

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

09 December 2025

Dear Sirs

RE: 1-3 BOLTRO ROAD, HAYWARDS HEATH, RH16 1BY
APPLICATION FOR PRIOR APPROVAL OF CHANGE OF USE OF OFFICES TO RESIDENTIAL

This letter is submitted in respect of an application for prior approval for the conversion of the above office building into self contained flats.

A total of 7 flats are proposed, together with cycle parking and refuse storage area. No external alterations are proposed.

Prior approval is sought under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 3, Class MA.

Note that prior approval was first granted for the same development under local planning authority reference DM/22/2802, with pre-commencement planning conditions subsequently discharged under DM/25/1647. The applicants would now like to proceed with the scheme, but will not be able to do so within the time limits established under DM/22/2802. Consequently the application is being resubmitted, together with the information previously provided for approval of planning conditions.

The existing offices were first approved under planning permission 01/01638/COU. That planning permission was subject to a planning condition that limited the approved business class use to that of offices only. Whilst the condition was imposed on the grounds of "highway safety", the impact of such conditions is that they prevent future changes of use under the more recently introduced prior approval rules for changes of use.

As a consequence of this, a new planning application for change of use from offices to Class E use was approved under local authority reference DM/21/2418. The new permission does not restrict the approved use to offices only, rather it excludes certain other uses with the E Class

Use Class. As the condition does not restrict the use to offices only, the condition does not prevent future changes of use under the prior approval procedure.

The current application is therefore acceptable with regard to planning conditions affecting the site. Further detail is provided below, together with relevant information demonstrating acceptability with regard to prior approval requirements, and information that might otherwise be controlled by planning condition.

Application documents and letter content

In addition to this letter and application forms, the application comprises:

- site location plan and site plan
- existing floor plans
- proposed floor plans
- existing and proposed elevations (no changes proposed)
- Preliminary Contamination Risk Assessment
- Noise Impact Assessment
- Asbestos Survey
- Asbestos Remediation Proposals
- Ventilation Design Statement

Please note that the proposed floor plans referred to above are identical to those approved under DM/22/2802. Please note that the documents highlighted in red are identical to those approved under DM/25/1647 for approval of conditions.

With regard to this letter please note:

- The background to the application submission is set out on pages 3 to 5.
- The application site is described on pages 5 to 6.
- The application proposals are described on page 7.
- Compliance with permitted developments rights statutory requirements is set out on pages 8 to 13.

- Analysis of permitted development rights assessment criteria is set out on pages 13 to 17.
- Confirmation of information/procedure required under permitted development rights assessments is set out on pages to 18 to 24.

Background

1-3 Boltro Road is an office building on the east side of Boltro Road, adjacent to Haywards Heath railway station. The building has two main storeys, together with additional accommodation at roof level.

Formerly in use as a mixture of uses (part retail, part bank, part offices) permission for office use on all of the floors was granted under planning permission reference 01/01638/COU on 25 September 2001. That permission was subject to a restrictive user condition that stated the premises could only be used as offices. Whilst the condition was imposed to prevent changes of use to other uses within the same Use Class (which in 2001 would have been light industrial use or research and development), the condition's wording also prevented future changes of use under permitted development rights.

In order to overcome this anomaly, an application was submitted (and approved) for:

"Change of use from offices to use class E, excluding uses e(b) (sale of food and drink for consumption (mostly) on the premises), e(d) (indoor sport, recreation or fitness), e(e) (medical or health services), e(f) (creche, day nursery or health services) e(g)(ii) (research and development) and e(g)(iii) (industrial processes)."

The permission was subject to a planning condition (number 3) that stated:

Notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall not be used for the purposes of Class E(b), E(d), E(e), E(f), E(g)(i) or E(g)(ii) without the specific grant of planning permission from the Local Planning Authority.

The reason for imposing the condition was stated as:

To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the highway and to protect the amenities of surrounding

residential occupiers, and accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

Please note that the planning condition contains an error in that it excludes Use Class E(g)(i) uses – which are offices. The local planning authority has subsequently confirmed this error, and confirmed that the correct reading of the planning condition is that it excludes E Class uses E(g)(ii) and E(g)(iii). This means that the current office use is a legal use for the site.

The confirmation email from the Council is shown below:

Email from Council confirming correct interpretation of planning condition:

From: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>
Sent: 23 September 2021 08:51
To: Simon Bareham
Subject: DM/21/2418 - 1-3 Boltro Road Haywards Heath
Attachments: FW: Decision Notice for Application No DM/21/2418 - 1-3 Boltro Road Haywards Heath West Sussex RH16 1BY

Dear Simon,

I refer to your email of Tuesday concerning the above decision notice.

