

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: PL/26/0171 Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses

Address: Eaton Court, 104-112 Oxford Road, Reading, RG1 7FU

Proposal: Change of use from Class E (offices) to C3 (dwelling houses) to comprise 52 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Applicant: Eaton Reading Ltd

Received date: 6 February 2026

Target Decision date: 3 April 2026

Case Officer: Anthony Scholes

1. SITE DESCRIPTION

The site comprises a part two, part three storey L-shaped commercial building (Class E – office (a)), on the corner of Oxford Road and Eaton Place, but excludes the neighbouring Grade II Listed Building (104 Oxford Road – Royal Meteorological Society), with an area of hardstanding to the rear used as a carpark.

The surrounding area comprises a range of uses, generally containing residential above ground floor, and commercial at ground level. Directly north of the site comprises a small commercial property and a new residential development which is currently under construction (114-116 Chatham Street). To the east of the site lies a row of 3 storey terraced properties fronting Oxford Road and residential accommodation blocks in Chatham Place which are between 7 and 19 storeys in height. Adjacent to the site to the south lies The Royal Meteorological Society, a grade II listed building, beyond this is Oxford Road which borders the site to the south. To the west of the site is a modern 4 storey residential block.

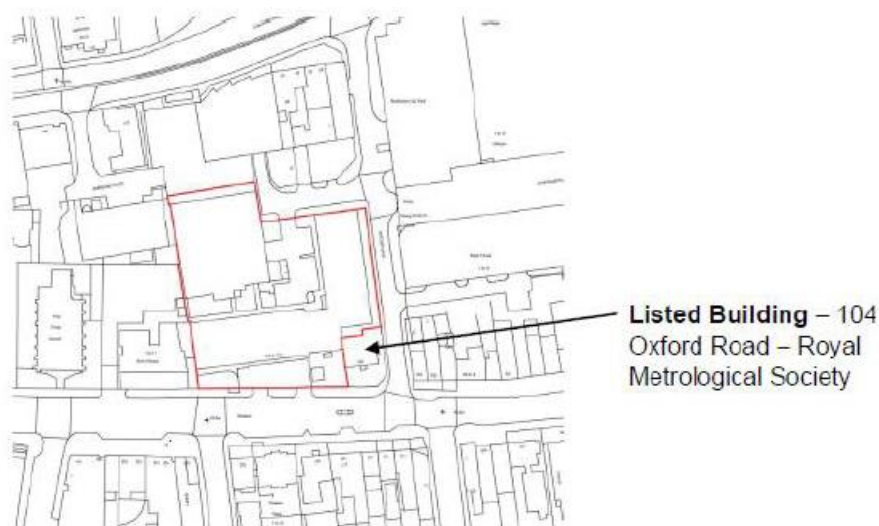


Figure 1 - Site Location Plan

The application site does not fall within a Conservation Area or Article 4 Direction, but the site is immediately adjacent to the Castle Hill/Rusell Square/Oxford Road Conservation Area (2020). The site is an allocated development site under Policy CR12 Chatham Street, Eaton Place and Oxford Road of the Reading Local Plan 2019. It is located within an Air Quality Management Area. The site and proximity to the Conservation Area boundary are shown in figure 2 below.



Figure 2 - Site proximity to conservation area



Figure 3 - Site Visit Photos - 27 February 2026

2. PROPOSAL AND SUPPORTING INFORMATION

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 comprise 40 x1 bedroom and 12 x2 bedroom dwelling units to provide a total of 52 units in 3,550 square metres of residential floor space (Use class C3).

The building is a part two storey / part three storey building, with two storeys on the Oxford Road frontage and three storeys for the Eaton Place part of the building. The following no's of flats are proposed on each floor:

- Ground floor: 16x1 bed flats and 5x2 bed flats
- First floor: 16x1 bed flats and 5x2 bed flats
- Second floor: 8x1 bed flats and 2x2 bed flats

The submitted plans also show 105 car parking spaces within the existing rear multi-storey carpark, accessed from Eaton Place.

The plans also show a total of 10 visitor car parking spaces to the front of the building accessed from Oxford Road. One of the visitor parking spaces overlaps onto the public highway / footpath so shall be discounted (9 visitor parking spaces).

The applicant's agent has stated that the prior approval has been submitted on the basis of seeking additional time to complete the development. It has not been reported by the applicant's agent that there are any other matters that require re-consideration, though an assessment has been made based on the plans and information submitted.

