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/1439/23

Details of Development
PROPOSED TWO STOREY ENERGY CENTRE, THERMAL STORE, ELECTRICAL SUB-STATION, CAR-PARK ROOFTOP PLANT, AND RISER PIPEWORK.

Location of Development
MULTI STOREY CAR PARK HIGH STREET WORTHING WEST SUSSEX

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 17th October 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
26/03/2024

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
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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
GROUND FLOOR SITE PLAN	ZZ-XX-SK-Y-0008 P02	22.03.2024
DESIGN & ACCESS STATEMENT	REV D	22.03.2024
VISUALS - AXONOMETRIC	DR-A-00105 P06	22.03.2024
SITE - PROPOSED BLOCK PLAN	DR-A-90003 P04	22.03.2024
SITE - PROPOSED PLAN	DR-A-90004 P05	22.03.2024
SITE ELEVATIONS - EAST	DR-A-90101 P05	22.03.2024
SITE ELEVATIONS - NORTH & SOUTH	DR-A-90102 P05	22.03.2024
LIVING WALL/SCREEN DRAWINGS		05.12.2023
ENERGY CENTRE - GA PLANS	DR-A-00001 P05	05.12.2023
HV SUBSTATION - GA PLANS	DR-A-00002 P05	05.12.2023
ENERGY CENTRE - EAST & SOUTH GA ELEVATIONS	DR-A-00101 P05	05.12.2023
ENERGY CENTRE - WEST & NORTH GA ELEVATIONS	DR-A-00102 P05	05.12.2023
HV SUBSTATION - GA ELEVATIONS	DR-A-00103 P05	05.12.2023
VISUALS - PERSPECTIVE (SOUTH EAST)	DR-A-00106 P05	05.12.2023
VISUALS - PERSPECTIVE (NORTH EAST)	DR-A-00107 P05	05.12.2023
ENERGY CENTRE - GA SECTIONS	DR-A-00201 P04	05.12.2023
HV SUBSTATION - GA SECTIONS	DR-A-00202 P04	05.12.2023
SITE - LOCATION PLAN	DR-A-90000 P03	05.12.2023
SITE - EXISTING PLAN	DR-A-90001 P03	05.12.2023

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

02. Prior to the completion of the slab foundation for the Energy Centre, a Biodiversity Net Gain assessment shall be submitted to and approved in writing to the Local Planning Authority in accordance with the Environment Act and a scheme for the offsetting of biodiversity impacts at the site to secure a minimum of 10% gain (combined on and off site contributions). Authority. This should be supported by a biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements within Sussex. The Offsetting scheme shall include:

i. Identification of receptor site or sites, which accord to the requirements of the Sussex Nature Recovery Network Evidence Base.
ii. Details of the offsetting requirements of the development in accordance with current Defra biodiversity metric;
iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:

a. Description of all habitat(s) (which must accord to the current Lichfield District Nature Recovery Network Mapping) to be created/restored/enhanced within the scheme including expected management condition and total area;
b. Review of Ecological constraints;
c. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
d. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;
e. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
f. Identification of persons responsible for implementing the works;
g. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. Ecological monitoring reports should be submitted to the LPA every 5 years.
h. The inclusion of a feedback mechanism to the Local Planning Authority, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsetting measures shall be executed within 6 months of the completion of the development and be agreed in writing with the Local Planning Authority. The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme.

Reason: *To ensure adequate biodiversity net gain in accordance with policy DM18 of the Worthing Local Plan.*

03. Prior to commencement of development, precise details of the green wall including a landscaping scheme for the wall and methods for attaching to the building as well as its future maintenance (and details of replacement planting) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and maintained for the lifetime of the development in accordance with the agreed maintenance plan.

Reason: *To control the development in detail and to ensure appropriate future maintenance in the interests of visual amenity.*

04. No plant or equipment shall be used on site unless it has been provided with the acoustic screens in accordance with the recommendations of the submitted acoustic report. Thereafter the plant and equipment shall be maintained in accordance with the manufacturer's instructions to ensure compliance with the maximum noise levels set out in the submitted acoustic report.

Reason: *To protect the amenities of local residents*

05. No development shall take place until tree protection measures have been installed around the trees to be retained on the site in accordance with details first submitted to and approved in writing with the Local Planning Authority.

Reason: *To control the development in detail and to retain existing landscape features on the site.*

06. No development shall take place until full details of both hard and soft landscape works for the site have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished
levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All hard and soft landscape works shall be carried out in accordance with the approved details and during the next planting season following the first use of the Energy Centre. Any trees or plants that die within 5 years of planting shall be replaced with similar trees or planting.

Reason: *In the interests of visual amenity and to enhance biodiversity on the site*

07. Prior to commencement of development precise details of the acoustic screens including details of the proposed colour have been submitted to and approved in writing with the Local Planning Authority.

Reason: *In the interests of visual amenity.*

08. The proposed Energy Centre shall be located a minimum of 5.3 metres away from the back edge of the High Street.

Reason: *To safeguard land for the possible provision of a segregated cycle lane on the west side of the High Street.*

Informatives / Notes to Applicant

01. The applicant is reminded that no development can take place unless and until the existing adopted highway within the application site has been stopped up by the Secretary of State under s247/248 of the Town and Country Planning Act (as amended by the Growth and Infrastructure Act 2013).

Ref: AWDM/1439/23

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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).