



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/26/0020

Mowbray, Old Holbrook, Horsham, West Sussex,

DESCRIPTION:

Discharge of schedule 4, part 5, clause 1.1 (open access ball courts) and schedule 4, part 6, clause 1.1 (neighbourhood equipped area of play) of the S106 agreement (DC/16/1677) in connection with phase 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
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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 SD5 – Open Space, Sport and Recreation

Policy SD7 – Design

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 North Horsham Parish has withdrawn its neighbourhood plan designation.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:

HDC Landscape: Holding Objection.

- 2nd comments received - It is regrettable that no modification has been made, with the exception of adjusting the buffer of the OABC to meet size requirements. The request to make changes

during reserved matters is acknowledged, however our understanding of the requirements of the S106 (clauses 1.2 to 1.5, associated with 1.2) is that details including the layout and play typologies must be provided and secured before discharge the requirements of the schedule. If this is not correct, please determine as you see fit in the knowledge that the comments detailed below will continue to be pursued at reserved matters.

- 1st comments received - While proposals are indicative only, they appear reduced in scope compared to those within the Phase 2 Design and Landscape Strategy submitted under DISC/26/0145, which features a generous activity area and a scooter park. Nonetheless, the types of equipment proposed do not meet the OSSR and S106 requirements, therefore we are unable to recommend the discharge of schedule 4, part 5, clause 1.1 and schedule 4, part 6, clause 1.1.

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. Permission is sought under this application to approve the details required under Schedule 4, Part 5, Clause 1.1 and Schedule 4, Part 6, Clause 1.1.

Schedule 4, Part 5, Clause 1.1 (Open Ball Access Courts):

The wording of this clause is as follows:

‘Prior to commencement of any Housing Units in each Phase the Owners shall submit a plan to the District Council for approval specifying the location and layout for the Open Access Ball Court in that Phase and the plan shall ensure that the 0.045 hectare area forming the Open Access Ball Court shall be located a minimum of 30m from the curtilage of any Housing Unit.’

Schedule 4, Part 6, Clause 1.1 (NEAPS):

The wording of this clause is as follows:

‘Prior to commencement of any Housing Units in each Phase the Owners shall submit a plan to the District Council for approval specifying the location and layout for the NEAP in that Phase and the plan shall ensure that the 0.1 hectare activity area forming part of the NEAP shall be located a minimum of 30m from the curtilage of any Housing Unit.’

As submitted, the HDC Landscape Team have commented on the details of the NEAP and Open Access Ball Court. The Team have requested detailed modifications to the designs. In response, the agents have responded that the current submission is to only approve the location and layout of the NEAP and Open Access Ball Court. Whilst they have indicted individual items of play and materials, they are not seeking to discharge the detailed specification at this stage.

As with the Phase 1 NEAP and OABC, the detailed elements and full landscape/ planting scheme will be agreed through the Reserved Matters application. The applicant has stated that they will then submit those details, as approved, to discharge the s106 specifications for these elements.

The applicants have stated that Landscape comments received have been reviewed in full and have resulted in refinements to the scheme including changes to several items of play equipment. They are currently working up the proposals to the next level of detail and the forthcoming Reserved Matters application will include full details of fencing, planting, hard/ soft surfaces, drainage etc. The RM application will take account of the comments from the Landscape Team.

It is noted that the Landscape comments do not raise issue with the location nor broad layout of the NEAP and OABC. As such, the requirements of the clauses 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: S106/26/0020

(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	Phase 2 NEAP - Layout	DR-2002 S5-P4	02.06.2026
Details plan	Phase 2 NEAP - Illustrative Layout	DR-2003 S5-P3	02.06.2026
Details plan	Phase 2 NEAP - Location	DR-2001 S5-P2	02.06.2026

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 30.06.2026

Authorising Officer sign/initial Adrian Smith Date: 30/06/2026