

Hillingdon Council
Planning Department
Via Planning Portal Only

30th September 2025

Dear Sirs

Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 77 apartments.
Site at Capital Court, 30 Windsor Street, Uxbridge, UB8 1AB

This Prior Notification submission relates to the entirety of this office building (and the two lower ground floors), used under Class E of the UCO, to form 77 apartments under Part MA of the GPDO. The application is accompanied by a site plan together with the application forms together with proposed and existing detailed floor plans and the completed CIL forms. In addition, a Daylight Assessment and Fire Assessment accompanies this application.

The site frontage is shown in Figure 1 below.



Figure 1 - Site Frontage

The entirety of the property was/is in office 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, there is no Article 4 Direction removing Part MA rights in this area and the site lies outside of an AONB.

Furthermore, the site is located outside of any area of designed flood risk and has a PTAL Rating of 6A which is very good. The building has a two lower ground floor levels used for car parking/cycle parking/refuse etc.

Capital Court is a landmark building in the heart of the town centre, 2 minutes' walk from Uxbridge Station, it is situated in one of the most prominent positions in the town, fronting the main ring road, the A4020.

The general location is shown in Figure 2 below.



Figure 2 - Site Location

Planning History

We have examined the planning history on the Council's website for this building available on line is shown below.

Reference	Location	Proposal	Received Status	
45455/ADV/2009/58	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE UB8 1AB	Installation of 2 non illuminated fascia signs	18-08-09	Approval
45455/ADV/2005/124	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE UB8 1AB	INSTALLATION OF EXTERNALLY ILLUMINATED HANGING SIGN BENEATH ENTRANCE CANOPY AND FREESTANDING SIGN ON FORECOURT - APPROVED INSTALLATION OF INTERNALLY ILLUMINATED	08-12-05	Split Decision (P)

PROJECTING SIGN ON CORNER OF
BUILDING - REFUSED

45455/APP/2005/3384	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE UB8 1AB	INSTALLATION OF NEW LIGHTWELL AND BRICK WALL ENCLOSURE ON SOUTH-EAST ELEVATION OF PROJECTING SOUTHERN LIMB AND ENLARGEMENT OF EXISTING LOUVRED OPENING ON SOUTH-EAST ELEVATION OF PROJECTING EASTERN LIMB AT UPPER BASEMENT LEVEL.	07-12-05	Approval
45455/APP/2003/2115	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE	INSTALLATION OF VENTILATION GRILL AND MATCHED METAL COVER PLATE TO THIRD FLOOR EXTERNAL CLADDING	11-09-03	Approval
45455/ADV/2003/42	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE	INSTALLATION OF TWO EXTERNALLY ILLUMINATED (UPLIGHTERS) FASCIA SIGNS AND FREESTANDING SIGN	09-05-03	Withdrawn (P)
45455/APP/2002/308	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE	DETAILS OF VEHICULAR ENTRY SYSTEM IN COMPLIANCE WITH CONDITION 7 OF PLANNING PERMISSION REF.45455H/98/673 DATED 13/12/1999; ERECTION OF A FIVE STOREY OFFICE BUILDING	05-12-01	Approval
45455/APP/2002/309	CAPITAL COURT, 30 WINDSOR STREET UXBRIDGE	DETAILS OF EXISTING AND FINISHED SITE LEVELS AND EXISTING AND PROPOSED UNDERGROUND WORKS AND OVERHEAD LINES IN COMPLIANCE WITH CONDITION 2 (iii) AND (iv) OF PLANNING PERMISSION REF.45455H/98/673 DATED 13/12/1999; ERECTION OF A FIVE STOREY OFFICE BUILDING	05-12-01	Approval
45455/APP/2000/459	CAPITAL COURT WINDSOR STREET UXBRIDGE	DETAILS OF REVISED CAR PARKING LAYOUT IN COMPLIANCE WITH CONDITION 5 OF PLANNING PERMISSION REF.45455H/98/673 DATED 13/12/99; ERECTION OF FIVE STOREY OFFICE BUILDING WITH GROUND FLOOR RESTAURANT INCLUDING TWO LEVELS OF BASEMENT PARKING AND ASSOCIATED LANDSCAPING AND HIGHWAY IMPROVEMENTS	24-02-00	Approval
45455/APP/2000/460	CAPITAL COURT WINDSOR	DETAILS OF REFUSE STORAGE IN COMPLIANCE WITH CONDITION 13 OF PLANNING PERMISSION REF.45455H/98/673 DATED 13/12/99; ERECTION OF A FIVE STOREY OFFICE	24-02-00	Approval

	STREET UXBRIDGE	BUILDING WITH GROUND FLOOR RESTAURANT INCLUDING TWO LEVELS OF BASEMENT PARKING AND ASSOCIATED LANDSCAPING AND HIGHWAY IMPROVEMENTS	
45455/APP/2000/461	CAPITAL COURT WINDSOR STREET UXBRIDGE	DETAILS OF MATERIALS IN COMPLIANCE WITH CONDITION 8 OF PLANNING PERMISSION REF.45455H/98/673 DATED 13/12/99; ERECTION ODF A FIVE STOREY OFFICE BUILDING WITH GROUND FLOOR RESTAURANT INCLUDING TWO LEVELS OF BASEMENT PARKING AND ASSOCIATED LANDSCAPING AND HIGHWAY IMPROVEMENTS	24-02-00 Approval

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:

(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;

This criterion has been removed in the amendment to Part MA which came into force on the 6th March 2024.

