

DELEGATED APPLICATION REPORT

SITE ADDRESS: Abbey Wharf, 57-75 King's Road, Reading, RG1 3AB

APPLICATION NUMBER: PL/25/0642

PROPOSAL: Change of use of ground, first, second, third and fourth floors (all floors) from Class E (offices) to C3 (dwelling houses) to comprise 78 apartments (27 x studios, 43 x 1 bed and 8 x 2 bed apartments). Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

TARGET DATE: 25/06/2025

Introduction

Abbey Wharf is a five-storey building located on the northern side of King's Road, near Crown Bridge, with the river Kennet wrapping around the side (west) and rear (north) elevations of the building.

The site falls within the Central Core and Area of Archaeological Potential and Policy CR1 of the Reading Borough Local Plan. However, the site lies outside of the Borough's identified Core Employment Areas, as identified by Policy EM2 of the Reading Borough Local Plan, and Article 4 Directions restrict the rights relating to change of use from office to residential use.

The site has an underground car park comprising circa 40 spaces and is located within an Air Quality Management Area, area of potential contaminated land and within Flood Zone 2. However, the north-west corner of the site is within Flood Zone 3.

The Abbey Ruins (Scheduled Ancient Monument) are situated opposite the application site. The application building is not listed, nor is it located within a conservation area. Also, the site and building lies outside of an area covered by an Article 4 Direction.

