

Recommendation Report for Application for Approval of Details To Satisfy An Obligation

REF NO: AB/113/25/AOO

LOCATION: Land at Ford Road
Arundel

PROPOSAL: Application to approve First Schedule Clause 4 (Public Open Space Specification) in the Section 106 dated 26.11.21 (as amended) in relation to planning permission AB/135/20/OUT.

SITE AND SURROUNDINGS

DETAILS OF DECISION

The Council has considered the details you have submitted in order to satisfy an obligation contained in the Section 106 agreement dated 26.11.21 which relates to planning permission AB/135/20/OUT.

The application seeks approval for obligation the obligation found under Schedule 1 Clause 4 of the Section 106 agreement, relating to the provision of Public Open Space.

PROVISION OF POS

Schedule 1 Clauses 4.1 and 4.3 state that a POS Specification shall be submitted to the Local Planning Authority and agreed in writing prior to occupation of the first dwelling.

Clauses 4.7 and 4.8 of the same schedule state that prior to occupation of the 45th dwelling a LEAP (agreed under the POS Specification) shall be laid out and provided.

Clause 4.9 of the same schedule states that prior to the occupation of the 75th dwelling two LAPS (agreed under the POS Specification) shall be laid out and provided.

Details submitted include:

- Site Plan Q8800/8969 Issue G
- LEAP Area Plan Q8800_G
- LEAP Plan Q8800_G
- LAP Area Plan Q8969_G
- LAP Plan Q8969_G
- LAP 2 Plan Q12417_C
- Trim Trail Plan Q13291_A

Comments from ADC Greenspaces Department (21/10/2025)

- Objection:
- LAP 2: Location within the site is unclear; no seating provided (required for a LAP); play offer is very limited,

consisting only of basic equipment with minor mounding.

- LAP 1: Swing omitted and replaced with a slide; no details provided for enclosure or boundary; limited surfacing shown (only to slide); slide poorly integrated into landscape; lack of planting results in an exposed, low-quality and unwelcoming space.
- LEAP: Only one accessible play experience provided (basket swing supported); previously approved landform-based play features removed and replaced with standard equipment, significantly reducing play value and bespoke character; approved details not met; no enclosure details; lack of planting reduces enclosure, shade, biodiversity and overall quality.
- Soft landscaping: Previously approved planting has been reduced or removed; no landscaping shown within the LEAP; landscaping around picnic areas omitted and replaced with mown paths.
- Trim trail: Previously agreed provision not identified; no details provided on specification, content or location.
- Maze area: No clear identification or details provided; unclear whether the referenced grass mound/tree stump area constitutes the agreed maze, with concerns over proximity to SuDS and lack of definition.

Further comments from ADC Greenspaces Department (19/11/2025) - Objection:

- LAP 2: Revision adds one bench seat, which is supported. Provision remains very basic but is now considered to meet minimum LAP requirements. Location within the site remains unclear.
- LAP 1 surfacing: Rubber crumb surfacing has been replaced with bark mulch to the slide area, representing a further downgrade. Loose-fill surfacing is not supported by the LPA due to contamination and maintenance concerns. All other previous concerns remain unchanged.
- LEAP surfacing: Rubber crumb bound surfacing has also been replaced with bark mulch, again viewed as a downgrade and not recommended by the LPA. Two accessible play items are now confirmed (roundabout and basket swing), which is supported.
- Landscape and design quality: No improvement to previous concerns; loss of landform-based play, lack of enclosure, and poor integration into the landscape remain unresolved.
- Soft landscaping: Updated softscape plans do not align with LAP 1 perimeter planting details. Landscaping within the LEAP remains absent, and previously approved planting around picnic tables is still omitted.
- Trim trail and maze: No new information provided; specification and location remain unclear, with ongoing concern over whether the identified grass mound/tree stump area constitutes the agreed maze.

OFFICER COMMENTS

The loose wooden bark surfacing was approved approved under the Reserved Matters Application AB/106/22/RES (Hardscape Plan 2/4 AG-EDL-XXDR-L-0106_P2), as such the amendment of the surfacing to rubber crumb does not cause concern. Other amendments to plans include an increase in planting within the play areas, the addition of landform including a slide and confirmation that fencing to the play areas is not required, as the SuDS ponds are fenced and road are well screened. Further details including an overall play spaces site plan and maze details have been provided.

During discussions the agent stated that due to the limited space for the play area the selection of play equipment was the best that could be achieved. It was also noted that this style of play equipment had been well received on their previous schemes.

The Greenspaces team had no further comments to make following submission of further details in April 2026.

REASON FOR DECISION

As the majority of the comments raised have been satisfied the details can now be considered acceptable. Details and a specification of the play spaces have been provided. The correct number of plays spaces are provided and each space has suitable and age appropriate equipment.

To fully comply with the obligations the development must be completed in accordance with the above details. If subsequent changes are required, amended details will need to be submitted and approved again before provision.

Please note this letter does not constitute a formal legal deed of discharge under Section 106A of the Town and Country Planning Act 1990 however the obligation status has been noted in the Planning Obligation Monitoring Records for any future enquiries.

RELEVANT SITE HISTORY

AB/5/25/AOO	Application to approve First Schedule Clause 4 (Public Open Space Specification) in the Section 106 dated 26.11.21 (as amended) in relation to planning permission AB/135/20/OUT.	Refused 25-02-25
AB/135/20/OUT	Outline application with some matters reserved (except for access) for the development of 90 dwellings & associated amenity land, including land allocated for a community building & for a community allotment. This application affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation	App Cond with S106 26-11-21

Area.

AB/106/22/RES	Approval of reserved matters following outline permission AB/135/20/OUT for 90 residential dwellings (including affordable homes), and associated open space and landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area and is in CIL Zone 3 (CIL Liable) as new dwellings.	ApproveConditionally 04-05-23
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CONSULTATIONS

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

APPROVE