompanying alterations to Planning Practice Guidance. These changes have subsequently been incorporated into the National Planning Policy Framework, which is the main statement of national policy for planning.

In terms of the specific questions raised:

1. The total number of dwellings that have been approved as conversions from office development through the prior approval process between May 2013 and 1st March 2022 is 2,243.

Of these, 1,087 had been completed at the end of March 2021 (the last monitoring exercise), 169 were underway at that point, leaving 802 with outstanding prior approval and not started. 185 dwellings were subject to prior approval that has now expired.

2. Since the office to residential permitted development rights were introduced in May 2013, the loss to the Council in terms of planning application fees is £1,654,596.

The impact of the removal of the ability to seek financial or in-kind contributions by a Section 106 agreement as a result of the permitted development rights is estimated as follows:

- a) In terms of on-site affordable housing, the contribution that would have been made can be calculated based on the local policy and approach in place at the time prior approval was granted. It is anticipated that, for those developments which had completed, were under construction or had approval and not yet commenced at 1st March 2022, the total on-site contribution would have been **630 affordable homes**.

- b) For off-site financial contributions towards affordable housing, which would have been required for smaller housing developments, this can be calculated based on the average contribution that relevant developments of this size have already made per dwelling towards affordable housing. On this basis, it is estimated that **£1,638,205** would have been secured from those developments which had completed, were under construction or had approval and not yet commenced at 1st March 2022.
- c) In terms of contributions towards education 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. It is estimated that, had those developments permitted under PDR before the introduction of CIL and subsequently implemented been planning applications with relevant Section 106 agreements, the Council would have received **£261,755** towards education infrastructure.
- d) The comments about the impact of CIL relate equally to open space and leisure. It is estimated that, had those developments permitted under PDR before CIL was introduced been planning applications with relevant Section 106 agreements, the Council would have received **£1,273,100** towards open space and leisure infrastructure.

It should be noted that the figures in this answer differ somewhat from the answers given to equivalent questions in previous years. This is because a substantial amount of evidence was compiled to form a justification for the Article 4 direction, including a more robust approach to identifying the financial contributions that would have been received.

- 3. In total, the loss of contributions towards affordable housing and essential infrastructure as a result of this permitted development right is estimated to be 630 affordable homes and financial contributions of £3.173 million, as well as the loss of fee income of £1.655 million.
- 4. The implications of the 2014 changes to national policy regarding sites of 10 dwellings or less are mainly of relevance to affordable housing, since contributions towards infrastructure such as open space, transport and education have been made through the Community Infrastructure Levy since 2015, and are unaffected by the national policy.

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.

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 authority can seek to demonstrate that local circumstances can be used to justify an exception to national policy. 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.

Subsequently, the Council prepared a new Local Plan which carried forward the requirement for all sizes of residential development from one dwelling upwards to 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.

The current situation is therefore that the Council continues to operate its local policies seeking provision of affordable housing on sites of one home or more, and has done so for the majority of the time since the initial ministerial statement in 2014.

5. 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 justify the requirement to provide affordable housing, bolstered since 2019 by the adoption of the Local Plan. To date the Council has received 55 decisions relating to affordable housing provision on small sites of which 51 decisions have either been dismissed on grounds including a failure to provide for affordable housing, or have been allowed but have included a contribution to affordable housing as an exception to national policy.

The last occasion that the Council's position regarding affordable housing on small sites was not supported by a Planning Inspector was in February 2017, which, as previously reported, resulted in an apology from the Planning Inspectorate accepting that the Inspector had not applied himself correctly to the policy framework. In particular since the adoption of the Local Plan, appellants no longer seriously challenge the principle that sites of less than 10 dwellings should contribute to affordable housing in Reading.

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE - 14 MARCH 2022

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

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

CityFibre/Instalcom

Will the Lead Councillor update the Committee on any recent representations he and/or highways officers have made to CityFibre/Instalcom about the new street poles, overhead wires and associated works that have proliferated in recent weeks in the Castle Hill/Russell St/Oxford Rd Conservation Area ?

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 Ayub for his question.

