



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/26/0024

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

DESCRIPTION:

Application for Discharge of S106 Obligations (Schedule 3, Part 2) of Outline Planning Permission reference DC/16/1677: Phase 1 Reserved Matters Areas Plan.

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
S106/21/0003	Details submitted pursuant to Schedule 3, Part 2, para 1.2 (Reserved Matters Parcel Plan) of the legal agreement for the North Horsham development site (DC/16/1677) relating to the submission of the Phase 1 Reserved Matters Parcel Plan.	Application Permitted on 10.06.2021

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 SD4 – Housing Needs

Policy 32 – Strategic Policy: The Quality of New Development

Policy 33 – Development Principles

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Development Hierarchy

Strategic Policy 19: Development Quality

Strategic Policy 20: Development Principles

Relevant 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 North Horsham Parish has withdrawn its neighbourhood plan designation.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

Member Comments:
None received

HUMAN RIGHTS

Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of human rights is an integral part of the planning assessment set out below.

PLANNING ASSESSMENT

Outline Planning Permission was granted for the development of the North of Horsham site in March 2018. Permission was granted subject to conditions and a s.106 Legal Agreement.

This application is in relation to Schedule 3, Part 2, para 1.2 (Reserved Matters Parcel Plan) of the s106 Legal Agreement which 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.”

“RM Parcel Plan” is defined in the s.106 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.....

The submitted RM Parcel Plan includes all land identifies within Phase 1 on Plan 9 with the exception of Sub-Phase 1E as identified on Plan 10 (the “Devine” land) which is in third party control and therefore not defined ‘Liberty Land’.

A previous submission (reference: S106/19/0013) was approved by HDC to discharge the RM Parcel Plan obligations in July 2020. Schedule 3, Part 2, Paragraph 3 of the S106 permits the Owners of the Liberty Land at any time following the initial approval of the relevant approved RM Parcel Plan to seek to amend such approved RM Parcel Plan.

The current proposal is generally the same as that approved under S106/19/0013. The main difference in the current application is the inclusion of the Moat House area (RM Area 11) for residential use. The use of this area for residential purposes has been agreed in principle by HDC.

The RM Parcel Plan anticipates overall housing delivery within the Phase 1 Liberty Land now to be a maximum of 1273 units (not including the Devine land). The applicant has previously stated that these numbers have been estimated based on the maximum densities set out on the approved density plan, and the likely net developable area within each parcel. The maximum number of units identified is in accordance with the densities approved through the outline permission which was tested (through the EIA) under DC/16/1677.

The schedule of accommodation provided on the RM Parcel Plan demonstrates how the proposed homes and tenures are distributed across Phase 1. RM Area 9 contains no units on the basis that this area is not allocated a density on the approved Density Parameter Plan. This area is approved for ‘non-residential uses’ under the Land Use Parameter Plan.

For the purpose of this exercise, L&G have stated that the 12.6% affordable housing required on Liberty Land in Phase 1 has been distributed evenly between RM Parcels 1-11 (not including RM 9). In relation to Parcel 7, the affordable provision will only relate to the market housing and not the Private Rented Unit’s. The PRU’s are defined as Units to be let for private rent and which are not strictly Affordable Housing Units. It is also assumed that the tenure mix will be split between 6.9% affordable rent and 5.7% shared ownership within each RM Parcel containing affordable housing units. This is in accordance with the requirements of the S106 agreement and is considered appropriate.

Overall, the amended RM Parcel Plan is considered appropriate and meets the requirements of Schedule 3, Part 2, para 1.2.

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: S106/26/0024

(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
Details plan	Reserved Matters Areas Plan	S19	29.04.2026

