

DELEGATED APPLICATION REPORT

SITE ADDRESS: Southern Court, 5-6 South Street, Reading

APPLICATION NUMBER: PL/25/0344

PROPOSAL: Change of use from Class E (offices) to C3 (dwelling houses) resulting in the creation of 18 x 1-bedroom flats, with associated car parking and cycle storage. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

TARGET DATE: 14 May 2025 (Extension of time agreement)

Introduction

Southern Court is a three-storey red brick building, located on the southern side of South Street, between East Street and Sidmouth South to the south-east of Reading town centre. The building is in use as Class E offices.

The building is one of 5 of the same buildings along the southern side of South Street, alternating from red brick and red fenestration, and buff brick and yellow fenestration finish (image of application building below). There is a shared surface level car park to the rear of the application property and neighbouring buildings.

The site falls outside of the Article 4 restricting prior approval changes of use. The building is not listed, nor within a Conservation Area and the site is not within a Flood Zone.



Figure 1: Application building

Proposal

Prior approval is sought under Class MA Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of the whole building to 18 x 1-bedroom self-contained flats. The building extends over four floors, and a mezzanine level, and the proposed residential internal layout is proposed as follows:

- 7x1-bedroom flats on the ground floor (Mezzanine level - storage space for ground floor flats)
- 5x1-bedroom flats on the first floor
- 4x1-bedroom flats on the second floor
- 2x1-bedroom flats on 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. Alterations to the external façade to provide new entrances and facilitate the building conversion are shown on the submitted plans. However, these alterations do not form part of this prior approval application and have been submitted as part of a separate application (PL/25/0496).



Figure 2: Proposed floor plans.

Information Submitted

The completed application form, including a written summary of the proposed development and the developer's contact details.

Drawings and Documents ref.

- Prior Approval Notification
- CIL Form
- Planning Statement / Covering Letter
- Internal Daylight Assessment
- Noise Assessment
- Location and Block Plan (Ref. 1944 001)
- Existing Plans and Elevations (Ref. 1944 002)
- Proposed Plans (Ref. 1944 003)
- Proposed Elevations (Ref. 1944 004)

Received by the Local Planning Authority on 5th March 2025.

Policy Context

Legal context

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class MA involves 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.

Before development can be carried out under Class MA, the developer must submit a Prior Notification to determine if 'Prior Approval' of the Local Planning Authority is required in respect of the following matters:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (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
- (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 the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Class MA requires development to be completed within a period of 3 years starting with the prior approval date. 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.

If the Local Planning Authority determine that Prior Approval is required, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the Local Planning Authority should, when determining an application, have regard to the National Planning Policy Framework (NPPF), 'so far as relevant to the subject matter of the prior approval, as if the application were a planning application' (Paragraph W, para 10b).

Planning History

Application Site - 5 & 6 Southern Court

PL/19/1351 - Change of use of ground floor from B1 Business to D1 Non-Residential Institution. Approved 3 October 2019.

The supporting commentary provided with the application notes this change of use and advises that the ground floor of Unit 5 was used by a registered charity as administrative offices. This concludes that Unit 5 also has a lawful use as Class E, having previously fallen within Class B1 and D1 (ground floor only) prior to the introduction of the new Use Classes Order in September 2020.

Officers have no substantive evidence to discount this and conclude the use of the building, comprising Units 5 and 6, fall within Use Class E.

Neighbouring buildings

1 Southern Court

PL/14/1784 - 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

PL/16/2305 - 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

PL/19/0965 - 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.

Consultations

RBC Transport - No objection.

RBC Environmental Health - No objection, subject to conditions.

Publicity

A site notice was displayed at the application site on 08/04/2025. No comments were received.

