

MID SUSSEX DISTRICT COUNCIL

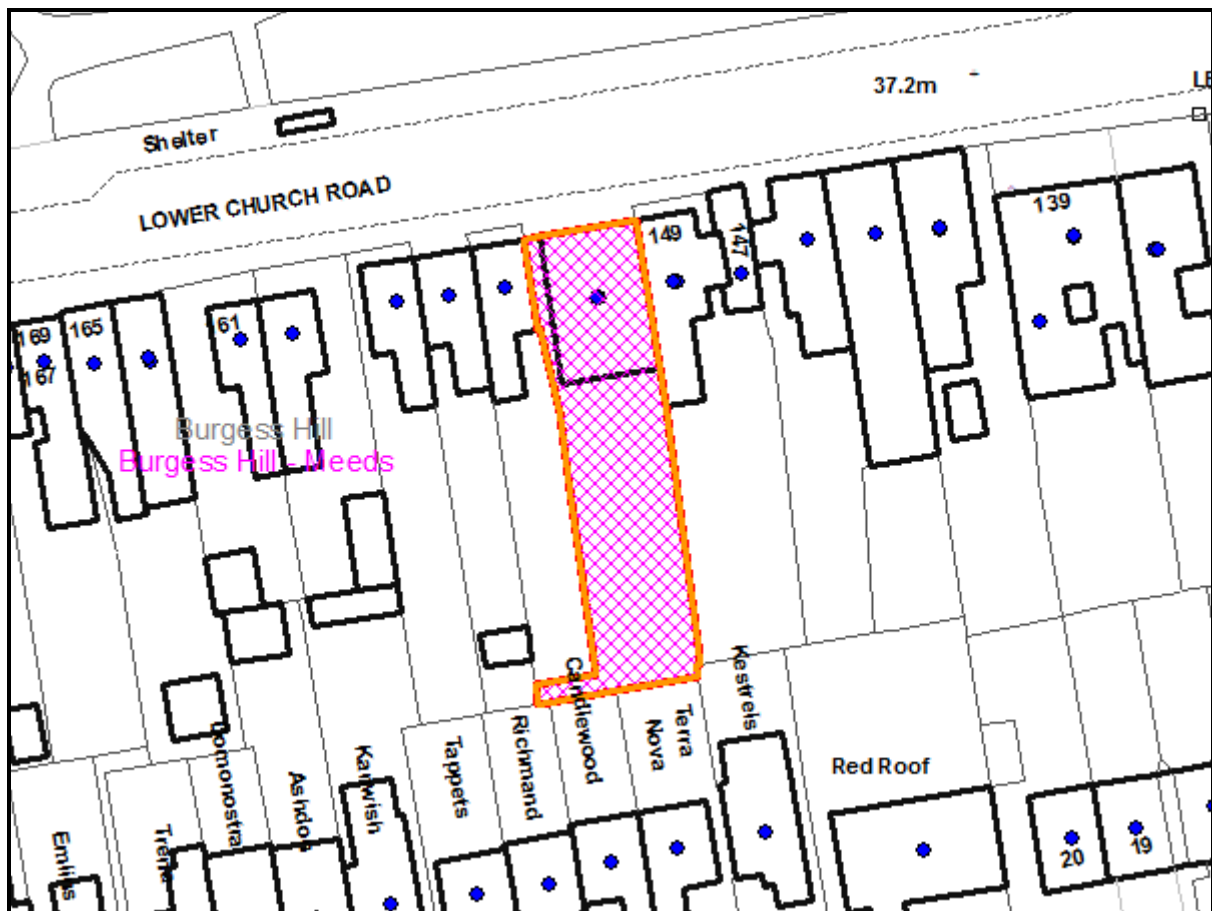
Planning Committee

4 JUL 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/1612



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**151 LOWER CHURCH ROAD BURGESS HILL WEST SUSSEX RH15 9AA
CONVERSION OF EXISTING BUILDING TO FORM 3X 1 BED FLATS AND
1X 2 BED FLATS. TO INCLUDE ERECTION OF A REPLACEMENT METAL
SIDE GATE, ALTERATIONS TO THE FENESTRATION, EXISTING ROOF
TO REAR AND ADDITION OF A TWO STOREY EXTENSION TO THE
REAR, BENEATH A PITCHED ROOF.
C/O AGENT**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 15th July 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the conversion of the existing building to form 3 x 1 bed flats and 1x 2 bed flats, to include the erection of a replacement metal side gate, alterations to the fenestration, existing roof to rear and the addition of a two storey extension to the rear, beneath a pitched roof at 151 Lower Church Road, Burgess Hill.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The application site lies in the built up area of Burgess Hill and results in the net increase of 3 residential units. The proposed design and scale of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of space standards and the impact on the Ashdown Forest.

On the basis of the above, the application complies with policies DP4, DP6, DP21, DP26, DP27, DP35, DP37, DP39 and DP41 of the District Plan, and paragraphs 8, 108, 110, 117, 124, 127, 148 and 196 of the NPPF. Accordingly the application is recommended for approval.

