WORTHING BOROUGH COUNCIL

Mr Chris Barker
ECE Planning Limited
64-68 Brighton Road
Worthing
BN112EN
United Kingdom

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0447/24

Details of Development
DEMOLITION/REMOVAL OF EXISTING SUBSTANDARD BUILDINGS AND STRUCTURES AND THE CONSTRUCTION OF A NEW TWO, AND PART ONE-STOREY SPECIALIST CONSTRUCTION WORKSHOP BUILDING, TOGETHER WITH THE ADDITION OF A NEW DOOR TO THE THEATRE BUILDING AND IMPROVEMENTS TO OUTDOOR SPACE AND LANDSCAPING.

Location of Development
GREATER BRIGHTON METROPOLITAN COLLEGE LITTLEHAMPTON ROAD WORTHING WEST SUSSEX BN12 6NU

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 11th April 2024.

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
14/11/2024

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
CONSTRUCTION PHASE HEALTH & SAFETY PLAN	REV A - August 2024	27.08.2024
GA PROPOSED NORTH, EAST & THEATRE ELEVATIONS	PL-09 P2	26.07.2024
PROPOSED GA GROUND FLOOR PLAN	PL-04 P2	26.07.2024
PRELIMINARY GROUND CONTAMINATION RISK ASSESSMENT REPORT	R16293	26.07.2024
CONTAMINATION STATUS REPORT	R16309	22.08.2024
INDICATIVE WASTE CLASSIFICATION ASSESSMENT	R16294	22.08.2024
ARCHAEOLOGICAL EVALUATION	Site Code: NCW 23/238	04.06.2024
PROPERTY STRATEGY REPORT		28.05.2024
BIODIVERSITY GAIN PLAN		22.05.2024
POST DEVELOPMENT HABITAT PLAN	Figure No. 02	22.05.2024
WINDOW REVEAL/BRISE SOLEIL	P-11 P1	22.05.2024
CONDITION ASSESSMENT SHEETS		22.05.2024
BNG METRIC	15.05.2024	22.05.2024
EXISTING LOCATION PLAN	PL-01 P2	11.04.2024
EXISTING BLOCK PLAN	PL-02 P2	11.04.2024
PROPOSED BLOCK PLAN	PL-03 P2	11.04.2024
PROPOSED GA FIRST FLOOR & ROOF PLAN	PL-05 P1	11.04.2024
EXISTING SOUTH, NORTH & WEST ELEVATIONS	PL-06 P1	11.04.2024
EXISTING EAST & SOUTHERN THEATRE ELEVATION	PL-07 P1	11.04.2024
GA PROPOSED ELEVATIONS	PL-08 P1	11.04.2024

Reference/Drawing Number	Version	Date Rec
PROPOSED SECTION A-A	PL-10 P1	11.04.2024
LIGHTING STATEMENT		11.04.2024
AIR QUALITY ASSESSMENT	12535A V0	11.04.2024
INDOOR AIR QUALITY PLAN	12535B V0	11.04.2024
ENERGY STATEMENT	RP-SU-2003 P02	11.04.2024
TRANSPORT STATEMENT	2306280-R01B	11.04.2024
TRAVEL PLAN	2306280-R02B	11.04.2024
NOISE IMPACT ASSESSMENT	J3730 P02	11.04.2024
TREE CONSTRAINTS PLAN	ARB-DWG-001 00	11.04.2024
TREE CONSTRAINTS PLAN	ARB-DWG-002 00	11.04.2024
EXISTING TREE SCHEDULE	LLD-3050 REV 0	11.04.2024
ECOLOGICAL IMPACT ASSESSMENT	REP-001-00-EclA	11.04.2024
LANDSCAPE DESIGN STRATEGY	LAN-REP-001 00	11.04.2024
SURFACE WATER DRAINAGE STRATEGY	23-418 P01	11.04.2024
LETTER & NOTICE UNDER ARTICLE 13	SL/Let/P2070	11.04.2024
PLANNING STATEMENT	P2070 REV C	11.04.2024
DESIGN & ACCESS STATEMENT	7367 REV P1	11.04.2024
PRELIM GEOTECH & CONTAMINATION STATUS ASSESSMENT REPORT	LW22244	11.04.2024
STATEMENT OF COMMUNITY INVOLVEMENT		11.04.2024
SUSTAINABILITY STATEMENT	X232 V01	11.04.2024

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. All development shall be constructed in accordance with the submitted and approved Surface Water Drainage Strategy (ref: 23-418 P01 dated 29/02/2024), this includes the use of an attenuation tank with a discharge rate of 2l/s to the surface water sewer network, unless otherwise first approved in writing by the Local Planning Authority.

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

04. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity.

