

Windsor & Maidenhead Council  
Planning Department  
Via Planning Portal Only

28<sup>th</sup> February 2024

Dear Sirs

**Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 7 apartments.**

**Site at Second and Third floors only at 16-20 High Street, Maidenhead SL6 1PZ**

This Prior Notification submission relates to the second and third floors of this four storey building with the ground floor trading space and also the first floor commercial floorspace being retained for commercial purposes and such does not form part of these proposals.

It is proposed to convert this former Class B1 space (now Class E of the UCO) in the second and third floors to form 7 flats. The application is accompanied by a site plan, the application forms together with proposed and existing detailed floor plans and elevations and also a detailed Flood Risk Assessment.

These two existing upper floors are currently vacant and were previously used for Class E office purposes. The whole site falls within the town centre area but and also within the Town' Conservation Area and the building is not listed. The general location of the site is shown below in Figure 1.

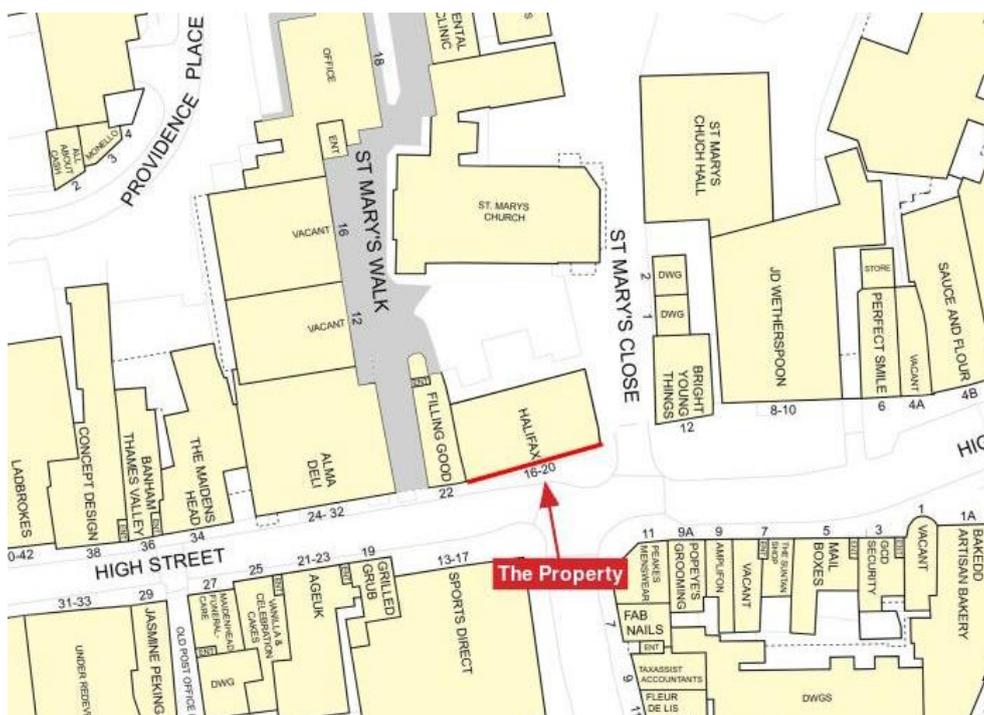


Figure 1- Site Location

The site is highly sustainable being within easy walking distance of all of the Town's shops, public transport opportunities and other services. The site frontage is shown in Figure 2 below.



Figure 2 – Site frontage

The immediate context of the site shows considerable diversity in terms of the height and designs of buildings and the site has no off street car parking. In addition, there is not Article 4 Direction removing permitted development rights in this area.

### Planning History

In terms of planning permission, the only application identified on this site is set out below:

Consent to display two internally illuminated fascia signs, one internally illuminated hanging sign, one internally illuminated tablet sign over existing ATM and one non illuminated window poster.

Halifax Plc 16 - 20 High Street Maidenhead SL6 1PZ

Ref. No: 13/01251/ADV | Validated: Thu 09 May 2013 | Status: Decided

### Permitted Development

Class MA of the amended General Permitted Development Order, which came into force on the 1<sup>st</sup> 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:

*(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*

The floorspace the subject of this application has been vacant for in excess of three months; indeed, it the last occupation was on the 1<sup>st</sup> August 2023

*(b) 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;*

The second and third floor elements of this site were last used for associated former Class B1A purposes which would now fall under Class E and as such is entirely compliant with this criterion.

*(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*

The floorspace of the building proposed to be converted is circa 367m<sup>2</sup> and therefore well below the 1500m<sup>2</sup> limitation as set out in this criterion.

