



**APPLICATIONS & APPEALS SERVICES**

**PLANNING STATEMENT**

**PRIOR NOTIFICATION FOR THE CONVERSION OF OFFICES  
TO TWO FLATS (USE CLASS C3)**

at

**CROWN LODGE, CANTELUPE ROAD, EAST GRINSTEAD,  
RH19 3BJ**



**APPLICANT: Mr D Dawson, Scandia Hus**

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## **1.0 INTRODUCTION**

- 1.1 The proposal is for the conversion of the offices at Crown Lodge, Cantelupe Road, East Grinstead RH19 3BJ to form two two-bedroom flats. Existing car parking spaces would be retained for the dwellings. The application is submitted under the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the “GPDO”), which sets out that the change of use of a building and land within its curtilage from a use falling with Class E to dwellinghouses (Class C3) does not require planning permission subject to criteria.
- 1.2 The detail of Class MA is addressed within this Planning Statement, and it is demonstrated that all relevant criteria are met.

## 2.0 THE SITE

- 2.1 The application site comprises a two-storey office building and its car parking spaces situated to the east side of Cantelupe Road within East Grinstead Town Centre and East Grinstead Conservation Area. There is a car parking area to the east and south of the building allocated to neighbouring commercial buildings.
- 2.2 There area is mixed in character. East Grinstead Museum is to the northeast, St Swithun Church is to the east, and a mixture of commercial properties are situated to the south and west. To the north are residential blocks of flats.
- 2.3 The site is in Flood Zone 1, at low risk of fluvial flooding, and there is low risk of surface water flooding.



- 2.4 The following are photographs of the building which is the subject of this Class MA proposal:





### **3.0 PLANNING HISTORY**

3.1 Relevant planning history for the office building is set out below:

- 01/00155/FUL – Internal alterations and window to the south elevation of the existing building. Application permitted 19/03/2001.
- GR/034/94 – Roof extension to existing 2 storey building for use as a design studio. Application permitted 15/04/1994.

## **4.0 DETAILS OF THE PROPOSAL**

- 4.1 It is proposed under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to convert the two-storey office building into two two-bedroom dwellings with car parking. The change of use would require no building operations to the external structure of the building.

## 5.0 ASSESSMENT

- 5.1 Schedule 2 Part 3 Class MA of the GPDO specifically relates to the change of use of offices to dwellinghouses. It states that the following is:

### **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.**

- 5.2 The proposal relates to the change of use of the offices at Crown Lodge to form two two-bedroom flats with off-street parking. The works will be limited to internal operations with no alteration to the elevations or footprint of the building. The proposal therefore falls within the remit of class MA.

- 5.3 Class MA further stipulates development which is outside the limits of permitted development in paragraph MA.1 as follows:

### **Development not permitted**

**MA.1 Development is not permitted by Class MA –**

**(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;**

- 5.4 As noted in the planning history, the building was occupied as offices (use Class E) for more than 25 years prior to the date of this application. It was most recently occupied by solicitors. The use of the building falls under Class E and the development would satisfy the above requirements.

**(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;**

5.5 None of the above categories of land applies to the application site.

**(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;**

**(iii) the Broads;**

**(iv) a National Park; or**

**(v) a World Heritage Site;**

5.6 The building is not within any of the above designated areas.

**(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**

5.7 No agricultural tenancy applies to this town centre site.

**(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.**

5.8 The proposal is of a description which would have fallen under Class O of this Part, but there are no directions under article 4(1) which would remove permitted development rights within this area.

**(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—**

**(a) the following classes of the Schedule as it had effect before 1st September 2020—**

**(i) Class A1 (shops);**

**(ii) Class A2 (financial and professional services);**

**(iii) Class A3 (food and drink);**

**(iv) Class B1 (business);**

**(v) Class D1(a) (non-residential institutions – medical or health services);**

**(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);**

**(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;**

**(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.**

5.9 The above is noted and the lawful use of the building and land falls under the uses cited in paragraph MA.1 (a) and (b).

**Conditions**

**MA.2.—1) Development under Class MA is permitted subject to the conditions**

**(2) 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 and highways impacts of the development, particularly to ensure safe site access;**

5.10 The proposal makes no alteration to the vehicular site is small in scale, and the proposal would result in a reduction of traffic movements to the site compared to the existing commercial office use. Situated within the town, the site is in a highly sustainable location, and future occupiers would have ready access to access local services and sustainable transport (bus and train)

thereby minimising reliance upon private vehicles and thereby ensuring that the proposal does not adversely impact the capacity of the local road network.

- 5.11 Although Class MA does not require car parking to be considered, the existing car parking provision is more than sufficient to accommodate future occupiers and visitors to the dwellings. Therefore, there are no adverse transport and highways impacts as a result of the proposal, which complies with criterion MA.2 (1)(a).

**(b) contamination risks in relation to the building;**

- 5.12 The application site comprises an office building, which has been lawfully used for such purposes for over 25 years. There is little contamination risk associated with this use/occupancy. Accordingly, the proposal would not result in potential harm in the way of contamination risk.

**(c) flooding risks in relation to the building;**

- 5.13 The site is in Flood Zone 1 (an area of low susceptibility to fluvial flooding), and the area is also at very low risk of surface water flooding. No changes are proposed to the exterior of the building or its footprint. The proposal therefore makes no material change to the flood risk associated with the building or local area.

