

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

REF NO: WA/75/25/AOO

LOCATION: Land West of Tye Lane and North of Field Close & North Road
Walberton

PROPOSAL: 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.

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 17 December 2024 which relates to planning permission WA/68/20/OUT and amended under WA/6/23/PL.

REASON FOR DECISION

The details you have submitted are not acceptable and therefore clauses 4.1, 4.2 and 4.3 are not discharged:

- Insufficient details have been provided as the requirements in the S106 request the detail of 3no. LAPS.

This application has been reviewed by the Planning Officer and the Leisure and Landscape Officer (LLO).

The LLO confirmed that that previously approved plans indicated that 3 no LAPs and 1 no. LEAP would be provided. This is supported by the definition within the S106 agreement which dictates that meaning of Play Areas to be 'means the three (3) local areas of play (LAPS) and the local equipped areas of play (LEAPS) to be provided as part of development'

Furthermore the S106 agreement states:

- Para 4.1 states 'Not to occupy more than 25% of residential units until the public open space land and play areas for phase A have been provided and approved in writing by the council.'

- Para 4.2 states 'Not to occupy more than 50% of residential units until the public open space land and play areas for phase B have been provided and approved in writing by the council.'

- Para 4.3 state 'Not to occupy more than 100% of residential units until the public open space land and play areas for phase C have been provided and approved in writing by the council.'

This again reinforces the requirements for 3 LAPS. Only the details of 1 no LAP and 1 no LEAP have been provided, as

such the application is lacking in required details. Details of the other 2 LAPS are required to be submitted and approved in writing by the Local Authority, until such the S106 controls occupations on site.

RELEVANT SITE HISTORY

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
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Appeal: Allowed+Conditions
22-07-22

CONSULTATIONS

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

REFUSE