



Horsham
District
Council

HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	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
REFERENCE:	S106/26/0020
RE-CONSULT:	1 st set of comments in black 2 nd set of comments in blue
RECOMMENDATION:	Holding Objection / Advice Holding Objection / Advice

SUMMARY OF COMMENTS & RECOMMENDATION:

2nd set of comments

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.

Part 5 and Part 6 extracts below:

- 1.1 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
- 1.2 No Housing Units shall be Commenced in a Phase until the District Council has approved the plan 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
- 1.3 Prior to Commencement of the Open Access Ball Court in each Phase, the Owners shall submit the Open Access Ball Court Specification for the Open Access Ball Court in that Phase to the District Council for its approval.
- 1.4 No Open Access Ball Court shall be Commenced until the District Council has approved the Open Access Ball Court Specification for the Open Access Ball Court in that Phase.
- 1.5 The Open Access Ball Courts shall be provided in accordance with the relevant Open Access Ball Court Specification approved pursuant to paragraphs 1.3 and 1.4 of this Part 5.

1. The Owners covenant with the District Council as follows:-
- 1.1 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
- 1.2 No Housing Units shall be Commenced in a Phase until the District Council has approved the plan 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
- 1.3 Prior to Commencement of the NEAP in each Phase, the Owners shall submit the NEAP Specification for the NEAP in that Phase to the District Council for its approval.
- 1.4 No NEAP shall be Commenced until the District Council has approved the NEAP Specification for the NEAP in that Phase.
- 1.5 The NEAPs shall be provided in accordance with the relevant NEAP Specifications approved pursuant to paragraphs 1.3 and 1.4 of this Part 6.

It is expected for a scheme of this scale to provide high quality spaces, reflective of and improving upon those delivered in Phase 1 in line with updated guidance, particularly in relation to inclusivity. While some elements such as table tennis remain welcomed, we strongly recommend that the betterment of proposals is explored with this in mind and in line with the principles within the Phase 2 Design and Landscape Strategy submitted under DISC/26/0145.

1st set of comments

Please consider these comments as a combined response from Landscape and from Parks and Countryside.

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.

This must be reviewed to meet the requirements and better reflect principles set out in the Phase 2 Design and Landscape Strategy.

MAIN COMMENTS:

Outline comments

1. As per the S106, the Neighbourhood Equipped Area of Play (NEAP), *'shall comprise an equipped activity area of not less than 0.1 hectare set within a landscaped area of not less than 0.4 hectares'*, thus we expect to see information of the entire landscaped area in addition to the activity area. The play area must be integrated into the surroundings and include the provision of soft elements such as tree planting, sensory planting, amenity grass, etc.
[Response dated 02/06 is noted. Detailed planting schemes are not requested at this stage but rather an illustrative landscape plan to demonstrate how the NEAP will integrate with its surroundings in combination with elements previously described. This area is illustrated within the Phase 2 Design and Landscape Strategy \(P2DLS\), however if the scooter park is no longer being delivered, the wider scheme is expected to be updated accordingly.](#)
2. Further, the Open Access Ball Court (OABC) must be, *'at least 0.045 hectares... with marked out courts and fixed equipment to cater for basketball and football each court comprising an area of not less than 25m by 14m in size with a 1.2m wide pathway surrounding each court'*, yet the OABC falls short of this by 68m². We note, however, that the surrounding pathway has not been factored into the calculation. Please amend as necessary.
[Amended with thanks. Closed.](#)
3. While tennis tables are welcomed, further consideration must be made to cater to a wider range of ages, particularly older children. We note one of the key principles of the Phase 2 Design and Landscape Strategy for the NEAP is to provide gathering areas for older children, thus we request a sheltered seating area close to the tennis tables.
[Response dated 02/06 is noted. If gathering areas for older children are not delivered within the NEAP itself, as per principles for Channells Park and Eastern NEAP \(pg.74 of the P2DLS\), we expect these to be delivered within the wider landscaped area. Sheltered seating is not required, however is recommended for all weather use, conducive to high quality design as expected of the development.](#)
4. While not a requirement of the S106, we kindly request the delivery of the scooter park is reconsidered, as detailed within the Phase 2 Design and Landscape Strategy submitted under DISC/26/0145.
[Response dated 02/06 is noted. Closed.](#)
5. Given updated guidance and the desire to make spaces more inclusive, we recommend that the OABC moves away from the traditional MUGA and is designed more creatively to encourage more than one group of young people to use the space at any one time. This can be done, for example, via dividing areas into separate zones, organic fencing and the provision of free-standing basketball hoops; please see HDC's [Inclusive Spaces Guide](#) for reference.

