

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1006	Case Officer:	Stuart Malcolm
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no.9 of planning application DM/24/0704 - to amend the fenestration of the building.		
Site:	5-8A Whitehall Parade, London Road, East Grinstead, West Sussex, RH19 1AP, , ,		
Validation Date	24 Apr 2025	Overall Expiry Date:	20 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Jun 2025
Target Date:	19 Jun 2025	Recommending Officer Signature:	<i>Stuart Malcolm</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1006

**5-8A Whitehall Parade, London Road, East Grinstead, West Sussex, RH19 1AP, ,
Variation of condition no.9 of planning application DM/24/0704 - to amend the fenestration of the
building.
Mr Martell**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

This application (DM/25/1006) seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary the approved plans condition (no.9) of planning application DM/24/0704 which granted consent for the change of use of the second floor from retail to 7no. self-contained one-bedroom residential units and allowed the installation of additional windows at 5-8A Whitehall Parade, London Road, East Grinstead.

RELEVANT PLANNING HISTORY

DM/16/5667 - Installation of rooftop air-handling plant - Permission 13th February 2017

DM/16/5315 - Proposed non-illuminated fascia sign above the shop entrance and non-illuminated logo signage below bay windows - Permission 31st January 2017

DM/16/1625 - Change of use of the Whitehall Club and ancillary accommodation on the ground, first and second floors to A1 retail use and construction of a single storey mansard roof extension on the upper floor - Withdrawn 13th July 2016

DM/16/5299 - Change of use of the Whitehall Club and ancillary accommodation on the ground, first and second floors to A1 Retail Use and construction of mezzanine floor in the existing double height space and a single storey mansard roof extension on the upper floor - Permission March 2017

DM/17/3142 - Alteration to mansard roof to provide customer cafe and roof terrace - Permission 26th September 2017

DM/17/4610 - Discharge of Conditions 3 and 4 relating to planning application DM/17/3142 - Permission 9th January 2018

DM/17/4836 - Variation of condition 6 of planning permission DM/17/3142 - to amend the plans to change the hipped end of the roof to a gable end - Permission 19th January 2018.

DM/21/4105 - Conversion of existing retail and cafe space and internal reconfiguration to the third floor to provide 7no flats comprising 5no. one bed & 2no. two bed flats, with access to a terraced area. Bin stores adjacent to access road - Permission 17th October 2022

DM/24/2704 - Change of use of the second floor from retail to 7no. self-contained one-bedroom residential units and installation of additional windows - Permission 15th November 2024

SITE AND SURROUNDINGS

- Whitehall Parade is an Art Deco three storey building with a modern mansard roof above (4 storeys in total)
- The ground floor of the whole of the building has a modern shop frontage serving a number of shops.
- Above the ground floor, the building has a mixture of commercial and residential uses.
- The building is set within the town centre of East Grinstead.
- 5-8A Whitehall Parade is occupied by Martells a department store which has been trading on this site since 2017.
- Surrounding the site are a mixture, in terms of design and scale, of buildings many of which have residential flats within the upper floors.
- The application site is situated within the built up area as defined in the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan.

APPLICATION DETAILS

- The previous consent allowed the conversion of the existing second floor to residential use
- 7 self-contained one bedroom units
- All shown to meet national space standards
- Two new windows proposed resulting in external outlook from each bedroom and living area.
- Car parking and cycle parking proposed to rear of building.
- This Section 73 application seeks to vary the approved plans condition (no.9) of planning application DM/24/0704
- This will allow the addition of new windows to the commercial unit on the south elevation.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the East Grinstead Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted in 2018. Relevant policies:

- DP1- Sustainable Economic Development
- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 - Securing Infrastructure
- DP21 - Transport
- DP26 - Character and Design

DP27 - Dwelling Space Standards

East Grinstead Neighbourhood Plan

The Neighbourhood Plan is made so forms part of the development plan. Relevant policies:

EG3 - Promoting Good Design
EG5 - Housing Proposals
EG8 - East Grinstead Town Centre
EG11 - Mitigating Highway Impacts
EG16 - Ashdown Forest Protection

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application:

SA38 - Air Quality

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

National Planning Policy Framework (NPPF) (December 2024)

The NPPF is a material consideration. Paragraphs 8, 9, 11 and 12 are considered to be most relevant to this application.

Technical Housing Standards

ASSESSMENT

This application seeks permission to develop land without compliance with certain conditions attached to planning permission DM/24/0704, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached.'

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

As noted above the local planning authority should be considering only the question of the conditions subject to the planning permission.

Given the minor nature of the proposed changes, namely the addition of some windows to the commercial unit, and in light of the fact that the proposed changes to the approved plans condition does not seek changes to the approved residential units themselves, the main issue to consider here are the design and visual impact implications.

The previous report for DM/24/0704 set out the assessment for the principle and a number of other issues that do not therefore need to be addressed in detail here, although they are referenced in the planning balance and conclusion section. For example, the proposed changes do not alter the previous assessments/conclusions on the residential amenity impact both for neighbours and future occupiers, highways and access, the Ashdown Forest impact and infrastructure. Whilst the Council's assessment process of housing applications has changed as a result of the publication of the new NPPF in December 2024 and the Council's subsequent, current inability to demonstrate a five year supply of deliverable housing sites, the support for the principle of the proposal remains. The proposal complies with the development plan policies (as set out under DM/24/0704) and, in accordance with the NPPF, paragraph 11 provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

On infrastructure and the Ashdown Forest, the previous planning application generated the need for SAMM and SANG payments to mitigate the impact of the development on the Ashdown Forest and there was also a need for contributions for library, TAD, community buildings and local community. These contributions were secured through a legal agreement which included a clause setting out that such contributions will also be binding on any subsequent Section 73 applications. As per this legal agreement, a condition will be used to make clear that the contributions secured in the legal agreement apply to any future Section 73s including this application. The conclusions of the Ashdown Forest HRA conducted under DM/24/0704 apply equally to this Section 73 application.

In terms of the visual impact of the insertion of the new first floor windows, it is concluded that these design changes are very minor, preserve the character of the area and comply with the design requirements of the development plan. No neighbours are significantly affected by the changes.

PLANNING BALANCE AND CONCLUSION

The proposal is acceptable in principle, will preserve the character and appearance of the area and will not cause significant harm to neighbouring or future residential amenity. The proposal is also acceptable in respect of the highways impact, the Ashdown Forest impact is mitigated and appropriate infrastructure is being secured. The provision of seven units should be given weight, albeit limited weight, in the planning balance.

In terms of compliance with the development plan, the application complies with Policies DP1, DP4, DP5, DP6, DP17, DP20, DP21, DP26 and DP27 of the District Plan, Policy SA38 of the Site Allocations DPD and Policies EG3, EG5, EG8, EG11 and EG16 of the Neighbourhood Plan. The application proposals also accord with the Mid Sussex Design Guide and the provisions of the NPPF.

In weighing up the issues in the planning balance, when taken together, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.

In these circumstances the NPPF states that permission should be granted. There are no other material considerations that would alter the above planning balance. Planning permission should therefore be approved.

Decision: Permission

Case Officer: Stuart Malcolm