Planning Department
Horsham District Council
Albery House
Springfield Road
Horsham
West Sussex
RH12 2GB

2nd October 2026

Ref. SP26-1097

Dear Sir/Madam,

Town and Country Planning Act 1990 – Section 96A
Non-Material Amendment to Planning Permission DC/25/1266
Development at Hurst Road, Horsham, West Sussex, RH12 2DN

Simply Planning Limited (*'SPL'*) are instructed by our client, City Construction Group (*'the Applicant'*), to submit the enclosed Non-Material Amendment application to Horsham District Council ('*the Council*') in respect of the Development at Hurst Road, Horsham, West Sussex, RH12 2DN ('*the site'*).

The application is made under Section 96A of the Town and Country Planning Act (1990). It seeks a Non-Material Amendment (*'NMA'*) to Planning Permission Ref. DC/25/1266, which was approved by the Council on 16th April 2026. The planning permission granted the following development.

"Demolition of All Existing Buildings and the Erection of a Care Home (Class C2)."

By way of background, the permission is subject to a total of 27 conditions. This Non-Material Amendment Application seeks to vary Condition 5 (Land Contamination), 6 (Borehole Management Scheme), and 9 (Noise Mitigation and Mechanical Ventilation) of that permission.

Alongside this Covering Statement, the application is also supported by a completed application form.

The planning application fee will be paid via the Planning Portal upon submission of the application. As such, we consider that all national and local validation requirements have been met and the application can be validated accordingly.

Planning Policy Context

Section 96a of the Town and Country Planning Act 1990 (as amended) relates to the power to make non-material amendments to planning permission. Subsection (1), (2) & (3) of S96a states as follows:

(1) A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission or permission in principle as originally granted.

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(3) The power conferred by subsection (1) includes power to make a change to planning permission –

(a) to impose new conditions

(b) to remove or alter existing condition. (SPL Emphasis Added)

Therefore, section 96a clearly permits the alteration of an existing condition attached to a planning permission, should be resultant approval have a non-material affect on the development.

Proposed Amendments

This application seeks a non-material amendment to planning permission Ref. DC/25/1266 to vary the wording of Conditions 5, 6, and 9.

The amendments to Condition 5 and 6 are proposed to revise the trigger points of these conditions so that the demolition of existing buildings and structures can commence on the site.

Demolition is required to facilitate intrusive ground investigation, including borehole drilling and testing. This cannot currently be started as parts of the existing building must first be removed so that the drilling rig can access the areas of the site that require testing. It is therefore proposed that the trigger for Conditions 5 and 6 be amended to allow for demolition to take place.

This approach has been agreed in principle with the Council's Environmental Health Officer. In addition, the Environment Agency in its consultation response to application Ref. DISC/26/0217 (provided at Document 1), confirmed that:

"Demolition works may be required to adequately undertake any ground investigation. If required, we would support rewording any pre-commencement condition to allow associated demolition work required to gain access to relevant areas of the site".

As such, it is considered that this amendment is required to allow for the necessary site investigation works to take place.

The proposed amendment to Condition 9 would move its trigger point to a later stage of the build programme, allowing for works to commence on site. This is proposed as the scheme required by the condition will depend on the final glazing specification, which cannot be confirmed until a later stage of the development.

A summary of the existing and proposed wording of the conditions is provided below.

Amendment to Condition 5

Condition 5 is currently worded as follows:

*"**Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including, but not limited to, asbestos, hydrocarbon and per- and poly-fluoroalkyl substances (PFAS) contamination), of the site to be submitted to and approved, in writing, by the local planning authority:*

(a) A preliminary risk assessment which has identified:

- *all previous uses*
- *potential contaminants associated with those uses (including, but not limited to, asbestos, hydrocarbon, and PFAS contamination).*
- *a conceptual model of the site indicating sources, pathways and receptors*
- *potentially unacceptable risks arising from the contamination at the site.*

The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

As set out above, the current wording prevents site intrusive works to take place. It is therefore requested that Condition 5 be amended to read as follows:

No development (other than demolition), shall commence until the following components of a scheme to deal with the risks associated with contamination, (including, but not limited to, asbestos, hydrocarbon and per- and poly-fluoroalkyl substances (PFAS) contamination), of the site to be submitted to and approved, in writing, by the local planning authority:

(d) A preliminary risk assessment which has identified:

- *all previous uses*
- *potential contaminants associated with those uses (including, but not limited to, asbestos, hydrocarbon, and PFAS contamination).*
- *A conceptual model of the site indicating sources, pathways and receptors*
- *Potentially unacceptable risks arising from the contamination at the site.*

The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(e) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(f) *Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.*

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

The revised wording will allow for demolition works to commence, enabling the intrusive site investigation to be carried out.