**(d) impacts of noise from commercial premises on the intended occupiers of the development,**

- 5.14 The site is within the East Grinstead Town Centre. It is noted that there are residential flats to the north of the site and whilst there are commercial uses to the west and south, these are not of a type which would result in adverse harm to the living conditions of the 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;**

- 5.15 Crown Lodge and the yard in which it is situated were added to the East Grinstead Conservation Area on 1 November 2019. The draft conservation area appraisal reasoned that:

*“This area was originally part of the Portlands of the buildings in the High Street. The Museum was constructed in 2006 to the designs of MG Architects. It is a high quality contemporary designed building with large blue and yellow panels that fits neatly into this corner and adds interest to this part of the town. It won a Mid Sussex Design Award in 2009 for its innovative and environmentally friendly design. Crown Lodge, which is located in the same yard, is an attractive Victorian building that has a distinctive Oriel window on its corner. Clear views are afforded from Cantelupe Road across this yard to St Swithun’s Church. The inclusion of this area will protect the historic character and appearance of the Conservation Area.”*

- 5.16 The proposal makes no alteration to the exterior of the building or to views from Cantelupe Road through the yard to St Swithuns Church to the east. The surrounding area includes a mixture of residential and commercial uses, and the proposed development would not be unusual or detrimental to the heritage significance of the conservation area. As such, the proposal would not result in any material change to the character, appearance or sustainability of the Conservation Area.

**(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;**

- 5.17 The proposed floorplans show that each of the habitable rooms would include windows. Given the setting of the building, this would allow for satisfactory natural light to these spaces.

**(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**

- 5.18 This town centre location is not important for the uses listed in sub-paragraph (g). As such, the future occupiers would not be affected by 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; and**

5.19 The application building and land did not provide nursery or health care facilities.

**(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.**

5.20 The interpretation of Class MA sets out that:

*MA.3 .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.*

5.21 Whilst the building would contain two flats, it does not exceed the height thresholds set out in the DMPO 2015.

**(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.**

5.22 The prior approval application has been submitted after this date.

**(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—**

**(a) for paragraph (e) of sub-paragraph (2) there were substituted—**

**“(e) where—**

**(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;**

**(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;**

**(b) 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”;**

**(c) after sub-paragraph (6) there were inserted—**

**“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;**

**(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;**

5.23 The above amendments are duly noted and taken into account in this assessment.

**(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.**

5.24 The above provisions in MA.2(5) and (6) are noted.

5.25 For the reasons set out above, the application accords with the above conditions for prior approval detailed in Class MA.2.

#### Other Issues

5.26 The provisions of paragraph W relate to the procedure Councils must follow for prior approval applications Under Part 3. The application submission includes all of the details required by W (2) (a) – (e) and there is no conflict with any of the other procedures set out.

*Habitats*

5.27 Article 3(1) of the GPDO states that:

**Subject to the provisions of this Order and regulations 73 5 to 78 of the Conservation of Habitats and Species regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.**

5.28 Section 75 of the Conservation of Habitats and Species Regulations 2017 states that 'it is a condition of any planning permission granted by the general development order made on or after 30<sup>th</sup> November 2017, that development which –

*(a) is likely to have a significant effect on a European site of a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) Is not directly connected with or necessary to the management of the site,*

*must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).*

5.29 As the site is within 7km of the Ashdown Forest Special Protection Area and Special Area of Conservation, and mitigation of the impact of this development on the Ashdown Forest is required. Measures identified generally by the Council include managing manage visitor access behaviour, monitoring both birds and visitors, and providing alternative greenspace to attract visitors away from Ashdown Forest.

5.30 The Applicant is aware that an application under the provisions of Section 77 of the Conservation of Habitats and Species Regulations 2017 is required and that the development the subject of this Prior Approval could not be carried out until a decision of such an application is made. This would include a legal agreement to secure financial contributions towards strategic mitigation measures.

- 5.31 Moreover, the site is in a sustainable location and close to the railway station and bus stops, so it is considered the proposed development would not have a significant in combination effect on the Ashdown Forest SAC

*Dwelling standards*

- 5.32 Article 3 of the GPDO states that

**(9A) Schedule 2 of the Order does not grant planning permission for, or authorise any development of, any new dwelling house;**

**(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 standards issued by the Department for Communities and Local Government on 27<sup>th</sup> March 2015'.**

**(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.'**

- 5.33 The gross internal floor areas of the proposed two-bedroom flats are shown as 91 and 90 square metres for the ground floor and first floor units respectively. This meets the minimum floor areas for a 2-bedroom/4-person dwelling set out in the Government's nationally described space standards in terms of its overall size and room sizes.
- 5.34 The proposal would also meet requirements regarding ceiling heights and storage areas.

## **6.0 CONCLUSIONS**

- 6.1 This Statement sets out that the proposed change of use of the office building and land in its curtilage to two flats complies in full with the requirements and conditions set out at Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the development proposes only internal alterations and retains the existing access and parking spaces, the proposal would have no material impact upon the local highways safety and capacity, land contamination, flood risk or East Grinstead Conservation Area. In addition, having regard to the setting of the site, future occupiers would not be subject to excessive noise to the detriment of their living conditions.
- 6.2 In light of the above, the local planning authority is kindly requested to approve this application for Prior Approval for the proposed change of use.