RECOMMENDATION

It is recommended that permission is granted subject to the conditions outlined at appendix A.

SUMMARY OF REPRESENTATIONS

6 letters of OBJECTION concerning the following points:

- proposed plans represent a significant overdevelopment of the property;
- proposed number of dwellings represents overcrowding in a small footprint;
- already overdevelopment of the immediate vicinity. In the space of 50 metres there are 11 new proposed dwellings;
- increased noise and disturbance from the amount of people who will occupy the four new dwellings in a small area.
- proposed extension at the rear is out of keeping with the characteristic style of the street and is out of proportion to the rest of the property due to its sheer size;
- additional windows in the flank elevation for all four flats will directly overlook no 153 and will allow occupants to see directly into our sitting room, second bedroom, kitchen and garden;
- large extension will block natural light to no 153's bathroom, rear bedroom, sitting room and kitchen, as well as block sunlight from the first half of our garden;
- impact on the already difficult parking situation along Lower Church Road;
- loss of another commercial property on Lower Church Road will further separate the few remaining existing businesses and is a loss to this area;
- extension is not in keeping with the area;
- extension will greatly reduce the natural light to the rear of no 155 and garden;
- window frontage cannot be altered due to the conservation area and the proposed plans will alter the aesthetics immensely;
- extension to the back of the property will block sunlight from the neighbouring gardens and render these gardens in the shade for the vast majority of the day;
- proposed flats will completely overlook neighbouring properties, being directly adjacent to gardens, it will deny neighbours the right to privacy;
- size and scale of the proposed addition to the back of the house is not in keeping with the rest of the street, the proposed size of the property will be too big and dominate the rear of the terrace row;

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

MSDC Conservation Officer

No objection.

MSDC Drainage

No objection subject to condition.

MSDC Environmental Protection

No objection.

MSDC Street Name & Numbering

Informative.

BURGESS HILL TOWN COUNCIL

RECOMMEND REFUSAL - it was an overdevelopment of the site. It would be overbearing. It would be detrimental to the local amenities. It would cause loss of privacy and block significant sunlight from adjacent properties. It would increase the existing parking pressures in this area.

INTRODUCTION

Planning permission is sought for the conversion of the existing building to form 3 x 1 bed flats and 1 x 2 bed flats, to include the erection of a replacement metal side gate, alterations to the fenestration, existing roof to rear and the addition of a two storey extension to the rear, beneath a pitched roof at 151 Lower Church Road, Burgess Hill.

RELEVANT PLANNING HISTORY

07/03464/FUL - Conversion and extension to part of the existing retail space and first floor flat to provide a total of three flats and 360sqft or 33.7sqm of retail space. Withdrawn.

08/00623/FUL - Conversion and extension to part of the existing retail space and first floor flat to provide a total of three flats and 360sqft or 33.7sqm of retail space. Refused 22/4/2008.

08/02602/FUL - Conversion and extension to part of the existing retail space and first floor flat and roof space to provide a total of three flats and 360sq ft or 33.7sq m of retail space. (Amended Plans Received 23/10/2008.) Withdrawn.

09/00360/FUL - Conversion and extension to part of the existing retail space and first floor flat and roof space to provide a total of two flats and 33.75SQM of retail space. Approved 19/5/2009.

Permission was refused under reference DM/18/3623 for the conversion of existing building to form 1x1bed flat, 1x2bed flat and 2x2bed maisonettes. To include erection of a 2.5m high metal side gate, removal of two chimney stacks, alterations to the fenestration and removal of the shopfront, a single storey extension to the rear with shared terrace area and 1.5m privacy screen over; hip to gable roof extension and full width rear dormer, plus two dormers to the front elevation (amended description 3.10.2018 and certificate B 8.10.2018). This was refused for the following reasons:

'1. The proposed roof terrace would give rise to significant levels of actual and perceived overlooking to neighbouring gardens and back into the rear of no. 149 (flats a and b) and 153 Lower Church Road. The level of active use which the terrace could facilitate at an elevated position would also give rise to harmful noise and disturbance to neighbouring properties resulting in harmful loss of amenity and an unneighbourly form of development contrary to policy DP26 of the Mid Sussex District Plan 2014-2031.

2. The proposed extensions and alterations represent a poor standard of design by reason of their scale, form, detailing and use of materials, resulting in harmful loss of the existing roof form and chimneys, whilst having an overextended appearance which fails to respect the character of the existing property whilst appearing overly dominant and harming the character of the surrounding area. The proposal would detract from the setting of the St John's Conservation Area and the manner in which its special interest is appreciated, including views from St John's Park and Lower Church Road, causing harm to its significance and therefore fails to meet the requirements of policies DP26 and DP35 of the Mid Sussex District Plan 2014-2031 and paragraph 196 of the NPPF.'

