Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DISC/24/0138
Woolmers, Brighton Road, Mannings Heath, West Sussex, RH13 6HZ

DESCRIPTION:

Approval of details reserved by conditions 3,4 and 5 to approved application DC/23/2289

RELEVANT PLANNING HISTORY:

DC/23/2289 Erection of a two-storey side and rear extension. Application Permitted on 13.02.2024

PLANNING ASSESSMENT

Planning Application DC/23/2289 was granted consent on 13.02.2024. This permission was for the following:

Erection of a two-storey side and rear extension.

Consent is sought to discharge the details reserved by conditions 3, 4 and 5.

Condition 3: *Pre-Commencement Condition: Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:*

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.
The requirements of the condition have been satisfied.

Natural England Licence Reference 2024-68253-EPS-MIT issued 09/05/2024, valid from 09/05/2024, and Mitigation and Compensation Plan (Arbtech Consulting Ltd.) have been submitted in order to discharge Condition 3. The Council's Ecology advisors have been consulted and it is considered that the submitted information includes the detail satisfactorily required by this condition.

The requirements of the condition 3 have been satisfied.

Condition 4: *Pre-Commencement Condition (Slab Level): A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat*

Emergence and Re-entry Surveys (Arbtech, August 2023) and Preliminary Ecological Appraisal (Arbtech, April 2023) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority Habitats & Species).

No information has been submitted in support of discharge of this condition. Following consultation with the Council's Ecologist, a Biodiversity Enhancement Layout should be submitted with details of the enhancements indicated in the Preliminary Ecological Appraisal (Arbtech, April 2023). This includes examples such as new log piles and compost heaps, bat boxes (other than the compensation measures required for the European Protected Species Mitigation Licence), bird boxes, areas of long meadow grass, a wildlife pond and Hedgehog houses.

The requirements of the condition 4 have not been satisfied.

Condition 5: *Pre-Occupation Condition: A lighting design scheme for biodiversity based on GN: 08/23 shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

No information has been submitted in support of discharge of this condition. Following consultation with the Council's Ecologist, a low impact lighting strategy was recommended in the Bat Emergence and Re-entry Surveys (Arbtech, August 2023) and details should be submitted to the LPA in order to discharge the condition.

The requirements of the condition 5 have not been satisfied.

Recommendation: Split Decision

Condition 3 of DC/23/2289 is recommended to be discharged.
Conditions 4 and 5 of DC/23/2289 are not currently recommended to be discharged.

POSITIVE AND PROACTIVE STATEMENT

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DISC/24/0138
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Mitigation and Compensation Plan by arbtech		06.06.2024
Supporting Docs	Natural England Licence		06.06.2024

DELEGATED

Case Officer sign/initial Steve Astles Date: 18.07.2024

Authorising Officer sign/initial Tamara Dale Date: 01.08.2024