DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/24/0004
Mowbray Development Site, Old Holbrook, Horsham, West Sussex,

DESCRIPTION:
Discharge S106 obligation (DC/16/1677) relating to 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

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.

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.'

The applicant has submitted an RM Parcel Plan for Phase 2 of the Mowbray Development Site. This with the exception of Sub-Phase 2B, which is in third party land control under the control of Clarion. To comply with the requirements of the obligation, the applicant has submitted a table showing the approximate number of homes and tenure split for each RM Area. This is as follows:

RM Areas	Approximate maximum number of Homes	Percentage Affordable	Tenure Split	Private Rent Units	Custom and Self Build
12	290	21.1%	AR 14.4% SO 0.3% DM 6.4%	80	0
13	158	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	0
14	19	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	0
15	124	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	0
16	100	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	0
17	9	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	0
18	130	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	20
19	38	21.1%	AR 14.4% SO 0.3% DM 6.4%	0	0

The above shows an approximate total of 868 units within the Phase 2 Liberty Land, now controlled by L&G. 80 private rented units are proposed in RM Area 12 and 20 self build units in RM Area 18. The above 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 the Gatt land and Mickel 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: S106/24/0004

(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	S20 A	22.03.2024

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 16.05.2024

Authorising Officer sign/initial Adrian Smith Date: 16/05/2024