

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

REF NO: A/38/25/AOO

LOCATION: Manor Nursery
High Street
Angmering
BN16 4AW

PROPOSAL: Application to approve the Public Open Space Scheme under Schedule 2, Clause 7.1 of the S106 dated 19-03-15 (as amended) linked to outline permission A/51/14/OUT.

SITE AND SURROUNDINGS

DETAILS OF DECISION

The Council has considered the details you have submitted in order to satisfy an obligation under Schedule 2, Clause 7.1 contained in the Section 106 agreement dated 19 March 2015 which relates to planning permission A/51/14/OUT (Manor Nursery, High Street, Angmering, BN16 4AW). This S106 has been amended under a Deed of Variation (A/45/25/DOV), relating to definition of the Public Open Space so that (ii) outdoor fitness equipment/activity trail to the value of 16,242 becomes a commuted sum in lieu of provision on site. This is dated 29 May 2025 and alters the contents of Schedule 2, Part 7; however has no change to the wording or obligation set out under Clause 7.1.

The details you have supplied comply with the following clause:

'7.1 The Owner shall submit an Open Space Scheme to the District Council prior to the Commencement of Development for its approval.'

'Open Space Scheme' means 'a scheme which:

- (a) contains the design and detailed specification the Public Open Space to be provided as part of the Development; and
- (b) specifies the manner in which the Public Open Space shall be provided including the details for the laying out, servicing and planting that is required in order to complete the provision of the Public Open Space; and
- (c) details how the Public Open Space will be managed and maintained after it has been completed.'

'Public Open Space' means 'the open space to be provided as part of the Development which shall (unless otherwise agreed with the District Council in writing) include:

- (i) 0.2 hectares of open space / green space / landscaping /

retention pond and associated landscaping;

(ii) a commuted sum of £16,242 towards outdoor fitness equipment / activity trail to be spent in a location within Angmering.'

For the purposes of this application, only part (i) is relevant.

To comply with part (a), (b) and (c) of the Open Space Scheme, the following documents have been provided:

- Hard and soft general arrangement LLD1275-LAN-DWG-100 Rev 06
- Soft Landscape Layout LLD1275-LAN-DWG-200 Rev 05
- Detailed Planting Plan LLD1275-LAN-DWG-201 Rev 04
- Detailed Planting Plan LLD1275-LAN-DWG-202 Rev 04
- Detailed Planting Plan LLD1275-LAN-DWG-203 Rev 04
- Detailed Planting Plan LLD1275-LAN-DWG-204 Rev 04
- Detailed Plant Schedule and Specification LLD1275-LAN-SCH-001 Rev 04
- Soft Landscape Specification LLD1275-LAN-SPE-001 Rev 00
- Ecological and Landscape Management Plan LLD1275-LAN-REP-001 Rev 00
- Covering Letter

The supplied documents sets out the design and detailed specification for the Public Open Space (POS), specifies the full details for the laying out, servicing and planting to complete the provision of the POS, and also details how the POS will be managed and maintained after it has been completed. The Ecological and Landscape Management Plan provides a Landscape Maintenance and Management Schedule spanning 5 years. The Covering Letter states that the freehold area is to be transferred to a new management company upon the last sale of a dwelling at the development plan; this management company is to be funded by dwelling occupiers (through legal obligations on their title) to carry out maintenance and management of the open space and landscaping following the 5 years set out in the schedule.

The ADC Landscape Officer was consulted on this application, and has confirmed the information submitted to comply with Clause 7.1 is consistent with that previously approved, and has provided suitable information to satisfy this obligation.

The details that satisfy this clause comprise:

- Hard and soft general arrangement LLD1275-LAN-DWG-100 Rev 06
- Soft Landscape Layout LLD1275-LAN-DWG-200 Rev 05
- Detailed Planting Plan LLD1275-LAN-DWG-201 Rev 04
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- Covering Letter

REASON FOR DECISION

The information has been reviewed by Hannah Kersley (Senior Planning Officer of Arun District Council) and meets the requirements of Schedule 2, Clause 7.1 to provide an Open Space Scheme to the District Council prior to the Commencement of Development for its approval. The details submitted are in compliance with the information previously approved in respect of A/51/14/OUT (and subsequent applications).

To fully comply with the obligation 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. 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.

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