WORTHING BOROUGH COUNCIL

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TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPLICATION NUMBER: AWDM/0974/24

Details of Development

APPROVAL OF DETAILS RESERVED BY CONDITIONS 4 WASTE, 5 MATERIALS, 6 LANDSCAPING AND BIODIVERSITY, 7 REMEDIATION STRATEGY, 8 VERIFICATION REPORT, 10 FOUL AND SURFACE WATER DRAINAGE, 11 COOKING ODOURS, 13 DETAILS OF LED LIGHTING AND HOURS, 14 FORECOURT MARKING, 15 LITTER MANAGEMENT AND 16 COMMUNICATION STRATEGY OF APPLICATION AWDM/1586/23.

Location of Development

331 BRIGHTON ROAD WORTHING WEST SUSSEX BN11 2HP

The Authority has considered your application, and I can confirm the following condition(s) have been **APPROVED** subject to satisfactory implementation and in accordance with the approved plans.

G Peck

Gary Peck
Planning Services Manager
05/03/2025

SCHEDULE

Approved Date - 05/03/2025

4 The development hereby permitted shall not commence unless and until the provision and collection for the storage of commercial waste to serve the development has been made in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of public health and hygiene and site operation to comply with saved policies DM5, DM16 and DM22 of the Worthing Local Plan.*

Approved Date - 05/03/2025

5 No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: *In the interests of visual amenity and to comply with policy DM5 of the Worthing Local Plan.*

Approved Date - 05/03/2025

6 No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and biodiversity habitats, which shall include indications of all existing trees and hedgerows on the site and details of those to be retained, together with measures for their protection in the course of development. The plan shall include details of a scheme to provide for biodiversity including providing enhanced habitats. All planting and enhanced biodiverse habitats shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees plants or habitats which within a period of 5 years from the completion of the 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 the biodiversity on the site and to comply with Policies DM5 and DM18 of the Worthing Local Plan.*

Approved Date - 05/03/2025

7 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
- all previous uses;

- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

The scheme shall be implemented as approved.

Reasons: *To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.*

The use of the proposed development site as a fuel station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal aquifer.

The submitted 'Planning Statement, Brooklands Service Station 311 Brighton Road (A259), Worthing, West Sussex, BN11 2HP, JMS Planning and Development, November 2023' demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed

that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Approved Date - 05/03/2025

8 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons: *To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.*

Approved Date - 05/03/2025

10 Construction shall not begin until a detailed foul and surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The drainage scheme will demonstrate the site's discharge rates to be as close as reasonably practicable to that of greenfield. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: *To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies DM20 and 21 of the Worthing Local Plan.*

Approved Date - 05/03/2025

11 No development shall take place unless and until full details of the means of extraction and disposal of cooking odours from the 'food to go' (including details of extract fans, filters, internally located fan units and ducting together with a method of noise abatement, as well as details of grease traps and extraction hoods) and of any other external plant or equipment, have been submitted to and approved in writing by the Local Planning Authority. The equipment so approved shall be fully installed in accordance with the approved details before the use hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: *To safeguard the amenities of nearby properties having regard to policies saved policies DM5 and DM22 of the Worthing Local Plan.*

Approved Date - 05/03/2025

13 Details of any lights proposed in relation to the jet wash bays and 'food to go' hereby permitted shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development works. The lighting shall thereafter be implemented and maintained in accordance with the agreed details.

Any lights associated with the uses shall not be illuminated other than during the hours set out in Condition 14 of this permission.

Reason: *To safeguard the residential and visual amenities of the area in accordance with policies DM5 and DM22 of the Worthing Local Plan.*

Approved Date - 05/03/2025

14 Prior to commencement details of parking spaces, traffic circulation and management within the site and the method of marking and signage for the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be provided and kept available at all times and not used for any purpose other than for parking and traffic circulation.

Reason: *In the interests of highway safety and amenity having regard to saved policy policies DM5 and DM22 of the Worthing Local Plan.*

Approved Date - 05/03/2025

15 The development hereby permitted shall not commence until a litter management plan has been submitted to and approved in writing by the Local Planning Authority. The plan amongst other initiatives should include details of waste receptacles including sizes and locations, the method and timings of the collection of waste from the receptacles, the collection of discarded rubbish across the site in general and the management of the waste compound including keeping the doors shut other in times of use or operation.

Reason: *In the interests of amenity and in accordance with policies DM5 and DM2 of the Worthing Local Plan.*

Approved Date - 05/03/2025

16 Prior to the commencement of development a Communications Strategy shall be submitted to and approved in writing by the Local Authority. This shall include measures for communication with local people and a point of contact for ongoing issues on site.

Reason: *In the interests of amenity and the local environment in accordance with DM5, DM18 and DM22 of the Worthing Local Plan.*

Plans Referred to in Consideration of this application

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Reference/Drawing Number	Version	Date Rec
DRAINAGE STRATEGY	DCE-XX-XX-D-C-100 P04	26.02.2025
DRAINAGE STRATEGY & CALCULATIONS	DCE-XX-XX-T-C-001-P03	13.11.2024
TRIAL PIT SOAKAGE TESTING	409.010156.00001	13.11.2024
BIN & PLANT COMPOUND	240479-PL-01	03.02.2025
COVERED COMPOUND PLAN, SECTIONS & DETAILS	WPS-MFG-651-P-10	03.02.2025
MATERIALS ELEVATIONS	240479-PLC-02	17.10.2024
WHITELINING PLAN	240479-PLC-03 A	17.10.2024
LITTER MANAGEMENT PLAN July 2024	Rev October 2024	17.10.2024
PROPOSED LANDSCAPE LAYOUT	Ver 2	17.10.2024
AGENT COVER LETTER	25 July 2024	26.07.2024
EXTG LANDSCAPE LAYOUT	(Dated 07/05/2024)	26.07.2024
STANDARD CONSTRUCTION SPECIFICATION		26.07.2024
PHASE 1 ENVIRONMENTAL SITE ASSESSMENT		26.07.2024
DETAILED QUANTITATIVE RISK ASSESSMENT	(Dated 17/07/24)	26.07.2024
KITCHEN EXTRACT SPECIFICATION	(Dated June 2024)	26.07.2024
LIGHTING REPORT	JDB20240424	26.07.2024
COMMUNICATIONS STRATEGY	(Dated July 2024)	26.07.2024

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