



ALLEN PLANNING Ltd
Town Planning and Development Consultants

Reading Borough Council
Planning Department
Via Planning Portal Only

4th September 2026

Dear Sirs

Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 2 apartments.

Site at Part Third Floor Only, Regents Gate 25 - 41 Crown Street, Reading RG1 2PQ

This Prior Notification submission relates to part of the third floor of this building only used under Class E of the UCO to form 2 apartments under Part MA of the GPDO. The application is accompanied by a site plan together with the application forms and proposed and existing detailed floor plans. In addition, the completed CIL forms are included and the application is also supported by a detailed Daylight Assessment and a Flood Risk Assessment

The site overview is shown in Figure 1 below.



Figure 1 - Site Overview

The building is located south of Reading Town Centre at the junction of Crown Street and Newark Street. The property was formerly occupied as offices by Spire Healthcare, a use which would now fall under Class E of the UCO. The building is not listed and does not lie within a defined Conservation Area.

In addition, whilst the Council does have an Article 4 Direction removing Part MA rights such does not apply to this site and the site lies outside of any AONB.

Furthermore, the site is sustainably located south of the town centre and lies outside of any area of defined flood risk (sea and river) and its general location is shown in Figure 2 below.



Figure 2 - Site Location

The character of the area is predominantly residential with modern 4 and 5 storey flatted blocks and also two storey terraced dwellings opposite to the site on Crown Street. The site has an undercroft car park providing parking for 31 vehicles.

Planning History

Most recently a permitted development application under reference PL/26/0539 was granted for the Change of use from Class E (offices) to C3 (dwelling houses) to comprise 29 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

The floorspace proposed in this application was not approved under the above permitted development consent.

In addition, planning permission has been granted under reference PL/26/0883 for external alterations to building including new rooflights, smoke shafts, windows and door alterations.

Permitted Development

Class MA of the amended General Permitted Development Order, which came into force on the 1st August 2021 states that a development consisting of would constitute 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.

Paragraph MA.1 identifies that development is not permitted by Class MA if:

(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 entirety of the building was last used for commercial use falling under Class E of the UCO and this criterion is complied with

(d) specifically preventing the aggregation of successive changes of use through separate acts

(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 any of the above listed designations.

(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(a);

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

The site is not covered by any of these listed designations

(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.

Not the case with these proposals.

Conditions

This permitted development is also subject to conditions as identified in paragraph MA.2 namely 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 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(a), the impact on the local provision of the type of services lost.*

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

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) 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

The previous application established that the LPA raised no objections to any matters set out in Paragraph MA(2) save for that relating to flood risk matters (criterion c). That being said for completeness we assess all such matters in this revised submissions.

(a) Transport

The use of this floorspace as residential would be likely to generate less traffic when compared to the former Class E office use which operated from the site. On that basis the traffic created by this proposed development would not lead to situations detrimental to highway safety.

Turning to matters of car parking Policy TR6(4) of the revised Framework states:

- *Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion*

In terms of parking standards Policy TR2(2) adds;

- *Maximum standards for car parking should be set where they will support efforts to encourage the use of sustainable transport modes and shared transport, optimise the density of development in well-connected locations, or where they are necessary for managing the local road network.*

In terms of local policy, Policy TR5 states that development should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport.

The Council has produced a Parking Standards and Design Supplementary Planning Document (SPD), which includes different standards in four different zones according to the accessibility of those zones. The SPD also sets out requirements for cycle parking and is now of some age being adopted in 2011.

The site is located in Zone 2 which seeks 1 space per flat however the site is highly sustainable nature with easy access to all the town's amenities and public transport opportunities including a less than 10 minute walk to the town's principal railway station.

The site has an undercroft parking area providing for 31 spaces.

Given the site's highly sustainable location, and the most up to date guidance in the Framework, it is submitted that the provision of 31 spaces for the 2 plus the 29 approved flats would meet the sustainability guidance and advice of the up-to-date framework and would avoid harm to matters of highway safety.

In addition, adequate cycle parking and refuse storage is also provided on site to serve the proposed apartments and such is shown on the proposed block plan.

A further strategy plan in terms of refuse storage and collection is also supplied with this application.

Overall, therefore it is concluded that the proposed development would fulfil sustainable development planning policies and would avoid any adverse impacts upon the local highway network.

(b) Contamination risks in relation to the building

Turning now to matters of contamination the site lies in an area where matters of land and ground contamination have not been previously raised within the local area which is predominantly residential and it is therefore highly unlikely that these proposals would lead to matters of contamination.

The application proposes the conversion of part of the third floor of the existing building only with no "ground break" or indeed any alterations to the building.

