



MAPLE
— PLANNING &
DEVELOPMENT LTD

Planning Services
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
RH16 1SS

16/12/24

Ref: 314

Dear Sir/Madam,

**Class MA Prior Notification – Change of use of upper floors to residential.
87-89 London Road, East Grinstead, RH19 1EJ**

This submission represents a prior notification of my client's intention to exercise the permitted development rights conveyed by Class MA of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2018 (the GPDO).

The proposed works comprise the change of use of the upper floors (largely vacant office space) above a Use Class E retail unit, to five residential flats.

The aforementioned legislation dictates that such a change of use is capable of automatically benefitting from a grant of planning permission, subject to compliance with a number of criteria.

In the event that those criteria are addressed, then it is incumbent upon the landowner to notify the local planning authority of his/her intention to utilise those rights. In so doing the Council are limited to consideration of matters relating to transport and highways, contamination, noise, flood risk, and natural light to all habitable rooms.

Given the foregoing, this supporting statement will be ordered as follows:

- 1) An assessment of the proposed works against the detailed criteria of the GPDO, to prove that the works are capable of comprising permitted development; and
- 2) An overview of what is proposed in terms of considerations relating to highways, contamination, noise, flood risk, and light to habitable rooms.

The Legislative Requirements

In terms of the legislative requirements of the GPDO:

- The application property has been in use for purposes falling with Use Class E for in excess of two years;
- The application property does not fall within a Site of Special Scientific Interest, a safety hazard area, a military explosives storage area, and is not a listed building or a scheduled ancient monument;
- The application property is not within an Area of Outstanding Natural Beauty, an area specified by the Secretary of State for the purposes of Section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park, or a World heritage Site; and
- The site has not been occupied under an agricultural tenancy.

In light of the foregoing, it is clear that this proposal passes the legislative tests of the GPDO, and that this proposal to change the use of the upper floors of 87-89 London Road to five flats is permitted development.

Therefore, attention must turn to the matters up for consideration.

Material Considerations

The first matter to note is that the proposed change of use does not necessitate any physical alteration to the building. The external envelope will remain untouched, and all of the window openings (for example) already exist.

The GPDO establishes that where the development proposed is development permitted by Class MA (which this proposal is) then the Council must assess whether prior approval is required in respect of:

1. The transport and highways impacts of the development;
2. The noise impacts on incoming residents;
3. Contamination risks at the site;
4. Flooding risks at the site;
5. Light to habitable rooms.

These issues shall be addressed in turn as follows.

Highways – The proposal incorporates no vehicular parking. However, the notification is for the change of use of the upper floors of existing Use Class E premises, in a central town centre location. This is a highly sustainable position, with easy walking access to a full range of shops, services and public transport links (including bus services and the railway station). Incoming residents need not be reliant upon the use of private motorised vehicles. Even if they are, though, there is a public car park to the rear of the application site. The proposal will have no impact whatsoever in terms of transport and highways.

Noise – The ground floor premises in the vicinity of the site are mainly in use for retail purposes, and those premises will not be open late into the night. As such, there is very

limited scope for commercial uses to impact upon incoming residents in terms of noise disturbance. There are a multitude of other residential units at first and second floor in this stretch of London Road, presumably with little or no history of noise complaints from residents.

Contamination – The site has not been used for any purposes that would give rise to unexpected contamination

Flooding – The site is not in an area that is identified as being at risk of flooding.

Light – As shown on the drawings that accompany this submission, all habitable rooms, across all five flats, would benefit from a meaningful amount of glazing – providing very high levels of natural light to all habitable rooms.

Given the foregoing, it is concluded that the proposal is permitted development by virtue of Class MA of the GPDO, and that none of the matters that are for consideration present any reasons why the Council should conclude that prior approval is required or that, if it is, that it should not be forthcoming.

Yours faithfully,

Paul Webster MRTPI
DIRECTOR