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
i. a timetable for its implementation,
ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: *To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy DM20 in Worthing Local Plan 2020-2036.*

05. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy DM20 in Worthing Local Plan 2020-2036.*

06. The scheme shall be implemented in accordance with the following approved documents, unless otherwise agreed in writing by the Local Planning Authority:

Preliminary Ground Contamination Risk Assessment Report - Report Reference: R16293 - dated 24th July 2024
Contamination Status Report - Report Reference: R16309 - dated 1st August 2024
Indicative Waste Classification Assessment - Report Reference: R16294 - dated 22nd July 2024

Reason: *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and Policy DM22 of the Worthing Local Plan.*

07. The development shall be carried out in accordance with the approved Construction Phase Health & Safety Plan REV.A by Amiri, dated August 2024. The approved Plan shall be implemented and adhered to throughout the entire construction period.

Reason: *In the interests of highway safety and the amenities of the area, to minimise traffic generated by the development and noise and pollution during the construction phase in accordance with Policies DM5, DM15 and DM22 of the Worthing Local Plan.*

08. Within six months of the completion of the archaeological fieldwork described in the TVAS Archaeological Evaluation of June 2024, (or such other period as the Local Planning Authority may first agree in writing), the applicant shall submit to the Local Planning Authority for its written approval, a post excavation assessment. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: *To preserve the archaeological remains in line with the National Planning Policy Framework paragraphs 199 & 211 and Worthing Local Plan policy DM24.*

09. The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the sustainable energy and heat management measures, in accordance with the details in the Energy Statement dated 27.03.2024 (Reference: 23061-DGE-XX-XX-RP-SU-2003 Rev. P02) and Sustainability Assessment dated March 2024 (Reference: X232 Ver.01) submitted with the current application:

Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures exceed the target of 27% reduction in C02 on average per building compared to the Building Regulations Part L 2013 standard and incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after C02 reductions from energy efficiency measures).

Unless otherwise approved in writing by the Local Planning Authority the verification document shall include proposed and timetabled remedial measures if these targets have not been met and, the remedial measures thereby approved shall be implemented in accordance with that timetable.

Reason: *To ensure CO2 reduction through sustainable construction and renewable energy provision in accordance with policies DM16 and DM17 of the Worthing Local Plan.*

10. Samples/further details of all external materials and surfaces for the development hereby permitted shall, be submitted to and approved in writing prior to commencement of use of the additional floorspace thereby created, unless otherwise approved in writing by the Local Planning Authority.

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

11. Further details of the solar photovoltaics, including a plan, section and specification shall be submitted to and approved in writing by the Local Panning Authority, prior to installation.

Reason: *To ensure the provision of renewable energy and in the interests of visual amenity having regard to Policies DM17 and DM5 of the Worthing Local Plan.*

12. Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved Travel Plan (Reference: 2306280-R02B) dated March 2024. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: *To encourage and promote sustainable transport in accordance with Policy DM15 of the Worthing Local Plan.*

13. Unless otherwise agreed in writing by the Local Planning Authority, no construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

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

14. Prior to the first use of the development hereby approved a detailed Habitat Management and Monitoring Plan (HMMP) shall be submitted, approved and implemented, to demonstrate biodiversity net gain in excess of 20% in accordance with the Biodiversity Gain Plan (dated 15/05/2024), Ecological Impact Assessment (Ref: LLD3050-ECO-REP-001-00-EcIA, dated 06/11/2023) and Landscape Design Strategy (Ref: LLD3050-LAN-REP-001, dated 26/03/2024) submitted with the application. The HMMP shall include post completion verification that this 20% net gain has been achieved on site and how it is to be maintained and monitored for a

period of not less than 30 years from the commencement of the scheme. BNG provision and monitoring is also subject to the completed S106 Obligation.

Reason: *To secure 20% BNG in accordance with policy DM18 of the Worthing Local Plan.*

15. External lighting shall be provided in accordance with the details and specifications contained within the Lighting Statement dated March 2024, unless otherwise agreed in writing by the Local Planning Authority.

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

16. Further details of the plant room and materials store (including materials, appearance and associated hard/soft landscaping) for the development hereby permitted shall, be submitted to and approved in writing prior to commencement of use of the additional floorspace thereby created, unless otherwise approved in writing by the Local Planning Authority.

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

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

03. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

04. 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

05. BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Worthing Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

STATUTORY EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS IN RESPECT OF THE BIODIVERSITY GAIN CONDITION

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and:

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
i) the application for planning permission was made before 2 April 2024;
ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:
i) consists of no more than 9 dwellings;
ii) is carried out on a site which has an area no larger than 0.5 hectares; and
iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:
i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Ref: AWDM/0447/24

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

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).