

PLANNING STATEMENT

CHANGE OF USE FROM CLASS E SPACE (COMMERCIAL,
BUSINESS AND SERVICE) AT BASEMENT FLOOR TO CLASS C3
(RESIDENTIAL)

PRIOR APPROVAL UNDER CLASS MA, PART 3 OF SCHEDULE 2 OF
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) ORDER 2015

ALEXANDER HOUSE, 205-207 KING'S ROAD, READING RG1 4LS

ON BEHALF OF BMR PROPERTY GROUP

HCH PROJECTS

Prepared by:
Mike Hooper MRTPI
Partner (Planning)





1.0 INTRODUCTION

- 1.1 This planning statement has been prepared by HCH Projects LLP on behalf of the applicant, BMR Property Group. It accompanies a Class MA Prior Approval submission for a proposed change of use from office use Class E to residential use Class C3 to create 8 new residential dwellings. These are created within part of the area of the basement floor of Alexander House, 205-207 King's Road, Reading RG1 4LS.
- 1.2 The application is accompanied by the following information:
- 1.2.1 Completed application form
 - 1.2.2 CIL Form
 - 1.2.3 Planning Statement with Biodiversity Exemption Statement
 - 1.2.4 Sunlight Daylight Report
 - 1.2.5 Location Plan and Site Plan
 - 1.2.6 Existing Elevation A B
 - 1.2.7 Existing Elevation C D
 - 1.2.8 Existing and Proposed Basement Plan
 - 1.2.9 Proposed Elevations Existing Building with Operation Development
 - 1.2.10 Proposed Elevations Extended Building with Operational Development
- 1.3 This is a resubmission following a refusal of previous basement prior approval application no. PL/24/1285. The plans have since been carefully revised to address all reasons for the initial refusal. Amendments include enhanced design specifications and compliance with the council's feedback, ensuring the proposal aligns with the necessary planning considerations and policies.
- 1.4 This statement will take the following form: a brief description of the Site and Surrounding Area in Section 2; Description of the Development in Section 3, Planning History in Section 4, Planning Consideration in Section 5 and the Conclusion in Section 6.



2.0 SITE AND SURROUNDING AREA

- 2.1 Alexander House 205-207 King's Road, Reading RG1 4LS lies to the north of the King's Road adjacent to its junction with Rupert Street in Reading town centre. It is a short 10-minute walk from the main retail and leisure offering in the town centre at Broad Street and the Oracle shopping centre. Reading is a strategic regional town in the Thames Valley/ M4 corridor with a population of circa 200,000 people.
- 2.2 The town is located approximately 67km (42 miles) west of London, 44km (27.5 miles) south of Oxford and 27km (17 miles) east of Newbury and lies within an 8-minute drive of the M4. The property is situated approximately 1.6km (1.0 mile) to the east of Reading Railway Station which provides excellent links to the south-west of England, with regular fast services to London Paddington taking just 25 minutes and offering up to 16 trains per hour.
- 2.3 The basement area of the building is a full height enclosed space which contains parking and plant equipment associated with the office (Class E) lawful use of the building and is regularly entered by users of the building.

3.0 DESCRIPTION OF THE DEVELOPMENT

- 3.1 The application is made to Reading Borough Council (RBC) to determine whether prior approval of the local planning authority is required for following:

Change of use from Class E space (commercial, business and service) at basement level to Class C3 (residential) to comprise 6 residential units and residential cycle parking - Prior Approval under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

- 3.2 The mix of proposed residential dwellings is as follows:

Flat 1: 47.1sqm 1b 2p
Flat 2: 45.8sqm 1b 2p
Flat 3: 44.8sqm 1b 2p
Flat 4: 37.6sqm 1b 2p
Flat 5: 37.3sqm 1b 2p
Flat 6: 70.25sqm 2b 4p