I apologise for the error within the decision notice concerning condition 3. Unfortunately once a decision notice has been issued, the Council are unable to re-issue the decision correcting any errors that have been made.

As set out in the description on the decision notice, it is clear that the condition excludes the use of the building under Classes E(g) (ii) and E(g) (iii).

Please take this email as confirmation that condition 3 should read that the *'the premises shall not be used for the purposes of Class E(b), E(d), E(e), E(f), **E(g)(ii)** or **E(g)(iii)** without the specific grant of planning permission from the Local Planning Authority.'*

I trust the above assists.

Kind regards

Joanne Fisher BSc (Hons), MATP, MRTPI
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Development Management
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www.midsussex.gov.uk

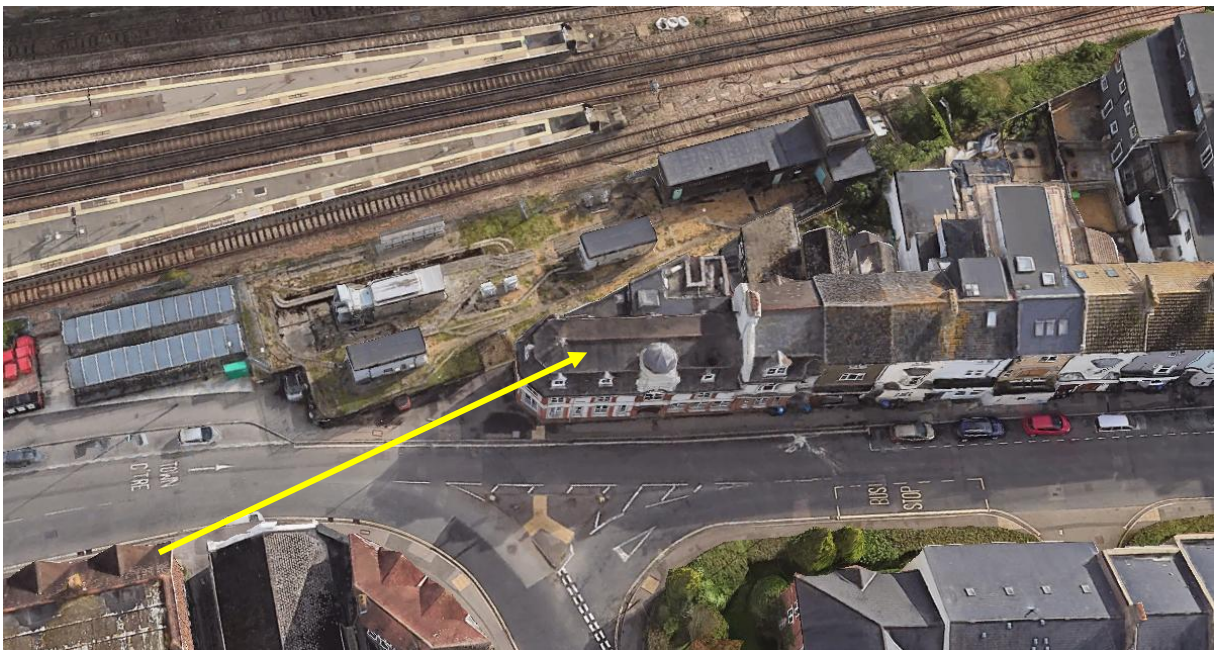
As the planning condition only prevents other Class E uses occurring (rather than restricting actual use to offices only), the condition does not prevent consideration of changes of use to Class C3 uses under permitted development rights.

Subsequent to the above, the Council approved an application for prior approval for the conversion of the building into 7 self contained flats. The approval (reference DM/22/2802) was issued on 21 October 2022 – meaning works would have to be completed by October 2025. The approval was subject to conditions, including two pre-commencement conditions relating to site conditions (condition 1) and noise (condition 3). Information required by these two conditions was approved in July 2025 under local planning authority referenced DM/25/1647.

The applicants now want to progress the project, but as the original consent has expired, the applicants need a new grant of prior approval. The existing building is empty, but technically remains in Class E use – as no change of use has been enacted – and so it is reasonable to continue using the prior approval process to facilitate development.

The Application Site

1-3 Boltro Road is an office building, with space for bins and two parked cars on its north side. Double yellow lines extend along the site's frontage.





The site backs on to Haywards Heath railway station:



The Proposed Development

The application proposes the conversion of the entire building into 7 self contained flats. A schedule of accommodation is provided below.