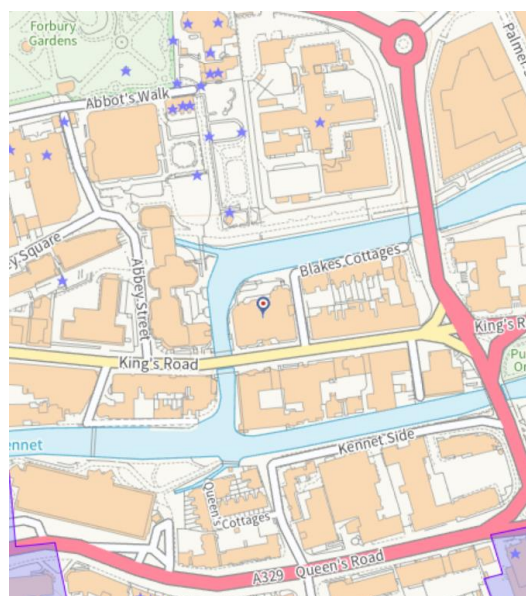


Figure 1 - Site Location Plan



Figure 2 - Application Building

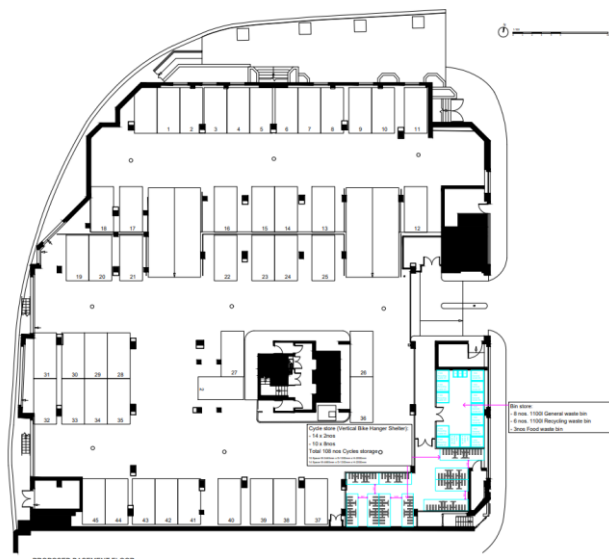
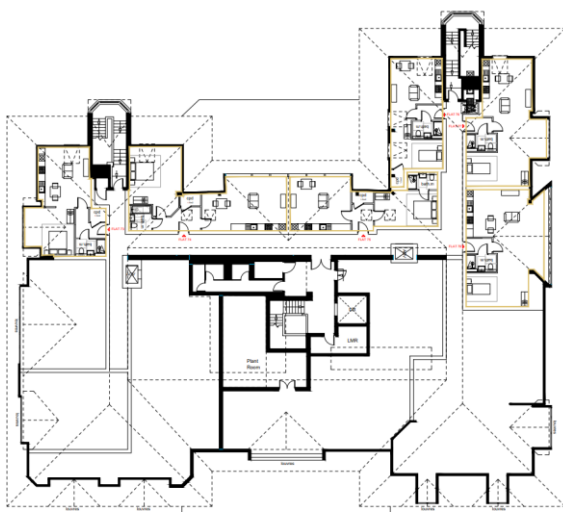
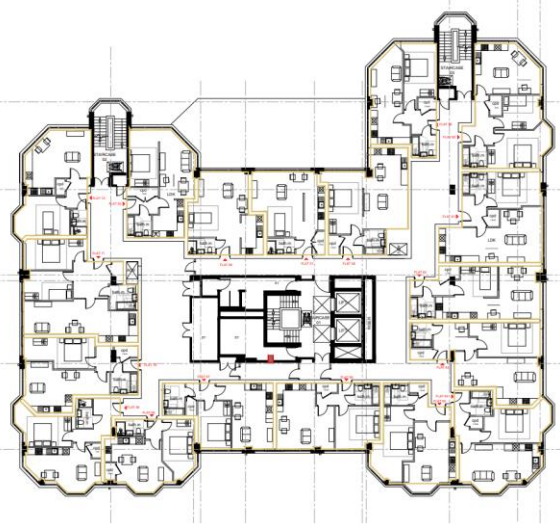
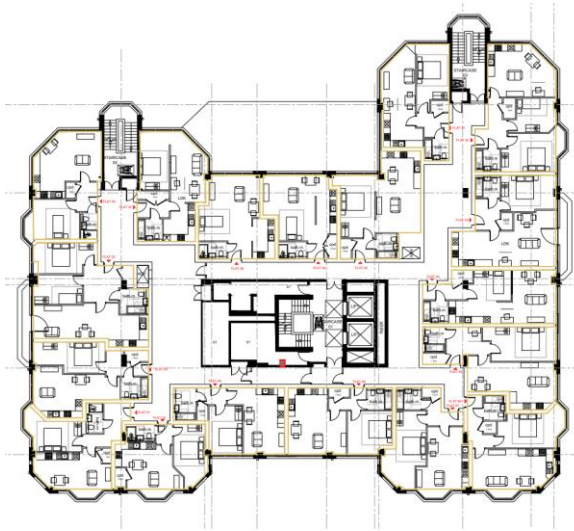
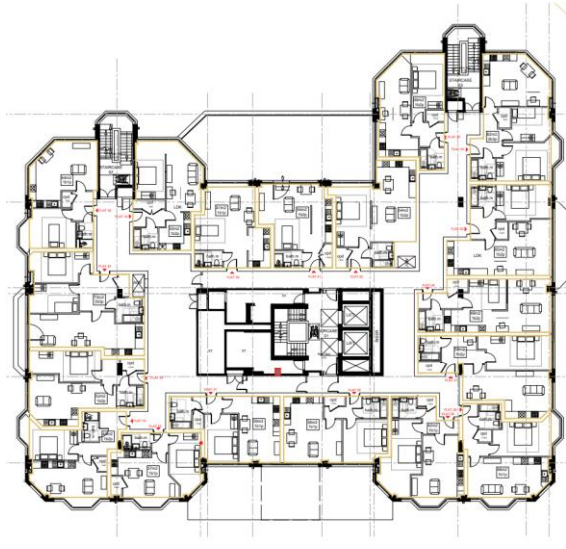
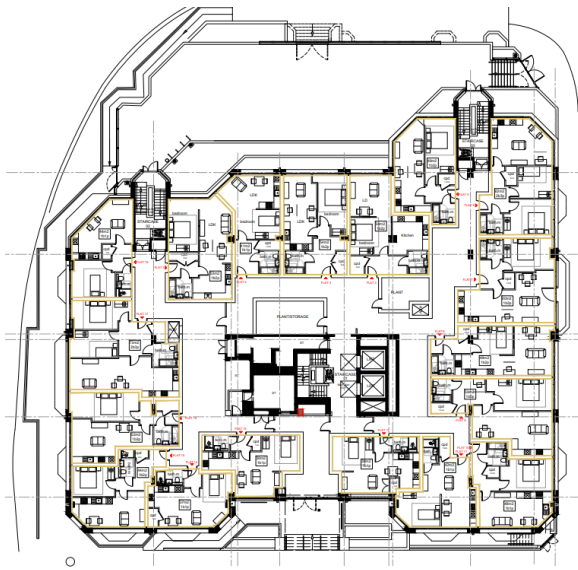
Proposal

