

28 June 2024
L240628 SAV Cover Letter



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Dear Sirs,

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015, SCHEDULE 2, PART 3, CLASS MA
NOTIFICATION FOR PRIOR APPROVAL FOR CHANGE OF USE OF FROM OFFICE (CLASS E) TO 42 RESIDENTIAL UNITS (CLASS C3)
NICHOLSONS HOUSE, NICHOLSONS WALK, MAIDENHEAD, SL6 1LB
AEGON UK PROPERTY FUND LIMITED C/O COLUMBIATHREADNEEDELE INVESTMENTS**

Introduction

On behalf of Aegon UK Property Fund Limited, we write to apply for 'Prior Approval' for the proposed change of use of Nicholson's House to 42 residential apartments (Class C3) in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO').

The provisions of Class MA of the GPDO came into force on 1 August 2021. Class MA permits:

'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.'

On 5 March 2024 the Government confirmed its amendments to the GPDO to expand the use of Class MA 'PD rights' to convert from commercial use (Class E) to residential (Class C3). The amendments omit the:

- 1,500 sq. m maximum floorspace limit; and
- Three-month vacancy requirement.

The proposed development complies with the criteria necessary to permit the change pursuant to Class MA.1(d). The building is not listed, it does not contain a scheduled monument, it is not Article 2(5) land nor does it form part of a safety hazard area or military explosives storage area.

Class MA.2 requires an application for determination as to whether the prior approval of the authority will be required. In order to assess whether prior approval is needed, the Local Planning Authority ('LPA') can only review matters in relation to the following:

- 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) 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 dwellinghouse;
- 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;
- 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

Criteria (e), (g) and (h) of MA.2(2) are not relevant to consideration of this application.

Application Submission

In accordance with Paragraph W of Part 3 of that Order, the application comprises the following:

- This Cover Letter, which provides the written description of development as follows:

Application for 'Prior Approval of a proposed change of use from 'offices' (Class E) to 'residential' (Class C3) (42 units) under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- Completed Application Form and Completed CIL Forms;
- The following plans, produced by Studio RBA Architects:
 - Drawing No: RBA_286_(2)_A001 – 'Location Plan';
 - Drawing No: RBA_286_(2)_A002 – 'Existing Basement Plan';
 - Drawing No: RBA_286_(2)_A003 – 'Existing Ground Floor Plan';
 - Drawing No: RBA_286_(2)_A004 – 'Existing Ground Mezzanine Floor Plan';
 - Drawing No: RBA_286_(2)_A005 – 'Existing First Floor Plan';
 - Drawing No: RBA_286_(2)_A006 – 'Existing Second Floor Plan';
 - Drawing No: RBA_286_(2)_A007 – 'Existing Third Floor Plan';
 - Drawing No: RBA_286_(2)_A008 – 'Existing Fourth Floor Plan';
 - Drawing No: RBA_286_(2)_A009 – 'Existing Fifth Floor Plan';
 - Drawing No: RBA_286_(2)_A010 – 'Existing Sixth Floor Plan';
 - Drawing No: RBA_286_(2)_A011 – 'Existing Seventh Floor Plan';
 - Drawing No: RBA_286_(2)_A013 – 'Existing & Proposed Elevation 01 & 02';
 - Drawing No: RBA_286_(2)_A014 – 'Existing & Proposed Elevation 03 & 04';
 - Drawing No: RBA_286_(2)_A015 – 'Existing and Proposed Block Plan';
 - Drawing No: RBA_286_(2)_A100 – 'Proposed Basement Plan';
 - Drawing No: RBA_286_(2)_A101 – 'Proposed Ground Floor Plan';
 - Drawing No: RBA_286_(2)_A102 – 'Proposed Ground Mezzanine Floor Plan';
 - Drawing No: RBA_286_(2)_A103 – 'Proposed First Floor Plan';
 - Drawing No: RBA_286_(2)_A104 – 'Proposed Second Floor Plan';
 - Drawing No: RBA_286_(2)_A105 – 'Proposed Third Floor Plan';
 - Drawing No: RBA_286_(2)_A106 – 'Proposed Fourth Floor Plan';
 - Drawing No: RBA_286_(2)_A107 – 'Proposed Fifth Floor Plan';
 - Drawing No: RBA_286_(2)_A108 – 'Proposed Sixth Floor Plan' and;
 - Drawing No: RBA_286_(2)_A109 – 'Proposed Seventh Floor Plan'.
- Daylight and Sunlight Review prepared by Tuffin Ferraby Taylor (TFT) Consultants;
- Fire Strategy Report prepared by AM Pyro, Fire Safety Engineering;
- Transport Statement prepared by Hydrock;
- Travel Plan prepared by Hydrock; and

- Noise Assessment, prepared by Savills Acoustics, Noise and Vibrations Team.

