

JPPC ref: JS/5543hv

Planning Services
Reading Borough Council

via Email

18th November 2025

Dear Planning Team

**S73 APPLICATION RE PLANNING PERMISSION PL/25/0960
PROPOSED REMOVAL OF CONDITIONS 6 & 7
SITE: 32 WAYLEN STREET, READING**

Introduction

1. Please find attached a s73 planning application in respect of the above matter. This letter provides the rationale for the application for the removal of conditions 6 & 7 of PL/25/0960, to enable occupants of the House of Multiple Occupancy to retain eligibility for resident parking permits.

Background

2. Planning permission (PL/25/0960) was granted on 24th October 2025 for:

Change of use of small HMO (C4) to seven-bedroom, seven-person large HMO (Sui Generis)

3. The conditions which this application seeks to remove are conditions 6 and 7, which state:

Condition 6: *Prior to first occupation of the HMO hereby permitted, the Local Planning Authority shall be notified in writing of the full postal address of the property. Such notification shall be addressed to the Local Planning Authority quoting the planning application reference specified in this Decision Notice.*

(continued overleaf)

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REASON: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy TR1 and TR3 of the Reading Borough Local Plan 2019.

Condition 7: *Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the HMO accommodation hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.*

REASON: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy TR1 and TR3 of the Reading Borough Local Plan 2019.

4. It is requested that these conditions be removed on the basis that the conditions should not have been applied, in our opinion. The reason for condition 6 states: (it was applied) *'in order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new [sic] residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area.'*
5. We added '[sic]' above as of course this is not a new residential unit. This is an error of fact.
6. In our opinion, the requirement for the removal of the property from eligibility for both residents' parking permits and visitors' parking permits does not meet the Planning Practice Guidance (PPG) on the use of planning conditions, in that the imposition of condition 6 on the planning decision notice is unreasonable and unnecessary, and not relevant to the development to be permitted.
7. Condition 7 is reliant on the imposition of condition 6, therefore we request this condition also be removed.

Applicant's Case

8. The property is situated in the controlled residential parking zone (RPZ) 08R, the extent of which is shown in the Parking Zone Map at **appendix 1**. The rationale behind the inception of the residential parking zones is set out in the 2011 Revised Parking Standards. The document states at section 11 that residential parking zones operate in many streets in the borough and comprise two types: Shared Use and Non-shared Use. Shared use zones enable people who don't

have a permit to park in those zones at certain times of the day. A non-shared zone is reserved exclusively for vehicles displaying a valid parking permit (including visitor permit) for the specific zone.

9. The 2011 document states that that it should be read in conjunction with the Central Reading Parking Strategy 2004.
10. There is limited information offered in the Revised Parking Standards SPD 2011, and the link to the RBC website for further information (provided in the SPD document) leads to a webpage that is no longer active.
11. From the limited information offered it is deduced that, as there are two distinct zones (shared and non-shared), the Residential Parking Zones (RPZs) were established to ensure residents retained the ability to park in their designated area, so that the areas are not overwhelmed by non-residents. Eligibility to apply for any zone requires proof of residence in that zone.
12. The overarching principle for the purpose of the residential parking zones is that they are reserved for residents of those zones. Through this development the dwelling will remain as housing for residents of RPZ 08R i.e. people for whom the RPZs were conceived to ensure parking remains available for.
13. According to the street list on the Reading Borough Website, which states that residents in controlled parking zones can apply for up to two residents' permits, i.e. a maximum of two permits can be issued to any household in streets designated as within residents' parking zones.
14. A 'household' in this context is defined as a house or flat within a permit parking zone. Given this logic it would seem that a household within a controlled parking zone is only eligible for two residents' parking permits, regardless of the number of bedrooms which make up the household or the number of occupants of the dwelling.
15. It should be noted that the property is an existing six person HMO and is eligible for two on-street RBC parking permits. Planning permission was granted to allow occupation of the property by a single additional person. There is a condition on the decision notice which restricts the occupation of each room to one occupant only. This limits the change from a maximum of six residents to seven.
16. However actually the number of occupants is irrelevant with regard to parking permit eligibility, which will remain at an entitlement of no more than two permits. The 'change of use' to add one resident has no bearing on the number of cars that are able to park on the street in this controlled parking zone.
17. With the house as a six person house it would be entitled to two permits. As a seven person house it would be entitled to two permits. There is no material change in parking demand on street resulting from the application.
18. Also, we must make clear that having the ability to have a permit does not mean that occupiers will have a car, it only provides an option. Having an option to do something is beneficial to prospective occupiers, but more importantly to existing occupiers of this property who face having permits removed. There are people already living in the accommodation; this is not a new use at all. To some degree to phrase the proposal as a change of use exaggerates what is proposed.