Planning permission was most recently refused under reference DM/19/0102 for the conversion of existing building to form 2x 1 bed flats and 2x 2 bed flats. To include erection of a replacement metal side gate, alterations to the fenestration and a two storey and single storey extension to the rear, beneath pitched and flat roofs respectively. This was refused for the following reasons:

'1. The proposed two storey extension would represent a significant increase in scale and bulk within close proximity to no. 153, resulting in a harmfully enclosing and overbearing impact and loss of outlook to this property. The proposed side windows would further compound the impact, resulting in perceived and actual overlooking. The extension by reason of its scale and close proximity to no. 149 would represent an unneighbourly form of development adversely affecting the enjoyment of their garden. The proposal is therefore contrary to policy DP26 of the District Plan 2014-2031.

2. The proposed extensions and alterations represent a poor standard of design by reason of its scale and bulk which dominates the existing property and fails to respect the character and scale of surrounding development resulting in an overextended appearance causing harm to the character of the building and the surrounding area which is predominantly small scale and close knit development. The proposed front boundary walling lacks appropriate detailing and would fail to conceal the extensive refuse storage and would therefore harm the setting of the

adjacent St John's Conservation Area. The proposal is therefore contrary to policies DP26 and DP35 of the Mid Sussex District Plan 2014 - 2031 and paragraph 196 of the NPPF.'

SITE AND SURROUNDINGS

The property is a semi-detached two storey building formed of white painted render and brick elevations with a hipped tiled roof and has a vacant commercial use on the ground floor with associated shopfront in a traditional style. The property has two access doors off the pavement, one centrally to the commercial unit and one on the east side to the flat. It appears to have been extended at some time in the past and once may have formed one half of a pair of matching semi-detached properties. The property has a large rectangular footprint. At first storey level, the property has a self-contained 2 bedroom flat.

The property is located within a linear group of a mix of differing retail uses interspersed with residential development; the properties to either side are in residential use.

The boundary of the St John's Conservation Area runs along the north side of Lower Church Road and further along Lower Church Road to the east of the site but does not include the site.

In terms of planning policy the site falls within the built up area as defined by the Mid Sussex Local Plan and the Burgess Hill Neighbourhood Plan.

APPLICATION DETAILS

The proposal seeks to change the ground floor use from commercial to residential and to create a total of four flats, 3 x 1 bedroom and 1 x 2 bedroom units on the ground and first floors with part accommodation for the 2-bed unit within the roofspace. A low front wall with brick piers is also proposed to enclose the currently open front threshold.

This is a resubmission of a recently refused scheme on the site under reference DM/19/0102. This revised scheme seeks to address the previous reasons for refusal.

A two storey extension to the rear of the building is proposed and would measure some 5.1 metres in width, 6.5 metres in depth with an eaves height of some 4.8 metres and a ridge height of some 7.3 metres. The extension would be subordinate to the ridge line of the existing building with a hipped roof. The extension would be finished in render with roof tiles to match the existing building.

The extension would be set in from the shared boundary with the attached property no 149 by some 0.2 metres. The extension is to only span across part of the width of the rear of the building compared to the previous proposal.

The existing rear ridge of the building is subordinate to the front of the property. Part of the application seeks to raise the ridge line of the existing rear element by some

0.6 metres (to a total of some 8.6 metres), so that it meets the existing ridge of the front of the building.

The openings to the front of the building are to remain with new windows installed. On the western (side) elevation a new ground floor window is proposed with the rear extension benefitting from 2no ground floor and 2 no first floor windows on the western side elevation. To the roof extension 4no rooflights are proposed with 3 to the eastern elevation and 1 to the southern (rear) elevation.

Refuse and recycling storage is proposed to the side pathway leading to the rear of the building and a cycle store is proposed within the rear garden.

The submitted Design and Access Statements states *'The proposal has been developed due to a lack of demand / interest for commercial use on the site and the low standard of accommodation in the existing flat, which is poorly arranged. The general condition of the building is below average, with the rear being in particularly poor condition and the rear garden is unused and neglected.'*

The main differences between this application and the previously refused scheme (DM/19/0102) are as follows:

A reduction in the depth and width of the proposed rear extension. The previous rear extension was to comprise of two storey and single storey elements measuring a total of some 9.1 metres in depth (7.1 metres at two storey), and a two storey width of some 7.5 metres set in by some 0.5 metres off the existing western side wall.

As outlined above the current proposal would measure some 6.5 metres in depth (a reduction by a total of some 2.6 metres), and a width of some 5.1 metres (a reduction in some 2.4 metres), and set in from the existing western side wall by some 2.8 metres.

In addition amendments to the front boundary wall have been made to address previous concerns in respect of the detailing of this front boundary treatment with the position of the refuse store moving from the front to the rear of the site.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

- DP1 - Sustainable Economic Development
- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP35 - Conservation Areas
- DP37 - Trees, Woodland and Hedgerows
- DP39 - Sustainable design and construction

Burgess Hill Neighbourhood Plan

The Neighbourhood Plan for Burgess Hill was 'made' in January 2016. It forms part of the development plan with full weight.

Relevant policy:

S4 - Parking standards for new developments.