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 78 self-contained flats.

The building extends over six floors, including a basement and the roof space. The proposed residential internal layout is proposed as follows:

- Basement level: 47 x car parking spaces, cycle storage (108 spaces) and bin store (8 x 1100l general waste bins, 6 x 1110l recycling waste bins and 3 x 180l food waste bins)
- Ground floor: 9 x studio flats, 7 x 1 bed flats and 2 x 2 bed flats
- First floor: 5 x studio flats, 11 x 1 bed flats and 2 x 2 bed flats
- Second floor: 3 x studio flats, 13 x 1 bed flats and 2 x 2 bed flats
- Third floor: 6 x studio flats, 10 x 1 bed flats and 2 x 2 bed flats
- Fourth floor: 4 x studio flats, 2 x 1 bed flats and 0 x 2 bed flats

Car and cycle parking will be provided within the basement, together with bin storage.



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 Form
- CIL Form
- Planning Statement / Covering Letter
- Daylight Assessment
- Flood Risk Assessment
- Flood Evacuation Plan (Appendix F)
- Existing Plans (Site Location Plan): jw1231-100
- Existing Plans (Basement and Ground Floor): jw1231-105
- Existing Plans (First, Second, Third and Fourth floors): jw1231-106
- Existing Elevations: jw1231-107
- Proposed Basement Floor Plan: jw1231-108
- Proposed Ground Floor Plan: jw1231-109
- Proposed First Floor Plan: jw1231-110
- Proposed Second Floor Plan: jw1231-111
- Proposed Third Floor Plan: jw1231-112
- Proposed Roof Floor Plan: jw1231-113

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

PL/07/0963 – The conversion of half the existing fourth floor storage space into office space and erection of 4 new pitched roof dormers with alterations to 2 existing ones. Pitched Velux roof lights are included to increase daylight penetration into the office space. Removal of decorative balustrades and replacement with ones conforming to current building regulations. Facade and hard landscape cleaning – Permitted

PL/07/0898 – Refurbishment of the entrance and central area of front elevation of 1990's office block. Permitted.

PL/18/1850 – External alterations and ancillary works to existing building, including a private terrace area. Permitted.

Consultations

Environment Agency (EA): Objection, with the following comments:

*“In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application and recommend that planning permission is refused.”*

Transport (RBC): No objection, subject to conditions.

Environmental Protection: Objection, further information required – site situated on potentially contaminated land and therefore initial risk assessment required to

consider whether there will be any pathways for any contamination to impact the occupants.

In addition, neighbouring building is a retail outlet whereby the applicant needs to provide further information (noise impact assessment) regarding whether there is any mechanical plant associated with the neighbouring building.

Publicity

A site notice was displayed at the application site on 07 May 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.

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;”*

This criterion has been removed in the amendment to Part MA which came into force on the 6th March 2024.

(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.*

Not applicable to proposal.

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 despite the proposal not providing on-site vehicle parking in accordance with the Council's adopted parking standards. This is owing to the extensive parking restrictions in place in the area in the form of double yellow lines, red route and the operation of the Councils Residential Parking Permit Scheme, and the highly sustainable location with regards to access to the town centre and public transport links, a lower (ie. nil) provision can be accepted in this instance.