*(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*

#### (a) Transport

The policy backdrop in terms of sustainable development is to reduce the need to travel by private car. Given the lawful office use of the floorspace which forms this application site it is submitted that the traffic generation between such a use and 7 apartments is unlikely to change significantly.

Paragraph 111 of the recently revised NPPF advises that if setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 112 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they

are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

In addition, paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The 2004 Parking Strategy as a guide to determine the parking provision prior to the adoption of a revised Parking SPD and it sets out the assessment of determining the accessibility of an area and the maximum parking standard of each area. The Strategy also sets out that the capacity of the local environment to withstand the traffic impacts would be a consideration. In town centres, standards may be expected to be lower because of the high accessibility to public transport.

The site is within the town centre and within 700m of Maidenhead Train Station, which has regular (half-hourly or better) train services, and is therefore within a good area of accessibility given its proximity bus services also.

The maximum parking standard for a 2 bedroom unit is 1 space per unit and on that basis 7 spaces are required to meet the standards for the proposed development that being said given the much more up-to-date national guidance this is exactly the type of site which can promote a car free development given its highly sustainable characteristics.

In addition, the proposal can provide for 7 cycle parking spaces which given that the 2004 Parking Strategy sets out that the residential standards are one cycle parking place per unit, the provision of cycle parking would be acceptable

The site is highly sustainable with good public transport links nearby and all of the Town Centre amenities close at hand. On this basis and in accord with sustainable development and transport policies it is submitted that this is exactly the type of site which can deliver highly sustainable new housing without reliance upon the private car

**All of the facilities and opportunities of the town centre are literally on the doorstep of the building and as such a car free scheme on the site of this nature would accord with the general sustainable development policies of the development plan and there would be no requirement to comply with the optimum standards for car parking.**

#### (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 previously been raised in any permissions on or indeed close to the site and it is therefore highly unlikely that these proposals would lead to matters of contamination.

The application proposes the conversion of the upper two floors of the existing building only with no “ground break” or indeed any alterations to the building.

The building has been the subject of significant human work/habitation with the commercial shop units at ground floor and ancillary use above 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.**

### (c) Flood Risk

The site lies at the edge of a defined flood risk as shown below from the EA flood risk mapping information as falling at the extremity of Flood Zone 2. The extract from the flood map is shown in Figure 3 below.

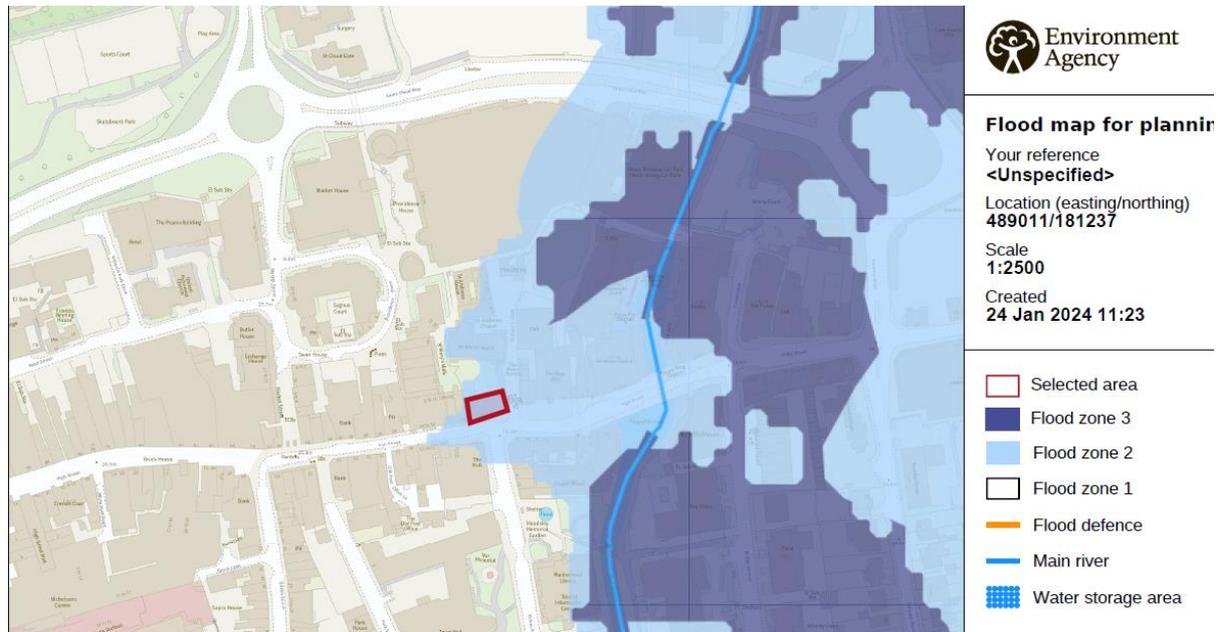


Figure 3 – Extract from EA Flood Map

On this basis a detailed FRA has been prepared by UK Flood Risk Ltd which concludes:

