

DELEGATED APPLICATION REPORT

Ward: Tilehurst Ward

App Ref: PL/26/0356 Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses

Address: 92 AUDLEY STREET, READING

Proposal: Change of use from Class E (offices) to C3 (dwelling houses) to comprise 10 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Applicant: Vernon Property Group

Received date: 17/03/2026

Target Decision date: 12/05/2026

Case Officer: Catrin Davies

1. SITE DESCRIPTION

The application site relates to a section of a building located on the north side of Audley Street. The remainder of the building lies within commercial use including a welding shop, gym and dog groomers.

The building is located within a mixed use built-up area; however, the majority of the properties on the road are in residential use.

The site has recently been granted a certificate of lawful development to confirm the use of the building as commercial units, Use Class E.

2. PROPOSAL AND SUPPORTING INFORMATION

Prior approval is sought for the change of use of the upper floors of the building to form 10 dwellings under the provisions of Class MA of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended). The ground floor would comprise flats 1-4 and flats 5-10 would be over the first and second floor. All flats would be 1 bed.

Submitted information:

101-EXISTING GROUND FLOOR PLAN received 17 Mar 2026

102-EXISTING FIRST FLOOR PLAN received 17 Mar 2026

104-PROPOSED GROUND FLOOR PLAN received 17 Mar 2026

105-PROPOSED FIRST FLOOR PLAN received 17 Mar 2026

106-PROPOSED SECOND FLOOR PLAN received 17 Mar 2026

107-EXISTING AND PROPOSED ROOF PLAN received 17 Mar 2026

108-PROPOSED SECTION X-X received 17 Mar 2026

Loft Floor Plan Rev 001 received 17 Mar 2026

Front Elevation Plan Rev 001 received 17 Mar 2026

109 PROPOSED REAR ELEVATION received 17 Mar 2026

Side Elevation Plan Rev 001 received 17 Mar 2026

Daylight Sunlight Assessment dated March 2026 received 17 Mar 2026

Noise Report VA6211.260115.NIA dated 05 February 2026 received 17 Mar 2026

Planning Statement received 17 Mar 2026

Relevant Planning History:

Reference	PL/24/1564	Application type	Certificate of Lawfulness - Existing Use or Development
Site address	92B Audley Street, Reading, RG30 1BS	Description	Use of 92 Audley Street as four Class E units for more than 10 years (amended description)
Status	Decision Made	Decision	Granted
Received Date	22/11/2024	Decision Date	31/1/2025

Reference	PL/25/1376	Application type	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Site address	92 AUDLEY STREET, READING	Description	Change of use from Class E (offices) to C3 (dwelling houses) to comprise 10 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
Status	Decision Made	Decision	Refuse
Received Date	29/9/2025	Decision Date	21/11/2025

Reason for refusal for PL/25/1376:

1. The applicant has failed to satisfactorily demonstrate that future occupiers of the proposed development would not be subject to impact from noise from commercial premises. Therefore, the proposal gives rise to unacceptable harm to the living conditions of future occupiers, contrary to the requirements of paragraph MA.2(d) of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policies CC8 and EN16 of the Reading Borough Local Plan 2019 and the advice contained within the NPPF 2024 (para 198).
2. The applicant has failed to satisfactorily demonstrate the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses. Therefore, the proposal gives rise to unacceptable harm to the living conditions of future occupiers, contrary to the requirements of paragraph MA.2 (2) (f) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended), Policy CC8 of the Reading Borough Local Plan 2019 and the advice contained within the NPPF 2024 (paras 135 and 198).

3. CONSULTATIONS (summarised)

Environment Protection

Objects due to insufficient information regarding noise impact of adjacent commercial facilities, discussed further below.

Transport Development Control

No objection subject to conditions

Waste Operations

No comment

Neighbour Representations

Two site notice was displayed at the site, one at the front of the building and one at the rear of the building. Two letters of representation were received raising concerns regarding parking, noise and

insufficient notification. All relevant comments are discussed in the following sections of the report. With regard to consultation, two site notices were displayed outside the site informing the development – and the statutory requirements of the LPA have been met.

4. LEGAL AND PLANNING POLICY 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).

5. APPRAISAL

The proposal comprises the change of use of the building from Class E (commercial) 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. Following review of the application, it has been determined that prior approval is required due to the potential impacts regarding points, a), b), c), d) and f).

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;*”

It can be confirmed that the building for which this application relate fell within one or more of the classes specified in subparagraph (2) (b), being Class E use as confirmed via lawful development certificate (see planning history above).

**(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;*”

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 site does not benefit from onsite parking, and none is proposed. The application site is situated within walking distance of Oxford Road's shops and amenities in addition to a frequent bus service to and from Reading Town Centre. The Council's Transport Officer has confirmed the proposal would not have a material impact on the character of traffic in the vicinity. Unauthorised parking could be managed via existing restrictions in place. Should the application be approved, future occupants would not automatically be issued with resident or visitor parking permits to ensure that the development would not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area. Given the extensive parking restrictions and the highly sustainable location with regards to access to the town centre and public transport links, a lower (ie nil) provision is considered acceptable in this instance.