By way of background, CityFibre is a statutory undertaker which, under permitted development powers, is not required to engage with the local planning authority. In this instance I am advised that CityFibre did seek officer's advice. The focus of the advice was on the street cabinets and poles that have been installed, but it is acknowledged by officers that further advice could have been provided particularly in relation to overhead wires.

Whilst CityFibre would not have been obliged to follow advice, given their expressions of the need to work for the benefit of the communities they are serving, we would expect that they would work with our relevant planning and highways officers to promote local objectives.

Officers across a number of work areas are coming together as part of regular meetings with CityFibre and its contractor Instalcom, as they continue to implement their ambitious infrastructure installation in Reading.

This is proving to be a useful opportunity for higher-level discussions about developing issues and for information sharing. This is in addition to any ad-hoc discussions and meetings that may be undertaken to address a specific subject area.

On 3rd March I wrote to Greg Mesch, the Chief Executive of City Fibre, requesting an urgent meeting *"about the recent and on-going proliferation of new poles that are now being erected in the Russell Street / Castle Hill Conservation Area.*

Notwithstanding the fact that you have dug trenches and laid cable throughout most of the relevant streets, I and my colleagues are mystified as to the need for the array of new poles that are appearing in addition to the trench installations that have preceded these works.”

This resulted in a meeting earlier today at the Civic Offices with representatives of CityFibre, Instalcom, myself, Cllr Rowland and Sam Shean.

CityFibre explained that they are committed to minimising the use of new poles and will always seek to use existing street infrastructure. I expressed our strong view that the use of new poles, particularly in existing conservation areas, should be avoided as far as possible. CityFibre will double-check their future programme and ensure that they are alert to these sensitivities. CityFibre offered to make themselves available to meetings with any concerned local councillors, residents, or the CAAC.

Concerns were also raised again about the on-street working practices by some employees of Instalcom, who also committed to close working and co-ordination with RBC in respect of our current pavements and roads resurfacing programme.

ENDS

READING BOROUGH COUNCIL

STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE - 14 MARCH 2022

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

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

Engine Idling

Could we please have an update on the Councils current and future measures to discourage engine idling ?

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 McGonigle for her question.

Idling vehicles are an issue of which we are aware and is something that we have actively tried to reduce through a number of measures. In 2018 and 2019 Reading Borough Council used Air Quality Grant Funding to hold four idling action campaign events.

Two events were held in the Town Hall and town centre. Unfortunately, only a small number of volunteers took part, despite actively promoting these events via the press and on social media to encourage volunteers to take part. Two events were also held in schools: EP Collier and The Heights. These events taught the children about the issue, and they were given air quality themed leaflets and games to take home to raise the issue with their parents.

We also held a competition for school children to design a no idling road sign. The winning sign was made into a real road sign. These have been put up at idling hotspots around the Borough, such as taxi ranks and outside the schools who requested them.

As well as the above-mentioned measures we have done significant work trying to prevent taxi drivers from running idling engines whilst on the ranks. This has involved sending letters to them, as well as speaking with the Reading Taxi Association and the drivers individually.

In addition to these 'soft' measures a limited number of fixed penalty notices have been issued to drivers who would not accept the advice given to them. Anecdotally, these measures have changed the behaviour of a good proportion of drivers, who used to habitually sit with idling engines. There is still room for improvement and our Taxi Enforcement Officers speak regularly to drivers when they see unnecessary idling engines.

It is a regrettable fact that the no idling legislation is far from effective, as it requires officers to ask drivers to turn off their engines. Only if the driver refuses to do so, can an FPN be issued. The practical implication of this is that drivers can idle with impunity, provided they turn their engine off when asked. This also increases the need for a regular patrol of officers to confront the drivers of idling engines, for which there is currently no resource.

Idling of vehicle engines is part of a wider issue. We plan to carry out further air quality awareness raising, and a behaviour change campaign. This will include idling and other educational initiatives to improve knowledge and decision making, promote mode change from private cars and more active travel including walking, cycling and public transport. This is included in the forthcoming draft Air Quality Action Plan, and is something that will be pursued when funding opportunities become available.

ENDS