WORTHING BOROUGH COUNCIL

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1586/23

Details of Development
EXTENSION OF EXISTING SALES BUILDING TO ACCOMMODATE A NEW 'FOOD-TO-GO' INCLUDING DRIVE-THRU, REMOVAL OF CAR WASH, PROVISION OF TWO JET WASHES AND RELOCATED CAR CARE BAY, RECONFIGURATION OF CAR PARKING, NEW BIN STORE AND ASSOCIATED WORKS

Location of Development
331 BRIGHTON ROAD WORTHING WEST SUSSEX BN11 2HP

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 14th November 2023.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Planning Services Manager
17/04/2024

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
PLANNING STATEMENT	November 2023	14.11.2023
FLOOD RISK ASSESSMENT	3321/RE/11-23/01	14.11.2023
NOISE IMPACT ASSESSMENT	40506-R1	14.11.2023
LOCATION & BLOCK PLAN	WPS-MFG-651-P-01	14.11.2023
EXISTING SITE LAYOUT PLAN	WPS-MFG-651-P-02	14.11.2023
EXISTING SITE ELEVATIONS	WPS-MFG-651-P-03	14.11.2023
EXISTING BUILDING PLAN	WPS-MFG-651-P-04	14.11.2023
EXISTING BUILDING ELEVATIONS	WPS-MFG-651-P-05	14.11.2023
PROPOSED SITE LAYOUT PLAN	WPS-MFG-651-P-06	14.11.2023
PROPOSED SITE ELEVATIONS	WPS-MFG-651-P-07	14.11.2023
PROPOSEED BUILDING PLAN	WPS-MFG-651-P-08	14.11.2023
PROPOSED BUILDING ELEVATIONS	WPS-MFG-651-P-09	14.11.2023
COVERED COMPOUND PLAN, SECTIONS & DETAILS	WPS-MFG-651-P-10	26.03.2024
TECHNICAL NOTE January 2024	XX-RP-H-6000_TN01_P2	22.01.2024

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

02. 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.*

03. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hours on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to DM5 of the Worthing local Plan 2023.*

04. 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.*

05. 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.*

06. 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.*

07. 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.

08. 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.*

09. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy 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 from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.*

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.*

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.*

12. The 'food to go' element and 'jet wash' hereby permitted shall not be open for trade or business other than between 7.00am and 10.00pm.

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

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.*

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.*

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.*

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.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- Treated materials can be transferred between sites as part of a hub and cluster project.
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice.
- The waste management page on GOV.UK.

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

03. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk

04. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

Ref: AWDM/1586/23

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990..

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).