Response dated 02/06 is noted. This approach contravenes the sustainability principles (pg.45 of the P2DLS) regarding Inclusive Access. There is scope to introduce inclusive features that do not conflict with the S106 requirements. In any case, the definition sets out that the OABC is to be provided in accordance with *(c) any supplementary planning document or guidance of the District Council in force at the time of submission of the Reserved Matters Application pursuant to which the Open Access Ball Courts are to be provided*. We therefore recommend that [HDC's Inclusive Spaces Guide](#) is referred to during Reserved Matters.

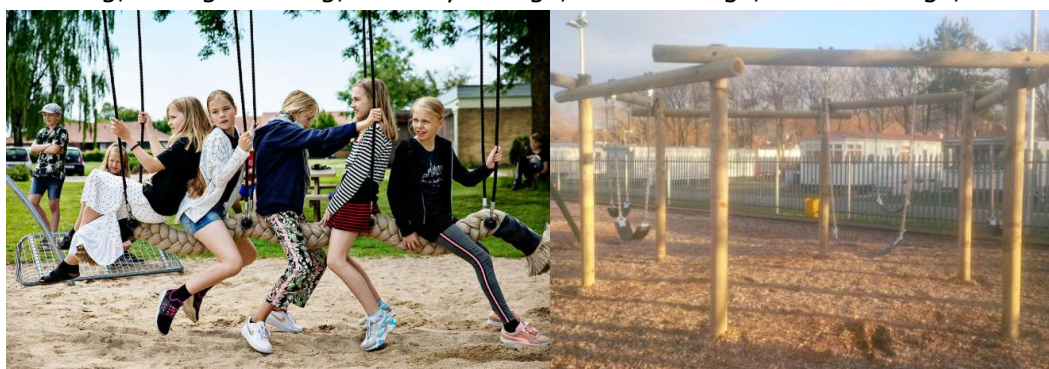
6. While the proposals deliver on the minimum requirements of the S106 for number of items of equipment, they do not successfully provide a diverse range of play opportunities as required within the OSSR guidance. There is an over reliance on balancing equipment, which must be amended. Please introduce the following types of dynamic play in combination with currently proposed balancing, rotating, seating and imaginative play:

Response dated 02/06 is noted. We do not concur that the opportunities proposed align with the requirements and specifications of the S106, particularly given the lack of a gliding opportunity and that there is not a wide range of features to encourage inclusive play. In any case, we strongly recommend this addressed in favour of a high quality development that adheres to the sustainability principles set out in the P2DLS. As such, while details of equipment may be reviewed and updated during reserved matters, the play opportunity types - as indicated below - must be secured at this stage.

- a. Gliding (please consider Skysurf, Air Glider, Track Ride Tower, or similar)



- b. Swinging – noting that swings are highly [sought after](#) in the district (CocoWave rope swing, hexagon swing, 4-6 bay swings, social swings, cradle swings, or similar)



- c. Climbing (multi-faceted and/or multi-directional climbing structures, climbing forest, or similar)



d. Rocking (Jackstraws see saw, see saw, or similar)



7. Please consider an alternative design for the castle tower as current proposals may encourage bullying or sleeping within its enclosure. See below as a preferred example of a more open design:

Response dated 02/06 is noted. We continue to recommend the above and hope it is considered during reserved matters.



