Horsham District Council

Mr Alex Smith
Simply Planning
302 Creative Quarter
8a Morgan Arcade
Cardiff
CF10 1AF

Application Number: DC/26/1581

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: C/O Agent

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Non Material Amendment to previously approved application DC/25/1266 (Demolition of All Existing Buildings and the Erection of a Care Home (Class C2)) to vary wording of conditions 5, 6 and 9.

Development at Hurst Road, Horsham, West Sussex

to be carried out in accordance with Application No. PP-15268545 as amended by application No. DC/26/1581 submitted to the Council on 02/10/2026 (as modified by relevant conditions, if any) and subject to compliance with the plans/documents and conditions specified.

Emma Parkes
Head of Development and Building Control

Date: 30/10/2026

Amended Condition 5:

5 **Pre-Commencement Condition (other than demolition):** 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 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 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).

Amended Condition 6:

6 **Pre-Commencement Condition (other than demolition):** No development (other than demolition), shall 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 records 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.

Amended Condition 9:

9 **Pre-Commencement (Slab Level) Condition:** Prior to any works above slab 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).

Note to Applicant:
This decision only relates to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. The two documents should be read together.

Note to Applicant:
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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions
The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance
Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

Right of Appeals
There is no right of appeal against refusal of an application for a non-material amendment, or against conditions imposed. This is because non-material amendments are not covered the relevant legislation which sets out which types of application can be appealed (section 78 of the 1990 Town and Country Planning Act).

If you are aggrieved by the decision to refuse permission for your application, or to grant it subject to conditions, you would need to submit a planning application to seek approval for the proposed amendments. Please speak to your Case Officer for more details.