

Planning Department
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Our ref: 4615

25 February 2025

Dear Sir/ Madam

Application for Prior Approval – Part 3 Class MA Town and Country Planning (General Permitted Development) (England) Order 2015 – 5-6 Southern Court, South Street, Reading RG1 4QS

On behalf of our client, Abodi Estates Limited, we apply for the prior approval of the Local Planning Authority for the change of use of a building from Class E (business) (formerly B1) to Class C3 (residential dwellings), pursuant to Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

The following plans are submitted with the application:

- Location and Block Plan (Ref 1944 001)
- Existing Plans and Elevations (Ref 1944 002)
- Proposed Plans (Ref 1944 003)
- Proposed Elevations (Ref 1944 004)
- Internal Daylight Assessment (Ref PP2629/SC/DL/202502-AV)
- Noise Assessment (Ref PP2629/SCR/NA/202502-JP)

Site Description

The Site comprises two planning units of office accommodation within a three-storey building located on the south side of South Street, close to the junction with East Street (to the west). The site falls within a row of 5 other similar office buildings, each comprising two planning units, all of which form Southern Court. There is shared surface level car parking to the rear.

The Site is not located within a Conservation Area nor is it located within an Article 4 designation. The site is located within Flood Zone 1.



The image below shows the South Street frontage of the three-storey premises.



Planning History of the Site

Following a review of the Council's online planning register there are no applications identified against Unit 6 and as such it is concluded that the lawful use of this planning unit remains as originally granted, as an office within Use Class E, having previously fallen within Use Class B1a (Office)

In respect of 5 Southern Court, the planning history identifies a single application (reference 191351) for the change of use of the ground floor from B1 Business to D1 Non-Residential Institution and which was approved 3 October 2019. The advice from the selling agent indicates that the ground floor was used by St Mungo's registered charity as administrative offices. Unit 5 therefore also currently has a lawful use as Class E, having previously fallen within Use Class B1 and D1 (ground floor only) prior to the introduction of the new Use Classes in September 2020.

Other relevant history within the wider Southern Court has also been considered.

1 Southern Court:

141784 Prior Approval - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 12 x self-contained studio units and 1 x 3 bed flat. Approved 29 December 2014



9 Southern Court

162305 Change of use from Class B1(a) (Offices) to Class C3 (dwelling houses) to comprise 16 self contained flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2016. Approved 6 February 2017.

10 Southern Court

190965 Change of use from offices (Class B1(a)) to 16 residential units (Class C3). Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Approved 9 August 2019

Proposal

The proposal is to convert all of the building to create 18no. residential dwellings. As shown on the Proposed Floor Plan (Ref 1944 003) this includes 7x 1-bedroom flats at ground floor; 5x 1-bedroom at first floor; 4-x 1-bedroom at second floor and 2 x1-bedroom within the third floor. Due to the existing internal floor to ceiling heights, it is proposed that the ground floor units will benefit from mezzanine storage. Additionally, proposed ground floor units 1-2 and 4-7 will have independent external entrances whilst unit 3 and the remainder of the units will have entrances via a communal stair core. Car and cycle parking will be provided to the rear within the existing surface level car parking. For the avoidance of doubt the alterations to the external façade to provide new entrances do not form part of this prior approval and are subject to separate planning control.

The application is made pursuant to Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") which provides:

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

As Class MA is a relatively new permitted development right there is limited guidance available as to the interpretation of this provision. However, it has long been established that the definition of 'building' in both the GPDO and TCPA 1990 is wider than common usage of the term, and that for the purposes of permitted development rules, reference to 'the building' may mean reference to 'the whole building' or to the 'part of a building' that is subject to an application.

The term "building" is defined, in Article 2(1) of the GPDO. For the purposes of the GPDO "building" can mean a whole building, or as is the case here, 'part of a building':

"building"—

- (a) includes any structure or erection and, except in Class F of Part 2, **[F5** Classes P and PA of Part 3,] Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 **[F6**, Class T of Part 19 and Class ZA of Part 20], of Schedule 2, includes any part of a building; and
- (b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;

For completeness, the definition of 'building' in the parent legislation is equally broad, relating either to a whole building, or part of a building:

"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;



On this basis, the “building” to which this prior approval application relates is the building which comprises two planning units, Unit 5 and Unit 6 Southern Court.

Restrictions on the Application of Class MA

Having established the lawful use of the site, it is clear that the site qualifies for the change of use under the provisions of Class MA of the GPDO. It is therefore necessary to assess the proposals against all the other relevant tests of that class and then the subjective considerations of the process.

Development is not permitted by Class MA unless certain requirements are met, as addressed in turn below. These are set out in MA.1. of the GPDO. It should be noted that the paragraph lettering is non-consecutive following the amendments which took effect in March 2024.

“(a) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval”

Sub-paragraph 2 then identifies the Use Classes allowed.

