



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 5th December 2017

**DEVELOPMENT:** Amendment to Schedule 4 of Section 106 agreement for approved applications DC/16/2855 and DC/16/2856 to facilitate commencement of works on residential development at the Holbrook Club site prior to completion of football pitches at Horsham Golf and Fitness Club

**SITE:** The Holbrook Club North Heath Lane Horsham West Sussex RH12 5PJ

**WARD:** Holbrook East

**APPLICATION:** S106/17/0015

**APPLICANT:** **Name:** DMH Stallard  
**Address:** Gainsborough House Pegler Way Crawley RH11 7FZ

**REASON FOR INCLUSION ON THE AGENDA:** Cllr Chidlow has requested this proposal be considered by Planning Committee.

**RECOMMENDATION:** Permit the modification to Schedule 4, Part 1 of the S106 agreement (legal ref: PAG 1244/1247) to allow commencement of the approved residential development at the Holbrook Club prior to the approved pitches for Horsham Golf and Fitness being ready for use, subject to restrictions.

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 Following Members resolution to grant permission at the meeting of 21<sup>st</sup> March 2017, in August 2017, permission was granted for the residential development of part of the playing fields of the Holbrook Club at North Heath Lane, Horsham for 58 new dwellings including a new access from Jackdaw Lane (ref: DC/16/2855). This application is linked to the provision of a new 3G football ground at Horsham Golf and Fitness, Worthing Road, Southwater (ref: DC/16/2856).
- 1.2 The applications were granted with a joint S106 agreement covering both approvals. To compensate for the loss of playing fields at the Holbrook Club, the S106 agreement states that the residential development at the Holbrook Club shall not commence until the new pitches at the HFC facility are available for use (see page 37, paragraph 1 of Schedule 4 of the s106).
- 1.3 The applicant is now seeking to amend this requirement to allow the commencement of the residential development at the Holbrook Club prior to the new pitches at the HFC facility

being available. To facilitate this amendment, the applicant has proposed an interim solution and timeframe for development.

- 1.4 It is proposed that works will commence at the Holbrook Club in April 2018 and that the HFC facility will be available in September 2018. This results in a gap of four months when the new pitches won't be available. In this period, the applicant has proposed interim measures to accommodate the displaced teams until the new HFC facility is available. This comprises the use of pitches at Horsham Park, Forest School and the College of Richard Collyer.

#### DESCRIPTION OF THE SITE

- 1.5 The Holbrook Club application site comprises of rectangular parcel of land measuring 1.61ha. The site is presently used as playing fields for sports associated with The Holbrook Club, situated in the north of Horsham town. The area of playing fields is to the east of the Holbrook Club adjacent to Jackdaw Lane. The site forms approximately one third of the land at the Holbrook Club.
- 1.6 The club currently has four full sized playing pitches and is a well-established sport facility offering a wide range of sport and community activities. Access to the Holbrook Club is from North Heath Lane to the west.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1 & 8.

#### RELEVANT COUNCIL POLICY

- 2.3 The following policies in the HDPF are considered to be relevant:

Policy 1: Strategic Policy: Sustainable Development  
Policy 32: Strategic Policy: The Quality of New Development  
Policy 33: Development Principles  
Policy 43: Community Facilities, Leisure and Recreation

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The site is within the Parish of North Horsham. Currently, the Parish does not have a Neighbourhood Plan Designation.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/2855	Residential development of playing fields providing for 58 new dwellings including a new access from Jackdaw Lane.	Application Permitted on 23.08.2017
DC/16/2856	Proposed 3G Football Ground (including main pitch and training pitch), clubhouse, stands, access, parking and landscaping (to serve as the home ground for Horsham Football Club). 20m high netting and posts to adjacent golf driving range	Application Permitted on 23.08.2017

## 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Leisure Services**: Support. The amendment unlocks and fully protects the HFC development.

#### OUTSIDE AGENCIES

- 3.3 **Sport England**: Comment. Should this amendment be granted, Sport England would require it to be a legal requirement that the interim arrangements are available for use and it to be explicitly clear who will provide the alternative football pitch use.