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

Para 12 states 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Para 38 states that 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paras 193 and 194 (Conserving and enhancing the historic environment) relate to assessing the impacts on designated heritage assets.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- design and the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle of development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Burgess Hill Neighbourhood Plan (2016).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

The site is not designated as being within either a primary or secondary retail frontage and is located just outside the defined Town Centre Boundary of Burgess Hill. Therefore, there are no policies which relate specifically to protecting the existing commercial use. It is noted that policy DP1 (Sustainable Economic Development) states that the LPA would seek to protect *'allocated and existing employment land and premises'*; however the policy is directed predominantly at larger employment generating sites such as B1 office or large retail uses and is not therefore considered relevant to this application.

In addition, as the application site is located outside a Conservation Area, it is likely to have the benefit of permitted change to residential (Schedule 2, Part 3 Class M of The Town and Country Planning (General Permitted Development)(England) Order 2015) which is considered to represent a reasonable fall-back position which should also be considered.

The principle of residential use and the associated loss of the commercial use is therefore considered acceptable.

Design and impact on character of the area

Policy DP26 of the District Plan deals with design matters and states the following;

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.*
- *creates a pedestrian friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*

- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Para 124 of the NPPF seeks the creation of high quality buildings and states that *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

In addition, para 127 of the NPPF requires developments to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'* and to also be *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*.

The scale of the rear extension has been significantly reduced in both its depth and width so that it now forms a subordinate feature to the main building and is set in from the western flank wall by some 2.9 metres. The amended scheme results in a more appropriate scale and design to the existing property and would form a sensitive extension to the main building.

Concerns have been raised in respect of the impact on the character of the area, and that the size and scale are not in keeping with the street scene. Within Lower Church Road there is a mixture in the size and scale of properties. Whilst a small part of the roof line of the proposed extension will be visible from the highway and St Johns Park opposite the site, the proposed extension will not generally be visible from public viewpoints as the alterations are to the rear of the site. Further west, no.141 Lower Church Road has a very large historic extension which in part justified the recent approval of extensions to the adjoining property at no.143 (DM/18/3757). This section of Lower Church Road is predominantly characterised by smaller terraced and semi-detached properties. Notwithstanding this due to the revised design and scale of the extension it is considered that the proposal will not detract from the character of the area.

The property, although not within the conservation area, is within the setting of the St John's Conservation Area, the boundary of which runs along the north side of Lower Church Road. Policy DP35 of the District Plan relates to Conservation Areas and requires development to protect the setting of Conservation Areas and in particular views into and out of the area.

The Council's Conservation Officer previously acknowledged that the site and the adjacent properties form a prominent part of the setting of the conservation area and view from it, as well as views along Lower Church Road.

The proposed alterations to the front of the property represent a significant improvement when compared to the recently refused scheme. The proposed front walling now includes detailing to the piers and has re-sited the refuse and recycling bins to the side of the property. It is considered that the front boundary treatment is now more sympathetic to the prevalent form of boundary treatment to this part of

Lower Church Road and would preserve the character of the setting of the St. John's Conservation Area.

The proposal is considered to be acceptable in design and would not dominate the existing character and scale of the building. In addition the proposal is considered to be sensitive to the character of the area. The proposal thereby complies with Policies DP26 and DP35 of the District Plan and paras 124 and 127 of the NPPF.

Residential Amenity

Policy DP26 of the District Plan states in part that proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

The principle of residential use and the net increase of 3 dwellings on the site is not considered to result in harm to neighbouring amenity through additional noise and disturbance.

The adjoining properties nos.149a and b are flats and the ground floor unit currently houses a bathroom within the rear projection, which is the window most likely to be affected by the development on the east side. In addition, the first floor rear window also serves a bathroom. As bathrooms are not classed as habitable rooms, impacts on daylighting would not warrant refusal of planning permission.

The proposed rear extension is set off the shared boundary with no.149 by some 0.2 metres and projects a total of some 6.5 metres from the rear of the existing property and some 3.7 metres beyond the neighbouring single storey extension. Whilst the extension projects further than the neighbouring property, due to the subordinate ridge of the addition to the main building and the scale of the extension it is considered that the proposal would not result in an overbearing impact to the amenities of occupiers of the adjoining flats. Concerns have been raised that the extension would result in harm to the enjoyment of the garden area of these units. The site is set within the built up area of Burgess Hill where high density development exists. It is not considered that the proposal would adversely affect the enjoyment of the adjoining neighbouring properties garden or result in overshadowing of these rear amenity areas.

To the west of the site, no.153 is occupied as a single dwelling and contains a kitchen in the rear two storey projection at ground floor with a lean-to addition off the rear which houses a utility area and has a small window and partially glazed door. Within the main body of the house, the property has a rear window which serves a study/home office and a bedroom above. The kitchen has two windows which face east, towards the existing side elevation of the building at no.151. As a result of historic extensions to no.151, the existing building is somewhat imposing from within the kitchen and living space at no.153.

