Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0773
Kingsmead Nursing Home, Crawley Road, Horsham, West Sussex, RH12 4RX

DESCRIPTION:
Non Material Amendment to previously approved application DC/24/1010 (Demolition of the existing buildings and erection of an 80-bedroom specialist dementia care home (Use Class C2) together with a retained access from Crawley Road and associated car and cycle parking and landscaping) Minor changes to the approved care home design.

RELEVANT PLANNING HISTORY:

DC/24/1010	Demolition of the existing buildings and erection of an 80-bedroom specialist dementia care home (Use Class C2) together with a retained access from Crawley Road and associated car and cycle parking and landscaping.	Application Permitted on 08.04.2025

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 18 - Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Neighbourhood Plan:
The North Horsham Parish Council voluntarily withdrew from the Neighbourhood Development Plan process on 30th July 2018

Planning Advice Notes:
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

No consultations are mandatory for Non-Material Applications under s96A.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT
The main consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission. New conditions can be added or existing ones altered.

The submission clarifies the following amendments:

- **Reduced footprint - Slight adjustments to the building layout are contained within the approved building lines and result in a marginal reduction in the footprint of the building. The building is pulled in from each of the site boundaries, to the north by 0.4 metres, to the east by 1.2 metres and to the west by 1.8 metres.**
  The east-facing elevation (rear) is pulled back from the boundary with No's 65 – 75 and No.85 Sycamore Avenue by between 0.7m – 1.5m. The fenestration along this elevation remains largely as the approved scheme, with the exception of the windows in the north-eastern section, which shift in relation to the relocated gable feature.

  The gable features facing north-west at the front elevation of the building become slightly deeper when compared to the approved gable features, increasing by a depth of around 1m for the central one and 0.1m for the flanking gables. However, on account of the building lines pulling back in relation to Crawley Road they would be set back behind the building line of the northern row of listed cottages (Fernbank, Old Timbers and Oak Tree Cottage). The amended building line would be pulled back from the Crawley Road boundary by between 3.8m and 1.8m from its approved line. The fenestration arrangement to this elevation remains as per the approved details.

  The north elevation in part, is pulled back from its approved line by some 0.25m and the building lines shift eastwards slightly by around 1.6m.

Overall, the fenestration arrangement along this northern elevation retains the approved relationship of the bays and set-backs, but the whole elevation shifts westwards to accommodate the revised building lines. Although there is no north-facing side window to the bedroom at first-floor, the north-facing side window to the communal hallway, labelled as a 'Destination' (sitting area for residents) shifts eastwards to a point whereby it is now past the rear building line of Fernbank, set some 8.6m off the shared boundary line. This raises the potential of increased overlooking to the neighbouring residential property (Fernbank), which was previously at more of an oblique angle.

The north elevation alongside No's 87 and 99 Sycamore Avenue is pulled back by around 0.45m and shifts marginally to the west by 0.6m – 0.7m. As per the approved scheme, the north-facing windows remain unopenable and frosted up to a height if 1.7m above the internal FFL.

The south-facing (entrance) elevation does not change its building line, but the position of the gable-end features shift eastwards along the façade by some 1.4m. The fenestration arrangement across this section of the elevation does not change from the approved.

- **Bedroom and ensuite layouts amended - revised split in the ratio of standard and premium bedrooms from 60:40 to 80:20.**
  It is noted that the number of bedrooms remains as per the approved development description.

- **A slight projection forward of two bay windows on the southern elevation**
  The southern building lines facing Lynmead House shift eastwards by around 1.6m, with the two projecting bay features increasing in depth by some 0.6m and also moving eastwards along the façade by around.

  The fenestration arrangement across this section of the elevation does not change from the approved, but, on account of the changes to the footprint of the building, the eastward shift, and the increased depth of the gables, the first-floor windows therefore would be closer to the common boundary with Lynmead House, and beyond the rear building line of this neighbouring property. This raises the potential of increased overlooking to the neighbouring residential property (Lynmead House), which was previously at more of an oblique angle and distance.

- **A small adjustment (reduction) to the length of the main building elevation, moving this further away from the eastern and western boundaries.**
  This is noted to decrease from 86m to 83m.

- **A subtle repositioning of the gables in the north-west wing of the proposed building (on both sides) to open-up the external space at the corner of the two facades**.
  The projecting gable facing north-west into the garden remains of the same dimensions to the approved gable feature, but shifts further north along the elevation by 4m. The fenestration arrangement shifts with the re-positioned gable, but window positions remain broadly as per the approved positioned relative to the building lines.

- **The repositioning of the rooflights on the south-west wing of the proposed building to reflect changes made to the internal layout.**
  The number of rooflights along the eastern roof slope remains at 6, and they remain broadly comparable in terms of the approved locations. Furthermore, they remain of the same size to the approved rooflights

It is noted that the height of the main element of the building is stated becomes 0.01m (1cm) higher, which is considered to be an insignificant amount.

In assessing the cumulative amendments proposed, officers note that the broad design of the approved building would not change, nor would it lead to the introduction of additional windows over and above those approved within the consented scheme. Furthermore, the description (operational) part of the

approved development would not change. The resulting development would therefore retain the substance of the original consent.

However, whilst many of the proposed changes may be considered non-material on an individual basis, cumulatively, they would involve every elevation of the building, along with a footprint re-size in all directions. This would alter the scale of the building and as a result of the proposed changes, a number of first-floor window positions would move leading to a change in the relationship with the two adjacent properties to the north and south and the potential for an increased sense of overlooking to these properties.

Officers therefore consider that the cumulative amendments would create a degree of change that is considered material from that permitted under DC/24/1010, including raising the potential for an increased impact to the two neighbouring properties.

As the proposal would materially impact on the appearance of the buildings the amendments are not therefore considered to be non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Refused

Reason for Refusal:

1. The proposed alterations to the previously approved development represent a level of change greater than can be considered as a non-material amendment under Section 96A of the Town and County Planning Act 1990.

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: DC/25/0773
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Section plan	SECTIONS - SHEET 2/2	21 REV D	09.05.2025
Elevation plan	ELEVATIONS - SHEET 1/3	30 REV D	09.05.2025
Elevation plan	ELEVATIONS - SHEET 2/3	31 REV D	09.05.2025
Elevation plan	ELEVATIONS – SHEET 3/3	32 REV E	09.05.2025
Supporting Statement	Design	NONE	09.05.2025
Layout plan	GENERAL ARRANGEMENT PLAN	0001 REV P06	09.05.2025
Layout plan	SITE LAYOUT	01 REV G	09.05.2025
Block plan	BLOCK PLAN	05 REV G	09.05.2025
Location plan	LOCATION PLAN	04 REV D	09.05.2025
Floor plan	GROUND FLOOR PLAN	15 REV F	09.05.2025

Floor plan	FIRST FLOOR PLAN	17 REV F	09.05.2025
Floor plan	SECOND FLOOR PLAN	16 REV F	09.05.2025
Roof plan	ROOF PLAN	18 REV F	09.05.2025
Section plan	SECTIONS - SHEET 1/2	20 REV D	09.05.2025

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 12.06.2025

Authorising Officer sign/initial Adrian Smith Date: 12/06/2025