#### PUBLIC CONSULTATIONS

- 3.4 **North Horsham Parish**: Support.
- 3.5 **Southwater Parish**: Object. The Parish have concerns around the financial viability of the project and the representation of affordable housing built into the project.
- 3.6 **Councillor Chidlow**: Object. The requirement that works on the residential development on this site would not commence until the new football facility was completed and ready for use was agreed by the planning committee and by the applicant. There is no reason or justification to delete this condition.
- 3.7 **Councillor Greening**: Support. The 'displaced teams' are getting a good deal with the new pitches and the use of better and newer facilities than they currently have.
- 3.8 **The Holbrook Club**: Support.

### 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 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 this application, Consideration of Human rights forms part of the planning assessment below.

### 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

### 6. PLANNING ASSESSMENTS

- 6.1 The main considerations in this proposal is the delivery of the HFC site and whether the proposed amendment to the S106 agreement would result in a significant impact on the displaced teams at the Holbrook Club during the interim period when the new HFC facility is not available.
- 6.2 The permissions for the residential development at the Holbrook Club and the new HFC facility at Horsham Golf and Fitness were granted under separate applications. However, whilst each application was determined separately the applications are related and formally

linked by provisions within a single s106 Legal Agreement. One of the ways the applications have an interrelationship is that the Holbrook Club residential development is reliant on the provision of the new 3G pitches at Horsham Golf and Fitness to compensate for the loss of playing fields proposed under DC/16/2855.

- 6.3 The re-provision of the pitches is in accordance with Policy 43 of the HDPF. This policy states that proposals that result in the loss of sites and premises currently used for leisure activities will be resisted unless equally usable facilities can be conveniently provided nearby.
- 6.3 To this end, Schedule 4 of the S106 of the agreement secures the following:
- ‘The Residential Site Owner covenants with the District Council (unless otherwise agreed in writing with the District Council), not to commence the residential development until the pitches are ready for use.’
- 6.4 The above restriction ensures that there is no loss of playing fields and that the displaced teams at the Holbrook Club are accounted for. The residential development at the Holbrook Club was also granted on the basis that it funded the provision of the new HFC facility. However, the funding for the residential development at The Holbrook Club is being obstructed due to reliance on the delivery of the new pitches at the HFC Ground (which is in the ownership and control of a third party).
- 6.5 The legal purchase for the residential development at the Holbrook Club is to be completed in December 2017. As part of requirements for the purchase, the funders require the residential development at the Holbrook Club to commence no later than April 2018. Without this requirement, the applicants have stated that the residential development at the Holbrook Club would be put in jeopardy. Works are due to start at the HFC site in January 2018 and are due to be completed in September 2018. As the pitches at the HFC site will not be available until September 2018, this results in a four month period when the new pitches won't be available for the displaced teams at the Holbrook Club. As the sale of land at The Holbrook Club fully funds the new pitches at the HFC Ground, an interim measure is necessary to ensure that both schemes can be delivered and that there is no loss of pitch provision for the displaced teams.
- 6.6 The residential development at the Holbrook Club results in the displacement of Holbrook Club football teams as well as Chesworth Rovers football teams, who also use these facilities. There are 6 teams affected by the proposals: Holbrook 3rd and 4th teams and Chesworth Rovers U10s, U12s and 2 No. U16s. The interim proposals are only applicable to the Holbrook 3rd team (currently disbanded) and the Chesworth Rovers 2 no. U16s teams. The Holbrook Club 4th teams are moving to Horsham Park from the 2018/19 season onwards, and the Chesworth Rovers U10s and U12s will join other Chesworth Rovers youth teams at the Forest School (also secured from the 2018/19 season onwards).
- 6.7 It should be noted that none of the teams affected will require a pitch between the end of the football season in April 2017 and the beginning of the new season in August 2018. The provision proposed is to provide pitches in August and September 2018 when the new football season commences.
- 6.8 For the two Chesworth Rovers Under 16s teams affected, The College of Richard Collyer has agreed to provide their playing fields and facilities for the interim period. For the Holbrook Club 4<sup>th</sup> team and for a potential 3<sup>rd</sup> team, these teams will play at Horsham Park. These facilities will be available for the affected teams until the new pitches are ready at the new HFC facility in September 2018. Provision has also been made to allow the continued use of the facilities if there is delay. Letters have been provided from Chesworth Rovers and the Holbrook Club in support of the proposal. The Council's Leisure Services