8. The provision of an additional smaller, simple to access slide would be welcomed for smaller children who love the repetition of up the steps and down the slide. Please consider the example under 6.c. or a wider version for inclusive play, as below.

Response dated 02/06 is noted. We continue to recommend the above and hope it is considered during reserved matters.



Detailed comments

Response dated 02/06 is noted. To re-iterate, the information requested below is expected to be provided during reserved matters.

9. As per generic quality standards for Areas of Equipped Play (S106 Appendix 8, 1), in any forthcoming application, we expect to see:
- Details of existing and proposed levels for all earthworks to specify gradients for:
 - Hard surfaced paths, ensuring maximum 1:20 for accessibility requirements
 - Slopes for features such as the Motte and Bailey Castle mounded embankment, ensuring maximum 1:3 if mowing is required
 - Drainage information and/or specification for hard surface treatments, ensuring their permeability and that '*all surfaces in the play area effectively drained to enable all year round use*'. We recommend adhering to materials proposed within the Phase 2 Design

and Landscape Strategy, which include bark mulch, natural coloured play surface and grass safety surface as appropriate for each type of play equipment.

c. Specification for seating provision to include:

- i. Seating for parents or carers '*with backs... generally made from hardwood timber with deep ground fixings*'.
- ii. Seating for children and young people '*creatively designed and suitably located... in order to encourage social play*'. While 1no. hammock is welcomed, additional provision should be proposed for socialising opportunities and cater to the older ages group.

iii. Sheltered seating for teens/young people (see point 3).

d. Signage details, '*to name the site and welcome the user, also to indicate constraints on use and provide contact details of the managing agent. It is essential that dogs are discouraged, at least through the signage, but sometimes also through fencing*'.

e. Relocation of dog fouling bins to the perimeter of the green space/landscaped area, not within the play area.

f. Specification of dog fouling bins.

g. Plant schedule, tree pit details and LMMP for tree, shrub and ornamental planting

10. As per NEAPs requirements (S106 Appendix 8, 1.2), in any forthcoming application, we expect to see:

- a. An item of equipment to include gliding. Please see point 6 in relation to the high proportion of balance play opportunities.
- b. A wide range of features to encourage inclusive play e.g. wide transfer platforms on multi-play units, roundabouts flush with ground level, back supports on rocking equipment, handrails, sound chimes and textured surfaces.
- c. Specification for litter bins.

11. As per generic quality standards for OABCs (S106 Appendix 8, 3), in any forthcoming application, we expect to see:

- a. Details of secure cycle parking
- b. Hard landscape specification to ensure surfaces are, '*constructed from porous macadam and design for adequate drainage*'
- c. Signage details, '*to inform constraints on use, emergency telephone numbers and contact details for the agency responsible for management and maintenance*'. Ideally, it should also provide a QR code to invite feedback and report issues.

12. In addition to the requirements above, we also expect the provision of a tree survey and tree impact assessment (AIA) in order to safeguard the existing green infrastructure bounding the site. Proposals must demonstrate compliance with BS 5837:2012 and as such, development within root protection areas (RPAs) should only be observed where unavoidable.

13. In keeping with principles set out in the Phase 2 Design and Landscape Strategy, we expect the provision of, '*Horsham stone, or similar, walls between along the roadside and hedges between the NEAP and the wider landscape*'.

14. Specification for boundary treatments must also be provided, noting that fencing/hedging to the areas of equipped play must be dog proof.

15. Please note that the curved tube slide is welcomed, however is drawn straight in plan; please amend.

RECOMMENDED CONDITIONS: N/A

NAME:	Elly Hazael Trainee Landscape Architect (Planning)
DEPARTMENT:	Specialists Team - Strategic Planning
DATE:	13/05/2025 17/06/2026
SIGNED OFF BY:	Inês Watson CMLI Specialists Team Leader (Landscape Architect)

DATE:	14/05/2026 18/06/2026
SIGNED OFF BY:	Anna Chapman Parks and Countryside Development Manager
DATE:	14/05/2026