As can be seen, all flats meet or exceed national space standards:

Unit No	Floor Level	Unit Type	Floor Area (m ²)	National Space Standard (m ²)
1	Ground floor	2bed4person*	101.13	79
2	First Floor	2bed3person	66.09	61
3	Second Floor	2bed2person	61.64	61
4	Ground Floor	1bed2person	64.09	50
5	Ground Floor	2bed3person	66.62	61
6	First Floor	2bed4person	78.22	70
7	First Floor	2bed3 person	61.02	61

* Note that Unit number 1 is a two storey flat with additional space at basement level

The total number of flats will be 7 flats. The total number of bedrooms will be 13. The total number of bed spaces will be 21.

The forecourt area to the side of the office building (see image on previous page) will be used to accommodate Sheffield Stands (for bicycle parking) and bins.

Prior Approval – statutory requirements

For the application to be approved, it must satisfy the statutory requirements set out in Part 3 Class MA of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Relevant wording from the Order is set out below (*in black italic font*) with commentary confirming the scheme's acceptability provided in [blue font](#).

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.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(a) Matter a has been deleted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141)

(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;

The building has been in use as offices since around 2001 (the original grant of planning permission for offices) and were still in use as offices when the latest grant of planning permission (DM/21/2418) was approved. The premises have therefore been in Class B1 business use or Class E commercial use for at least two years prior to this application being made.

(c) Matter c has been deleted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141)

(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;*

None of these restrictions apply.

(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;*

None of these restrictions apply.

(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

N/A

(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.*

N/A, the application is submitted after 01 August 2022.

(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.*

As noted above, the premises have been in office use (B1 use class and the E use class) for at least 20 years.

MA.2.—(1) *Development under Class MA is permitted subject to the following 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 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;*

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

Please note that these matters are all considered on pages 13 to 17 of this letter.

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

N/A

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

See pages 18 to 24 of this letter for compliance with paragraph W.

- (5) *Development must be completed within a period of 3 years starting with the prior approval date.*

Noted

- (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.

Noted

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.*

Not applicable – existing building is less than 6 storeys.

Prior Approval – main considerations

The main considerations for prior approval are as set out in Condition MA.2(2) of the General Permitted Development Order (see pages 11 and 12 of this letter for detail). These requirements are described in greater detail below:

Transport impacts of the development, particularly to ensure safe site access

The existing offices measure just under 500m² Gross Internal Area. On the basis of Government employment figures (which show office densities at between 10 and 13m² per worker), this means that the offices could support up to 50 persons at any one time:

4. Employment density matrix				
Use Class	Sub-Category	Sub-Sector	Density (sqm)	Notes
B1a Offices	General Office	Corporate	13	NIA
		Professional Services	12	NIA
		Public Sector	12	NIA
		TMT	11	NIA
		Finance & Insurance	10	NIA

As can be seen from the accommodation schedule on page 7 of this letter, the total population for the proposed development is up to 21 persons (21 bed spaces). This means that the overall population of people using the premises will be less than for the existing use of the site. There will therefore be a consequently lower demand for car parking and cycle parking than is currently the case. Notwithstanding this, officers will note that the plans make provision for secure cycle parking (via Sheffield Stands – 4 stands providing parking for 8 bikes).

Further to the above, officers will note that the site benefits from a highly sustainable location – being adjacent to Haywards Heath Railway station and within easy walking distance of main bus routes (from the front of the railway station) and local shops and services, including two major supermarkets (Sainsburys and Waitrose).

Please note that there will not be any on-site vehicular parking, and so the safety of access onto the site will be improved. Currently there are two parking spaces to the side of the building – which require cars to reverse out directly onto Boltro Road when exiting the spaces. Whilst this is not inherently dangerous (and we are not aware of there ever being any crashes related to the operation of the site) the fact that cars will no longer reverse out of the site will be a benefit in theory to highway safety.

Access to the site will be safe (and safer than the existing situation), and the site's sustainable location means that residents will be able to take advantage of sustainable transport modes (pedestrian traffic, bicycles, bus and rail).

