

Development Management – Delegated Officer Report

Application Number: AWDM/1530/25

Recommendation: – APPROVE

Site: Land At South West Corner Of Car Park Downlands Retail Park
Lyons Way Worthing

Proposal: Application for a Lawful Development Certificate for confirmation that planning permission AWDM/0333/22 has lawfully commenced.

Date of Site Visit: NA

Neighbours Checked: NA

Additional Neighbours Notified: NA

Site and Surroundings

The application site comprises an area of car parking at the frontage Downlands Retail Park.

Proposal

Confirmation is sought that development commenced before 19th December 2025 as required by permission AWDM/0333/22. The applicant seeks confirmation that the implementation of the consent therefore remains lawful.

Relevant Planning History:

AWDM/0333/22 - Construction of a drive-through coffee shop unit (Use Class E(a) and ancillary Sui Generis) and associated works within Downlands Retail Park car park.

STATUS: Application Permitted 19th December 2022.

AWDM/0634/25 - Erection of 1 no. internally illuminated totem sign (including removal of existing totem sign) and rebranding of a second totem sign also to be internally illuminated.

STATUS: Application Permitted 16th July 2025.

AWDM/0633/25 - Approval of details reserved by condition 12 (sustainable drainage) of approved application AWDM/0333/22

STATUS: Application Permitted 19th August 2025.

AWDM/0726/25 - Approval of details reserved by condition 5 (CEMP/Highways) of application AWDM/0333/22.

STATUS: Application Permitted 22nd July 2025.

AWDM/0728/25 - Approval of Details Reserved by Condition 6 (planting and Gabion structures) of application AWDM/0333/22.

STATUS: Application Permitted 13th October 2025.

Consultations

NA

Neighbour Representations

NA

Relevant Planning Policies:

National Planning Policy Framework (MHCLG 2024)

National Planning Practice Guidance

Planning Assessment:

The application is for a certificate of lawfulness to confirm that the application AWDM/0333/22 commenced within three years of the grant of permission.

The application is made on the basis that a certificate of lawfulness should be issued as the works constitute implementation of the consent and works were undertaken prior to 19th December 2025.

The original consent had several pre-commencement conditions:

Condition 5

No works shall commence on the development hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Condition 5 was discharged under ref: AWDM/0726/25 - Approval of details reserved by condition 5 (CEMP/Highways) of application AWDM/0333/22. Permitted 22nd July 2025.

Condition 6

No works shall commence on the development hereby permitted (including site clearance or preparation) until revised details of the proposed planting and Gabion structures within or adjacent to the SRN, including their full dimensions

and suitable technical drawings, have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the structures shall proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Condition 6 was discharged under ref: AWDM/0728/25 - Approval of Details Reserved by Condition 6 (planting and Gabion structures) of application AWDM/0333/22. Permitted 13th October 2025.

Condition 12

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. The building shall not be used/occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

Condition 12 was discharged under ref: AWDM/0633/25 - Approval of details reserved by condition 12 (sustainable drainage) of approved application AWDM/0333/22 Permitted 19th August 2025.

The application also had two prior to commencement above slab level

Condition 3 requires

Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Condition 4 requires

With the exception of any works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

The applicant has indicated that on 03 November 2025 to implement the planning permission at Downlands Retail Park that works took place by digging of a trench and the excavation, installation and reinstatement of drainage infrastructure, including a new direct connection into the existing public (Southern Water) sewer network. The works undertaken relate directly to the approved development and are a material operation in the meaning of Section 56(4). Therefore, the works pursuant to planning permission reference AWDM/0333/22 have commenced within the timescales set out within Condition 2 of the planning permission.

The following evidence is submitted with the application:

- Approved Surface Water Drainage Strategy and Drainage Strategy Further Comments, prepared by Evolve, pursuant to Condition 12 Ref. AWDM/0633/25;
- Contractor Scope of Works.

Drainage Plans, prepared by Evolve: Ref. 3453-EVE-XX-XX-DR-C-9000-CO5
Proposed Drainage Strategy.

Ref. 3453-EVE-XX-XX-DR-C-9010-CO2 Drainage Construction Details Sheet 1 of 2.

Ref. 3453-EVE-XX-XX-DR-C-9011-CO2 Drainage Construction Details Sheet 2 of 2.

Building Control Notice dated 27 October 2025.

Building Control Plan Check Tracker dated 01 November 2025.

Photos of the construction works having been undertaken at the Site dated 18 November 2025, 20 November 2025 and 24 November 2025.

Statutory Declaration by Daniel Brinkies of BD Civils and Ground Work Ltd.

Building Control Declaration of Compliance dated 03 December 2025.

Final Certificate from Building Control certifying the completion of works dated 04 December 2025.

Photos have been provided indicating the above works.

The works are not above slab level.

The works were undertaken after the three pre commencement applications for approval of details were approved in July, August and October 2025.

The Council is satisfied that at the time the works were undertaken all pre-commencement conditions had been satisfactorily approved. The range of works undertaken are considered to be material operations as set out in section 56(4) of the Town and Country Planning Act. It is therefore considered that the development has commenced and works to implement the development are lawful

Recommendation:

APPROVE

The Council is satisfied that works commenced prior to 19th December 2025. Works to implement the planning permission are lawful.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Jackie Fox

Date: 04.02.26

Authorised by: Louise Prew

Date:09/02/2026