DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/25/0010
Mowbray Development Site, Land North of Horsham, Horsham, West Sussex,

DESCRIPTION:
Discharge S106 obligation (DC/16/1677) under Schedule 4, Part 16, paragraph 1 of the legal agreement relating to the inspection of the East-West Greenspace and issuing of a Certificate of Completion and under Part 6, paragraphs 1.12 & 1.13 of the legal agreement relating to the submission of a ROSPA for the East-West Greenspace NEAP.

RELEVANT PLANNING HISTORY:

DC/22/0369	Reserved Matters application for the provision of Phase 1 Neighbourhood Equipped Area of Play and Open Access Ball Court, greenspace/landscaping, foot/cycle paths, drainage including attenuation basins associated with the north western section of the Southern Loop Road and Moat Road and demolition of existing buildings, pursuant to Condition 5 of approved outline application 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 19.07.2022

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

RELEVANT NEIGHBOURHOOD PLAN
The site is within Rusper and North Horsham Parish. North Horsham Parish voluntarily withdrew their parish from the Neighbourhood Development Plan process on 30 July 2018. The relevant policies in the Rusper Parish Neighbourhood Plan are as follows:

- Policy RUS1: Spatial Plan
- Policy RUS3: Design
- Policy RUS8: Community Facilities

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 Parks and Countryside & HDC Landscape: Comment. No objection to the East – West Greenspace opening in May subject to compliance with the site visit suggestions (see email from L&G dated 29.04.2025)

Parish Comments:
No comment.

Representations:
None received.

HUMAN RIGHTS
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT
Outline Planning Permission was granted for the development of the North of Horsham site in March 2018 (ref: DC/16/1677). Permission was granted subject to conditions and a s.106 Agreement. Consent is sought to discharge the details required by Schedule 4 Part 16 relating to the inspection of the East West Greenspace and Part 4 relating to the submission of a ROSPA for the NEAP.

Schedule 4, Part 16, Clause 1.1:

This obligation is for the following:

1. *Subject to paragraph 2 following completion of the works to lay out, provide or construct the Green Infrastructure (or any part thereof), the SuDS, the Western Allotments or the Eastern Allotments (as appropriate) the following shall apply:*

1.1 *The Owners shall serve notice on the District Council inviting it to inspect the relevant Green Infrastructure, The SuDS, the Western Allotments or the Eastern Allotments (as appropriate) and issue a Certificate of Practical Completion confirming that the Green Infrastructure, The SuDS, the Western Allotments or the Eastern Allotments (as appropriate) have been completed to its reasonable satisfaction and in accordance with the relevant specification approved for such the Green Infrastructure, The SuDS, the Western Allotments or the Eastern Allotments (as appropriate) and:*

1.1.1 *if the District Council identifies necessary remedial works to the Green Infrastructure, The SuDS, the Western Allotments or the Eastern Allotments (as appropriate), the Owners shall complete such remedial works to the reasonable satisfaction of the District Council as soon as reasonably practicable;*

1.1.2 *upon completion of any remedial works, the Owners shall serve notice on the District Council inviting it to inspect the remedial works identified pursuant to paragraph 1.1.1 of this Part 16 above and issue a Certificate of Practical Completion confirming that the Green Infrastructure, The SuDS, the Western Allotments or the Eastern Allotments (as appropriate) have been completed to their reasonable satisfaction,*

PROVIDED THAT the inspection procedure identified in paragraphs 1.1.1 and 1.1.2 of this Part 16 shall be repeated until such time as the District Council issues a Certificate of Practical Completion in relation to the Green Infrastructure, The SuDS, the Western Allotments or the Eastern Allotments (as appropriate).

Schedule 4: Part 6, Clause 1.12 & 1.13:

1.12 *Prior to the inspection for the purposes of a Certificate of Practical Completion required for each NEAP pursuant to paragraph 1.1 of Part 16 of this Schedule to procure a Royal Society for the Prevention of Accidents ("**RoSPA**") post installation report and risk assessment in respect of that NEAP and submit the same to the District Council within 5 Working Days of receipt of such post installation report and risk assessment.*

1.13 *To make such corrective amendments to the relevant NEAP as may be required to satisfy and correct any adverse safety comments made in the RoSPA post installation report and risk assessment procured pursuant to paragraph 1.12 of this Part 6 of this Schedule.*

The applicant is seeking a Certificate of Practical Completion for East-West Greenspace. The area the applicant is seeking the certificate for is shown on plan no.DR-1001 S0-P3. The works to this area have been completed including all landscaping. This area includes an open access ball court, a NEAP and landscaped areas. A public right way of way runs along the space. The right of way is currently closed and the applicant is seeking to open this space to the public in May 2025.

In accordance with the requirements of the legal agreement, the applicant has requested an inspection from HDC. The requirements of the legal agreement include the submission of a ROSPA report for NEAP. This has been submitted.

A site visit was conducted on the 24th April with the HDC Landscape Officer and HDC Parks and Countryside Officer. Following the site visit, the applicant was informed of the following:

- The play spaces and landscaping provided are generally in accordance with the approved plans, with the exception of the meadow which has been replaced by amenity grass underneath the large oak tree. Officers confirmed this change is acceptable and preferable as it provides an additional usable amenity space.
- As noted on site, the following needs to be addressed:
  - Additional signage is required for the open access ball court. These signs should state who manages this space and should be placed next to the provided red signs or a new single sign installed that includes all necessary information.
  - Cycle stands are required next to the open access ball court, in accordance with the approved plans. Officers note the hardstanding has a slightly different arrangement of that approved, however enough space remains for the provision of the 5 cycle stands and therefore happy to accept the installation over the as built layout.
  - Check the finish of rubber mulch in the under 14 area. This seemed loose on the site visit and particular concerned was raised with loose material causing issues with the use of the roundabout. –
  - Bins to be placed around play area, as approved.
  - 1no sign is required adjacent to the under 14 play and the public right of way. This should be a larger welcome sign, with similar information to the smaller signs provided.
  - Meadow restoration needs to take place where meadow species have failed to establish to the south part of the public right of way, at the furthest western section of the path adjacent to the boundary of the site.
- All recommendations stated in the ROSPA to be undertaken. As discussed, the Parks & Countryside Officer is to check whether or not the landing area for the zip wire is appropriate.
- Please confirm that you have a contract in place for a weekly recorded inspection of the play area and ball court to ensure ongoing safety is monitored and issues addressed.

Following the site visit, the Parks & Countryside Officer commented that the zip wire does comply with safety standards as it is now, but may not if the grass wears away. The developer was asked to monitor the condition of the grass between the two rubber mulch areas. If the grass becomes completely eroded, then they would need to take action and add in a safety surface. The developer confirmed that this would be the case. The applicant has also confirmed compliance with all of the above requirements and issued an amended ROSPA addressing its earlier recommendations.

Having regard to the above, the HDC Landscape Officer and the HDC Parks & Countryside Officer has both confirmed that they are happy for the East – West Greenspace to open to the public.

It is also considered that the requirements of the legal agreement regarding the Certificate of Completion for the East-West Greenspace (as shown on the submitted plan) and the submission of a ROSPA for the NEAP have also 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: S106/25/0010

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Plan Type	Description	Drawing Number	Received Date
Details plan	East-West Greenspace Maintenance Handover Plan	DR-1001 S0-P3	24.04.2025
Supporting Statement	ROSPA		02.05.2025

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 06.05.2025

Authorising Officer sign/initial Adrian Smith Date: 07/05/2025