(b) Contamination risks in relation to the building

The application site is not situated on land known to be at risk of contamination and the proposal is for a change of use only, with no physical alterations to the external elevations of the building or groundwork sought. The Council's Environmental Protection Officer has raised no concern in this respect.

(c) Flooding risks in relation to the building

The site is wholly located within Flood Zone 1. A Flood Risk Assessment has not been submitted, with it agreed in this instance that no FRA is required owing to the low flood risk status of the site.

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

The application site relates to part of an existing commercial building, this includes a Welding Shop, dog groomers and gym. It is not proposed to convert the entire building, and commercial uses would remain as part of the wider building. It is considered that any future residents may be materially impacted by noise from the existing commercial premises.

A noise assessment has been submitted with the application. Whilst external noise is considered acceptable, the report is insufficient as limited information was submitted regarding the internal noise transfer from the welding workshop and the dance studio. As such it is not considered the noise level would be acceptable. Assumptions have been made about the building structure, but it has not been demonstrated that the party wall will perform at the required level. It is considered that a demonstration the building has a 55 dBA attenuation is required. The assessment says that it should meet 50 dBA but given the potential high noise levels of the welding and dance studio, it needs to be demonstrated that it will meet the 55 dBA. There is limited mention of the dance studio in the assessment which further hampers the overall assessment and does not clearly demonstrate noise issues.

The RBC Environmental Protection Officer was consulted and has objected due to insufficient information regarding noise transfer. Further information would be 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.

The noise assessment talks about additional planning conditions requiring final façade and ventilation specifications to deliver internal and external acoustic performance. No changes are allowed under Class MA and it is not considered acceptable to attach a condition requiring a noise

assessment to be submitted as this is a matter the LPA has to consider and be satisfied with at the time of the application before prior approval is given.

As such, it has not been demonstrated that the proposal would be acceptable of noise from commercial premises on the intended occupiers of the development. The proposal therefore fails to accord with condition (d).

(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. As a starting point, where the application relates to prior approval as to adequate natural light, the LPA must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses (paragraph W (2A)). This is not a matter for the LPA's discretion, as refusal is mandatory in such circumstances. The LPA's discretion under paragraph W(3) to refuse an application where the proposed development does not comply with any of the relevant conditions, limitations or restrictions applicable to the development permitted is removed in respect to the provision of adequate light in the case of Class MA, in view of the absolute requirement to refuse the application where adequate natural light is not provided in such a case.

The term 'natural' light does not directly specify the source of light to be considered although appeal decisions have confirmed the LPAs positions that natural light encompasses both daylight and sunlight which is required in all habitable rooms as per the legislation.

The above assessment requires examination of the detailed floor plans and any relevant supporting evidence. A judgement must be reached based on the information submitted as to whether appropriate levels of light can be achieved for rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways.

The application has been submitted by a daylight/sunlight assessment which has stated that the existing attic rooms are fitted with wired glass with typically has a diffuse transmittance of approximately 75%. Below is a photo of the window the attic window.



This clearly shows the existing windows to the attic do not allow adequate natural light to habitable rooms. Furthermore, the report implies these windows are to be replaced. It is also noted that the Noise Assessment submitted states that 'suitable internal acoustic environment can be achieved through standard good practice measures, including appropriate façade design and glazing specifications and the prior approval considerations under Class MA can be satisfactorily addressed subject to standard conditions securing detailed acoustic design' and it further states 'it is recommended that final glazing and ventilation products are verified' and 'it is demonstrated that suitable glazing and ventilation solutions are readily achievable' and 'it is recommended that planning consent be granted subject to appropriate noise-related conditions, ensuring that detailed façade and ventilation design at Reserved Matters stage delivers the necessary internal and external acoustic performance'. This also suggests alterations may be required and necessary to provide suitable noise mitigation. There also appears to be a misunderstanding as to the type of application this is.

Class MA application cannot take into consideration any alterations to the buildings and the assessment is based on the existing situation at the site. It is therefore considered the habitable rooms reliant on the existing wired glass windows would not receive adequate light and would appear gloomy, as evidenced, for future occupiers. Irrespective of the above, the report also concludes that four units would not achieve the BRE sunlight targets, particularly those facing north. The report downplays the importance of sunlight consideration, focusing more on daylight. There would be a number of habitable rooms with inadequate levels of sunlight exposure as concluded in the report, and where they achieve adequate daylight this does not make the lack of sunlight acceptable.

For these reasons the proposal fails to comply with criteria (f).

(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 apply 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.

Whilst the development contains 10 dwellings, the height of the building is less than 18m and fewer than 7 storeys. Therefore, a Fire Statement is not required.

6. CONCLUSION

As required under Paragraph MA.1 and MA.2 of Class MA it has been demonstrated that there are no transport, contamination, flooding or dwelling size reasons why the development should not proceed.

However, the LPA is not satisfied that the proposal has demonstrated it would not give rise to significant noise from commercial premises and nor has it demonstrated that all habitable rooms would receive adequate levels of natural light. The development subject of this prior notification fails to meet criteria (d) and (f) of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policies CC8 and EN16 of the RPLP 2019 and the advice contained within the NPPF 2024.

As such, the recommendation is to refuse prior approval.