

Mid Sussex District CouncilOaklands Road
Haywards Heath
Mid Sussex
RH16 1SS

30 June 2025

Dear Sir/Madam,

5-8A WHITEHALL PARADE LONDON ROAD EAST GRINSTEAD WEST SUSSEX RH19 1AP

On behalf of our client, Charlie Martell, please find enclosed an application under Class MA for Prior Approval for the *'Change of use of first floor commercial units (Class E) to 5 residential units (Class C3)'*.

This document provides an overview of the site, its context, and the proposed change of use before assessing the proposal against the Town and Country Planning (General Permitted Development) (England) Order 2015.

Alongside the relevant fee, this application comprises the following plans and document:

1. Covering Letter and Planning Statement
2. Location & Plan
3. Existing and Proposed First Floor Plan (2350-MAL-01-ZZ-DR-A-0151_P3)
4. Existing Elevations (2350-MAL-XX-ZZ-DR-A-0300_P0)
5. Proposed Elevations (2350-MAL-XX-ZZ-DR-A-0325_P0)
6. Proposed Change of Use Bin and Bike Store Plan (2350-MAL-DR-A-0275)
7. Noise Report
8. Internal Daylight Assessment
9. Highways Technical Note

Overview

The site is situated east of London Road in East Grinstead town centre. The building is made of up 3 storeys with art deco style on the front elevation of the building. The building is surrounded by commercial properties and benefits from its location along an active bus route. The building has windows located on all elevations with the majority being on the front and rear elevation. There is parking to the rear of the site. The site is situated 0.6 km from the East Grinstead Train station.

The site is located within Flood Zone 1, the Ashdown Forest SPA/SAC, and sits within the East Grinstead Built up Area Boundary. The site is also within the Gatwick Airport radial hazard zone and is within the Aerodrome Safeguarding area for Gatwick and Heathrow Airport.

The site is not located in a Conservation Area, nor are there any relevant Article 4 directions. Planning permission had been previously secured under DM/24/0704 for the conversion of the second floor to residential use and mostly recently DM/25/1006 was approved for amendments to the fenestration of the building. In order to ensure that the alterations are undertaken prior to the conversion, we recommend that a condition is implemented relating to the timing of the works.

The proposed development seeks the change of use of the first floor of the property from retail (Use Class E) to create 5 residential units (Use Class C3) under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Assessment

This section assessed the proposal against the Town and Country Planning (General Permitted Development) (England) Order 2015. Subject to the requirements/conditions, Class MA allows:

‘Conversion of the first floor of the building 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.’

The table below provides a review of the proposed change of use against the legislation demonstrating the proposal’s compliance with Class MA.

MA.1 – (1) Development is not permitted by Class MA–	
(a) Omitted under F119	N/A
(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 Class E use for a continuous period of at least 2 years prior to the date of this application.
(c) Omitted under F120	N/A
(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	The land covered by, or within the curtilage of, the building is not, or does not form part of any of the areas listed.
(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	The building is not within any of the areas listed.
(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	The site is not occupied under an agricultural tenancy.
(g) before 1 August 2022, if– i. the proposed development is of a description falling within Class O of this	The proposed development is not of a description falling within Class O.

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

<i>Part as that Class had effect immediately before 1st August 2021; and</i> <i>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 with the provisions of Schedule 3.</i>	Part ii. does not apply to this application.
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Given the above the proposed conversion to residential use is **permitted development**.

However, 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 subject to several matters, these are:

Condition MA.2	Commentary
(a) transport impacts of the development, particularly to ensure safe site access;	A Highways Technical Note has been prepared by Motion. It highlights that the site benefits from good vehicular access with the A22 located to the north of the site. There are also several public transport options with East Grinstead Railway Station only 600m from the site, alongside a variety of frequent bus services. Regarding parking, it highlights that the site is within Parking Behaviour Zone 3 with a demand of 0.9 spaces per 1-bedroom dwelling. This creates an overall requirement of 4.5 spaces for the 5 units. 5 car parking spaces will be provided to meet this. For cycling parking, the standards require 0.5 long-stay cycle parking spaces for each 1-bedroom apartment i.e. 2.5 for the scheme. The development provides 4 cycle parking spaces, including 1 short-stay space. The development therefore provides sufficient parking against the standards. The Note also identifies that the development could generate could generate 2 total vehicle movements during the morning peak hour and 1 total vehicle movement during the evening peak hour. Across an average weekday, it could generate 13 total vehicle trips which would not result in unacceptable impacts on the highway. The proposed change of use would result in acceptable transport impacts.
(b) contamination risks in relation to the building;	The Contaminated Land Officer provided a response to application DM/24/0704 requesting that an Asbestos survey was conducted. This was undertaken and concluded that no asbestos containing materials were found in the building. The Contaminated Land Officer confirmed that they were content with the report and therefore there are no contamination risks associated with the building.
(c) flooding risks in relation to the building;	The entirety of the site is within Flood Zone 1 and therefore there are no flood risks associated with the building.

Condition MA.2	Commentary
(d) impacts of noise from commercial premises on the intended occupiers of the development;	An External Building Fabric Report has been prepared which sets out the results of an attended noise survey, commercial noise analysis, initial site risk assessment and external building fabric assessment. It found that outline measures would be required to achieve recommended internal noise levels for the proposed development according to BS 8233: 2014, WHO and the General Permitted Development Order requirements. This includes a glazing specification and use of appropriate ventilation. So long as these measures are implemented, the impacts of noise from commercial premises on the occupiers of the development will be acceptable.
(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 area	The building is not located within a conservation area and therefore (e) does not apply.
(f) the provision of natural light in all habitable rooms of the dwellinghouses	An Internal Daylight Assessment has been prepared to ascertain whether the proposed accommodation will provide adequate natural daylight to future residents and users. The assessment determined that 7 out of the 10 proposed habitable rooms achieve the minimum level of spatial Daylight Autonomy. For the remaining three bedrooms, the BRE guidelines considers bedrooms to be less important than primary living spaces. All primary living spaces receive good levels of daylight amenity and so the assessment concludes that <i>'the requirement set out in Paragraph MA.2 (2) (f) of the General Permitted Development Order (GPDO) 2015 is met, and adequate natural light is available in all proposed residential units'</i>. The provision of natural light in all habitable rooms is therefore acceptable.
(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;	The proposed development would not introduce a residential use in the area, particularly as the building is already partly occupied as flats.

Condition MA.2	Commentary
(h) where the development involves the loss of services provided by– i. a registered nursery, or ii. a health care 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	The proposal does not involve the loss of any of the services listed.
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building	As the development does not exceed 18 metres nor does it contain 7 or more storeys in height, the fire risk condition is not met and so a fire safety report would not be required/.

In addition, Regulation 3 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020/1243 requires all new dwellings to meet the nationally described space standards, which are set out below.

Unit	Unit Type	GIA (m²)	Required GIA (m²)
1	1B2P	63.0	50
2	1B2P	50.9	50
3	1B2P	77.2	50
4	1B2P	52.3	50
5	1B2P	57.4	50

All units therefore comply with the nationally described space standards.

Conclusion

As demonstrated in this letter, the proposed change of use complies with Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. The local planning authority are kindly requested to approve this application for Prior Approval for the proposed change of use.

Should you require any further information to assist with the determination of this application, or clarify any of the conclusions made above, please do not hesitate to contact us.

Yours sincerely,