“(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order

- a) the following classes of the Schedule as it had effect before 1st September 2020—*
 - (i) Class A1 (shops);*
 - (ii) Class A2 (financial and professional services);*
 - (iii) Class A3 (food and drink);*
 - (iv) Class B1 (business);*
 - (v) Class D1(a) (non-residential institutions – medical or health services);*
 - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
 - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*
- b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

The use of Units 5 and 6 within the building fall within Use Class E having previously fallen within Use Class B1 and D1 before 1 September 2020 when the change to the Use Classes Order took effect and were in use for a continuous period of more than 2 years having not changed use. Specifically, Unit 6 and the upper floors of Unit 5 have not changed their lawful use since the original approval whilst the ground floor received planning approval for use class D1 in 2019.

“(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;*
- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;”*

Neither the land nor its curtilage falls within any of the above listed exceptions.

“(e) if the building is within—

- (i) an area of outstanding natural beauty;*
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
- (iii) the Broads;*



- (iv) a National Park; or
- (v) World Heritage Site”

None of these exceptions apply.

“(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained”

The site is not under an agricultural tenancy.

“(g) before 1 August 2022, if—

- (i) *the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (ii) *the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.”*

Class O of GPDO 2015 (prior to amendment in 2020) authorised change of use of B1(a) offices to C3 dwellinghouses in certain situations. There is no Article 4 direction in place restricting the ability to exercise permitted development rights for change of use from office (B1a) to dwelling (C3) in this location.

Conditional requirements of Class MA

As set out in MA.2 of the GPDO there are also a number of additional conditions which apply to Class MA applications. The applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

“(a) transport impacts of the development, particularly to ensure safe site access;”

There are currently 12no. car parking spaces available to the rear of the building within the existing surface level parking. The site is located within a town centre and therefore highly sustainable location where access to services and amenities are not reliant of the private vehicle. The development is therefore proposed with limited car parking spaces to encourage sustainable modes of travel. Additionally, the surrounding road network has extensive restrictions in place preventing on-street parking. As such, there would be no material impact on the character of traffic in the vicinity of the site

Cycle parking (and refuse storage) can be accommodated within the surface level parking area to the rear of the building likely to occupy 2no. car parking spaces. This has been accepted previously by the council on units 1, 9 and 10 and will support sustainable modes of transport by the occupants of the dwellings.

“(b) contamination risks in relation to the building”

As the building has always been in lawful use for office purposes and no ground works are required, the risk of historic contamination is considered to be extremely low.

“(c) flooding risks in relation to the building;”

The site is located within Flood Zone 1, considered to be at lowest risk of flooding.

“(d) impacts of noise from commercial premises on the intended occupiers of the development;”

The application is supported by an Internal Noise Assessment. This technical assessment concludes that the predicted internal noise levels will be within the recommended guideline levels prescribed in



BS8233:2014 will be achieved within habitable rooms, with the existing glazing system and noise from commercial premises should not be a barrier to the granting of prior approval.

“(e) where –

- (i) the building is located in a conservation area, and*
- (ii) the development involves changes of use of the whole or part of the ground floor, The impact of that change of use on the character or sustainability of the conservation area;”*

The site is not located within a Conservation Area.

“(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses”

The application is also supported by a Daylight Assessment. Each room within the building has been assessed concluded that all habitable rooms have access to natural light through the provision of windows. All dwellings have also been designed to ensure they meet the nationally prescribed space standards.

“(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;”

The site is located within a town centre location as such, it is not an area considered important for industrial, waste, or storage and distribution uses. The Council has previously accepted that this is a suitable location for residential development through the prior approval process, as identified within the planning history section of this letter.

“(h) where the development involves the loss of services provided by –

- (i) a registered nursery, or*
- (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, The impact on the local provision of the type of services lost.; and*

The proposal does not result in the loss of any such services. The building is currently vacant and its lawful use, as described above, is Class E.

“(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”.

MA.3. clarifies that development meets the fire risk condition if the development relates to a building which will—(a) contain two or more dwellinghouses; and (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

These requirements are as follows:

Article 9A (3): The height condition is that— (a) the building is 18 metres or more in height; or (b)the building contains 7 or more storeys.

Article 9A (7): (7) For the purpose of paragraph (3)— (a)the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms); (b)when determining the number of storeys a building has— (i) any storey which is below ground level is to be ignored; and(ii) any



mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

The three-storey building does not meet the height condition set out in Article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and therefore, fire safety impacts on the intended occupants do not require further detailed analysis as part of Class MA.2 (i).

A fee of £2,250 is required (£125 for each dwelling) and this has been paid via the Planning Portal.

This letter along with the accompanying plans and reports addresses the criteria set out within Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and paragraph W. If you have any questions following a review of this letter and the details of the prior notification, please contact the writer of this letter as soon as possible.

Yours faithfully

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