The proposed two storey extension is to be set some 2.9 metres in from the existing side elevation of the host building and would project some 6.5 metres further into the rear garden at a height of 4.7m to the eaves with the pitched roof beyond. The

resultant distance between the extension and the existing side elevation of the neighbour no.153 is some 6.2 metres. The existing side elevation of the application site currently obscures the outlook from the neighbouring kitchen and provides a tunnelling effect to the only window serving the rear study/home office. It is considered that due to the revised positioning of the extension set in from the existing side elevation further away from the neighbour of no 153 that the proposal would not result in additional significant detriment to the amenities of this neighbouring occupier through a loss of outlook or a loss of light. Due to the positioning of the extension set away from no 153 it is considered that the extension will not result in significant detriment to the private garden amenity currently enjoyed by this neighbouring occupier.

Concerns have been raised by the neighbouring properties on overlooking from the additional side and rear windows from the extension. The proposal includes two ground floor and two first floor windows to the western side elevation of the extension. These windows are to serve a bathroom and a secondary living area window to both levels. On the rear elevation is to be patio doors at ground floor and a Juliette balcony at first floor serving the open plan kitchen / dining and living room. Plans show that the bathroom windows would be obscure glazed with the first floor secondary living area window obscure glazed below 1.7 metres.

It is considered that these windows are acceptable and due to their use serving bathrooms and being secondary windows, will not cause significant overlooking or a loss of privacy. Whilst the windows could be opened, due to the first floor windows having top opening windows, it is not considered that this would cause significant detriment to the neighbouring amenities. With regards to the windows on the rear elevation, the site is within a built up area where such relationships exist. Notwithstanding this, the ground floor would be obscured by any boundary treatment with neighbouring properties. Whilst the first floor Juliette balcony may cause some overlooking to neighbouring gardens this would be at oblique angles.

As a result of the deep footplate and in order to aim to address overlooking, each of the side windows are proposed to be obscure glazed. The only outlook for each of the units is therefore to the front or rear of the building, predominantly from the main living areas and in the case of the ground floor front unit, this is further restricted by the introduction of obscure glazing to the lower half of the windows to provide privacy. As a result the proposed accommodation is not considered to offer a good level of outlook, however the overall standard is considered acceptable and it is not considered a reason for refusal could be substantiated on these grounds.

It is thereby considered that the proposal would not cause significant detriment to the amenities of neighbouring occupiers and will not result in an overbearing nature or a loss of privacy. In addition the proposal will be acceptable in amenity terms for future occupiers of the units. The proposal is thereby considered to comply with policy DP26 of the District Plan.

Highway safety and parking provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Neighbourhood plan policy S4 relates to parking standards for new developments and requires that new housing developments comply with the parking standards contained in the plan.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 109 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The parking requirements as set out in Appendix D of the made Neighbourhood Plan require a total of five parking spaces for the development (four designated/allocated parking spaces and one visitor/no-designated space). There is however no ability to make provision for on-site car parking.

The site is located in a town centre location, just outside the defined Town Centre Boundary. Lower Church Road is a narrow two way street with on-street parking available on the north side of the road. The street is well used and the parking available is heavily used as observed on the Officer's site visit and raised in objection letters. In the consideration of the previous refusal on the site (DM/19/0102) the report states *'However, as noted by the Highway Authority (HA), the anticipated vehicle trips associated with the existing commercial use need to be taken into consideration when assessing the impact of the proposal in highway capacity terms. The permitted use has substandard parking and as note by the HA, should have 3 spaces and would have resulted in a certain level of parking demand in the local area when in operation by staff and customers which should be taken into consideration when determining the impacts on parking demand.'*

The Highway Authority acknowledge that whilst on-street parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highways safety. They do not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. In addition they acknowledge that the site is located in a sustainable location with shops, services and local schools all within walking distance.

The application also includes secure and covered cycle storage which is conveniently located and accessed via the shared access to the west side of the property, which will further promote sustainable modes of transport.

As such, it is considered that the development would not cause a 'severe' residual impact on the nearby road network and would therefore not be contrary to paragraph 109 of the National Planning Policy Framework.

Whilst the proposal does not meet the parking standards set out under Neighbourhood Plan Policy S4 it is not considered that a reason for refusal could be substantiated on these grounds alone, given that there is no feasible way to provide car parking on site and on the basis that there is likely to be only a moderate increase in parking demand in the area. In the consideration of the previous schemes the applications were not refused on highway grounds due to the lack of parking provision. As such it would be considered unreasonable to justify a refusal on these grounds when the proposed parking provision is to be the same as previously considered.

