Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/24/0010
Land at 523111 138231, The Mount, Ifield, West Sussex,

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/22/1918

RELEVANT PLANNING HISTORY:

DC/22/1918	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 5no dwellinghouses.	Prior Approval Required and PERMITTED on 01.12.2022

STATUTORY BACKGROUND:
The Conservation of Habitats and Species Regulations 2017 (as amended)
The Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:

Natural England: No Objection

HDC Environmental Health: No Objection

PLANNING ASSESSMENT

Approval from the Local Planning Authority is sought pursuant to Regulation 77 of the Protection of Habitats and Species Regulations 2017 (as amended), in respect of development under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), where it was considered that Prior Approval was not required, pursuant to ref: DC/24/0264.

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 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.

The application site falls within the Sussex North Water Supply Zone (the Supply Zone), where mains-water is supplied by way of groundwater abstraction within the Arun Valley. Within its 'Position Statement' of September 2021, Natural England advise that the effects of existing groundwater abstraction within the Supply Zone cannot be objectively demonstrated as compatible with the conservation objectives of a number of habitat sites. As named within the Natural England Position Statement relevant sites include the Arun Valley SAC, SPA and Ramsar sites.

Natural England, within its Position Statement, advise that decisions on planning applications should await the development of a water-neutrality strategy on a strategic basis. In the absence of a strategic solution to achieving water-neutrality within the Supply Zone, Natural England advise that individual plans and projects, where it is critical that these proceed, must demonstrate neutrality in respect of the use of mains-water such as to avoid contribution to the known adverse effect upon the integrity of Arun Valley habitat sites by reason of increased use of groundwater resources.

The development subject of Ref DC/22/1918 involves the Change of Use of Agricultural Building to residential (Use Class C3) to form 5no dwellinghouses. As set out in the water neutrality strategy Rainwater Harvesting is proposed to be installed to meet 100% of the water demand for both potable and non-potable water.

The water demand for the entire development and allowing for 35 days of drought tolerance would be 29,054 litres. The water demand for the development per unit and allowing for an extended period of 60 days of drought tolerance would be 42,108 litres. The total available rainwater yield for the development based on available roof area and allowing for 35 days of drought tolerance would be 32,875 litres. The total available rainwater yield for the development based on available roof area and allowing for an extended period of 60 days of drought tolerance would be 56,161 litres.

The available rainwater yield being in excess of the demand such that the development can be supplied by way of rainwater harvesting subject to the quality of the supply being maintained. The development would require a rainwater harvesting tank with a minimum storage capacity of 42,108 litres. It is proposed to install three 15,000 litre potable rainwater harvesting tanks (totalling 45,000 litres of storage).

Based on the above figures the rainwater harvesting system will meet the water demand for the site and will meet the required 35 days of storage, sufficient supply during periods of drought. Where drought periods extend beyond 35 days, the rainwater harvesting system will allow for up to 60 days of drought tolerance and so there is no need for an automatic mains backup. This will ensure that sufficient water is available at all times, even during extended periods of drought.

<u>Filtration Measures proposed to ensure water is potable</u>
The rainwater harvesting supply will undergo a process of filtration to create potable water. The system will incorporate suitable treatment in accordance with drinking water regulations, to ensure that the

water quality is suitable for its intended use, delivered via a free flush Hydroinfinity unit installed into each unit. The units come with a service and maintenance agreement which the applicant will enter in to. Water usage would be recorded by water meter.

Maintenance and Management Plan - The Occupants are to enter into a service and maintenance agreement. annual samples are tested as part of the maintenance contract, as the water is potable to ensure the water remains safe to drink.

Treatment of water supply – Water Supply (Water Quality) Regulations 2016 compliance will be ensured through: preliminary treatment and ongoing systems to ensure the water quality is suitable for the intended use. Contingency measures for system issues are through use of bottled water for a period should the system fail.

The rainwater harvesting system proposed is considered to provide a sufficient yield to meet the water demands of the site with the proposed filtration system providing water quality and the proposed management and maintenance contract for the lifetime of the development to ensure the proposal will be water neutral to the satisfaction of officers. Natural England have been consulted on this basis.

The HDC Environmental health department has been consulted and confirm acceptability of the supply arrangements. For the avoidance of doubt the applicant has also provided an updated drawing (Appendix 6 of the WNS) showing the layout of the system and specifically how the three rainwater stage tanks will supply the 5 properties and clarified details of the first flush filters to be installed.
As a shared distribution system is to be used, the water supply will require registration and inspection as set out in the private water supply regulations and DWI Technical Guidance. An Informative is advised.

The project will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar site, either alone or in combination with other plans and projects. Therefore, the Local Planning Authority consider that the 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

INFORMATIVE - Environmental Health
As a shared distribution system is to be used, the water supply will require registration and inspection as set out in the private water supply regulations and DWI Technical Guidance.

NOTE TO APPLICANT
The works to convert the agricultural building into 5 dwellings granted under Prior Approval consent DC/22/1918 permitted on 01.12.2022 shall be undertaken in strict accordance with the submitted Water Neutrality Assessment (received by the Council on 18.12.2024).

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/24/0010
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	2209HI_R0_000 R0	05.08.2024

Block plan	Proposed Block Plan	2209HI_R0_001 R 0	05.08.2024
Elevation plan	Existing & Proposed Plans and Elevations	2209HI_R0_200 R0	05.08.2024
Supporting Statement	WATER NEUTRALITY REPORT and WATER MANAGEMENT PLAN - Updated		18.12.2024

DELEGATED

Case Officer sign/initial Steve Astles Date: 18.12.2024

Authorising Officer sign/initial RHERMITAGE Date: 23.12.2024