

Report following a request for further information, negotiations or consultation

REF NO: A/179/20/RES

LOCATION: Land South of Water Lane
Angmering

PROPOSAL: Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, for a culverted embankment.

DEVELOPMENT CONTROL COMMITTEE 6th JANUARY 2021

This Committee deferred the application, following the deferral of A/109/20/RES, so that there could be further consideration of the proposals by the Angmering Advisory Group.

ANGMERING ADVISORY GROUP

A meeting of the Angmering Advisory Group is due to take place on the 26th January, which will consider the issues raised in the discussion and reasons for deferral, the outcome of which will be reported in a Report Update.

REPORT UPDATE

Application No: A/179/20/RES

Reason for the Update / Changes

Reason for Update/Changes:

ANGMERING PARISH COUNCIL:

The Illustrative Visuals of the views from Water Lane show that the proposed landscape screening of the housing development (A/109/20/RES) is to be achieved by planting trees in the Black Ditch floodplain. Following the submission of the application for the culverted embankment (A/179/20/RES) the Parish Council has concerns about the viability of this proposal. Have the WSCC as the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) been consulted? How vulnerable would the trees be to being uprooted during heavy rain and gales? Branches, twigs and leaves could wash downstream and block the culvert entrance. Would this require additional screening and monitoring having to be built into the design of the culverted embankment? What type of trees have been identified? Will they grow to maturity in these conditions and achieve the height and density required, within the proposed timescales, to screen this part of the development? If the proposal is acceptable to the EA and the WSCC LLFA, the Parish Council would expect there to be rules about what can be planted.

Officers Comment:

The Lead Local Flood Authority and the Environment Agency have been consulted and they both raise no objection to the proposed development. The trees are a minimum of 1.6 metres tall at the point of planting and would grow to at least 16 metres with some reaching heights of 24 metres at full maturity. Within a number of years after planting, these trees would be well established and would screen the proposed residential development.

ADC ARBORICULTURE:

No objection.

Officers Comment:

Noted.

A local resident has raised the following objection:

- Construct a culvert that will actually have a viable effect.

Officers Comment:

This issue is addressed in the Officers Report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: A/179/20/RES

LOCATION: Land South of Water Lane
Angmering

PROPOSAL: Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, for a culverted embankment.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks approval of Reserved Matters for the construction of a culverted embankment over the Black Ditch, providing road access to the proposed residential development following the granting of outline planning permission (A/99/17/OUT). The reserved matters that are being applied for comprise appearance, layout, scale and landscaping. A separate reserved matters application (A/109/20/RES) has been submitted for the development of the 175 dwellings on Land South of Water Lane.
SITE AREA	0.37ha (3,711 square metres).
TOPOGRAPHY	The site undulates northwards towards Water Lane. The site is crossed by the Black Ditch.
TREES	None of any significance affected by this proposed development.
BOUNDARY TREATMENT	The application site is located 800 metres to the east of Angmering village centre and is bounded by the A280 to the East, Weavers Hill to the west, the High Street to the South, and Water Lane to the north.
SITE CHARACTERISTICS	The site forms part of what has been identified in the Local Plan as "Angmering North" - a strategic residential allocation for at least 800 new homes. The site slopes down to the Black Ditch in close proximity to Water Lane. The Black Ditch is bounded by a mix of trees and hedgerows. The site is within Flood Zone 3. There are no designated heritage assets within the site. Angmering village centre is 900 metres from the application site, accessed using Weavers Hill and Cumberland Road to the west of the site; and along High Street to the south of the site.
CHARACTER OF LOCALITY	The area is rural in character with the South Downs National Park to the north beyond the A27 and to the east side of the A280. There is existing residential development to the south and west of the site and further residential development to the south, off Roundstone Lane. The site is bounded to the east and west by the Black Ditch and by trees and hedges. To the south of the site is the main part of the land that has outline planning permission for

residential development on Land South of Water Lane. To the north of the site is Water Lane, beyond which is land that is the subject of a separate outline planning application (A/40/18/OUT) for a mixed use (residential and employment) development.

