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

APPLICATION FOR DISCHARGE OF PLANNING CONDITION

REFERENCE: DM/25/0898

DESCRIPTION: DISCHARGE OF CONDITION NOS 3, 5, 9, 11 AND 12 RELATING TO PLANNING APPLICATION DM/23/2525

LOCATION: SHELL BURGESS HILL, SERVICE STATION, 173 LONDON ROAD, BURGESS HILL

DECISION DATE: 25 APR 2025

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

I refer to your application for approval of details reserved by condition received 1st April 2025.

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

Conditions:

5. The details provided for the external walls of the jet wash detailed in your email of the 3rd April detailing that this consists of Aluminium bolt down screens and glazing as detailed in the submitted 2x open bay screen is considered acceptable. I hereby discharge condition 5 attached to planning reference DM/23/2525.
11. The planting details as shown in drwg BHILL-FPS-MFG-528-WK-03 is considered acceptable. I hereby discharge condition 11 attached to permission reference DM/23/2525.

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

3. A Construction Phase Health & Safety Plan REVISION 1 (28/03/25) has been submitted. Page 11 of this document sets out site specific rules and point 5 of this sets out *'Working Hours to be between 7am & 6pm Monday to Friday. Weekend working is to be arranged with Frowbury beforehand.'* This needs to be revised in line with condition 6 of the approval which states:

*'Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
Monday - Friday 08:00 - 18:00 Hours.'*

Page 15 of this document shows site compound including temporary contractors' buildings, plant and stock of materials, provision for the temporary parking of contractor's vehicles. As the plan is not to scale it is challenging to assess access route and achievability of contractors to park in this area. It is also unclear where unloading/loading will take place and what size vehicles will be used for this. Further information is required including a full size to scale plan to check access/parking widths and clarification on unloading/loading arrangements including where this would take place on the site and vehicle size for contractors. Are there only 3 parking spaces for contractor vehicles, if more parking is required, where would this take place?

In light of the above, I am currently **unable** to discharge condition 3 attached to planning reference DM/23/2525.

9. As set out in my email to you of the 10th April, I note the application seeks to discharge condition 9 of the approval which relates to a scheme for the installation of equipment to control the emission of fumes and odour from the premises as the extension is to be used as a catering establishment. In your application you state that Pret are now to be the end user and therefore will not require an extraction system. Whilst this is noted, the discharge of condition application is not the correct process for this. Due to the wording of the condition, and a different user being able to come into the premises in the future who may require extract equipment, I am of the opinion that an application to vary or remove this condition wording should be submitted for consideration instead. The wording could be varied so that any future user that may require such equipment cannot operate until such details have been submitted to and approved. I would therefore suggest that condition 9 is removed from consideration of this current application and an application to vary/remove the condition is submitted. The necessary forms can be found at the following link: <https://www.midsussex.gov.uk/planning-building/apply-for-planning-permission/> . You will need form 39.

I would be grateful if you could confirm in writing that this condition should be removed from consideration and that an application will be submitted as advised.

12. The submitted Site Layout Plan (drwg BHILL-FPS-MFG-528-WK-03) details the location of the cycle stands to the south of the new building extension. This plan shows a covered cycle shelter with 3 no stands. However, as set out in your email of the 3rd April, the specification of this is to follow. To date this has not been received. Details are required on the appearance, size (including height) of the covered cycle shelter and product details of the cycle stands including details of how many cycles

this will accommodate. I am currently **unable** to discharge condition 12 attached to planning reference DM/23/2525.

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

A handwritten signature in black ink, appearing to read 'ABiggs', with a stylized, cursive script.

Ann Biggs
Assistant Director Planning and Sustainable Economy

SPDCOZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier.

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

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

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

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