- 3.3 To enable the conversion of the basement space to residential use, the proposal is to introduce new external openings in the façade of the existing building in order that the proposed dwellings receive adequate natural light. The details of these external amendments are shown on the enclosed plans and highlighted in blue as areas of “operational development”. The commencement of the residential C3 use will be subject to the completion of the operational development detailed on the enclosed plans.
- 3.4 The operational development is included within an application for planning permission submitted simultaneously to this submission and will consist of works to Alexander House to create additional windows on the existing façade.
- 3.5 As stated above, the residential use of the internal area of the basement will not commence until the operation development is complete. The applicant would accept a suitably worded planning condition on the Decision Notice restricting the commencement of the use until the details contained within the external works plans were complete. This will ensure that the residential dwellings created are compliant with the conditions of Class MA.
- 3.6 This is an entirely lawful approach to the delivery and implementation of permitted development against Class MA. To assist the determination of the enclosed proposal, attached at Appendix 1 is the Appeal inspector decision attached to existing Prior Approval permission no. 210906 within which the approach outlined above was confirmed as lawful with reference to previous Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.



4.0 PLANNING HISTORY

4.1 The relevant planning history of the building is as follows.

App No. 241284

External works to basement floor to create new window openings. Decision Date: 28/11/2024

App No. 241285

Change of use of Basement level from Class E (offices) to C3 (dwelling houses) to comprise 6 residential units and cycle parking - Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Decision Date: 28/11/2024

App. No.: 231801

Variation of condition 2 (approved plans) of planning permission 210902 (granted on 10/11/2022 for construction of new residential floor above existing roof level to create new residential use Class C3 to comprise 8 residential units) to alter windows and doors on all floors and elevations, provide brick banding detailing below the new floor, removal of the permitted roof terrace, provision of 9 air source heat pumps and 2 opening vents at roof level, revised escape staircase, amendments to the height of the building and various other associated works. Decision Date: 23/05/2024

App. No.: 231792

Variation of condition 2 (approved plans) of planning permission 210885 (granted on 24/08/2021 for roof alterations and external elevation works) to alter windows and doors on all floors and elevations, provide brick banding detailing at the newly created floor level, increase in width of the addition on the northern elevation, amendments to the height of the building and associated works. Decision Date: 04/06/2024

App. No.: 231062

Application for approval of details reserved by condition 7 (Noise assessment) of application 210902.
Decision Date: 29/08/2023



App. No.: 230905

Discharge of condition 15 (habitat enhancement scheme) of planning permission 210902, as granted on 10/11/2022. Decision Date: 23/08/2023

App. No.: 230819

Discharge of condition 5 (Design stage SAP submission) of planning permission 210902, as granted on 10/11/2022. Decision Date: 15/08/2023

App. No.: 230671

Application for approval of details reserved by condition 3 (schedule of materials) of Application 210902. Decision Date: 16/04/2024

App. No.: 230656

Application for approval of details reserved by condition 4 (Construction Environmental Management Plan and Construction Phase Plan) of Application 210902. Decision Date: **Under Consideration**

App. No.: 230400

Change of use from Class E (offices) to C3 (dwelling houses) to comprise 22 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Decision Date: 17/05/2023

App. No.: 162057

Erection of basement and 4 - 7 storey building comprising 56 (30x1, 18x2 & 8x3-bed) residential units (Class C3) with associated parking and landscaping, following demolition of existing basement and 2 storey office building (Class B1a). Decision Date: 17/05/2017

App. No.: 901103

Erection of two storey office block with semi-basement car park for 50cars and a two-storey block of 7 flats with associated parking. Decision Date: 23/08/1990



App. No.: 190160

Demolition of existing office building and construction of new 182 bed student accommodation development, over 7 storeys of accommodation plus lower ground floor, together with ancillary landscaping, parking, and amenity space. Decision Date: 17/07/2019

App. No.: 210902

Construction of new residential floor above existing roof level to create new residential use Class C3 to comprise 8 residential units. Decision Date: 10/11/2022

App. No.: 210885

Roof alterations and external elevation works. Decision Date: 24/08/2021

App. No.: 230820

Non-material amendments to permission 210902 (granted on 10/11/22 to provide 8 residential units above the existing roof level) to increase the height of the building by 1.7m, provide a further fire escape access point at roof level adjacent to the north elevation of the Rupert Street elevation and alter all windows and doors to all floors of the building. Decision Date: 24/07/2023 WITHDRAWN

