



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/26/0012

Mowbray Development Site, Old Holbrook, Horsham, West Sussex,

DESCRIPTION:

Discharge of S106 obligation (DC/16/1677) relating to the Phase 2 Reserved Matter Parcel Plan (Schedule 3 part 2 clauses 1 and 2)

RELEVANT PLANNING HISTORY:

DC/16/1677	Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure	Application Permitted on 01.03.2018
DC/19/0984	Non material amendments to approved application DC/16/1677 (the North Horsham Development site) for amendments to the wording of conditions 5,7,8,9,11,12,13,14,16,17,18,19,22,28, 31 & 54 and the introduction of a new condition to enable the Principal Access Works to come forward	Application Permitted on 12.06.2019
DC/21/0181	Non Material Amendment to condition 2 of DC/16/1677 (Outline planning permission for Land North of Horsham strategic site) to amend all parameter plans.	Application Permitted 12.03.2021
S106/24/0004	Discharge S106 obligation (DC/16/1677) relating to Phase 2 Reserved Matter Parcel Plan (Schedule 3 part 2 clauses 1 and 2)	Application Permitted 16.05.2024

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy SD1: Strategic Policy: Land North of Horsham

Policy 32 – Strategic Policy: The Quality of New Development

Policy 33 – Development Principles

Neighbourhood Plan:

The Mowbray site covers the parishes of North Horsham and Rusper. North Horsham Parish has withdrawn its neighbourhood plan designation.

Rusper Parish Neighbourhood Plan has been through examination and has been approved through a referendum. The relevant policies are as follows:

- Policy RUS1: Spatial Plan

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:

None received.

Parish Comments:

North Horsham Parish: No objection.

Representations:

None received

HUMAN RIGHTS

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

Consent is sought to approve the details required by Schedule 3, Part 2 of the s.106 Agreement under DC/16/1677. This is in relation to the 'Liberty Land' at Phase 2. 'Liberty Land' is now under the control of Legal & General. This is a resubmission of a previous approval under S106/24/0004.

Schedule 3, Part 2:

This part states the following:

"1. *Prior to:*

1.1 *Commencement of Development on the Liberty Land within a Phase; and*

1.2 *Submission of the first Reserved Matters Application and any Affordable Housing Delivery Scheme in relation to the Liberty Land within that Phase the Owners of that Phase within the Liberty Land shall submit to and obtain the approval of the District Council to a RM Parcel Plan relating to the whole of the Liberty Land within that Phase.*

2. *The Owners covenant not to:*

2.1 *Commence Development within the Liberty Land on a Phase; nor*

2.2 *submit a first Reserved Matters Application nor any Affordable Housing Delivery Scheme in relation to the Liberty Land within a Phase Until the RM Parcel Plan relating to the whole of the Liberty Land within that Phase has been approved in writing by the District Council."*

The 'RM Parcel Plan' is defined in the legal agreement as follows:

'RM Parcel Plan' means a plan showing the whole of the Liberty Land within the relevant Phase to which the plan relates and which shall also show:

- (a) each proposed Reserved Matters Area within the Liberty Land to which the RM Parcel Plan relates

- (b) the approximate number of Housing Units that it is proposed to submit for Reserved Matters Applications for within each Reserved Matters Area
- (c) the tenure of the Affordable Housing Units to be provided within each Reserved Matters Area and
- (d) the percentage of Affordable Housing Units to be provided in each Reserved Matters Area within the land to which the RM Parcel Plan relates PROVIDED THAT nothing shall require every Reserved Matters Area to contain Affordable Housing Units so long as the percentage of Affordable Housing Units to be delivered across the land to which the RM Parcel Plan relates equates to the percentages set out in paragraph 1.1 of Part 1 of Schedule 3 AND PROVIDED FURTHER THAT the Clustering Requirements shall be adhered to in relation to the proposed numbers of Affordable Housing Units within any Reserved Matters Area
- (e) shall identify the areas of Donor Land in Phase 2
- (f) shall identify areas for Private Rent Units and Phase 2 Custom and Self Build Housing.'

A Phase 2 Areas Plan has previously been discharged pursuant to the discharge Condition 7 of the OPP under LPA reference DISC/24/0033 (dated 9 April 2024) and the S106 obligation under LPA reference S106/24/0004 (dated 16 May 2024). Under this application, the submitted Reserved Matters Areas Plan (34854 S22 E) has been amended as follows:

- The plan now includes the whole of Sub-Phase 2D and excludes the area falling within the Sports Hub Sub-Phase and other minor boundary adjustments to more closely align with the Phasing Plan (2153A - 507E) approved as part of the outline planning consent.
- The plan absorbs infrastructure approval areas into Reserved Matters Areas 12 and 13.
- The plan provides for the Strategic Landscape Buffer wrapping around the eastern boundary of Sub-Phase 2C (RM Areas 15 and 18).

The covering letter indicates a maximum of 871 units within the Phase 2 Liberty Land. 80 private rented units are proposed in RM Area 12 and 20 self build units in RM Area 18. The submission shows 21.1% provision for affordable homes with the following tenure split:

- Affordable rented: 14.4%
- Shared ownership: 0.3%
- Discount Market: 6.4%

The above is in accordance with the requirements of the legal agreement. In relation to Donor Land, this is defined in the S106 Agreement as *'areas to be identified and located in Phase 2 and Phase 3 within the Liberty Land on which Affordable Housing Units associated with the Constrained Third Party Land Areas in those respective Phases may be provided and which shall meet the following requirements:*

- (a) be of a sufficient size to accommodate the number of the Affordable Housing Units to be provided on the Donor Land for Phase 2 or Phase 3 (as appropriate)*
- (b) be located such that they meet Clustering Requirements.'*

Since the signing of the S106 Agreement (1st March 2018) Legal and General has secured ownership of all the Constrained Land in Phase 2 and therefore there are no longer any Constrained Third Party Land Areas within Phase 2. This removes the requirement to provide details of 'Donor Land' for the Reserved Matters Parcel Plan for Phase 2.

The requirements of clause Schedule 3, Part 2 of the s.106 Agreement under DC/16/1677 for Phase 2 have been satisfied.

Recommendation: Application Permitted

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: S106/26/0012

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Plans	Reserved Matters Areas Plan Phase 2	S22 Rev E	03.03.2026
Supporting document	Cover letter		03.03.2026

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 09.04.2026

Authorising Officer sign/initial Adrian Smith Date: 10/04/2026