Note that the Existing and Proposed Roof Plans are provided with this application (for the reasons set out below). They are provided for information purposes.

The application has been submitted electronically via the Planning Portal (Ref: **PP-13167861**). The requisite application fee of £5,250 has also been paid via the Planning Portal.

The Application Site

The application site comprises existing floorspace at Nicholson's House, an eight storey office building located above Nicholson's Shopping Centre (the '**Site**'). The building was originally constructed in the 1960s and its lawful use is 'offices' (now Use Class E). The Site is accessed off Nicholson's Lane, which connects to Frascati Way (A308).

On 26 July 2021 permission was granted under the former Class O Permitted Development Right that related to office to residential conversions, for the, '*Change of use from Offices (Class B1(a)) to Dwellinghouses (Class C3) to create 37 flats*' (App Ref: 21/01701) (the '**2021 Permission**').

The 2021 Permission addressed requirements previously set out in the Class O Permitted Development Right that have been retained under the requirements of Class MA, including assessment of highways impact, contamination risk, flood risk, noise impact and daylight/sunlight. Although this application provides revised proposals to be considered under Class MA, the 2021 Permission demonstrates that the same matters, albeit as part of a different scheme, were previously satisfied and residential conversion was accepted.

The Proposed Development

This is an application for 'Prior Approval' for the proposed change of use of the floorspace at the Site from an office (Class E) to 42 residential apartments (Class C3).

The proposed development will create 21 no one-bed and 21 no two-bed apartments through internal reconfiguration of the existing floorspace. The proposed apartments would be provided over seven floors and would be accessed via the existing pedestrian entrance to the building from Nicholson's Lane.

The internal layout of the proposed residential units is illustrated on the technical drawings included as part of the submission. All of the proposed units comply with the relevant national space standards. A full schedule of accommodation is included on the plans.

The proposed development will generally be 'car free' with the opportunity to make use of existing parking facilities in the multi-storey car park. Dedicated cycle parking spaces will also be provided within the development. Provision for refuse storage has been included, which will continue to use the existing collection point for both waste and recycling ensuring it is accessible to public collection services.

Assessment of the Proposed Development

As set out above, development is permitted under Class MA of the GPDO, subject to consideration of matters relating to transport and highway impacts, contamination risk, fire risk, flood risk, noise impacts and the provision of adequate natural light in all habitable rooms.

These specific matters are assessed in the technical reports which comprise this application and are summarised below.

1. Transport and Highways Impacts

The proposed development is assessed against relevant policies relating to transport and highway matters in the Transport Statement produced by Hydrock.

The Statement demonstrates that the Site is located within Maidenhead, a highly sustainable and accessible location and lies within easy walking and cycling distance of shops, local services and employment opportunities for future residents. It is also within walking distance of Maidenhead Train station, which provides London Underground links and various bus stops with frequent services.

The proposed development does not include any vehicle parking. Due to the sustainable nature of the Site's location, it provides the opportunity to be 'car free'. However, the existing offices have access to 40 car parking spaces located in the existing multi-storey car park, which can be accessed by residents if required, albeit the opportunity for car free is acceptable in highway terms and meets sustainability agendas. The proposals include 44 cycle parking spaces for residents to utilise.

The Transport Statement demonstrates that the proposed development accords with highway access design recommendations and sustainable values and hence there is no basis for highway and transportation objections to the proposals. It follows that the proposed conversion of the floorspace at the Site will deliver betterment in terms of local highway capacity.

Whilst also not required under the terms of the 'Prior Approval' requirements, the application is accompanied by a Travel Plan which is submitted with the application, and seeks to encourage sustainable travel patterns. In summary, the Site is a sustainable location for the proposed residential use. There are no unacceptable transport or highway impacts that should prevent the conversion of the existing floorspace to residential use under the terms of the GPDO.

2. Contamination Risks

As set out above, the proposed residential units will be completed through internal reconfiguration of the existing floorspace at the Site. The Site has been used as offices and there are no existing land uses in the vicinity which could present any risk of contamination.

A Preliminary Geo-Environmental Risk Assessment was completed by Delta-Simons in May 2021 (Reference: 20-1728.04) provided with the application for the 2021 Permission identified potential sources of contamination beneath the site from the former on-site brewery and historical land uses in the surrounding area, including the wider brewery (with tanks), a smithy and a slaughterhouse. However, it was concluded that these were not considered to be significant in the context of the proposed change of use, particularly given the residential units were proposed above ground floor level as is also the case with this current application.

The 2021 Permission confirms that the LPA have previously supported the change of the use of the Site to residential dwellings having assessed the May 2021 Preliminary Geo-Environmental Risk Assessment. Therefore, there are no contaminations risks that would prevent the conversion of the existing floorspace to residential use under the terms of the GPDO.

