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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: 28 MAY 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:

12. The information provided of the Site Layout Plan (drwg BHILL-FPS-MFG-528-WK-03) detailing the location of the cycle stands to the south of the new building extension and the additional details for the specification for the bicycle shelter in your email of the 15th May 2025 is considered acceptable. I hereby discharge condition 12 attached to planning reference DM/23/2525.

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

3. An updated Construction Phase Health & Safety Plan REVISION 1 (28/03/25) received 22nd May has been submitted addressing the hours of construction so that it is in line with condition 6 of the approval.

An updated Contractor Set Up Plan (drwg BHILL-FPS-MFG-528-CSU-01) received 22nd May has been submitted to address previous queries. The Highways Authority has considered this plan and has provided the following comments:

'The scaled plan shows site entrance width of approx. 3.4m. The location of 'Van Parking' would appear to be restricted by gates/site set up, especially manoeuvring to southern most space. This is not anticipated to cause a highway safety concern but the applicant may wish to re-consider contractor/van parking as it does not appear practical in this layout.

It is noted that the Construction Phase Plan states: When absolutely necessary the fencing may be temporarily removed to allow limited loading and unloading of materials. However, it would appear that the fencing would need to be removed every time considering access width and manoeuvring space within site compound, which is not the most ideal arrangement. However, the LHA are mindful of the restricted space on site for a site compound. The stringent commitments to use of a banksman within the Construction Phase Plan should alleviate any highway safety concern as all deliveries will be supervised and other users of forecourt protected at these times.

However, what may be impacted by location of site compound is the ability for existing servicing (Fuel tankers) to safely access the site. The LHA advise some clarification is given in this regard - ideally demonstration of swept path tracking in the forecourt showing this is not impacted by location of site compound.'

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

9. Further information has been requested as set out in my email of the 23rd May. I am therefore currently **unable** to discharge condition 9 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.



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.