

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

REF NO: WA/47/26/AOO

LOCATION: Land West of Tye Lane
Walberton

PROPOSAL: Application to approve details required under the Section 106 dated 28.07.2022 linked to WA/68/20/OUT in relation to Part D Clauses 4.1 and 4.2 (Public Open Space and Play Areas).

SITE AND SURROUNDINGS

DETAILS OF DECISION

The Council has considered the details you have submitted in order to satisfy obligations contained in the Section 106 agreements dated 22 July 2022 and 18 January 2024 which relates to planning permission WA/68/20/OUT and amended under WA/6/23/PL.

The details you have submitted are not acceptable and therefore clauses 3.3 of the S106 executed on January 18 2024 is not discharged under this application.

Clause 3.3 which varied the paragraph 4.1- 4.3, Part D Schedule 1 states:

'Not to occupy any Residential Units in Phase A until the Public Open Space Land and the Play Areas for Phase A have been provided in accordance with details approved in writing by the Council.'

'Not to occupy any Residential Units in Phase B until the Public Open Space Land and the Play Areas for Phase B have been provided in accordance with details approved in writing by the Council.'

'Not to occupy any Residential Units in Phase C until the Public Open Space Land and the Play Areas for Phase C have been provided in accordance with details approved in writing by the Council.'

The details of the public open space and play areas has previously been agreed under WA/6/26/AOO. This proposal provided detail of 3no. LAPs and 1 no. LEAP which included areas of formal play equipment (LEAP; typically offering play for older children - swings, slides etc.) and areas of more informal play (LAPS typically offering play for younger children - simplistic, natural play features equipment balance beams, rocks mounds etc).

The Agent has confirmed they are applying to revert the proposal back to an early scheme as shown approved under WA/126/22/RES and then subsequently listed as approved under WA/6/23/PL.

- Open Space sheet 1 - BDWS23688 20
- Open Space sheet 2 - BDWS23688 20
- Open Space sheet 3 - BDWS23688 20
- Open Space sheet 4 - BDWS23688 20
- Open space sheet 5 - BDWS23688 20
- Play area proposal BDWS23688 20 Sheet 1

This proposal only allows for 1 no. formal play area, the LEAP. The LAPS would revert to areas of grass, with a bench and bin for convenience. Therefore, the public open space and play area are not of sufficient quality.

REASON FOR DECISION

Greenspaces were consulted but did not respond to the request.

Turning to Arun DC Supplementary Planning Document (SPD) for 'Open Space, Playing Pitches, Indoor and Built Sports Facilities'. This document sets out the requirements for the provision of open space in new development. The SPD is a material consideration when determining applications for housing development above 9 dwellings.

The SPD includes a set of principles of open space and play space to ensure that well design and successful play spaces are provided in development. It states that a well-designed play area is a bespoke, inclusive and adaptable space that is well located, uses natural features, offers a wide range of engaging play experiences for all ages and abilities, meets community needs, encourages appropriate risk and challenge, and is sustainably managed to evolve over time.

To revert the LAPs to simple patches of grass would not accord with the requirements of the SPD and this would not be appropriate or acceptable. Although a grass surface is an acceptable play surface, and a bench and bin are important amenities, they do not constitute play equipment. There would be nothing engaging for different ages and abilities, it would not meet the needs of the community, nor would they encourage risk and challenge. Overall, turfed areas would be visually read as open space, not a well designed play space.

RELEVANT SITE HISTORY

WA/6/26/AOO	Application for the approval of the LAP and LEAP as required under obligation clauses 4.1 & 4.2 of Part D in	Approve 08-04-26
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the S106 Agreement dated 28.07.22 in relation to
planning permission WA/68/20/OUT

CONSULTATIONS

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

REFUSE