3. Flood Risk

The application site is located within Flood Zone 1, which is at the lowest risk of flooding. Furthermore, the proposed change of use will not increase the risk of flooding elsewhere.

The proposed development will not result in any changes to the impermeable areas and the development will utilise the existing foul and surface water connections.

4. Noise Impacts

In order to assess the local noise environment of the Site and determine the quality of any proposed accommodation, a Noise Impact Assessment ('NIA') has been undertaken by Savills Acoustics, Noise and Vibrations Team.

The NIA is informed by empirical data collected in June 2024 and assesses the potential impact of noise arising from existing commercial-based activities located in proximity to the Site. Environmental sound levels were determined from two overnight surveys.

The NIA confirms that no significant sound from commercial premises was noted as being audible. During the daytime period, some sound from nearby commercial plant was noted as being audible, namely rooftop ACUs and during the night-time period, there was also some plant noise audible externally, albeit this was not considered to be as significant or as loud as the daytime period. However, it was not considered to be of a magnitude or character that would result in any change of behaviour or cause unreasonable internal conditions.

Therefore the NIA concludes that the sound of commercial and/ or industrial land uses would have a low impact and would not affect future residential amenity of the residential units, thus meeting the requirements of Class MA.

5. Fire Risks

The Site comprises an 8 storey building and therefore meets the fire risk condition (higher than 18 metres or contains more than 7 storeys above ground), set out at bullet point (i). As such, the fire safety impacts on the intended occupants of the building have been assessed.

A Fire Strategy Report has been completed by AM Pyro Consulting and sets out an initial assessment of the fire safety features, undertaken by a Qualified Fire Engineer in order to satisfy the requirements of Class MA and Building Regulations.

The Report recommends a number of fire safety features that have been accommodated in the design and suggests that the building will further be enhanced by the high level of the compartmentation of the proposed sprinkler system and that there are sufficient places for the fire appliances and emergency services to park.

The Report recommends that some vents be included on the roof of the building. Arguably those vents are not development under the terms of Section 55 of the Town and Country Planning Act 1990 (as amended) as they do not materially affect the external appearance of the building. Nevertheless, and for completeness, a separate application is submitted concurrently for those works. The existing and proposed roof plans are submitted with that application are provided for information purposes with this application for Class MA in order to show the LPA the works that are proposed.

As the LPA is aware, it is permitted for separate planning applications to be made for works to facilitate a change of use under Class MA. This matter in itself was considered at a planning appeal (Appeal Ref: APP/L5240/W/15/3136875), which concluded that the need for external alterations to implement a change of use is not material to the consideration of the application for prior approval and does not disqualify the development as permitted development.

As such, the Report demonstrates that the building satisfies the functional requirements of Part B (Fire Safety) of the Building Regulations and would not raise any unacceptable impact in relation to fire risk, as required by Class MA, bullet point (i).

6. Provision of Adequate Natural Light

The proposed development has been designed to ensure that all apartments benefit from adequate natural light provision.

An Internal Daylight Adequacy Report has been produced by Tuffin Ferraby Taylor and is included as part of this submission.

The Report provides an assessment of the conversion of the of Nicholson's House to residential accommodation. The internal daylight and sunlight analysis, which includes all of the proposed units and rooms at the Site, is provided in full at Appendix B of the Report.

The overall conclusion is that, in relation to daylight, all the rooms tested will exceed their respective room criteria, with high lux levels throughout, particularly to the main habitable areas. Therefore, all dwellings will enjoy excellent daylight levels.

The proposed development has been considered 'excellent' in the context of the efficient use of existing built assets, in line with the design principles set out in BRE guidelines and the 'adequate natural light' requirements of Class MA.

Summary and Conclusions

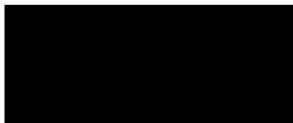
This application seeks 'Prior Approval' for the proposed change of use of the floorspace at the Site from an 'office' (Class E) to 42 residential apartments (Class C3) pursuant to Class MA of Part 3 in Schedule 2 of the GPDO.

The Site meets the eligibility criteria for a change of use under Part MA. In addition, the technical evidence submitted as part of this application demonstrates that the proposed conversion to a residential use does not conflict with any policies relating to: transport and highways, land contamination, fire risk, flood risks, noise impact considerations and provision of adequate natural light.

We trust that the content of this submission will enable the LPA to validate and consider the application.

Should you require any clarification or additional information, please do not hesitate to contact Matthew Sobic or Sophie Moore at these offices.

Yours faithfully,



Savills (UK) Limited
Planning