Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/26/1581
Development at, Hurst Road, Horsham, West Sussex,

DESCRIPTION:
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.

RELEVANT PLANNING HISTORY:

DC/25/1266	Demolition of All Existing Buildings and the Erection of a Care Home (Class C2)	Application Permitted on 16.04.2026
DISC/26/0217	Application for Approval of Details Reserved by Condition 5 and 6 to approved application DC/25/1266	Withdrawn Application on 05.10.2026
DISC/26/0263	Approval of details reserved by conditions 4 and 8 to approved application DC/25/1266	Application Permitted on 26.10.2026
DISC/26/0300	Application for Approval of Details Reserved by Condition 3 (Construction details) to approved application DC/25/1266	Application Permitted on 14.10.2026
DISC/26/0327	Application for Approval of Details Reserved by Condition BNG to approved application DC/25/1266	Under Consideration

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)
Policy P2: Ground conditions
Policy 3: Living conditions and pollution

Horsham District Planning Framework (2015):
Policy 24- Environmental Protection
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles

Horsham Blueprint Neighbourhood Plan (2022):
HB5: Energy Efficiency and Design

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

Consultations:
HDC Environmental Health: No Objection
No objections to the proposed amendments to the wording of conditions 5, 6 and 9.

Environment Agency: Advice
The Environment Agency have previously provided a comment under discharge of condition application DISC/26/0217 outlining the need for intrusive investigation and confirming that the EA would support rewording any pre-commencement condition to allow associated demolition work required to gain access to relevant areas of the site.

Parish Comments:
None received.

Representations:
None received.

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.

Conditions 5 and 6
Condition 5 requires a scheme to deal with the risks associated with contamination. Condition 6 requires a scheme for the management / decommissioning of the on-site borehole. The proposal seeks to vary wording of conditions 5 and 6 to amend the discharge triggers from ‘pre-commencement’ to ‘pre-commencement (other than demolition)’. This would in effect allow the applicant to demolish the existing buildings prior to discharging conditions 5 and 6.

The applicant is seeking to vary these conditions as demolition of the existing building is required, at least in part, to undertake the necessary contamination investigations. The Environmental Health Team have no objection to these amendments. The Environmental Agency have also confirmed they have no objection to these amendments within a previous comment received under discharge of condition application DISC/26/0217.

Officers are therefore satisfied that the amendment of these conditions is required to allow a full investigation of the site, this would not impact the function of the condition and would not give rise to any other material impacts. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Condition 9
Condition 9 requires a scheme of noise mitigation and mechanical ventilation. The application seeks to vary wording of conditions 9 to amend the condition discharge triggers from ‘’pre-commencement (other than demolition)’ to ‘Prior to any works of the development above slab level’.

In this instance it is not considered that development to slab level would impact the ability to discharge this condition or to implement an acceptable scheme of noise mitigation and mechanical ventilation. The Environmental Health Team have also raised no objection to this amendments.

Officers are therefore satisfied that the amendment of this condition would not impact the function of the condition and would not give rise to no other material impacts. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Summary
The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

Conditions:

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).

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.

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

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/26/1581
(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

DELEGATED

Case Officer sign/initial Sam Whitehouse Date: 30/10/2026

Authorising Officer sign/initial Adrian Smith Date: 30/10/2026

/