

Mr Martell
c/o Mr Andrew Metcalfe
Squires Planning
The Long Barn
Poplars Place
Turners Hill Road
Crawley Down
RH10 4HH

CONTACT: Stuart Malcolm
PHONE: 01444 477293
E-MAIL: stuart.malcolm@midsussex.gov.uk
REF: DM/25/1006
DATE: 10th June 2025

Dear Sir/Madam

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

I advise that your application DM/25/1006 was **Granted Permission** on **10th June 2025**.

I enclose a copy of the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Please read the notes accompanying this decision notice carefully.**

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted.

Yours faithfully



Ann Biggs
Assistant Director Planning and Sustainable Economy

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Mr Andrew Metcalfe
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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/25/1006

DESCRIPTION: VARIATION OF CONDITION NO.9 OF PLANNING APPLICATION
DM/24/0704 - TO AMEND THE FENESTRATION OF THE
BUILDING.

LOCATION: 5-8A WHITEHALL PARADE, LONDON ROAD, EAST GRINSTEAD,
WEST SUSSEX

DECISION DATE: 10 JUN 2025

CASE OFFICER: STUART MALCOLM - STUART.MALCOLM@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

Conditions

1. The development hereby permitted shall be begun before the 15th November 2027.
Reason: To comply with Section 73 of the Town and Country Planning Act 1990.
2. No external materials shall be used other than those specified in the approved plans and supporting submissions without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the East Grinstead Neighbourhood Plan.

3. The development shall be carried out in full accordance with the CEMP received 21st May 2024.

Reason: In the interests of neighbouring residential amenity and to comply with Policy DP26 of the Mid Sussex District Plan.

4. The development hereby permitted shall not be occupied until the bin and bike store shown on the approved plans has been provided. Thereafter these facilities shall be permanently retained.

Reason: In the interest of promoting sustainable transport and amenity and to accord with policies DP21 and DP26 of the District Plan.

5. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sunday Bank/Public Holidays or at any time other than between the hours 8 am and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

6. Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents and to accord with Policy DP26 of the District Plan.

7. The development hereby permitted shall be carried out in accordance with the sound insulation requirements set out within the acoustic testing report approved under discharge of condition application DM/25/1161 permitted on the 9th June 2025.

Reason: To protect the amenity of residents and to comply with Policy DP26 of the District Plan.

8. The development hereby permitted shall be carried out in full accordance with the External Building Fabric Report (18952-EBF-01 Falcon Energy Ltd submitted 29/8/24) in addition to the provision of wall mounted units in each bedroom.

Reason: To protect the amenity of future residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

9. The obligations under the planning obligation by way of Agreement dated 14/11/2024 pursuant to the previous application DM/24/0704 will be equally applied to and satisfy the requirements necessitated under this application DM/25/1006.

Reason: To ensure the development meets its infrastructure obligations and to accord with Policy DP20 of the District Plan, Policy EG5 of the Neighbourhood Plan and the Development Infrastructure and Contributions SPD.

10. The development hereby permitted shall be carried out in accordance with the plans listed below:

Proposed Block Plan 2350_0223 - 30.04.2024
Existing Elevations 0200 P0 - 15.03.2024
Existing Floor Plans 2350_0110 - 15.03.2024
Proposed Floor Plans 2350_0222 - 11.04.2024
Location Plan - 20.03.2024
Block Plan - 20.03.2024
Existing and Proposed First Floor Plans 2350-MAL-01-ZZ-DR-A-0152 P0 - 14.04.25
Proposed Elevations 2350-MAL-XX-ZZ-DR-A-0352 P0 - 14.04.25

Reason: For the avoidance of doubt and in the interest of proper planning.

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. The development should be carried out in accordance with the recommendations of the asbestos report (submitted 1/5/24 under DM/24/0704). The applicant should be aware however that this is not a refurbishment or demolition survey. It does not cover concealed areas or areas not immediately accessible. Further inspection may be required in specific areas to ensure the safety of builders on site.
3. Your attention is drawn to the MSDC Housing Standards comments made under DM/24/0704.
4. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

A handwritten signature in black ink, appearing to read 'ABiggs'.

Ann Biggs
Assistant Director Planning and Sustainable Economy

PECNDZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition that apply in this instance

The planning permission was granted on an application made under Section 73 of the Town and Country Planning Act 1990 and

- (i) The original planning permission to which the Section 73 planning permission relates* was granted before 12th February 2024, or
- (ii) The application for the original planning permission* to which the Section 73 planning permission relates was made before 12th February 2024.

* "original planning permission means the permission to which the Section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are Section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the replaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Purchase Notices

If either the Local Planning Authority or Secretary of States refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.