Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/25/0106
Sussexdown , Washington Road, Storrington, West Sussex, RH20 4DA

DESCRIPTION:
Approval of details reserved by condition 5 to approved application DC/24/0543 (protected species licence)

RELEVANT PLANNING HISTORY:

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|---|---|---|
| DC/24/0543 | Variation of condition 1 of previously approved application reference DC/22/2372 (Full planning application for the conversion and redevelopment of existing buildings to create a 42-bedroom care home, 14 assisted care units, 23 close care apartments, ancillary accommodation (all within Use Class C2) with associated external works and landscape including new car parking.) Variation sought to demolish and rebuild Sussexdown House. | Application Permitted on 08.07.2024 |
| DC/22/2372 | Full planning application for the conversion and redevelopment of existing buildings to create a 42-bedroom care home, 14 assisted care units, 23 close care apartments, ancillary accommodation (all within Use Class C2) with associated external works and landscape including new car parking. | Application Permitted on 28.07.2023 |
| DC/24/1985 | Variation of condition 1 of previously approved application reference DC/22/2372 (Full planning application for the conversion and redevelopment of existing buildings to create a 42-bedroom care home, 14 assisted care units, 23 close care apartments, ancillary accommodation (all within Use Class C2) with associated external works and landscape including new car parking.) Variations to the internal layout of the Care Home, parking layout, locations of the refuse stores, elevational details, and omission of the solar panels from the Close Care building and site levels, with details provided in relation to the proposed external materials (Condition 9) and finished floor levels (Condition 10). | Application Permitted on 08.04.2025 |

PLANNING ASSESSMENT
Planning Application DC/24/0543 was granted consent on 08/07/2024. This permission was for the following:
**Variation of condition 1 of previously approved application reference DC/22/2372 (Full planning application for the conversion and redevelopment of existing buildings to create a 42-bedroom care home, 14 assisted care units, 23 close care apartments, ancillary accommodation (all within Use Class C2) with associated external works and landscape including new car parking.) Variation sought to demolish and rebuild Sussexdown House.**

Consent is sought to discharge the details reserved by condition 5.

**Condition 5**:
*Pre-Commencement Condition: No relevant development which will impact bat roosts, shall 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) 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 and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 33 of the Horsham District Planning Framework and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).*

The Council's Ecologist has reviewed the submitted information seeking to discharge the condition. However, it is noted that licence submitted is a Bat Mitigation Class Licence, not a full European Protected Species Mitigation Licence. Reference is made to the Ecology response returned in relation to DC/22/2372 in June 2023, which advised the following condition be added to any grant of permission:

PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS
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.

In the drafting of the condition, the Council's standard Bat licence condition was inadvertently applied instead, thus omitting the section under (b) providing an option of a Bat Mitigation Class Licence. The same original condition was then re-applied when the s73 application was considered under DC/24/0543.

As a result, the Council's Ecologist acknowledges that a Bat Mitigation Class Licence has been submitted to discharge this condition, and which is supported under the requirements of (b), but that, given the wording of the condition as applied on the decision notice, the condition cannot be discharged.

Having acknowledged the omission of the wording of the finalised condition that was imposed on the decision notice, but noting that the Council's Ecologist is supportive, in principle, of the details submitted in order to discharge this condition, Officers consider that it would be in the spirit of the original intentions of the condition to accept the details submitted (Bat Mitigation Class Licence) as confirmation that protected species will not be adversely harmed by the development proposals.

The requirements of the condition have therefore been satisfied.

**Recommendation: Application Permitted**

NOTE TO APPLICANT
Officers note that the requirements of the condition refer to a 'licence issued by Natural England', but that a Bat Mitigation Class Licence Return WML-CL21 has been submitted.

In order to address appropriate bat mitigations for this site, it was originally intended that one of the following would be required:

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.

Unfortunately, in the drafting of the condition, requirement under (b) was inadvertently omitted (Bat Mitigation Class Licence). However, the details submitted would be acceptable under (b), and therefore, it is considered that the condition has been suitably satisfied.

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.

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**Plans list for: DISC/25/0106**
(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 |
|---|---|---|---|
| Supporting Docs | Natural England Licence Return Form | | 31.03.2025 |

**DELEGATED**

Case Officer sign/initial Nicola Pettifer Date: 13.06.2025

Authorising Officer sign/initial Adrian Smith Date: 16/06/2025