19. With regard to the assessment of the application and inclusion of the conditions – the policies listed in the condition reasons are TR1 and TR3 of the Reading Local Plan 2031 (RLP). Policy TR1 is largely a strategic policy. However, the part relevant to this development states that the proposed development should contribute appropriately to meeting the objectives of the most up-to-date Local Transport Plan.

20. The objectives of the Local Transport Plan (LTP) are:

SCS VISION	LTP3 STRATEGIC OBJECTIVES	LTP 3 DELIVERY THEMES
People	To facilitate more physically active travel for journeys in a healthy environment	Inclusion
	To improve personal safety on the transport network	Inclusion
	To provide affordable, accessible and inclusive travel options for everyone	Inclusion
	To ensure that the transport network operates safely and efficiently to meet the needs of all users	Intervention
Place	To align transport and land use planning to enable sustainable travel choices, improve mobility, reduce the need to travel and preserve the natural environment	Intervention
	To deliver balanced packages of value for money transport solutions and make best use of existing transport investment	Infrastructure
	To offer sustainable transport choices for the Travel to Work Area and beyond, integrating within and between different types of transport	Infrastructure
Prosperity	To improve journey times, journey time reliability and the availability of information	Infrastructure
	To reduce carbon emissions from transport, improve air quality and create a transport network which supports a mobile, affordable low-carbon future	Innovation

Figure 1 - Strategic Objectives Local Transport Plan

21. Policy TR3's criteria are:

Development will only be permitted where:-

- i) Accesses and works to the highway comply with the adopted standards of the Transport Authority;***
- ii) The development would not have a material detrimental impact on the functioning of the transport network;***
- iii) The proposals would not be detrimental to the safety of users of the transport network, including pedestrians and cyclists;***
- iv) The proposal would not generate regular movement of heavy goods vehicles (HGVs) on unsuitable roads, or on roads without easy access to the Classified Highway Network; and***
- v) For non-residential uses, or new dwellings on classified roads, off-street servicing would be provided.***

Figure 2 - Policy TR3 criteria

22. On assessment of the objectives set out in the local transport plan and criteria of policy TR3, it seems to us that as granted the development is compliant with all

criteria, without the need for the conditions, meaning the imposition of the contested conditions is unnecessary.

23. Turning to the justification given for condition 6 in the delegated report, it states that: *There are extensive parking restrictions in place in the vicinity of the site including the Councils residential parking permit scheme also operates in the area. Under the Borough's current parking standards, this proposal would generate additional pressure for parking in the area. There should be an assumption that any future occupants of the proposed HMO [sic] will not be issued with resident or visitor parking permits which would be covered by condition and an informative applied. This will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.*
24. Again, we add '[sic]' as there is a misapprehension that this is a new dwelling/HMO- clearly it is not. The 'change of use' is not resulting in new residential development. The house, prior to the granting of planning permission, was still an HMO. There is no identifiable material change in the parking demand as a result of the change of use because there is only one extra person. Really the officer report was a surmise that it might lead to an increase not a certainty. The imposition of the condition does not work to limit parking to the existing level it actively seeks to reduce parking, given that the condition will remove an existing eligibility. That is not equitable.
25. There has not been any Highways Authority intention to deprive residents of the ability to park in their area, nor for visitors to residents from being able to park.
26. The report states that the 'change of use' would generate additional pressure for parking in the area, but of course really the change of use is one more person resident at the property. The report states that the condition will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on-street car parking in the area. But there is already entitlement to two permits.
27. It is a long established matter of planning doctrine that conditions cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.
28. Circular 11/95, which remains pertinent gives the example which we repeat here:

'(paragraph 25) it is not sufficient that a condition is related to planning objectives: it must also be justified by the nature of the development permitted or its effect on the surroundings. For example, if planning permission is being granted for the alteration of a factory building, it would be wrong to impose conditions requiring additional parking facilities to be provided for an existing factory simply to meet a need that already exists, and similarly wrong to require the improvement of the appearance or layout of an adjoining site simply because it is untidy or congested; despite the desirability of these objectives in planning terms, the need for the action would not be created by the new development.'
29. Guidance to Planning Inspectors is clear that 'conditions must be 'fairly and reasonably' relevant to the development being permitted. It is not sufficient for a condition to relate to planning objectives it must also be justified by the nature or impact of the development. And a condition cannot be imposed to remedy a pre-

existing problem which was not created and would not be exacerbated by the development'¹.