Consequently the proposal is considered acceptable on highway safety and transport grounds, and complies with policy DP21 of the District Plan and para 108 of the NPPF.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

In addition, policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 153 states:

'In determining planning applications, local planning authorities should expect new development to:

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The submitted Sustainability Statement states *'the vast majority of this application concerns an existing building with very little proposed in respect of alterations to the external walls of the building, the majority of the works solely related to improving the internal layout.'* Notwithstanding this, it states that the *' overall thermal performance which will be achieved by the measures set out below will be in excess of the current Building Regulation requirements.'* Moreover, the proposal would include A-rated condensing boilers, 100% low energy lighting, water supply to be designed to be limited to 100 litres/pp/per day or less, and dual flush toilets.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration. The development is situated in a sustainable location close to the town centre as well as a bus stop. The proposal also includes secure cycle storage in order to encourage greater use of sustainable modes of transport.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

The submitted plans show that the units exceed the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The application site lies in the built up area of Burgess Hill. The proposal will result in a net increase of 3 residential units within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development. The extension and alteration of the building for 4 flats is considered to be sensitive in design and scale to the existing building and the character of the area and will not detract from the street scene. In addition the proposal is considered to protect the setting of St Johns Conservation Area. The proposed units will not cause significant harm to the living conditions of existing or future residents on adjacent land.

The proposal will provide minor but positive social and economic benefits through the delivery of a 3 additional dwellings in the built up area of Burgess Hill within a sustainable location which reflects one of the key objectives of the NPPF. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of highway safety and parking provision, space standards, landscaping, and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP4, DP6, DP21, DP26, DP27, DP35, DP37, DP39 and DP41 of the District Plan, and paragraphs 8,

108, 110, 117, 124, 127, 148 and 196 of the NPPF. Accordingly the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Pre-commencement conditions

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

6. The dwellings shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

8. The proposed windows on the western (side) elevation shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

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. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

- Should you implement the permission please be aware of the following requirements raised by the Councils Environmental Protection & Housing Standards Officer:
 - Ensure that the communal stairways and communal areas are fire and smoke protected routes for emergency access from the building. Ideally the recommended standard of fire resistance enclosing a protected route is 30 minutes.
 - Fire doors to be installed to from the flats to the communal hallway, providing 30 minute fire/heat/smoke detection.
 - Fire risk assessment to be carried out in relation to the type of installation for automatic fire detection and alarm system.
- You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
- 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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	18/119/LOC	B	26.04.2019
Existing Floor Plans	18/119/SK01	-	26.04.2019
Existing Elevations	18/119/SK02	-	26.04.2019
Proposed Floor Plans	18/119/SK03	D	12.06.2019
Proposed Roof Plan	18/119/SK04	C	26.04.2019
Proposed Elevations	18/119/SK05	C	12.06.2019
Street Scene	18/119/SK06	B	26.04.2019
Proposed Site Plan	18/119/SK07	B	26.04.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND REFUSAL - it was an overdevelopment of the site. It would be overbearing. It would be detrimental to the local amenities. It would cause loss of privacy and block significant sunlight from adjacent properties. It would increase the existing parking pressures in this area.

WSCC Highways Authority

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary

This proposal is for the conversion of an existing building to form 3 x 1-bedroom flats and 1 x 2-bedroom flat. The site is located on Lower Church Road, a C-class road subject to a 30 mph speed limit. WSCC were previously consulted regarding highways matters for this property for application DM/19/0102, raising no highways concerns.

Access and visibility

No associated parking is provided alongside this development; therefore this application has been assessed based upon a nil parking provision. An inspection of collision data supplied to WSCC by Sussex Police over a period of the last 5 years reveal no recorded injury accidents within the vicinity of the site.

Parking and turning

A nil car parking provision is proposed for the new dwellings. Using the WSCC Car Parking Demand Calculator, a development of this size in this location would require 4 car parking spaces. Whilst on-street parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highways safety. The LHA does not consider that highway safety would be detrimentally affected through the proposed nil car parking provision, although the LPA may wish to consider the potential impacts of this development on on-street parking from an amenity point of view.

Sustainability

The site is located in a sustainable location. Shops, services and local schools are all within walking distance. The closest Bus Stop at St Johns Park offers connections in and around Burgess Hill and towards Cuckfield and Hurstpierpoint. The bus stop at Queen Elizabeth Avenue, an approximate 8 minute walk from the site, offers wider connections to Brighton, East Grinstead, Haywards Heath and Crawley. Burgess Hill Train Station is approximately 12 minutes away on foot, with links between London and Brighton.

Cycling is a viable option in the area. Secure cycle storage was demonstrated in the plans. The inclusion of cycle storage increases the sustainability of the property by offering alternative modes of transport to that of the private car and reducing parking pressures in the local vicinity.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

MSDC Conservation Officer

Comments on the above application. Please read these in conjunction with my comments on the previous application on this site DM/18/3623, copied below.

The proposed alterations and extensions to the building, which is within the setting of St. John's Conservation Area, have been amended in accordance with comments given in respect of the previous proposal on this site (DM/18/3623). The proposed front boundary treatment has also been amended to be more sympathetic to the prevalent form of boundary treatment to this part of Lower Church Road. On balance, the proposal is now considered to preserve the character of the setting of the St. John's Conservation Area, which meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

'Comments on DM/18/3623:

Hi Kate

Please see below comments on this application.