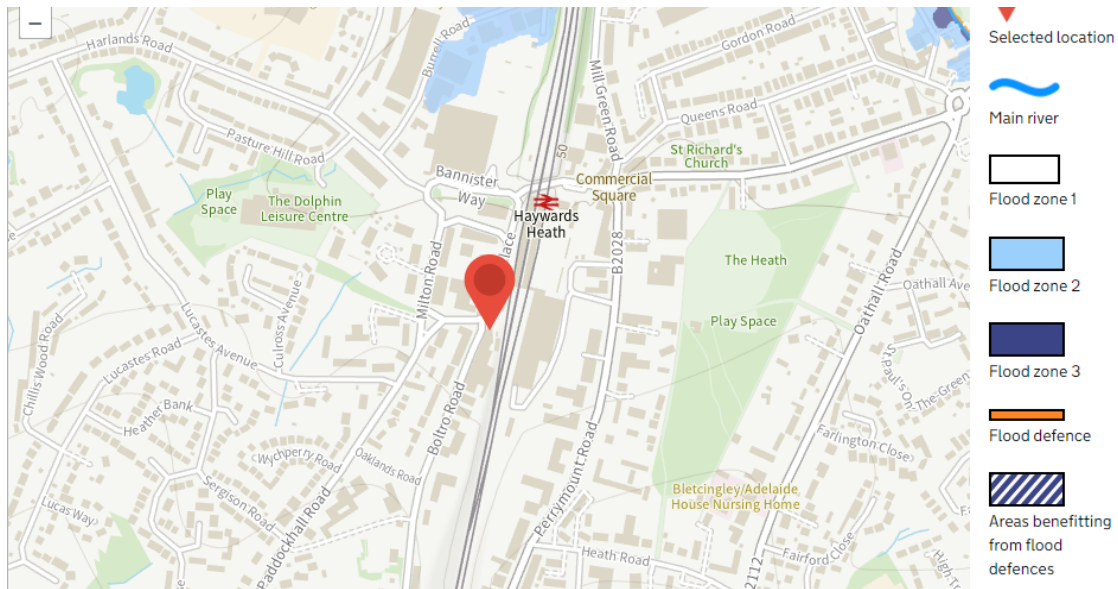
Contamination risks in relation to the building

Site contamination information is provided in the aforementioned reports on site conditions, asbestos and asbestos removal.

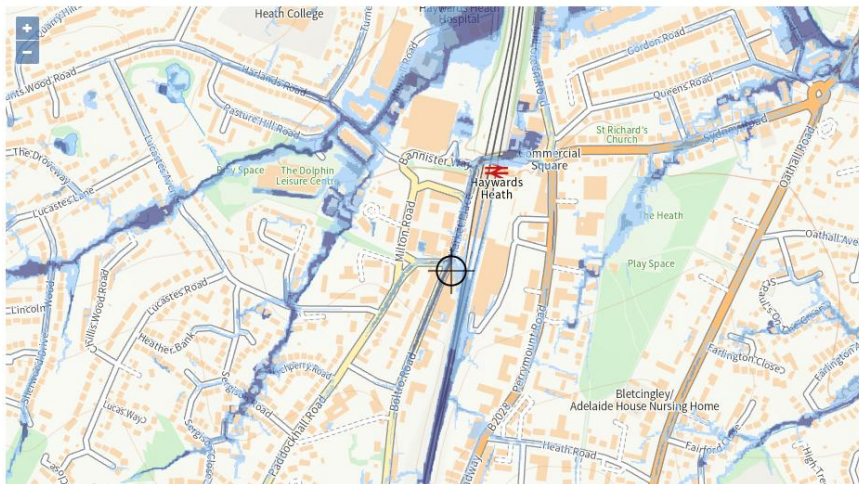
These reports have all been previously “approved” by the Council.

Flooding risks in relation to the building

As confirmed on the Government's Flood Map for Planning service, the site is not at risk of flooding from rivers or sea:



For Surface Water flooding, there is medium risk of flooding – though this is as a result of higher risk areas further up Boltro Road (which are on higher land).



The proposed development will not have any impact on surface water flooding, as there will be no change to the amount of hard surfacing within the site.

Impacts of noise from commercial premises on the intended occupiers of the development

The only adjoining commercial property is Cheal's hairdressers at number 5 Boltro Road. The hairdressers is a ground floor shop, with residential use above. Both uses happily co-exist.

Given the above it is clear that the proposed residential units (which will have to comply with Part E of the Building Regulations) will not be harmfully impacted by the hairdressers.

Note that the railway line and railway station to the rear are not "commercial premises".

Notwithstanding the above, note that a noise impact assessment (including ventilation system strategy) was subsequently approved by the Council, and this information is re-submitted with the current application for completeness.

Conservation Area issues

The site is not located within a conservation area.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

Habitable rooms are defined in Paragraph X of Schedule 2, Part 3 of the General Permitted Development Order (as amended by statutory instrument S.I. 202/632). The definition states:

"habitable rooms" means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

As can be seen from the plans, all such habitable rooms benefit from windows which are generally east and west facing and so will have adequate levels of natural light. Two kitchens at ground and first floor level (flats 4 and 6) will not have any windows, but, as these rooms are kitchens "only", these are not habitable rooms with regard to the above definition.