App. No.: 210536

Change of use from office use Class B1(a) to use Class C3 to comprise 22 residential units. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Decision Date: 25/06/2021

App. No.: 210906

Change of use from office use Class B1a to residential use Class C3 to create 13 new residential dwellings. These are created 11 within the roof space of the building and a further 2 units on Ground and 1st Floor. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Decision Date: 28/07/2021



5 PLANNING ASSESSMENT

5.5 The principle of development is considered below against types of development that is not permitted and the criteria set out under Part 3 of the GDPO. The criteria are transport and highways impact of the development, contamination risk of the site, flooding risks on the site, impact of commercial noise, and an adequate level of natural light to the proposed habitable rooms

5.6 This submission follows previous planning application refusal PL/24/1284. The plans have since been carefully revised to address all reasons for the initial refusal. The previous application for new window openings was refused for the following reasons and these reasons are addressed where appropriate in the following sections.

1. *In the opinion of the Local Planning Authority and on the basis of the plans and supporting material submitted, the proposed development would provide insufficient natural light to many of habitable rooms of the six C3 flats proposed to be provided. The developer has provided insufficient information on how the light report was modelled particularly due to the existence of internal pillars, supports, ducts and structural features that obstruct the flow of light into the units along Rupert Street and Kings Road, vegetation to the front of the site could also provide additional shading and the location of the rear entrance in front of the bedroom to unit 6 and the light report appears to have been undertaken on the basis that such internal obstructions are absent, there are no internal walls in the flats and much larger window openings than are shown in the related full planning application ref PL24/1284 to enable the authority to establish whether the proposed development complies with MA.2(1) (2) (f) . The development would therefore give rise to unacceptable harm to the living conditions of future occupiers. Prior approval is refused on the basis that the development does not secure the provision of adequate natural light in all habitable rooms of the dwellinghouses contrary to the requirements of paragraph MA.2(1) (2) (f) of Schedule 2, Part 3 of the GPDO.*
2. *The plans provided in relation to the planning application ref. PL24/1284, to provide additional windows for application PL24/1285, are inconsistent and the elevations proposed do not align with the proposed floor plan 2023-258-003 or basement window images, particularly in relation to the frontage on King Street on elevation A plan 2023-258-005 and do not accurately reflect proposed windows facing into the car parking area on elevation D plan 2023-258-006. As such the proposal is contrary to paragraph W of*



Schedule 2, Part 3 of the GPDO, policy CC7 Design and the Public Realm of the Reading Borough Local Plan (2019) and para 140 of the NPPF 2023.

5.7 Taking the criteria in Class MA in turn, the proposal responds as follows.

Class MA – Class E (Commercial, Business and Service) to Class C3 (Dwelling Houses)

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;

The building has been in use class B1 (Business) since constructed in 1991.

(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;

Building and curtilage do not form part of any of these.



(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) a World Heritage Site;

The building is not within any landscape designation.

(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

The site is not occupied 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.

The prior approval application is made after those dates.

(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.*

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 proposal is to change the use of the basement area of the existing building from enclosed basement office parking provision to residential use. This has a resultant reduction in parking provision for the existing building from 43 spaces to 18 vehicle spaces.

This level of proposed parking provision is still considered to be acceptable and is reflective of the building's accessible location. The building is in proximity of Reading train station and near to bus stops and other public transport links. It is a highly sustainable location within Reading town centre, and this will be reflected in car ownership and use amongst residents.



The applicant also proposes as part of these proposals to increase the level of on-site cycle parking provision with an additional 48 spaces provided in the basement area.

In addition, it is recognised that the site is located within an area designated as a Residents Parking Permit Area Zone 12R, where parking is restricted for permit holders only. Therefore, the applicant will accept the standard parking conditions and informative to prevent any future occupants of the new flats from obtaining a residents parking permit (including visitor parking permits) for the surrounding residential streets.

(b) contamination risks in relation to the building.

Potential for site contamination is considered low given the town centre location and existing built form.

(c) flooding risks in relation to the building.

The site is not located in a flood zone and therefore flood risk is very low.