(b) Contamination risks in relation to the building

The application site and building is situated on potentially contaminated land (former timber yard) and no detailed information / risk assessment has been provided with this proposal to consider this potential contamination risk (through landscaping, or vapour release for example) to any future occupants of the building. Therefore, the Council cannot be satisfied the proposal would not result in a potential unacceptable risk to future occupants of the building as a result of the proposed change of use.

(c) Flooding risks in relation to the building

The site is located within Flood Zones 2 or 3 and the Environment Agency has reviewed and raised an objection to the proposal, recommending it be refused.

The reason for the objection is as follows:

“The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.

In this instance the developer’s flood risk assessment (Project Ref: QFRA 2676, dated 28/04/2025) fails to:

- *use the most up to date available information to assess flood risk*
- *take the impacts of climate change into account*
- *demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change.*

Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event. This proposal is also contrary to policy EN18: Flooding And Sustainable Drainage Systems in the Reading Borough Local Plan.”

In light of the response received from the Environment Agency, it is evident that the proposed change of use of the building would increase the risk of flooding to the future occupants of the building. The building’s use currently falls in the “less vulnerable” flood risk classification and the proposed residential use is classified as a “more vulnerable” one.

Owing to absences in the submitted floor risk assessment the Local Planning Authority cannot be satisfied the development is appropriately flood resistant and resilient and the change of use of the building would not increase the risk of flooding to the proposed future occupants of the building, over and above the building’s existing use. The development is therefore contrary to Condition MA. 2 (c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) and the advice contained within the NPPF (paragraph 181).

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

The surrounding area is a mixture of commercial and residential uses. Some level of noise is expected within a town centre location. RBC Environmental Protection Officers have reviewed the proposal and advised concerns, relating to potential unacceptable noise impacts.

It is noted that there are neighbouring serviced apartments, and retail uses on the opposite side of King’s Road to the south and a public house / restaurant to the east, with a road (Duncan Place) separating this neighbouring property and the application site and building.

The Council's Environmental Protection Team have advised that further information (noise assessment) is required to demonstrate that any noise associated with the surrounding uses is to acceptable levels, to ensure the impacts of noise from commercial premises on the intended occupiers are acceptable. This information has not been provided in support of the application and, therefore, officers cannot be satisfied the development would not have an adverse impact 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;

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.

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, kitchen and bedroom spaces achieve adequate natural light levels.

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 would 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 height of the building exceeds 18 metres (24 metres – approximately) and the change of use proposal would be for more than two dwellings. As such, a Fire Statement is required as part of the proposal. No Fire Statement has been provided as part of this prior approval application. Therefore, Officers cannot be satisfied that the fire safety is acceptable for the intended occupants of the building.

Recommendation:

Prior Approval is REQUIRED and refused for the following reason:

- 1) The submitted Flood Risk Assessment does not adequately assess the flood risks posed from the development. Therefore, the Council is not satisfied the proposed change of use of the building from office to a residential would not increase the risk of flooding to the future occupants of the building, moving from a “less vulnerable” to more “more vulnerable” classification. As such, the development is contrary to condition MA.2 (c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) and the advice contained within the NPPF (paragraph 181).
- 2) The Local Planning Authority is not satisfied, based on the limited information provided and owing to the site contamination risk and nature of the surrounding uses, that the development would not result in a contamination risk and unacceptable levels of noise and disturbance to any potential future occupants of the building. As such, the development is contrary to condition MA.2 (b) and (d) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) and the advice contained within the NPPF (paragraphs 187, 196 and 198).

- 3) The existing building exceeds a height of 18 metres and the proposed change of use would result in two or more dwellings, whereby a Fire Statement has not been provided in support of the proposal. As such, the Council cannot be satisfied the proposal fire safety impacts on the intended occupants of the building are satisfactory. Therefore, the proposal fails to comply with condition MA.2 (i) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).