

Date: March 2025

Job No: 1378

Job Name: The Delta Building, 121 Kings Road, Reading RG1 3ES

1. Introduction

This application for the conversion of the ground to fourth floors inclusive at The Delta Building, 121 Kings Road, Reading, RG1 3ES to 77 no. flats is submitted on behalf of our Client to Reading Council.

The application is comprised of the application drawings, and accompanying statement, prepared by Brooks Murray Architects.

2. Site and Surroundings Description

- The Delta Building is on the corner of Kings Road and Gas Works Road in Reading. It is close to Reading town centre, and located by Kennet River, and across from the Kings Road Garden. To the north are the new high-rise, high-density residential developments at Huntley Wharf, comprising Olivers Place, Discovery House, and Bakers Yard.
- The existing site contains 3 blocks of Offices, (A, B & D), and a shared basement car park level with separate access. This application only relates to Block D – The Delta Building.
- The surrounding area comprises various uses including residential, offices, retail, car parks, and public open space. The site is within an 'Air Quality Management Area', and an 'Area of Archaeological Potential'.

2.1. The Amendment Order was the product of planning reform brought forward to support housing delivery, economic recovery and high street regeneration. This is explained in paragraphs 7.4-7.11 of the Explanatory Memorandum which accompanies the Amendment Order.

2.2. We note that paragraph 7.6 of the Explanatory Memorandum to the Amendment Order states that Class O rights have allowed the provision of 72,000 new homes over five years.

2.3. This new Class MA right came into effect on 1 August 2021 and was amended on 5th March 2024. The right allows conversion of floor space from Use Class E to Use Class C, Residential.

2.4. The developer must apply to the local planning authority for prior approval in respect of traffic and highways impacts, contamination risks, flood risk, and the impacts of noise.

3. Assessment

- 3.1. Planning permission is required for the carrying out of any development of land. Planning permission can be granted in a number of different ways, including by development order. Article 3(1) Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) grants planning permission for certain classes of development known as permitted development (“PD”):
- 3.2. When construing the provisions of Schedule 2 of the GPDO, the words used should be given their literal meaning assessment against the excluding elements of Class MA of Schedule 2 Use Classes Order of the GPDO 2015 (as amended) is provided below”.

4. Permitted Development

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.

Development not permitted:

MA.1.—(1) Development is not permitted by Class MA—

(b) 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;	This requirement is met.
(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;	It is not.
(e) if the building is within— (i) an area of outstanding natural beauty;	It is not.

(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) a World Heritage Site;	
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	This requirement is met.
(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.	This requirement is met.

(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;	This requirement is met.
(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.	This requirement is met.

Conditions

MA.2.—

- (1) Development under Class MA is permitted subject to the following conditions.
- (2) Before beginning development under Class MA, the developer must 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; The site is ideal for pedestrian access with good links to public parks and public transport. It is an 11 minute walk from Reading Train Station, 1 minute to King's Road Gardens or the Riverside, and 5 minutes to the large Forbury Gardens Park. The site is in Transport Zone 2 (and adjoins Transport Zone 1), directly surrounding the core area, and well served by public transport. The quantities of parking are provided in accordance with the Reading Council Parking Standards and Design Supplementary Planning Document. Secure Car parking is provided in the basement, which is accessed from the stair core. The car provision is for 83 private spaces, including 4 visitor spaces. Secure Cycle parking is provided in the basement and accessed via the stair core. 24 Sheffield Stands for 48 cycle spaces are provided for the new residential units.	See adjacent text and the submitted transport statement.
(b) contamination risks in relation to the building;	See submitted report
(c) flooding risks in relation to the building;	The site is in Flood Zone 2. See submitted Flood Risk Assessment.
(d) impacts of noise from commercial premises on the intended occupiers of the development;	Refer to the submitted noise impact assessment
(e) where— (i) the building is located in a conservation area, and (ii) the development involves a change 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;	Not relevant to this application.
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;	Please refer to the submitted internal daylight assessment.

(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; and	Not relevant to this application.
(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.	Not relevant to this application.
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.	Please refer to submitted report.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021. **This condition is met.**

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if –

(a) for paragraph (e) of sub-paragraph (2) there were substituted— “(e) where— (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment; (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”	Please refer to submitted reports.
(b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;	Please refer to submitted transport statement.
(c) after sub-paragraph (6) there were inserted— “(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.” (c) after sub-paragraph (6) there were inserted— “(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”	NA
(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”	NA

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.” **Noted**

Interpretation of Class MA

MA.3

Development meets the fire risk condition referred to in paragraph MA.2(2)(i) 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

5. Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015)

Fire Statements

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.	Neither condition applies and therefore the building does not fulfil 9A – (3) – (a)
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6. Conclusion

- 6.1. There is a consistent theme in all the relevant planning policies and guidance which seeks, in the most robust terms, the economic and effective use of available development land commensurate with environmental considerations, particularly where such land is located in existing urban areas with good public transport.
- 6.2. In summary, the development proposed seeks to convert vacant Use Class E floor space into residential flats, and the above assessment demonstrates compliance with the criteria provided by Class MA of the GPDO 2015.