Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/25/0002
50 Springfield Road, Horsham, West Sussex, RH12 2PD

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/24/1584

RELEVANT PLANNING HISTORY:

DC/24/1584	Prior Notification for the Change of Use from Office (Use Class E) to 1x 1 bedroom and 1x 2 bedroom flats (Use Class C3).	Prior Approval Required and PERMITTED on 05.12.2024

STATUTORY BACKGROUND

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

CONSULTATION

Natural England: No Objection

ASSESSMENT

Prior Approval (DC/24/1584) was granted on 05.12.2024 for the following:

Prior Notification for Change of Use from Office (Use Class E) **to 1x 1 bedroom and 1x 2 bedroom flats (Use Class C3).**

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.

An amendment was requested to the submitted WNS to ensure that the baseline figures were reflective of the site situation in terms of the number of members of staff that had previously occupied the office. It is noted that in recent months the office has been vacant with no members of staff and metered water bills were not able to be retrieved from the previous owner.

The baseline figures were outlined as 332.39 litres per day which were arrived at through consideration of the flow survey conducted and the number of the members of staff. The Offpat calculations show that the office would have had approximately 9 members of staff. This would result in a usage of 36.92 litres per person per day.

The proposed dwelling would have three bedrooms such that the occupancy would be 2.47 people. The Part G calculator shows a per person per day usage of 91 litres. The total usage for the proposed development from 91 litres p/p/d * 2.47 would be 224.77 litres per day.

The flow rates within the Part G are considered mitigations. However given that the development would have to be compliant with Building Regulations in any case, the development would be water neutral without securing the mitigation through legal agreement. This is considered given that the average occupancy when multiplied by a per person per day usage of 125 litres would result in a total usage of 308.75 litres per day. This would therefore be water neutral as 308.75 litres is less than the existing 332.39 litres per day regardless of whether the development would have a per person usage of 91 litres per day as within the WNS or whether the applicant chooses to solely comply with Building Regulations. With the above in mind, Officers are content that the proposal would be water neutral. The HRA can thus be granted.

An Appropriate Assessment was prepared on this basis and Natural England have raised no objection to the assessment, with the consultation response received concurring with the above view. 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. No legal agreement is necessary. 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

Plans list for: HRA/25/0002

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Statement		23.01.2025
Location plan	Location Plan		20.12.2024
Elevation plan	Existing & Proposed Elevations		20.12.2024
Floor plan	Proposed Floor Plans		20.12.2024
Block plan	Block Plan		20.12.2024
Floor plan	Existing Floor Plans		20.12.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 10/03/2025

Authorising Officer sign/initial RHERMITAGE Date: 29.04.2025