Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/25/0005
Units 9 and 10, Laura House, Jengers Mead, Billingshurst, West Sussex, RH14 9NZ

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/25/0019

RELEVANT PLANNING HISTORY:

DC/25/0019	Prior notification for the change of use from offices (Class B1) to residential (Class C3) to form 2 no. self contained flats	Prior Approval Required and PERMITTED on 03.03.2025

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

CONSULTATION
Natural England: No objection to the proposed water strategy with a legal requirement secured.

ASSESSMENT
Prior Approval (DC/25/0019) was granted on 03.03.2025 for the following:

Prior notification for the change of use from offices (Class B1) to residential (Class C3) to form 2 no. self contained flats

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 and 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 effect (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) the 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

Class MA prior approval consent DC/25/0019 was granted on 03.03.2025 for the conversion of two office units into two self-contained one-bedroom residential flats. Such change of use would result in a less intensive occupation, as well as a less intensive use of water.

According to the water neutrality statement received by the Council on 20.01.2025, the anticipated staff occupancy is 4.16 per office unit. With an active use floor area being 37.5 square metres per unit, using the BREEAM model taking into consideration existing fixtures, the total combined modelled consumption is 48.18 l/p/d. Based on the anticipated staff occupancy of 4.16 per unit, the two office units subject to this consent have a combined estimated existing baseline consumption of 401 l/d (48.19 l/p/d x (4.16 x 2)).

It is noted that there is a difference in calculation of existing baseline, as the Council, using OffPAT's estimation of employment densities, each member of staff (Full-Time Equivalent) in 'General Offices' requires 12 square metres. calculated the total combined modelled consumption as approximately 302 l/d, 99 litres lower than the water neutrality statement submitted by the applicant.

However, the two office units would be converted to residential units under Prior Approval consent DC/25/0019. Residential uses are considered of a use less intensive than offices. Using Horsham District Council's average occupancy rate of 1.32 in each one-bedroom dwelling, the development would have an estimated occupancy of (1.32 x 2) = 2.64 people.

The Part G Water Calculation has been used to calculate the proposed water demand. Having proposed to use Performance Level 3 fixtures and fittings according to the BREEAM guidance, there would be an estimated use of 83.7 l/p/d. The total proposed estimated consumption would therefore be 221 l/d (83.7 x 2.64).

Despite differences in calculation of the existing baseline water consumption between the applicant and the Council, with an estimated proposed consumption being 221 l/d, the proposed water use would be water negative. The proposal under DC/25/0019 would be water neutral by virtue of change of use, and the above calculations have demonstrated that the proposal would be water negative.

It is noted that Natural England has raised no objection to the Council's initial proposal to secure a legal agreement for water neutrality. However, it has later been confirmed that the proposal would be screened out from water neutrality as the change of use from office units to dwellings would be water neutral by virtue of change of use.

Therefore, the Local Planning Authority consider that this proposal would not result in a significant adverse impact on the integrity of the Arun Valley SAC, the Arun Valley SPA, and the Arun Valley Ramsar Site. The Council can therefore approve the development under Regulation 75 of the Habitats Regulations.

Recommendation: Application Permitted

NOTE TO APPLICANT
The works to convert Units 9 and 10, Laura House, Jengers Mead, Billingshurst into dwellings under Prior Approval consent DC/25/0019 permitted on 03.03.2025 shall be undertaken in strict accordance with the submitted Water Neutrality Statement (received by the Council on 20.01.2025).

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: HRA/25/0005
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Statement		20.01.2025

DELEGATED

Case Officer sign/initial Joshua Lee Date: 20.03.2025

Authorising Officer sign/initial RHERMITAGE Date: 24.03.2025