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Application Number: DC/15/1967

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)  
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr Patrick Perks, The Billingshurst Community Partnership

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

**Erection of an Education and Youth Enterprise Centre (E.Y.E) on the land bordering The Weald School**

**Land Bordering The Weald School Myrtle Lane Billingshurst West Sussex**

to be carried out in accordance with Application No. DC/15/1967 submitted to the Council on 15/09/2015 and subject to compliance with the plans/documents and conditions specified hereunder.

Dr Chris Lyons  
Director of Planning, Economic Development & Property

Date: 02/05/2017

- 1 **Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan	Land ownership plan	1012-104 02	28.08.2015
Details plan	Existing topographical survey	1012-105 02	28.08.2015
Details plan	Landscaping plan	1012-101 06	21.03.2016
Details plan	Landscaping plan	1012-102 05	21.03.2016
Details plan	Sports trail	1012-106 04	21.03.2016
Floor plan	Proposed floor plans and elevations	1012-100 02	28.08.2015

Details plan	Emergency Access	1012-B111 03	21.03.2016
Location & Details plan	Site Context Layout	1012-109 02	21.03.2016
Location plan	Site Location Plan	1012-103 06	21.03.2016
Details plan	Refuse Strategy	1012-B114 03	21.03.2016
Details plan	Car Park / Road Access	1012-B112 03	21.03.2016
Details plan	External Lighting Plan	1012-B113 03	21.03.2016
Details plan	Site Context Layout	1012-B110 03	21.03.2016

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

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 3 The premises shall be used in accordance with the approved details, as a youth centre with associated facilities, and for no other purpose, including any other purpose set out in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 4 The building hereby permitted shall not be in use except between the hours of 08:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays; and no outdoor activities, except access and egress, shall take place after 19:00 hours on any day.

Reason: To safeguard the amenities of the locality and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 5 Hours of site clearance and construction activities (including deliveries and dispatch) shall be limited to:

08:00 - 18:00 Monday until Friday;  
09:00 - 13:00 Saturdays; and  
no activity on Sundays or Bank Holidays.

Reason: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

- 6 If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy 24 of the Horsham District Planning Framework (2015).

- 7 No development or site clearance works shall take place until the reptile mitigation works have been undertaken by a suitable qualified ecologist in strict accordance with paragraph 5.4 of the 'Reptile Survey', prepared by Greenspace Ecological Solutions and dated May 2015.

Reason: To safeguard protected species from the impact of the development in accordance with policy 31 of the Horsham District Planning Framework (2015).

- 8 The development hereby permitted shall take place in full accordance with the hereby approved Arboricultural Method Statement, dated March 2015, and the tree protection measures outlined in Appendix 4 shall be erected prior to the commencement of development and retained throughout construction works.

Reason: To ensure the protection of trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 9 No development shall take place until details showing provision within the site, or other adjacent land within the applicant's control, for the storage of building materials, waste and plant associated with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To avoid undue congestion and consequent obstruction to access in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

- 10 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy 33 of the Horsham District Planning Framework (2015).

- 11 No development or site clearance works shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste;
- The storage of plant and materials used in construction of the development;
- A site waste management plan (which shall prevent any on-site burning of waste);
- Details of means of suppressing dust during the excavation / construction process; and
- Details of the measures to mitigate the noise and vibration from construction and deliveries.

Thereafter the Plan shall be implemented in accordance with the agreed details and shall be adhered to throughout the entire construction period.

Reason: As this matter is fundamental in the interests of highway safety and ensuring the free flow of traffic on the highway network; to minimise the risk of damage to the highway; to safeguard the amenity of existing and proposed residents; to safeguard existing landscape

features in accordance with Policies 33, 37, 38 and 40 of the Horsham District Planning Framework (2015).

- 12 No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding, to ensure the provision of a satisfactory means of surface water disposal and to comply with policy 24 of the Horsham District Planning Framework (2015).

- 13 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) Details of roof tiling;
- b) Details of all external cladding, including details of their treatment to protect against weathering;
- c) Details of the proposed windows and door, including their colour.

Development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to ensure a satisfactory appearance to the development and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 14 The works outlined in paragraph 5.4 of the 'Reptile Survey', prepared by Greenspace Ecological Solutions and dated May 2015, shall be implemented in full prior to first occupation of the development hereby permitted.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 15 Prior to first occupation of the development hereby permitted details of all hard surfacing and details of all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 16 All planting, seeding or turfing comprised in the approved scheme of landscaping, as indicated on drawing nos. 1012-101 06 & 1012-102 05, shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants 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: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

- 17 The development hereby permitted shall not be occupied until the vehicle parking area has been provided in accordance with the approved plans. The parking shall thereafter be retained in accordance with the agreed details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

- 18 Prior to first occupation of the development hereby permitted a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall outline details of how car parking associated with the approved development will be allocated and managed, how deliveries will take place and measures to control vehicular movements when the car park is full. The car park shall thereafter be managed in accordance with the agreed details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

- 19 Prior to first occupation of the development hereby permitted a scheme for installing safety measures at the crossing point over footpath 1937 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implanted in accordance with the agreed details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

- 20 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for staff and visitors to the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 40 of the Horsham District Planning Framework (2015).

- 21 Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall outline measures to encourage sustainable travel modes to and from the site and shall be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policy 40 of the Horsham District Planning Framework (2015).

- 22 Prior to first occupation of the development hereby permitted details of external lighting, which shall include a scheme for the installation of pedestrian lighting between the approved building and adjoining car park, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the agreed details prior to the first occupation of the development and shall be retained thereafter.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

#### Note to Applicant

The applicant is advised that a formal agreement with Southern Water should be entered into to provide the necessary sewerage infrastructure required to service the development. Please contact

Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

#### Note to Applicant

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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.

#### Note to Applicant

The site is adjacent to Network Rail's operational railway infrastructure. The applicant is therefore recommended to contact Network Rail prior to any works commencing on site and to agree an Asset Protection Agreement (email: [AssetProtectionSussex@networkrail.co.uk](mailto:AssetProtectionSussex@networkrail.co.uk), website: [www.networkrail.co.uk/aspx/1538.aspx](http://www.networkrail.co.uk/aspx/1538.aspx)).

#### Note to Applicant:

In making this decision the Council has had regard to the following policies from the National Planning Policy Framework and the Horsham District Planning Framework (2015):

HDPF1	HDPF3	HDPF32	HDPF40	HDPF41	HDPF43	NPPF7
NPPF11	NPPF14					

### **ADDITIONAL INFORMATION**

#### **Planning Permission – Important Provisos**

If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail [streetnaming@horsham.gov.uk](mailto:streetnaming@horsham.gov.uk) or telephone 01403 215139.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

#### **Compliance with the Approved Plans and Conditions**

The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

#### **Amendments**

Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or

under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

### **Monitoring**

Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

### **Conditions Compliance**

Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

### **Right of Appeal**

If you are aggrieved by the decision 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.

You must appeal within 12 weeks of the date of the decision notice for a householder application and within 26 weeks for other types of planning applications. Please note, only the applicant possesses the right of appeal.

The details of how to appeal together with the form which must be used can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or on-line at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)