and Sport and Liaison Officer also support the proposal and confirm the use of Horsham Park for the displaced Holbrook Club teams. The College of Richard Collyer has also confirmed in writing that they support the proposal and agree to the use of their pitches by the displaced Chesworth Rovers team.

- 6.9 Sport England has commented that, should this amendment be granted, they would require it to be a legal requirement that the interim arrangements are available for use and it to be explicitly clear who will provide the alternative football pitch use. As outlined below, it is proposed to amend the agreement so the applicants would be bound to provide the interim measures as proposed.
- 6.10 The considerations in this proposal are whether the amendment results in a detrimental impact on the displaced teams and the delivery of the new HFC facility. In terms of the displaced teams, the applicant has secured appropriate interim measures to accommodate the three displaced teams during the interim period between April and September 2018. In reality, the clubs only require facilities in August and September 2018 when the new football starts.
- 6.11 Both the Holbrook Club and Chesworth Rovers have no objection to these measures which will provide appropriate facilities until the new pitches at the HFC club are available. When the new HFC is open, the clubs will have access to new 3G pitches and facilities which allow them to play throughout the year. It is considered that the interim measures are appropriate to accommodate the displaced teams, for what is a relatively short period, and the proposal is in accordance with Policy 43 of the HDPF.
- 6.12 In terms of the delivery of the HFC facility, the applicants have stated that works will start on the HFC site in January 2018. Therefore, by April 2018, the Council will have a clear indication on site and through the applicant how works are progressing. It is also proposed that, through this proposed amendment, an additional restriction is included which states that the works at the Holbrook Club shall not commence until works at the new HFC have commenced on site.
- 6.13 Officers have considered the proposal and are of the view that the amendment to the S106 is acceptable, subject to the interim measures proposed and the timetable for delivery of the HFC facility. It is therefore proposed to amend Schedule 4 to reflect the following:

- The Residential Development shall not commence until the 2017/18 football season has ended on 3rd April 2018 and works have commenced on site for the Football Ground Application.
- The Residential Site Owner will provide alternative football pitch use in the local area for the teams listed below for the 2018/19 football season from April 2018.

Team	Provision
Holbrook 3 <sup>rd</sup> Team (if applicable)	Horsham Park
Holbrook 4 <sup>th</sup> Team	Horsham Park
Chesworth Rovers U10s	Forest School
Chesworth Rovers U11s	Forest School
Chesworth Rovers U16s x 2	College of Richard Collyer

- The Residential Site Owner covenants with the District Council (unless otherwise agreed in writing with the District Council), that the pitches at the HFC facility will be available for use no later than 30 September 2018.
- 6.14 The above restrictions limit the commencement of works at the Holbrook site to April 2018 and secure the interim measures proposed. In the event that works are delayed at the HFC site, the applicant has secured the interim measures for a longer period. However, the recommendation under this proposal is for the pitches to be available for the affected

teams by the end of September 2018. If there is a delay and the pitches are not available by the end of September 2018, the applicant will again have to formally apply to the Council to agree a further amendment.

- 6.15 Subject to the above restrictions, the amendment to Schedule 4 of the S106 is considered appropriate. The measures proposed will secure appropriate interim facilities for the affected football teams until the new 3G pitches at the HFC ground are ready. Additionally, this amendment secures the delivery of both approvals for the residential development and the new football club facility.

## **7. RECOMMENDATIONS**

- 7.1 Permit the modification subject to the restrictions outlined above in paragraph 6.13.

Background Papers: DC/16/2855 and DC/16/2856