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

The building is located within a mixed-use commercial centre, which already accommodates existing residential uses nearby. Therefore, as an established residential location there is no unacceptable noise generated from the nearby office and retail uses.

In addition to the location being suitable for additional residential, any commencement of residential use would be accompanied by enhanced glazing appropriate for residential use. It is also a material consideration that planning permission was granted in 2017 for a residential development in this location, which indicates that noise levels are appropriate for residential use.



(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 building is not in a conservation area.

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

The Proposed Elevations provide details of the external alterations and additional windows that will be delivered as part of the proposals. The proposed windows that are highlighted in blue as part of the external alterations and would ensure the delivery of adequate natural light into all habitable rooms.

These windows would require operational development and, therefore, the proposed use of the building as residential would not commence until this operational development had been completed. The Applicant understands that building or engineering works, which amount to development and are part of the change of use, would require a separate planning permission and they are seeking to deliver this.

These details form part of the prior approval submission, and the Local Planning Authority is duty bound to determine the application on the basis of the submitted details. There is nothing in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO") that states that natural light cannot be delivered subject to operational development.

Indeed, the Planning Practice Guidance recognises that change of use permitted development might also require planning permission in respect of physical works. It states:

"Do permitted development rights for change of use also allow for physical development?"

Where associated physical development is required to implement the change of use, developers will need to consider whether it constitutes development and ensure they have planning permission if necessary. Some permitted development rights for change of use allow for limited



physical works to carry out the change. Full details can be found in Part 3 of Schedule 2 to the General Permitted Development Order.”

A need for planning permission for physical works does not prevent those details being considered and accepted in the prior approval process. The Applicant would accept the prior approval being conditioned to prevent occupation of the new units before those works are carried out and can supply a suitably worded condition, if required.

A Sunlight Daylight Report has been submitted in support of this prior approval application. This has concluded that following the completion of the external works to introduce window opening, all proposed residential dwellings would receive adequate natural light. With specific reference to reason for refusal 1 on decision notice PL/24/1284, the report concludes:

"7.3 We note that, in the reasons for refusal of the previous planning application for the site (ref. PL/24/1285), the planning officer raised the following concerns:

"The developer has provided insufficient information on how the light report was modelled particularly due to the existence of internal pillars, supports, ducts and structural features that obstruct the flow of light into the units along Rupert Street and Kings Road, vegetation to the front of the site could also provide additional shading and the location of the rear entrance in front of the bedroom to unit 6 and the light report appears to have been undertaken on the basis that such internal obstructions are absent, there are no internal walls in the flats and much larger window openings than are shown in the related full planning application..."

7.4 We can confirm that our model captures all the structural features of the building, including internal pillars, supports, ducts, internal walls, etc. and the rear entrance in front of unit six (which can be seen in image 3 above). We have included some images in Appendix 1 taken from our model which show the internal rooms in the building including the pillars and internal walls. The pillars and walls can also be seen on the 2D plots in Appendix 2; please see the annotated image 4 below.

7.5 In terms of the vegetation to the front of the site, we have reviewed this and note it comprises some low-level bushes and two deciduous trees (image 5 below). The windows on this elevation serving the proposed rooms at the below-ground level will be skylights, and as



such will be looking directly upwards. Therefore, unless the vegetation was growing directly above the windows, it would not cause any additional shading to these windows. We have not, therefore, included the vegetation within our assessment model as it is deemed immaterial to the results.

7.6 Finally, in terms of the window openings, these have been taken directly from the architect's drawings."

(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 proposed residential use not proposed in an area considered important for 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.

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

The development does not involve the loss of these services.

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

The application is made after this date.



6 CONCLUSION

- 6.5 On the basis of the enclosed information, it is considered that the proposed development falls within the provisions set out within Class MA of Part 3 of the GDPO (2015).
- 6.6 With particular reference to the provision of adequate natural light, the submitted sunlight daylight report concludes that this is satisfactorily achieved for all proposed residential dwellings.
- 6.7 This conclusion is also in compliance with the National Planning Policy Framework (2023) and, on this basis, the Applicant believes that permitted development change of use from Office (E) to Residential (C3) should be allowed. It is also material that planning permission has previously been granted for residential development in this location.