The application site is an unlisted semi-detached building within the immediate setting of the St Johns Conservation Area, the boundary of which runs west-east along the opposite side of Lower Church Road before turning south to include nos. 113-135. Given the open nature of St John's Park, opposite, the site and the row of buildings of which it is part form a prominent part of the setting of the Conservation Area and views from it, as well as views along Lower Church Road.

The application site is a 19th century building with a shop frontage at ground floor level and flat above. It is part of a row of predominantly 19th century terraced and semi-detached cottages and shops, which despite alterations and extensions display a consistency of scale, as well as retaining here and there certain features typical of buildings of this period, e.g. classically inspired door surrounds. The majority of buildings also have hipped roofs. These features contribute to a consistent street scene which is complimentary to the character and appearance of the buildings within the Conservation Area, and contributes positively to its setting.

The current proposal is for alterations and extensions in conjunction with the conversion of the building, comprising a hip to gable extension with two dormers, alterations to the front elevation to remove the shopfront, a roof extension and ground floor extension at the rear and privacy screen.

I have concerns regarding the impact of aspects of this proposal on the setting of the St John's Conservation Area. In particular:

- The proposed hip to gable extension which will add bulk to the building at high level and will also remove the hipped roof form which is characteristic of this part of Lower Church Road and consistent with the buildings further east along the road which are within the Conservation Area.*
- The detailed design of the revised ground floor elevation which lacks appropriate detailing or the degree of visual interest provided by the existing shop front.*

I am also concerned about the proposed alterations to the rear of the building in design terms, namely:

- The principle of a flat roofed extension at roof level to the rear which again adds high level bulk and is unsympathetic to the character of the building and its neighbours.*
- The high privacy screen at the rear which will be unduly prominent.*

In its present form I would consider that the proposal will for these reasons detract from the setting of the St John's Conservation Area and the manner in which its special interest is appreciated, including views from St John's Park and looking along Lower Church Road. This would fail to meet the requirements of District Plan Policy DP35. In terms of the NPPF I would consider the harm caused to the significance of the heritage asset to be less than substantial, such that the criteria set out in paragraph 196 would apply.'

MSDC Drainage

Application Number	DM/19/1612
Planning Officer	Jo Fisher
Engineering Officer	Scott Wakely
Date	20/06/2019
Location	Lower Church Road, Burgess Hill
Development Proposal	4 dwellings
Recommendation	No objection subject to conditions

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will discharge surface water into an existing well on site. An alternative means of disposal has been proposed in the form of a soakaway.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will discharge foul water drainage via the existing foul water drains on site.

FLOOD RISK CONSULTATION

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The site is located in an area of increased surface water flood risk. However, the proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are historic records of surface water flooding occurring on this site and in this area.

DRAINAGE CONSULTATION

Information into our requirements for foul and surface water drainage are included within the 'further advice' section. However, we would advise the applicant that the wells on site should be investigated further. No infiltration features such as soakaways should be located within 5m of a well due to the potential for ground instability.

SUGGESTED CONDITIONS

C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

FURTHER ADVICE

The following information will be required for the proposed development. It is acceptable for these details to be provided at discharge of conditions stage.

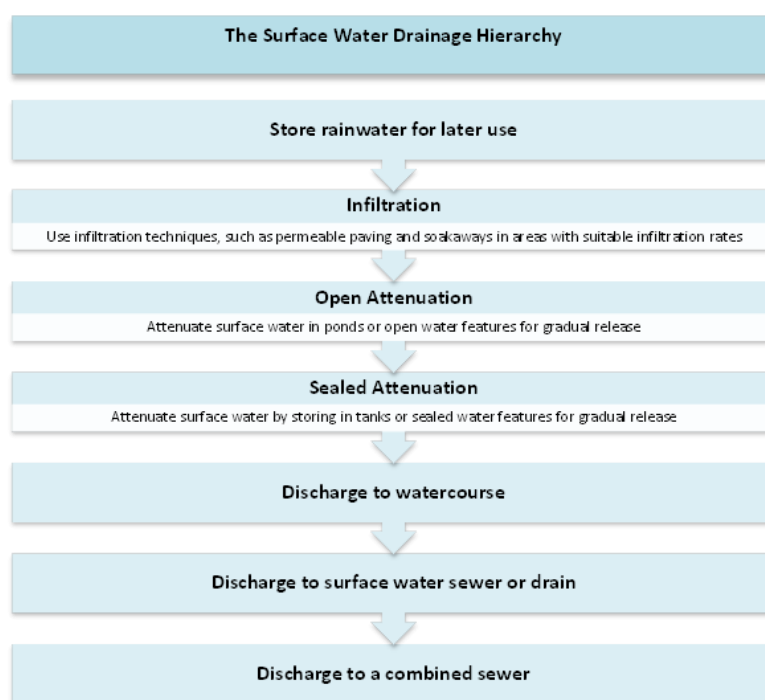
This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding

- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.



Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#). Additional information may be required under specific site conditions or development proposals.

