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**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

APPLICATION FOR DISCHARGE OF PLANNING CONDITION

REFERENCE: DM/26/0184

DESCRIPTION: DISCHARGE OF PLANNING CONDITIONS NO'S: 7,8,12,13 AND 14 RELATING TO PLANNING APPLICATION DM/24/2970

LOCATION: FORMER SITE OF UNIT A, CONSORT WAY, BURGESS HILL, WEST SUSSEX

DECISION DATE: 2 MAR 2026

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@MIDSUSSEX.GOV.UK

I refer to your application for approval of details reserved by condition received 26th January 2026.

The Authority has considered your application, and I can confirm the following:-

Conditions:

7. The details set out in the submitted Phase II Site Investigation Report (reference 251002 ON XX XX RP G 713 C01 and dated 5 March 2025) is considered acceptable. I hereby discharge condition 7 attached to planning reference DM/24/2970.
8. The details set out in the submitted Phase II Site Investigation Report (reference 251002 ON XX XX RP G 713 C01 and dated 5 March 2025) is considered acceptable and sets out that no further investigation or remediation are required. I hereby discharge condition 8 attached to planning reference DM/24/2970.
12. Condition 12 is a compliance condition and does not require formal discharge. You are reminded that the all the mitigation measures to improve air quality set out in the Air Quality Assessment which accompanied the planning application (reference

DM/24/2970) must be carried out prior to occupation of any part of the development and maintained.

Unfortunately, I am unable to formally discharge the following condition(s) for the reason(s) below:

13. The Lead Local Flood Authority has considered the information submitted and has provided the following comments:

'For condition 13 (verification report), in the Planning Statement it says that 7 drawings were submitted to show the installed drainage system. We do not currently have enough details to demonstrate that the drainage that has been constructed on site is in accordance with the approved drainage strategy for the discharge of condition 5 under DM/24/2970. The drawings in DM/24/2970 show two attenuation tanks with a combined volume of 59.28m³. The drainage construction details sheet 2 submitted for this application shows that there is now one tank with a volume of 46m³. It is also noted that there is a surface water sewer believed to be constructed under the new building, which does not follow the approved plans. We would expect a verification report to demonstrate that the drainage system has been constructed as per the approved design, as per the wording of the condition.

It is noted the 7 drawings are all labelled 'preliminary' which does not reflect that this is a verification report condition. We would expect to see As Built drawings, with explanations/confirmation of the impact of any minor variations from the approved plans.

We also do not have photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Prior to submitting an updated verification report, we would strongly recommend following the Ciria SuDS Manual.'

In light of the above I am currently **unable** to discharge condition 13 attached to planning reference DM/24/2970.

14. The Lead Local Flood Authority has considered the information submitted and has provided the following comments:

'For condition 14 (maintenance and management plan), we do not appear to have the contractors report including photo's of the drainage system installed, as detailed in the Planning Statement. The photo's mentioned do not appear to be on the planning portal, and we also have suspicions that these would more relate to the verification report rather than the maintenance and management plan.

While the Proposed Foul and Surface Water Drainage Maintenance Plan drawing includes some tables with maintenance activities and frequencies, the details for the timetable for implementation, maintenance of the rainwater harvesting tank and flow control (this is in the approved drainage strategy for the discharge of condition 5 under DM/24/2970) and the details of who will be responsible for the maintenance has not been provided.

For further guidance on maintenance and management plans, please use the relevant sections of the Ciria SuDS Manual.'

In light of the above I am currently **unable** to discharge condition 13 attached to planning reference DM/24/2970.

I would appreciate your attention to the above matter, please submit the outstanding requirements as soon as possible, in order that this matter can be given further consideration.

INFORMATIVES

1. From the information that has been provided in respect of condition 13, it is queried whether the drainage has been carried out in accordance with the approved plans and the details previously discharged. The plans submitted as part of this application whilst marked preliminary shows a smaller attenuation tank from that approved. If this is the case and a smaller tank has been installed an explanation will be required in respect of the changes. Concerns are raised that if the tank is smaller than that approved, this could result in flood risk elsewhere.



Ann Biggs
Assistant Director Planning and Sustainable Economy

SPDCOZ

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 for the Environment under Section 78 of the Town and Country Planning Act 1990.

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 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so using a form which you can get from The Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.