

WESTERN AREA PLANNING COMMITTEE

22 MAY 2024

UPDATE REPORT

Item No: (3) **Application No:** 23/02714/HOUSE **Page No.** 85-99
Site: 10 Speen Lane, Newbury

1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

2. Removal of PD for conversion to small HMO

During the committee site visit a question was raised regarding the possibility of attaching planning condition removing permitted development rights for change of use from C3 (dwellinghouse) to Class C4 (the use of a dwellinghouse by not more than six residents as a "house in multiple occupation").

Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out various changes of use between different Use Classes which are "permitted development".

Class L (b) provides that a change of use of a building from a use falling in Class C3 (dwellinghouses) to a use falling in Class C4 (houses in multiple occupation) is permitted development.

The NPPF states that planning conditions should only be imposed where they are necessary to make the development acceptable in planning terms; directly relevant to the development to be permitted, enforceable, precise and reasonable in all other respects (para. 55). It also states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

As per paragraphs 6.43 – 6.47 of the Committee Report, Officers advise that the removal of these permitted development rights in this instance would not be justified and would not be considered reasonable or necessary for the following reasons:

- The use of this property by a large single family would generate a similar amount of activity as a small HMO.
- Parking requirements for a small HMO and large single family would be similar.
- Whilst the character of the road is derived from houses of single-family occupation, a small HMO would retain the dwelling in an undivided form that is physically similar to the other dwellings nearby. Neighbours and passers-by would find it hard to discern any notable differences between this property and the neighbouring ones in single family occupation.
- All other dwellinghouses in the area have these permitted development rights intact.

However, if Members are minded to approve the application subject to a condition removing permitted development rights, Officers would recommend the following wording:

The property shall be used solely as a dwellinghouse (Use Class C3). Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order(s) revoking, re-enacting or modifying those Orders with or without modification), the property shall not be used for any other use purpose that would normally be permitted by those Orders, including use as a house of multiple occupation (Use Class C4).

Reason: In the interests of respecting the character and appearance and amenities of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Speen Village Design Statement 2002.

3. Boundary treatment and timings

During the committee site visit discussions took place about ensuring that a suitable boundary treatment was put in place. In order to ensure that suitable boundary treatments are put in place prior to occupation condition 5 as set out in the committee report is recommended to be updated as followed:.

No development shall commence until details of all boundary treatments around the site have been submitted to and approved in writing by the Local Planning Authority.

The extension(s) hereby approved shall not be first occupied until all boundary treatments arounds the site have been completed in accordance with approved details.

The boundary treatments shall be retained thereafter.

Reason: The boundary treatment is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework (2023), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

It would not be appropriate in this instance to require the boundary treatment to be completed prior to the commencement of works, as landscaping and boundary treatments are usually carried out as a final stage of development.

4. Updated Recommendation

The recommendation remains as set out in the agenda committee report, subject to an amendment to condition 5 (Boundary Treatments).

5	<p>Condition title (Boundary Treatment)</p> <p>No development shall commence until details of all boundary treatments around the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The extension(s) hereby approved shall not be first occupied until all boundary treatments arounds the site have been completed in accordance with approved details.</p> <p>The boundary treatments shall be retained thereafter.</p> <p>Reason: The boundary treatment is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy</p>
----------	--

	Framework (2023), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).
--	---