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Specific Information Required

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.</p>
<p>Multiple plot development.</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development.</p>

	<p>This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p>
Public sewer under or adjacent to site	<p>Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.</p>
MSDC culvert under or adjacent to site	<p>Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055 or drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<p>A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Soakaways</p>	<p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>
<p>SuDS and attenuation</p>	<p>Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.</p>

	<p>A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>
<p>Outfall to watercourse</p>	<p>Any proposed run-off to a watercourse will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a watercourse.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p>

	<p>OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.</p>
<p>Outfall to public sewer</p>	<p>Any proposed run-off to a sewer will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a sewer.</p> <p>Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.</p>

Useful Links

[Planning Practice Guidance](#) – Flood Risk and Coastal Change

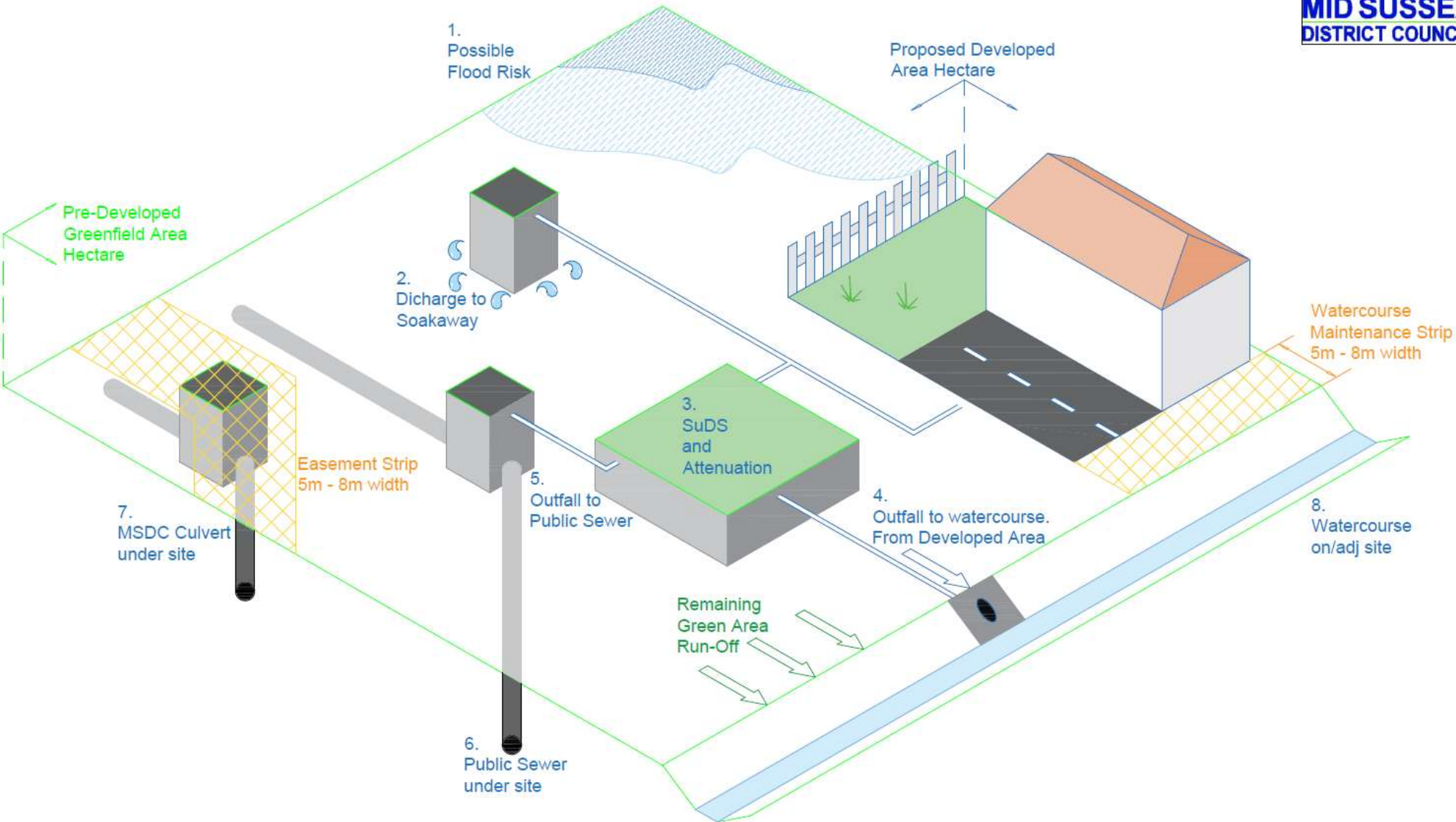
[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) – Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>



MSDC Environmental Protection

With reference to the above planning application taken from Weekly list 10.5.19 please see comments below

1. Ensure that the communal stairways and communal areas are fire and smoke protected routes for emergency access from the building. Ideally the recommended standard of fire resistance enclosing a protected route is 30 minutes.
2. Fire doors to be installed to from the flats to the communal hallway, providing 30 minute fire/heat/smoke detection.
3. Fire risk assessment to be carried out in relation to the type of installation for an automatic fire detection and alarm system.

MSDC Street Name and Numbering

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.