Furthermore, the building has been the subject of significant human work/habitation as offices which have existed satisfactorily with no issues of contamination.

In light of the above we therefore respectfully suggest that there are no material issues relating to the change of use proposed on matters of ground contamination.

This was agreed by the LPA in its determination of the previous application.

(c) Flood Risk

In order to address such matters this application is supported by an FRA addendum to that document and for the sake of ease, we set out the conclusions of the addendum to FRA below:

“5.1.1 It is proposed to convert part of the third floor of an existing office building (Regents Gate) to provide 2no. residential dwellings (apartments). There would be negligible change to the impermeable footprint of the site

5.1.2 The site (i.e., the Regents Gate building and undercroft parking area) is located in Flood Zone 1 and assessed to be at low risk from groundwater, sewers and artificial sources

5.1.3 The site is shown by the RoFSW modelling to be at risk from surface water flooding.

5.1.4 However, investigation of the modelled flooding shows the predicted flooding to be occurring due to the RoFSW model not fully representing the underground drainage network. Therefore, water is becoming stuck in the undercroft with no means of draining away.

5.1.5 The modelling is therefore not representing the behaviour of rainfall on the site and surroundings, which would drain away and therefore not pond to the depth predicted by the modelling. However, without detailed survey and site-specific modelling (which is disproportionate), it cannot be fully concluded that the drainage system is sufficient to accommodate all of the design rainfall. Therefore, taking a precautionary approach, some flooding of the undercroft is possible, albeit to limited depths and velocities.

5.1.6 Such flooding would be shallower than the RoFSW model predicts and likely to be of low velocity, meaning the risk of car damage is low.

5.1.7 The building itself, and particularly the third floor, is elevated above surrounding ground levels. It is also set back from Crown Street with a void between the two. This means that the chance for water entry into the building interior is negligible.

5.1.8 Crown Street, and the highway network beyond, is predicted to be flood-free during the design 1 in 100 year plus climate change event. Consequently, occupiers would have free and voluntary movement during design flood conditions, a key requirement of the PPG.

5.1.9 The proposals would result in no alteration to the impermeable footprint of the site. It is therefore proposed to retain the same general drainage arrangements for the site with negligible impact on local drainage.

5.1.10 This FRA shows that the development will be safe for its lifetime, with negligible impact on flooding elsewhere, and it therefore meets the requirements of the 2026 iteration of the NPPF.”

It is submitted, given the planning history of the site and the fact that these two flats are proposed on the third floor that the conversion of part of the third floor of this building to form 2 apartments would not result in any unacceptable impacts in terms of potential flood risk.

(d) Noise

In terms of the impacts of noise from commercial premises on the intended occupiers of the development, in this respect traffic noise cannot be an issue for consideration in Prior Notification applications under Part MA.

When considering potential noise disturbance, the revised NPPF at Policy **P3: Living conditions and pollution** advises:

1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

2. Within this context development proposals should:

a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

b. Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);

c. Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;

d. Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);

The site lies in a mixed-use area and a detailed Noise Impact assessment has been undertaken and for the sake of ease we set out its conclusions below which were submitted with the previously and indeed accepted by the LPA in terms of approved application:

“A baseline noise survey has been undertaken by Venta Acoustics to establish the prevailing noise climate in the locality of 25-41 Crown Street, Reading in support of a planning application for the proposed development of new residential dwellings.

The measured levels have been assessed against the National Planning Policy Framework and currently available standards and guidance documents including World Health Organisation Guidelines for Community Noise (1999) and BS8233:2014 Guidance on sound Insulation and noise.

When assessed using BS4142, noise from commercial activities near to the site have been shown to have a low impact.

Although not required under a class MA application, for advisory purposes appropriate external and internal noise criteria have been considered to minimise adverse impacts on

health and quality of life as a result of the new development. Appropriate mitigation measures have been outlined including proprietary thermal double-glazing and trickle vents.”

In addition, this report identifies that existing fenestration is sufficient to provide acceptable internal noise levels as set out in paragraph 6.3 of the report below:

“It is important that the performance shown in Table 6.2 are achieved by the entire window set including frames, seals, etc. Glass performance alone would not be likely to show compliance with the specification as the other elements typically provide the weakest noise transmission path.

With the above recommendations implemented, the noise levels within the proposed dwellings would be expected to be in line with recommendations given in the WHO 1999 and BS8233:2014 guidance. Internal noise levels can therefore be considered to be between the NOEL the LOAEL levels.”

In light of the above detailed Noise Impact Assessment, we submit that there is no reason to resist the change of use proposed in terms of matters of potential noise disturbance from commercial buildings and/or land uses in close proximity to the site.