*“The proposal consists of change of use of the upper two floors into seven apartments under permitted development located at 16, 18 & 20 High Street, Maidenhead, Berkshire SL6 1PZ.*

*The proposed development is categorised as ‘more vulnerable’. The site is located in Flood Zone 2 (i.e. medium probability flooding). The proposed development is therefore appropriate at this location.*

*The site is located in close proximity to the Strand Water with the risk of fluvial flooding. According to the information available from the SFRA and the Environment Agency, there were no records of flooding events at the site.*

*The Environment Agency’s Flood Maps show that the site lies within the Flood Zone 2 (medium probability flooding). Flood Zone 2 fluvial outline shows a land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. The flood maps also show that site is located in an area benefiting from the flood defences. The Environment Agency’s flood risk map indicates that the risk of flooding to the site is ‘low’.*

*The Environment Agency’s modelling data indicated that the site is not subject to flooding from the 1% AEP (1 in 100 year) event. Also, the site is not subject to flooding from the 1% AEP (1 in 100 year) plus 35% Central CC and the 0.1% AEP (1 in 1000 year) events. This implies that the flood hazard to the people and the property from these extreme events is low.*

**We therefore submit that the conversion of the upper floors of this building to form 7 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 NPPF at In terms of the Framework when considering potential noise disturbance, the revised NPPF at 180 advises:

*180. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

Paragraph 191 adds:

*“191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*

Whilst the site lies within the town centre there are no nearby generating noise uses such as public houses or nightclubs with the closest being the JD Wetherspoons' public house at No.8-10 High Street which is some distance away.

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

(e) Conservation

The site does lie within a defined Conservation Area however it is not proposed to change the use of the commercial floorspace on the ground floor and on that basis criterion (e) requires no detailed assessment and is thereby complied with.

(f) Adequate Natural Light

This criterion requires an assessment in terms of each flat to be created relating to:

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

The proposed floor plans identify that each of the habitable rooms of each of the 7 flats proposed would be served either by existing windows. To assist the LPA this existing and approved fenestration is shown on the proposed floor plans.

**Given the above together with the position of the building which is not surrounded by particularly tall buildings and given that all of the existing fenestration would be at upper floor levels it is submitted that the proposed scheme would provide adequate natural light into the habitable rooms of all 7 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.

In this case none of the land use involves a registered nursery or a health centre.

#### 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.”*

In terms of the above we therefore assess this proposed dwelling against the NDSS standards.

Flat	Type	Size	NDSS requirement	Compliance
Flat 1	1b2p	51.25m <sup>2</sup>	50m <sup>2</sup>	Yes
Flat 2	1b2p	51.96m <sup>2</sup>	50 m <sup>2</sup>	Yes
Flat 3	1b1p	40.29m <sup>2</sup>	37m <sup>2</sup>	Yes
Flat 4	1b2p	52.96m <sup>2</sup>	50m <sup>2</sup>	Yes
Flat 5	1b2p	51.9m <sup>2</sup>	50m <sup>2</sup>	Yes
Flat 6	1b2p	50.46m <sup>2</sup>	50m <sup>2</sup>	Yes
Flat 7	2b3p	62.5m <sup>2</sup>	61m <sup>2</sup>	Yes

**On this assessment all 7 flats proposed would thereby accord with or be in excess of NDSS requirements.**

## 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 the second and third floors of this building into 7 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 as do the elevations which show the size and position of existing windows.

*(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 7 dwellinghouse including window positions 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 lie within a conservation area but does not propose a change of use at ground floor and on that basis no written assessment of impacts upon this heritage asset is required.

*(e) the developer's contact address;*

Hallview Ltd c/o Allen Planning Ltd, The Old Fire Station EC, Salt Lane, Salisbury, SP1 1 DU

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

Hallview Ltd c/o Allen Planning Ltd– [tony.allen@allenplanning.co.uk](mailto:tony.allen@allenplanning.co.uk)

*(g) any fee required to be paid.*

The fee of £875.00 will be paid via the planning portal.

## Conclusions

In light of the information contained within this letter we submit that the change of use of the upper two floors (not ground or first floors) of this building to **form 7 apartments** from their

permitted Class E use (former ancillary Class A1 space) is wholly in accord with Class MA of the amended General Permitted Development Order and the Prior Notification Procedure.

If the Council require any further information, then please do not hesitate to contact me.

Yours sincerely

*anthony allen*

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