

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

REF NO:	WA/6/26/AOO
LOCATION:	Land West of Tye Lane and North of Field Close & North Road Walberton
PROPOSAL:	Application for the approval of the LAP and LEAP as required under obligation clauses 4.1 & 4.2 of Part D in the S106 Agreement dated 28.07.22 in relation to planning permission WA/68/20/OUT

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 approved and clause 3.3 of the S106 executed on January 18 2024 are recorded as discharged. 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 following documents were submitted in support of the application: - BDWS23688 20 Sheet 1 Play Area Proposal - BDWS23688 22 Sheet 1 LAP POS Proposal - BDWS23688 23 LAP 2 POS Proposal - BDWS2368 24 LAP 3 POS Proposal The Landscape Officer has stated subject to confirmation that dwg 'BDWS23688 20 Sheet 1' was previously approved; they
REASON FOR DECISION	

recommend that the 1 no. LEAP and 3 no. LAP are sufficient in quantity and the detail contained within are appropriate.

To confirm dwg BDWS23688 20 Sheet 1 Play Area Proposal was first approved under WA/126/22/RES and then subsequently listed as approved under WA/6/23/PL as well.

As the queries raised by the Landscape Officer have been confirmed and the proposed plans are sufficient to accord with the requirement of the clause; the obligation is considered discharged.

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 before provision.

RELEVANT SITE HISTORY

WA/75/25/AOO	Application to approve First Schedule Clause 4 (Public Open Space Land and Play Areas) in the Section 106 dated 28.07.22 (as amended) in relation to planning permission WA/68/20/OUT.	Refused 08-01-26
WA/68/20/OUT	Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.	Refused 12-01-21 Appeal: Allowed+Conditions 22-07-22
WA/25/24/NMA	Non-material amendment following the grant of WA/6/23/PL relating to condition 3 - landscape & ecological management plan, condition 6 - foul drainage system and 18 - broadband provision.	Approve 21-06-24
WA/6/23/PL	Variation of condition following APP/C3810/W/3278130 (WA/68/20/OUT) relating to Condition Nos 8 - foul drainage and 14 - surface water drainage scheme/system.	App Cond with S106 09-02-24
WA/126/22/RES	Approval of reserved matters following WA/68/20/OUT	ApproveConditionally

10-03-23

for construction of 131 No homes (30% affordable homes) and associated works. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.

CONSULTATIONS

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

APPROVE