This was agreed by the LPA in terms of the previous decision on the site.

(e) Conservation

The site lies outside of any defined Conservation Area and thereby no assessment of criterion (e) is required in terms of these proposals.

(f) Adequate Natural Light

This criterion requires an assessment in terms of each flat to be created relating to the provision of adequate natural light to proposed habitable rooms.

There is no definition of *adequate* within the regulations, however only natural light is to be considered as opposed to direct sunlight or daylight. Reference to ‘adequate’ suggests merely satisfactory or acceptable in quality.

The layout of the proposed 2 flats seeks to sit alongside the external changes to the building approved by the LPA under reference 26/0883.

A copy of that Planning Permission is Attached to this letter as **Appendix AP2**.

In terms of such considerations the Applicant makes reference to a recent appeal decision at **Appendix AP1** relating directly to the provision of approved windows/alterations to a building, even if they are not as yet in situ, and that such can be assessed in terms of the levels of daylight which would be provided to proposed flats under a Permitted Development assessment.

In the respect of this appeal case in Bromley we quote the following key paragraphs from the decision letter in such regards:

6. However, paragraph W(13) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) provides that a local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. There is nothing in paragraph W(13) to prevent the imposition of a negatively-worded condition to restrict occupation until the lightwell has been provided. Such a condition would be reasonably related to the subject matter of the appeal.

7. Therefore, subject to a condition which requires that the lightwell approved under DC/24/03421/FULL1 be provided before the proposed residential unit is occupied, adequate natural light would be provided to the habitable room

In addition to the above the application is supported by a Daylight Assessment which has been prepared to support this revised application and we set out its conclusions below:

*"It can be identified in **Table 2** that all of the rooms meet the minimum illuminance values as identified in **Table 1** for at least 50% of the reference plane, and therefore all of the habitable rooms within the third floor of the proposed change of use development will receive adequate internal light levels."*

Given the above it is submitted that the proposed scheme would provide adequate natural light into all of the habitable rooms of both of the proposed apartments.

(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

The site does not lie within such an area

(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(a), the impact on the local provision of the type of services lost.

The previous land use was not as a nursery or health centre and it is **therefore submitted that in such circumstances there is no conflict with this criterion.**

Apartment sizes

A further requirement of prior notification is that each flat proposed must achieve the minimum size standards as set out below:

In article 3, after paragraph (9) insert—

"(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(a).

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it."

Flat 1 as shown on the proposed plans is a 2 bed 3 person unit with a floor area of 61m² thereby meeting the NDSS requirement for such of 61m². Flat 2 as shown on the proposed plans is also a 2 bed 3 person unit with a floor area of 67m² thereby exceeding the NDSS requirement for such of 61m²

On the basis of the assessment, it is confirmed that both of the flats proposed are compliant with NDSS standards.

Part M.2.A requirements

Paragraph M.2A.(1) requires that the following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local authority for a determination as to whether the prior approval of the authority will be required.

Sub paragraph (2) advises that the application must be accompanied by—

(a) a written description of the proposed development;

a detailed description of the proposal is set out on the application forms and within this covering letter as the conversion of this floorspace on the third floor into 2 apartments.

(b) a plan indicating the site and showing the proposed development

;

a plan indicating the location of the site and the floorspace within the building proposed to be converted accompanies this application.

(c) drawings prepared to an identified scale and showing—

the drawings have been prepared to an identified scale and show the detailed internal layout of the proposed dwellinghouse including window position and sizes.

(i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and

(ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;

It is not proposed to extend, alter or erect buildings on the site

(d) a written statement in respect of the heritage and archaeological considerations of the development;

The site does not lie within a conservation area.

(e) the developer's contact address;

Regents Gate Reading Ltd c/o Danks Badnell Architects Ltd King Stables, 3 - 4 Osborne Mews, Windsor SL4 3DE

(f) the developer's email address if the developer is content to receive communications electronically; and

Regents Gate Reading Ltd c/o eleanorsmith@danksbadnell.co.uk

(g) any fee required to be paid.

The fee of £520.00 will be paid via the planning portal.

Conclusions

In light of the information contained within this letter, the plans and the supporting detailed Reports we submit that the change of use of part of the third floor of this building to **form 2 apartments** from its permitted Class E use is wholly in accord with Class MA of the amended General Permitted Development Order and the Prior Notification Procedure.

Yours sincerely

anthony allen

Mr A.M Allen
Managing Director

The Harrogate Business Centre, Hammerain House, Hookstone Avenue, Harrogate. HG2 8ER
www.allenplanning.co.uk

Tel: 01423 638244 or 07827 446075

tony.allen@allenplanning.co.uk