Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

HRA/25/0009
St Marks Court, Chart Way, Horsham, West Sussex

DESCRIPTION:

Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/24/0819

RELEVANT PLANNING HISTORY:

DC/24/0819	Change of use to convert the building into 195 residential dwellings comprising 58 x 1 bedroom 1 person, 115 x 1 bedroom 2 person, 12 x 2 bedroom 3 person and 10 x 2 bedroom 4 person units.	Prior Approval Required and PERMITTED on 29.07.2024

STATUTORY BACKGROUND

The Conservation of Habitats and Species Regulations 2017
The Town and Country Planning Act 1990

ASSESSMENT

Prior Approval (DC/24/0819) was granted on 29.07.2024 for the following:

Change of use to convert the building into 195 residential dwellings comprising 58 x 1 bedroom 1 person, 115 x 1 bedroom 2 person, 12 x 2 bedroom 3 person and 10 x 2 bedroom 4 person units.

An informative was attached to the consent that advised the applicant that the decision relates solely to whether the Prior Approval of the Local Planning Authority was required. It did not confirm that the proposal represented Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water abstraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site, following the publication of their Position Statement (September 2021).

Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended states that planning permission for development described as permitted development in Schedule 2 is granted subject to the provisions of the Order, and Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 75 of the Habitat Regulations states that it is a condition of any planning permission granted by a general development order (such as the GPDO) that development likely to have a significant effect on a European Site 'must not be begun' until the developer has received written notification of the approval of the local planning authority under Regulation 77.

Regulation 76 provides that an applicant may first apply in writing to the appropriate nature conservation authority for its opinion as to whether their development is likely to have a relevant effect.

This present application represents a submission under Regulation 77 of the Habitat Regulations for the Council's confirmation as to whether or not the proposal would have an adverse effect on the integrity of the designated areas Arun Valley sites.

Regulation 77(1) of the Habitats Regulations states that an application must be made to the Local Planning Authority and for the purposes of its consideration, the Local Planning Authority must assume that the development is likely to have a relevant affect (2). As per Section (3) of the Regulation, the appropriate nature conservation body (in this case, Natural England) must be consulted on the application. Where the nature conservation body does not consider that the development is likely to have a relevant affect, their representation must be forwarded to the applicant (4 and 5).

Regulation 77(6) states that *'In any other case in which the application has been sent to the appropriate nature conservation body, the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.* Regulation 77(7) then states that: *In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.* Conversely, if it cannot be ascertained that the development would not result in an adverse effect, the local planning authority may refuse the application.

Prior approval consent DC/24/0819 was granted on 29.07.2024 for the following:

'Change of use to convert the building into 195 residential dwellings comprising 58 x 1 bedroom 1 person, 115 x 1 bedroom 2 person, 12 x 2 bedroom 3 person and 10 x 2 bedroom 4 person units.'

The building is currently occupied as an Office for multiple businesses, and has been so since the development was completed in the early 1990s.

Owing to the age and size of the building, in addition to the multiple occupancies, metered bills have not been provided. The submitted water neutrality statement indicates an average occupancy for the use of 1,146 people (2022/23) and 1,065 people (2024). A BREEAM calculator has been provided for the use, providing a water demand of 48.39lpd, totalling 30,775.74 and 26,855.74l/d respectively. On the basis of the information provided, an average of **28,815.24l/d** has been calculated as the average water demand for the existing use of the building.

As per the description of the prior approval scheme, consent was granted for the conversion of the building to 195 dwellings with a housing mix of 173x one-bedroom units and 22x two-bedroom units. The submitted strategy includes a Part G calculator for dwellings with a shower (89lpd) and with a bath (92.9lpd). The Council's average occupancy has been applied for one and two bedroom dwellings (1.32 and 1.88 persons respectively), providing for an overall average occupancy of 269.72 people. With the above Part G calculations and average occupancy in mind, the following breakdown of each unit type is detailed at 3.2 of the statement:

26 No. Studio (bathroom) – 34.32 occupants x 92.29 litres/person/day = 3,167.39l
32 No. Studio (shower) – 42.24 occupants @ 89.0 litres/person/day = 3,759.36l
115 1-Bed (bathrooms) – 151.80 occupants @ 92.29 litres/person/day = 14,009.62l
12 2-Bed (ensuites) – 22.56 occupants @ 89.0 litres/person/day = 2,007.84 l
10 2-Bed (2 bathrooms) – 18.8 occupants @ 92.29 litres/person/day = 1735.05 l

The total water demand for the proposed converted use can therefore be calculated as **24,679.26l/d**.

With the above in mind, the applicant has demonstrated that the proposed use would comprise a water demand lower than that of the existing. Provided that the development is undertaken with the Part G calculations detailed within the submitted water neutrality statement, mitigations and a legal agreement

would not be required. The granted prior approval consent can therefore be screened out from significant effect on the protected sites as detailed above.

Recommendation: Application Permitted

NOTE TO APPLICANT
The works to convert the office building into 195x dwellinghouses granted under Prior Approval consent DC/24/0819 permitted on 29.07.2024 shall be undertaken in strict accordance with the submitted Water Neutrality Assessment (received by the Council on 25.06.2025).

Plans list for: HRA/23/0012
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location Plan	LOCATION		03.03.2025
Supporting Statement	WATER NEUTRALITY STATEMENT		25.06.2025

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 30.06.2025

Authorising Officer sign/initial Tamara Dale Date: 08.08.2025