Appraisal

The proposal comprises the change of use of the building from Class E (office) to Class C3 (dwellinghouse) with the proposal to be considered against the criteria and conditions contained within Part 3, of Class MA.1. (1) (a)-(g), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In addition, to qualify for assessment under Class MA, all applications submitted under this class from 6th April 2021 must comply with Department for Communities and Local Government's Technical Housing Standards - Nationally Described Space Standards, minimum space standards. As the application was received after the 6th April 2021 there is a requirement to comply with these minimum space standards. It can be confirmed that the proposed units comply with these minimum space standards as illustrated in the accompanying plans and the accommodation schedule. All units also include storage / cupboard spaces.

Unit No.	Nationally Described Space Standards (NPSS) - 1 bed single storey dwelling	Proposed Gross Internal Area (m ²)
1	37 m ²	37 m ²
2	37 m ²	37 m ²
3	37 m ²	40.9 m ²
4	37 m ²	41.5 m ²
5	37 m ²	38.6 m ²
6	37 m ²	37 m ²
7	37 m ²	37 m ²
8	37 m ²	41 m ²
9	37 m ²	39 m ²
10	37 m ²	41 m ²
11	37 m ²	40 m ²

12	37 m ²	44 m ²
13	37 m ²	38.5 m ²
14	37 m ²	38.5 m ²
15	37 m ²	37 m ²
16	37 m ²	37.5 m ²
17	37 m ²	46.4 m ²
18	37 m ²	46.6 m ²

Criteria MA.1.—(1)

Parts (a) (three-month vacancy) and (c) (Floorspace qualification) were removed from the legislation on 5th March 2024 and so are no longer assessed.

(b) Previous use qualification - “*unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*”

Complies. It can be confirmed that the use of the building fell within Class E (Commercial, Business & Service) for a continuous period of at least 2 years prior to the date of the application for prior approval.

(d) Land designation criteria - “*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;”***

The site does not form part of a site of special scientific interest, listed building nor land within its curtilage, a Scheduled monument or land within its curtilage, safety hazard area, nor military explosive storage area.

(e) Landscape designation criteria - “*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) a World Heritage Site;”***

It can be confirmed the site is not within a landscape designation criteria.

(f) Agricultural tenancy criteria - “*If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*”

It can be confirmed the site is not occupied under an agricultural tenancy.

(g) Previous use criteria - “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.***

Complies.

Conditions

MA.2.—(1) Confirms that development under Class MA is permitted subject to the condition that before beginning the development, 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;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (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
- (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.

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building and the provisions of paragraph W (prior approval) apply in relation to that application.

Assessment of MA.2.—(1)

(a) Transport impacts of the development, particularly to ensure safe site access

The Council's Transport Team raise no objection to prior approval being given as the proposals would result in a reduction of peak hour trips and would provide adequate car and cycle parking facilities on site.

(b) Contamination risks in relation to the building

The applicant has submitted a land contamination study. RBC Environmental Protection Officers have recommended a condition relating to land contamination investigations, should any unidentified contamination be discovered.

(c) Flooding risks in relation to the building

The site is not located within Flood Zones 2 or 3 and as such the proposals are acceptable in flood risk terms.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

The surrounding area is a mixture of commercial and residential use. Some level of noise is expected within a town centre location. RBC Environmental Protection Officers have reviewed the noise assessment and mitigation report submitted with the application and are satisfied with the information provided. The assessment does conclude the existing glazing serving the building is satisfactory, however, should replacement glazing be carried out then standard double glazing which can provide a minimum sound level difference of 29 dB should be used for all habitable rooms on the development. This is considered acceptable in noise terms by the Council's Environmental Protection Officers, subject to a condition requiring the development be carried out in accordance with the submitted Noise 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;

The site is not located within a conservation area.

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

Statutory Instrument 2020:632 introduces the requirement that consideration is given in respect to the provision of adequate natural light in all habitable rooms. This requires examination of the detailed floor plans and a judgement to be exercised as to whether appropriate levels of light can be achieved to rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways.