The following were provided to support the prior approval application:

Application forms, as received by the LPA 6 February 2026

CIL Form, as received by the LPA 6 February 2026

The 'Savills' Cover Letter dated 3 February 2026, as received by the LPA 6 February 2026

The 'RGP' Transport Statement, dated June 2025, as received by the LPA 6 February 2026

The 'MZA Acoustics', Class MA Noise Impact Assessment Rev 3, dated 17 July 2025, as received by the LPA 6 February 2026

The 'T 16 Design' Daylight Assessment, dated May 2025, as received by the LPA 6 February 2026

The 'T 16 Design' TM59 Overheating Risk Analysis, dated August 2025, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 200 Site Location Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 009B Existing Elevations, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 004F Proposed Ground Floor Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 003B Existing Second Floor Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 002B Existing First Floor Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 006E Proposed Second Floor Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 012 Sketch Section, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 005E Proposed First Floor Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 001B Existing Ground Floor Plan, as received by the LPA 6 February 2026

Drawing No: 103-225_(SK) 200 Site Location Plan, as received by the LPA 6 February 2026

3. 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 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;
- (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; [F157](#)...
- (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
- (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).

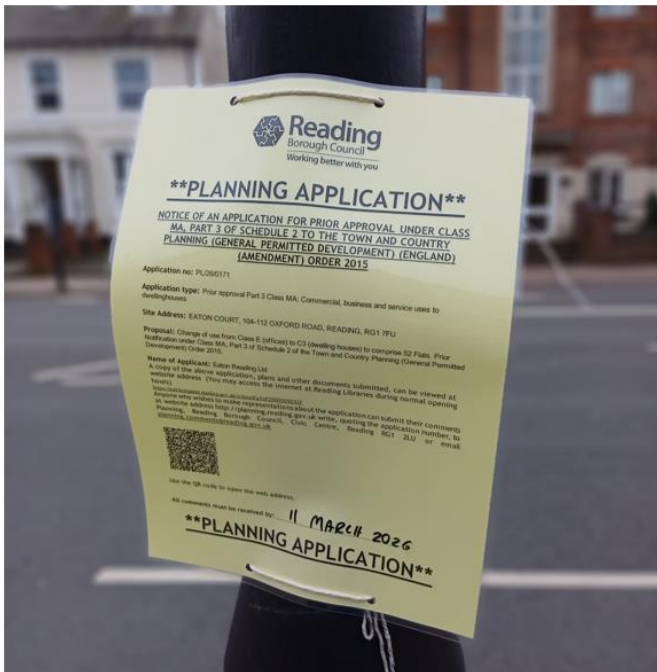
In addition, to qualify for assessment under Class MA, all applications submitted under this class from 6th April 2021 must comply with Department for Communities and Local Government's Technical Housing Standards – Nationally Described Space Standards, minimum space standards. As the application was 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.

4. CONSULTATIONS

The following were consulted:

- RBC Environmental Protection – No objections based on the information provided.
- RBC Transport Development Control – No objections.
- Thames Water Consultations – No objections.
- Environment Agency EA Environment Agency EA – No objections.
- RBC Waste Services – No objections.
- RBC Building Control – Confirmation that notification from a Private Building Control Company of the conversion of the building to 52 flats has been received. No notification for office refurbishment has been received.
- RBC CIL officer – Confirmed that 'Lotus Living' has assumed CIL liability for the development (PL/25/1025).

Two site notices were placed around the site. No letters were received in relation to the proposal.



5. RELEVANT PLANNING HISTORY

PL/18/2098 - Change of use of office building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 59 dwelling units. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Withdrawn, January 2019.

PL/19/0291 - Certificate of Lawfulness for Continuous Use of the Site as B1(a) Office Accommodation for 10 Years or More. Certificate granted, 16 April 2019

PL/19/0419 - Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 58 Units. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. No objection, prior approval not required, 14 May 2019.

PL/21/0639 - Demolition and residential redevelopment to provide three buildings comprising 120 residential units (Use Class C3), along with car parking, cycle parking, servicing bay and associated landscaping, amenity space, plant and refuse areas, and access arrangements. Refused, 26 June 2024.

PL/25/0769 - Application for prior approval for a proposed: 20 New dwellinghouses on detached buildings in commercial or mixed use - Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA. Refused 16 July 2025.