Amendment to Condition 6

Condition 6 is currently worded as follows:

Pre-Commencement Condition: *The development hereby permitted may not commence until such time as a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority.*

The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post development, for monitoring purposes will be secured, protected and inspected.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

The scheme will need to include the following:

i. *Decommissioning Plan to include intended programme/schedule of works and detailed method statement.*

ii. *Borehole Retention Plan to include location, security and protection measures.*

iii. *Verification report for the decommissioned boreholes to include reports of:*

- *the reason for abandonment;*
- *groundwater level prior to decommissioning;*
- *any removal of casing or attempts to remove the casing;*
- *the depth, position and nature of backfill materials;*
- *problems encountered during decommissioning.*

Reason: To ensure the proposed development will not cause unacceptable risk to the environment and in to ensure accordance with paragraph 187 of the National Planning Policy Framework and Position Statement A8 of The Environment Agency's approach to groundwater protection.

As with Condition 5 above, the current wording of this condition prohibits demolition works to commence, which is required for an intrusive site investigation. It is therefore requested that Condition 6 be amended to be read as follows:

No development (other than demolition) shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post development, for monitoring purposes will be secured, protected and inspected.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

The scheme will need to include the following:

i. Decommissioning Plan to include intended programme/schedule of works and detailed method statement.

ii. Borehole Retention Plan to include location, security and protection measures.

iii. Verification report for the decommissioned boreholes to include reports of:

- *the reason for abandonment;*
- *groundwater level prior to decommissioning;*
- *any removal of casing or attempts to remove the casing;*
- *the depth, position and nature of backfill materials;*
- *problems encountered during decommissioning.*

Reason: To ensure the proposed development will not cause unacceptable risk to the environment and in to ensure accordance with paragraph 187 of the National Planning Policy Framework and Position Statement A8 of The Environment Agency's approach to groundwater protection.

The revised wording will allow for demolition works to commence, enabling the intrusive site investigation to be carried out.

Amendment to Condition 9

Condition 9 is currently worded as follows:

***Pre-Commencement Condition**: Prior to commencement of development (other than demolition), a scheme of noise mitigation and mechanical ventilation sufficient to prevent overheating and maintain thermal comfort shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall be based on the CIBSE overheating position statement and shall demonstrate that CIBSE TM59 methodology has been used and CIBSE TM49 modelling requirements have been suitably considered including consideration of DSY 2 as part of the modelling. Any mechanical ventilation shall then be designed and installed in accordance with the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme shall include but not be limited to:*

(A) The performance details and a glazing plan with supporting technical specifications sufficient to achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and appropriate consideration of LAmax and including details of post construction validation measurements.

(B) Prior to occupation a site visit shall be carried out by a suitably qualified person and a final verification report shall be submitted to and approved in writing by the local Planning authority.

All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: In the interests of the amenities of residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

The current wording of this condition prevents works to commence on site and requires a scheme of noise mitigation and mechanical ventilation to be approved by the Local Planning Authority. Details of glazing, including specifications are unlikely to be known until later in the build programme. It is therefore requested that Condition 9 be amended to be read as follows:

Prior to any works of the development above ground floor level, a scheme of noise mitigation and mechanical ventilation sufficient to prevent overheating and maintain thermal comfort shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall be based on the CIBSE overheating position statement and shall demonstrate that CIBSE TM59 methodology has been used and CIBSE TM49 modelling requirements have been suitably considered including consideration of DSY 2 as part of the modelling. Any mechanical ventilation shall then be designed and installed in accordance with the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme shall include but not be limited to:

(A) The performance details and a glazing plan with supporting technical specifications sufficient to achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and appropriate consideration of LAmax and including details of post construction validation measurements.

(B) Prior to occupation a site visit shall be carried out by a suitably qualified person and a final verification report shall be submitted to and approved in writing by the local Planning authority.

All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: In the interests of the amenities of residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

The revised wording will allow for works to commence on site and the details for the approval of this condition to be submitted later during the build programme for the development.

Material Considerations

The proposed amendments relate solely to the trigger points at which Conditions 5, 6 and 9 must be discharged. For the avoidance of doubt, they do not involve any physical change to the development itself, and the layout, scale, appearance and use of the scheme will remain unchanged.

The revised condition wording does not alter the purpose of the condition or the requirements they impose. Instead, only the trigger points for Condition 5 and 6 are proposed to be amended, to allow for demolition works to commence, which is needed so that intrusive site investigation can take place.

This approach has been agreed in principle with the Council's Environmental Health Officer. Similarly, the proposed amendment to Condition 9 would change only the trigger point of the condition and would not alter its substance.

All three conditions will require the same information to be submitted to and approved in writing by the Local Planning Authority. For these reasons, the proposed amendments are considered to be non-material, and it is respectfully requested that the Local Planning Authority approve this application for a Non-Material Amendment.

Conclusions

We consider that sufficient information has been submitted to allow for this non-material amendment application to be registered by the Council and we look forward to discussing the proposal with your Officers. Should any further information be required to inform the application process, then please do not hesitate to contact use.

Yours faithfully,



Alex Smith

Director

Enc.