All rooms used for sleeping or living within the proposed development would be served by good sized windows, except for the proposed internal kitchen. The proposed flats have separate kitchen spaces off the main living area and, apart from the top floor units (Units 17 & 18), one ground, first and second floor units (Unit 3, 8 & 16), these kitchen spaces are not served by any external windows. Of the 18 proposed apartments, 13 have kitchens without any form of window and natural light and only five apartments have kitchen with an external window (27%).

An internal lighting assessment has been submitted with the application, and this demonstrates that all rooms receive adequate levels of natural light. This assessment demonstrates the living and bedroom spaces achieve adequate natural light. The proposed kitchen spaces have not been included within the lighting assessment, with the applicant's agent advising:

"The designed kitchens were deemed non habitable in reason of their dimensions. Furthermore, the dining space is located within the living rooms so it can be considered that kitchens are used for the brief time required for food preparation, making natural daylight not essential for such rooms".

In this instance, Officers agree that given the location and limited size of the kitchen spaces these areas are not considered to comprise habitable accommodation for the purposes of this assessment. Furthermore, the room layouts could be subject to change as part of any final fit out, with potentially a more open plan layout that would more natural daylight into the kitchen spaces.

Officers are satisfied that the proposal will provide adequate natural light to all habitable rooms of the dwellinghouses.

(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 not within a core employment area or located 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.

(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.

The development does not result in the loss of services provided by a registered nursery, or health centre maintained under the relevant sections.

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

A Fire Statement would be required if the development involves the development of an existing 'relevant building'. These new criteria applies to a building which satisfies the height condition in paragraph (3) of the Procedure Order and contains– (a) two or more dwellings; or (b) educational accommodation. Paragraph (3) states the height condition is that– (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys.

The building does not meet these criteria and therefore a Fire Statement is not required.

Recommendation:

Prior Approval is REQUIRED and GIVEN, subject to conditions:

Conditions

1. This development under Class MA is permitted subject to it being completed within a period of 3 years starting with the prior approval date on this decision notice.

REASON: To comply with the requirement of paragraph MA.2.–(5) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans and documents:

Application Form

Covering Letter

Internal Daylight Assessment - NRG Consulting, February 2025

Noise Report - NRG Consulting, February 2025

Block and Location Plan - 1944.001 (dated February 2025)

Existing Plans and Elevations - 1944.002 (dated February 2025)

Proposed Plans - 1944.003 (dated February 2025)

Proposed Elevations - 1944.004 (dated February 2025)

Received by the Local Planning Authority on 5th March 2025.

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site the contamination reported in writing to the Local Planning Authority. An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval. The measures in the approved remediation scheme shall be

implemented in accordance with the approved timetable. Halted works shall not be re-commenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

4. The glazing, ventilation and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application [Noise Assessment PP2629/SCR/NA/202502-JP by NRG Consulting dated 18 February 2025]

REASON: In order to protect the amenity of future occupants of the proposed development in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Informatives:

1. The proposal meets the relevant criteria set out in Class MA.
2. The applicant is advised that this decision represents the determination of the Local Planning Authority in respect of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as to whether Prior Approval is required in respect of the change of use only. Class MA does NOT afford any permitted development rights for external works which affect the exterior of the building in order to implement the change of use.
3. There is a widespread problem in Reading with rats as the rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas e.g. flats and hotels there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. Where developments involve a food related business then there is a greater risk of rats being attracted to the waste. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste and for the correct waste bin capacity to be provided so that waste is not deposited outside of bins.
4. The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic. Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
5. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There

is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.

6. You are advised that the development lies on a potentially contaminated site. Due to the nature of the historic land use there is the potential of contaminated land being present. The developers must be aware that any ground or enabling works may bring receptors into contact with the aforementioned contaminants. You may wish to satisfy yourself that the details of the construction proposals take the necessary account of the possibility of contaminants from that source.
7. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 08:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.
8. There should be no burning of waste on the site.
9. Dust emissions to air should be minimised by good practice measures.
10. Capping of redundant drains/sewers should be carried out to reduce the risk of vermin ingress.