PL/25/0770 - Change of use of building from Class E (offices) to C3 (dwelling houses) to comprise 52 dwelling units. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Refused 16 July 2025

PL/25/1025 - Change of use of the ground, first and second floors of the building from Class E (offices) to C3 (dwelling houses) to comprise 40 x1 bedroom and 12 x2 bedroom dwelling units. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior approval given 24 September 2025.

Officer Note: Development has commenced and is an identical layout to the current proposal, with the identical supporting material provided with the application.

PL/25/1214 - Application for prior approval of 2 storey roof extension to accommodate 16 proposed New dwellinghouses on Detached buildings in commercial or mixed use - Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA. Prior Approval Given 2 December 2025.

Officer Note: It does not appear that this development has begun.

PL/25/1849 – Application for Approval of Details Reserved by Conditions 8 - (Refuse and Bin store), 9 - (External materials) and 14 - (Car parking) of application PL/25/1214. Under Consideration.

PL/25/1797 - Two-storey upward extension to provide 12 flats (2 x 3-bed, 4 x 2-bed, 6 x 1-bed), cycle and refuse storage, and associated works. Under Consideration.

PL/26/0037 - Application for Approval of Details Reserved by Conditions 3 (Construction Management statement) and 11 (Noise assessment) for application PL/25/1214. Approved 13 February 2026.

PL/26/0224 - Application for Approval of Details Reserved by Conditions 4 (Contamination report), 5 (Demolition remediation report) and 6 (Validation report for the remediation report) of application PL/25/1214. Under Consideration.

6. APPRAISAL

Class MA requires that *“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...”*

It is clear, under the provisions of the GPDO that an application for prior approval can only be made prior to the development beginning. In visiting the site to place the site notices around the building, it was noted that a significant amount of building work was underway. The rear of the building contained scaffolding, and significant amounts of building material were on site. New internal walls were visible which were consistent with the proposal plan (and the previous prior approval given (PL/25/1025)).

A query was raised by the case officer to the agent, and the following response was given by e-mail on 19 March 2026:

“We understand that the works you observed when the site notice was put up relate only to internal partitioning of the office, rather than any works associated with the implementation of the prior approvals.”

Following the above response, RBC Building Control were consulted to confirm whether notification of, or an application for Building Regulations approval had been made (as it is expected that this would be required for new internal partitioning of an office). In addition, RBC’s CIL Officer was contacted for comment, who have advised that a separate party, being Lotus Living have assumed the CIL liability for the development (PL/25/1025). The case officer has also viewed the Lotus Living website and enquired to Lotus Living regarding the timeframe for availability of the flats advertised at the site. It was advised that they would be available to rent around June 2026.

As such, it is clear that on the balance of probabilities by the evidence above that the development has already commenced and therefore the prior approval application fails to be made before beginning the development.

Nationally Described Space Standards

The proposed development has demonstrated that all flats would meet the minimum floor space requirements for the size of dwelling as per the Nationally Described Space Standards. As such, is acceptable in this regard.

Though the application has failed the first step, to be made before beginning the development, the remainder of the matters under Class MA are provided for completeness.

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

Note: (a) and (c) removed in updates to GPDO

(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 not been used for 2 years prior to the application being made, however the building is considered to remain lawfully within Class E.

- (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;

The site is not covered by, or within the curtilage of any of the designations contained within (d).

- (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 site is not within any of the designations contained within (e).

(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 development does not meet any of the above to make the development ‘not permitted’ by MA.1 (1) (g).

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—

As above, the development has commenced and therefore would fail MA.2 (1)(2).

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

The development is not considered to have unacceptable transport impacts, and would ensure safe site access (as per the assessment undertaken pursuant to PL/25/1025).

(b) contamination risks in relation to the building;

The development not considered to be a contamination risk in relation to the development. A condition is recommended for an unidentified contamination condition (as per the assessment undertaken pursuant to PL/25/1025).

(c) flooding risks in relation to the building;

There is not considered to be flooding risks in relation to the development (as per the assessment undertaken pursuant to PL/25/1025).

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

Paragraph MA.2(d) of Class MA of the GPDO requires the LPAs assessment relating to impacts of noise from any commercial premises on the intended occupants of the new dwellinghouse, which follows a similar requirement of Policy CC8 of the Reading Borough Local Plan 2019.