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

Not applicable.

Impact on loss of nursery or NHS services

Not applicable.

Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Not applicable

Consequently it can be seen that all conditions set out in Class MA are met (where applicable).

Part W – Information/Procedure

Part W of the DGPO sets out the procedure for applications for Prior Approval. The relevant text is set out in *black italic font* below, with commentary in *blue font*. Note that where Part W refers to submission of information relating to such matters as highways etc, this information has been provided on pages 13 to 17 of this letter.

Procedure for applications for prior approval under Part 3

W.— (1) *The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.*

(2) *The application must be accompanied by—*

(a) *a written description of the proposed development, which, in relation to development proposed under Class M, N or Q of this Part, must in the same application include any building or other operations;*

The application description is “change of use from offices to 7 self contained flats, including area for cycle parking and refuse storage”.

(b) *a plan indicating the site and showing the proposed development;*

Existing and Proposed plans and elevations are provided, together with a site plan and block plan.

(ba) *in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);*

An accommodation schedule is provided on page 7 of this letter.

- (bb) *in relation to development proposed under Class Q of this Part, a statement specifying ... —*

Not applicable – development is proposed under Class MA.

- (bc) *in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;*

Scaled drawings are provided with the application which include all relevant floor areas. Dimensions can be scaled from the plans

- (c) the developer's contact address;

The developer's contact address is on the application forms.

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

The developer's contact email address is on the application forms.

- (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,*

The site is in Flood Zone 1 and does not have any critical drainage problems, and so there is no need for a site specific flood risk assessment. The building is under 6 storeys in height and so does not need a fire risk assessment.

- (2A) *Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.*

As confirmed on the drawings, all habitable rooms have adequate natural light.

- (3) *The local planning authority may refuse an application where, in the opinion of the authority—*
- (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, except for conditions in paragraph G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question.

As confirmed in this letter – all conditions and requirements have been met.

- (4) *Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.*

Noted

- (5) *Where the application relates to prior approval as to transport impacts of the development, particularly to ensure safe site access, on receipt of the application, where in the opinion of the local planning authority the development is likely to result*

in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

Noted – this is an administrative matter for the Council.

- (6) *Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—*

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

Noted – this is an administrative matter for the Council. Note that the site is in Flood Zone 1, and does not have any critical drainage problems

- (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*

The building is under 6 storeys in height and so does not need a fire risk assessment.

- (7) *The local planning authority must notify the consultees referred to in sub-paragraphs (5), (6) and (6a) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).*

Noted – this is an administrative matter for the Council.

- (8) *The local planning authority must give notice of the proposed development—*
- (a) *by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—*
 - (i) *describes the proposed development;*
 - (ii) *provides the address of the proposed development;*
 - (iii) *specifies the date by which representations are to be received by the local planning authority; or*
 - (b) *by serving a notice in that form—*
 - (i) *on any adjoining owner or occupier; and*
 - (ii) *where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building*

Noted – this is an administrative matter for the Council.

- (9) *The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—*
- (a) *assessments of impacts or risks;*
 - (b) *statements setting out how impacts or risks are to be mitigated; or*
 - (c) *details of proposed building or other operations.*

Noted – all relevant information has been submitted.

- (10) *The local planning authority must, when determining an application—*
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
 - (b) *have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and*
 - (c) in relation to the contamination risks on the site—
 - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 , and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012 , and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

Noted – this is an administrative matter for the Council.

- (11) *The development must not begin before the occurrence of one of the following—*
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
 - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the

authority notifying the applicant as to whether prior approval is given or refused.

Noted.

(12) *The development must be carried out—*

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),

unless the local planning authority and the developer agree otherwise in writing.

Noted.

(13) *The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*

Noted.

(14) *When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.*

Noted.

Conclusions

The proposed development is a “change of use from offices to 7 self-contained flats, including area for cycle parking and refuse storage”.

The proposed development is acceptable in principle under Schedule 2, Part 3, Class MA of the Town and Country Planning. This is because planning conditions affecting the existing office use of the site do not restrict the use to “offices only”, rather the conditions merely prevent some other “E Class” uses occurring on the site.

The scheme complies with all the statutory requirements set out in Class MA, and the scheme is acceptable with regard to all the main considerations set out in Class MA. All information that is required under Paragraph W of Part 3 is included with the application.

On the basis of the submitted information, we respectfully ask that the Council confirms that either Prior Approval is not required, or that Prior Approval is required and is granted.

Yours faithfully

LCP

Lewis & Co Planning