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

This criterion has been removed in the amendment to Part MA which came into force on the 6th March 2024.

(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 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 the NPPF in matters of sustainable development, transport and car parking advises at paragraph 112 of the revised Framework 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 113 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 116 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.

London Plan Parking Standards in Table 10.6 provides maximum parking standards at PTAL 4 and above as between 0.5 and 0.75 spaces per dwelling. This would equate to a maximum provision of 38 - 58 spaces.

The existing car park in the two lower ground floors provides for some 90 spaces and as such is compliant with this maximum standard. In addition, policy compliant cycle parking and refuse storage are provided in the lower ground floors of the building in accordance with adopted standards.

In light of the above and given the sustainability credentials of the site, and the quantum of existing on site car parking provision together of course with appropriate cycle parking and refuse storage there would be no adverse impacts a result of the proposed change of use in terms of matters of parking/transportation.

(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 been previously raised in the local area and it is therefore highly unlikely that these proposals would lead to matters of contamination.

The application proposes the conversion of the majority of the existing floors of this building only with no “ground break” or indeed any alterations to the building. The building has been the subject of significant human work/habitation as offices which have existed satisfactory 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 Gov.uk Flood map for planning shows the site, and its surrounds, to fall entirely within Flood Zone 1 (low risk), within which residential development is appropriate and no issues relating to fluvial flood risk therefore arise as shown in Figure 3 below.



Figure 3 - Flood Risk Extract

Given the above we therefore submit that the conversion of this building to form 77 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 paragraph 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”

The site lies in a mixed-use area albeit on somewhat of an island site surrounded by highways and of course noise from roads is not material to the consideration of a Part MA prior notification application.

There are predominantly Class E commercial units nearby however there are no significant noise generating land uses within the vicinity of the site and such it is submitted that there is no requirement for a noise impact assessment given the surrounding land uses.

In light of the above 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.

(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 building possesses significant fenestration to all floors and has a relatively open aspect.

A detailed daylight assessment has been undertaken of the proposed scheme and its conclusions are set out below:

“To obtain Prior Approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA, MA.2.(f), it is necessary to provide adequate natural light in all habitable rooms. The analysis conducted in accordance with Appendix C of BR209 (2022) shows that the proposals comply with this guideline concerning daylight. Regarding sun exposure, as outlined in paragraph 3.1.16, the scheme has maximized the number of units receiving more than the minimum required sunlight. Therefore, in my Expert opinion, the requirement for adequate natural light has been satisfactorily met.”

Given this detailed assessment it is submitted that the proposed scheme would provide adequate natural light into all of the habitable rooms of all 77 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.”.

In terms of the above the application is supported by an accommodation schedule which assesses all the 80 proposed dwellings against the NDSS standards.

On the basis of this assessment all 77 of the flats proposed are compliant with NDSS standards.

Fire Requirements

Paragraph MA.3 states development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 [see below]

Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015) 9A – (3) The height condition is that—

(a) the building is 18 metres or more in height; or

(b) the building contains 7 or more storeys.

(7) For the purpose of paragraph (3)—(a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);

(b) when determining the number of storeys a building has—(i) any storey which is below ground level is to be ignored; and(ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

On that basis the application is support by a full Fire Statement.

The conclusions of the fire statement are set out for ease below:

“This Fire Statement confirms that the proposed conversion of Capital Court has been designed in line with modern fire safety principles and legislative requirements. It demonstrates:

- *Safe and protected means of escape for all residents*
- *Facilities that enable effective firefighting operations*
- *Structural and passive fire protection through compartmentation*
- *External construction methods that minimise the risk of fire spread*
- *Compliance with the Building Safety Act 2022, Approved Document B, and London Plan Policy D12*

All fire safety provisions will be subject to detailed design development and agreement through the Building Control process. A fire engineer and competent Principal Designer will oversee compliance throughout the technical design and construction phases.”

In light of the above the scheme is compliant with matters of fire risk.

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 into 77 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;

Mountgreen Ltd c/o Allen Planning Ltd, Harrogate Business Centre, Hammerain House, Hookstone Avenue, Harrogate HG2 8ER

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

Mountgreen Ltd c/o Allen Planning Ltd– tony.allen@allenplanning.co.uk

(g) any fee required to be paid.

The fee of £19,250.00 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 this building to **form 77 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.

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

Yours sincerely

anthony allen

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