Development at Hurst Road, Horsham, West Sussex, RH12 2DN

Planning Statement

Document 1

Environment Agency Consultation Response

creating a better place
for people and wildlife

Environment Agency

Horsham District Council - Development Control
North Street, Horsham, RH12 1RL

Reference: PA-0008957/01
Customer reference: DISC/26/0217
10 August 2026

Application for Approval of Details Reserved by Condition 5 and 6 to approved application DC/25/1266.

Development at Hurst Road, Horsham, West Sussex.

Dear Planning Officer,

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency position

We have reviewed the submitted *Phase 1 Desk Study and Risk Assessment* (Compass Geotechnical, May 2026, J26-035-R01). We do not agree that the contamination conditions have been satisfied and **therefore object to the discharge of Conditions 5 and 6 at this stage**.

The submitted report is a Phase 1 Desk Study and Risk Assessment and does not provide sufficient evidence to demonstrate that contamination risks have been adequately characterised. The report identifies potential contaminant sources associated with the former fire station use, including heavy metals, PAHs, hydrocarbons, fuels and oils, asbestos, and potential PFAS contamination.

The report specifically acknowledges uncertainty regarding contamination associated with fire training activities and states that the extent of any potentially contaminative activities associated with the use of chemicals such as PFAS is unknown and cannot be wholly discounted. The report also concludes that the possible use of PFAS at the site cannot definitively be ruled out. Given the period during which the station was operational, and the widespread use of PFAS-containing firefighting foams since the mid to late 1970s, we consider there to be significant potential for PFAS to have been stored and used for training purposes at the site.

We have particular concerns regarding PFAS at this site given:

- Its strong association with firefighting foams and sites where these materials have been stored or used.
- Its known long-term persistence in the environment.
- Its ability to be retained within concrete surfaces and subsequently leach out over time.
- Its potential mobility in groundwater should it reach the water table.
- The very stringent environmental standards that apply to PFAS compounds (for example, the Environmental Quality Standard for PFOS in freshwater is 0.0004 µg/l).

Given the former fire station use and the recognised potential for PFAS contamination, we consider that PFAS must be included within the scope of any future site investigation. The contamination conditions should not be discharged until sufficient evidence has been provided to demonstrate that PFAS risks to controlled waters have been appropriately assessed. This will almost certainly require suitably rigorous soil and groundwater testing.

The report further identifies groundwater beneath the site as a High Vulnerability Secondary Aquifer and assigns groundwater a sensitivity classification of H1 (Very High). We also can see that some of the photographs appear to show cracking within the concrete hardstanding, which could provide potential pathways for contamination, including PFAS.

The proposed development includes a groundwater abstraction borehole and the information submitted identifies that such a borehole has already been installed on site. The report does not adequately consider whether potential historic contamination associated with the former fire station use, including PFAS, could affect the quality of water abstracted from this borehole. This further reinforces the need for an appropriately scoped intrusive investigation, including PFAS analysis, before contamination risks can be considered to have been adequately characterised. We would highlight that if any borehole is proposed to be utilised for potable water, then this site will be designated as a Source Protection Zone 1 and significantly increase the risk profile.

We note that the report identifies two stormwater interceptors within the site. However, the submitted information does not adequately demonstrate where these interceptors discharge or whether soakaways are present, either in association with these interceptors or elsewhere on the site. Consequently, potential contaminant migration pathways to controlled waters remain uncertain and the conceptual site model has not been sufficiently verified. No information has been provided regarding the condition of the interceptors, maintenance history, whether they remain in use, or whether they

contain potentially contaminated sediments or residues. Given the historic use of the site as a fire station, the interceptors may represent potential secondary sources of contamination and should be appropriately investigated as part of any future intrusive works.

Importantly, the report recommends intrusive investigation works, including boreholes to establish the thickness and extent of Made Ground, assessment of the ground gas regime, and laboratory testing for contamination. The report also recommends laboratory analysis for heavy metals, speciated PAHs, total petroleum hydrocarbons and asbestos, and notes that groundwater sampling may be required where groundwater is encountered. The report further advises that additional drilling and testing may be required should contamination be identified. We support these recommendations. However, the scope must also include soil and groundwater testing for PFAS.

As the submitted report itself recommends further investigation and identifies unresolved uncertainties relating to contamination sources, PFAS, groundwater and contaminant pathways, we consider that the contamination risk assessment remains incomplete. Accordingly, we recommend that the Local Planning Authority does not discharge any part of contamination condition(s) until a site investigation has been undertaken, the identified uncertainties discussed above have been resolved, and the findings have been submitted in a subsequent interpretative risk assessment for review by us.

Demolition works may be required to adequately undertake any ground investigation. If required, we would support rewording any pre-commencement condition to allow associated demolition work required to gain access to relevant areas of the site.

If you have any questions regarding our response, please contact planningssd@environment-agency.gov.uk.

Yours sincerely,

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