For context, the site lies on the edge of Reading Town Centre and there is a range of predominantly residential and commercial uses in the area. From the perspective of noise, there are notable existing commercial premises operating in the area that could potentially give rise to significant noise levels, this primarily relates to “The Face Bar” off Ambrose Place some 50 metres to the north-west of the site, a tyre fitting shop (Tyre Fit Pro Reading), immediately to the north of the building, some 25 metres away, and a Public House (The Butler), approximately 45m metres to the north of the site on the junction with Eaton Place and Chatham Street. The Face Bar is a nightclub / music and sports (pool/snooker) venue (part used at the moment, ground floor only, due to current licensing controls, but potentially could return to two-floors) and The Butler PH is also a live music venue.

A Noise Impact Assessment has been prepared and submitted in support of this application, which suggests that the noise from the existing commercial uses in the area should not have an adverse impact on the amenity or health of future occupiers of the dwellinghouses.

The Council's Environmental Protection Team have reviewed the proposal and have made the following observations:

- The noise assessment confirms there was an error in the information submitted previously and an amendment has been made regarding NR15 which is welcomed.
- The revised noise assessment which confirms the use of comfort cooling where the flats will be impacted by noise from the Face Bar (north and west elevations). The assessment states this is not required for protection from noise from the Butler. This may be arguable however as the Butler is to the north there should not be an issue as the same flats are affected by Face Bar.

The Noise Assessment, among other things states that:

“On this basis, it has been agreed with the Client that mechanical ventilation with heat recovery (MVHR) will be installed to elevations which require this to control noise ingress.”

The Agent has suggested that the MVHR would utilise existing fire risers, and rooftop plant, and would not be installed externally on the building. No works to the external of the building are capable of being undertaken under this (or any) prior approval, and would require separate planning permission (which has not been sought).

The Agent provided further clarification on noise mitigation by e-mail on 19 March 2026:

We also understand that the plant is currently being upgraded but will shortly be replaced on a like-for-like basis.

Under application PL/26/0037, the following was provided and approved in accordance with Condition 11: The 'Ivaro' letter, titled: 'Confirmation of removal of existing plant', dated 5 January 2026. As received by the Local Planning Authority on 14 January 2026. This letter stated that:

“it has been agreed that all existing plant equipment on site will be removed. Furthermore, I can confirm that no new plant equipment on site will be installed as part of proposed works at Eaton Court, 104-112 Oxford Road, Reading, RG1 7FU”

As such, it is not clear, and no evidence has been provided to demonstrate that the proposed MVHR would be capable of being provided, and therefore the noise impacts on the development are likely to be increased through the reliance on opening of windows to avoid condensation and overheating year round. It is not clear based on the above letter and separate confirmation whether PL/25/1025 can be lawfully implemented, though that is not for confirmation by this application.

Based on the above, it would appear that the noise mitigation strategy is inaccurate, or unable to be implemented, and therefore the application has failed to demonstrate that there would not be unacceptable impacts on the development from nearby commercial premises and therefore Prior Approval of the LPA would be required, and is refused (notwithstanding that the development has already commenced and therefore cannot be given).

(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 located within a Conservation Area.

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

As per the previous prior approval, the development is considered to provide sufficient natural light to all habitable rooms in the dwellings.

(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 Reading Borough Local Plan 2019 'Proposals Maps' identify Core Employment Areas. These are considered to meet the above definition as important for the listed uses. The application site is not within,

or proximate to a Core Employment Area. As such, the proposal is not considered to be impacted by such uses/areas.

(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 any of the above requirements of (h).

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

The building does not meet the fire risk condition.

7. CONCLUSION

Whilst the prior approval application is made in an identical form to a previously approved scheme (PL/25/1025) the development has commenced as noted during the case officer's site visit. As such, the development is unable to benefit from 'prior approval' as per The Town and Country Planning (General Permitted Development) Order 2015 (as amended). In addition, the noise impacts on the intended occupiers of the development have not been sufficiently demonstrated.

As such, whilst a previous application for an identical proposal was granted, it now appears that the circumstances have changed, and the proposed noise mitigation strategy may not be capable of being implemented as proposed which is required to mitigate impacts on the development. Therefore, the prior approval of the LPA would be required, and is refused.

8. RECOMMENDATION

Prior approval required and refused.