30. The reasoning behind the condition appears to be imposed in an attempt at addressing a pre-existing issue of congestion in the area, which is not relevant to the development to be permitted (as the parking entitlement serving the property cannot increase as a result of an increase in occupation) and is unreasonable, as the dwelling currently has entitlement to on street parking; there is no reasonable justification as to why that existing entitlement should be removed.
31. The contested conditions are prejudicial to the existing occupants of the dwelling, as people with a permit may lose it. When the seventh bedroom is taken the existing residents may need to sell their cars or move home. This is an injustice.
32. It is unfair of course because residents' permits are not there to allow people to only park their car outside their house. They are to allow people to live in their area. Having no ability for any of the residents of this home to park anywhere other than outside Reading, or in a paid for car park, is an alienation of their rights. Other homes on this road can avail themselves of parking permits and with their car they can visit friends and relatives and doctors and schools and workplaces in their area. Taking away all ability to have a parking permit removes this from all residents at No32. The unfairness is clear. Existing residents are entitled to two residents permits but because an extra person would come to the house none of them could have a permit.
33. There are examples of other development in the nearby vicinity which has increased the number of occupants at a property and which have not been subject to conditions requiring removal of their eligibility for parking permits. Development at 41 Mansfield Road for two additional bedrooms ref. PL/25/0571, the property which is within RPZ 09R, received no conditions to remove parking permits. Similarly, development at 85 Watlington Road to create an additional bedroom ref. PL/25/1075 (RPZ 11R) received no such conditions to remove eligibility for parking permits. In our view it is unfair that this development, which proposes to increase the number of residents by one person, should lose eligibility for all parking permits at the property.
34. More unfairness results from these existing residents not being able to be visited by non-Reading residents. At present people can come to visit No32 by car. In future this would be denied. This is a disproportionate interference.
35. There is no rational reason that people in this longstanding home should not be able to drive nearby (within the RPZ) and do other necessary things in going about their lives. Of course, it would be best if they walked and cycled and of course most of the journeys will be made in that way, but from time to time a car journey is needed and these residents are inappropriately deprived of being able to use their home area in the way that their neighbours can do. The effect of removing permits has been underappreciated.
36. This is a clear failure of the tests for conditions (PPG Paragraph: 003 Reference ID: 21a-003-20190723) that they be necessary, relevant to planning, relevant to the development being permitted, enforceable, precise and reasonable in all other respects.

¹ Planning Inspectorate Inspector Training Manual: Index

37. Clearly the addition of one resident does not increase the property's eligibility for on-street parking permits. Therefore condition 6 should be removed. In turn condition 7 should fall away too.
38. It is felt that there are no justifiable planning reasons for the imposition of the conditions, meaning that they are likely *ultra vires*, - they seek to go beyond what is reasonably allowed by planning legislation and the NPPF and the relevant criteria set out in the planning practice guidance.
39. Government guidance relating to the imposition of conditions identifies that any condition/s should only be imposed when granting a planning permission if, without the condition/s, it would have been necessary to have refused permission. Consequently, the guidance identifies that conditions should only be used to address specific problems, rather than used to impose broad or unnecessary controls. (PPG – para: 001 Ref ID:21a-001-2014306 refers).
40. It is not accepted that planning permission would have been refused for an otherwise wholly acceptable scheme just because of (misunderstood) potential for a parking by a single resident, who would not be entitled to a parking permit in any event.

Conclusion

41. Given the clear rationale above it is felt that both conditions 6 & 7 should be revoked.
42. If further clarification is required please do not hesitate to contact us.

Yours sincerely

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Reading
Borough Council
Working better with you

Project Residents Parking Zones	Scale NTS	Drawn GW
	Date 07.08.13	Checked AS
		Approved ER
Drawing Residents Parking Zone 08R	Drawing No. RP Zones/08R - Rev A Revision of drawing from 07.02.11 - Updated RBC Boarder	