RELEVANT SITE HISTORY

A/99/17/OUT	Outline application with some matters reserved (Access only) for development up to 175 No. residential dwellings, 12-03-19 public open space, play areas with associated infrastructure including roads, drainage & landscaping. This application affects the character & appearance of Angmering Conservation Area & the setting of Listed Buildings.
A/109/20/RES	Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).
A/157/20/DOC	Approval of details reserved by condition imposed under ref A/99/17/OUT relating to Condition 21 - Construction Management Plan.

A separate application was submitted for the construction of a bridge over the Black Ditch (A/110/20/RES), which would have formed an alternative means of access, but this application has been withdrawn.

REPRESENTATIONS

No objection in principle.

The Parish Council is asking for more information. It is understood that the culverted embankment would form part of the Angmering Flood Risk Alleviation Scheme and that in the event of flooding flow would be restricted through the culvert and a holding lake/pond formed against and upstream of the embankment. This is necessary to prevent an excess volume of water overwhelming the culvert at Weavers Hill in extreme flood conditions. The Parish Council wish to see details showing the positioning of the "throttling" at the culvert and have a plan of the lake that would be formed in flood conditions, showing its extent with an indication of its maximum depth. From plans submitted the latter would appear to be approximately 2 metres; can this be confirmed?

Two letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- Why does the road over the embankment include footways on either side, leading to Water Lane?

- There is no footway on Water Lane, which is heavily trafficked and drivers disregard the speed limit.
- The use of High Street by construction traffic is entirely inappropriate because it is unnecessary.
- Construction access to the site should be from Water Lane and not from High Street.
- There should be a fixed end date to the use of the temporary access from High Street.

One letter of representation has been received from a local resident in support of the proposed development but requesting a flood risk assessment be undertaken for the impact of the embankment.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the 'Conclusions' section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection.

The proposals would not materially affect the safety, reliability and/or operation of the strategic road network.

LOCAL HIGHWAY AUTHORITY:

No objection.

The additional information addresses the matters raised previously regarding the positioning of the cycleway and footways. The road over the culverted embankment would need to be subject to an Approval in Principle if it is to be adopted as part of the public highway.

WSCC FIRE & RESCUE SERVICE:

No objection.

Evidence has been provided to demonstrate that there is sufficient access width for a fire appliance to access the site, with a minimum width of 3.7 metres and capable of withstanding 12 to 17 tonne axial weight.

SOUTH DOWNS NATIONAL PARK AUTHORITY:

The culverted embankment is of a highly engineered appearance and it is necessary infrastructure to facilitate access to the housing development. Any development within the setting of the National Park should contribute positively to ecosystem services and demonstrate environmental net gain and respect the setting of the National Park landscape, by the provision of additional landscaping and green infrastructure. Full details of any street lighting along the culverted embankment should be secured by condition.

ENVIRONMENT AGENCY:

No objection subject to the imposition of a condition.

The condition requires the submission of a scheme to establish who will manage and maintain the flood relief structures associated with the culverted embankment. The EA has been working with the Lead Local Flood Authority, the District Council Drainage Engineers, the applicant and their consultants to incorporate a flood alleviation scheme as part of the proposed development.

LEAD LOCAL FLOOD AUTHORITY (LLFA):

No objection.

These proposals are satisfactory based upon the modelling contained within the Flood Risk Assessment

for the Angmering Flood Alleviation Scheme (V1.0) and the proposed culverted embankment design is consistent with previous discussions with the applicant, and it will not increase flood risk. This scheme is supported as opposed to the previous application for a free-standing bridge (A/110/20/RES).

ADC DRAINAGE:

Support this scheme for a culverted embankment as opposed to the previously proposed free-standing bridge. The proposal is consistent with the Flood Risk Assessment for the Angmering Flood Alleviation Scheme.

ADC ARCHAEOLOGY:

No objection.

The site is in an area of some potential because of the presence of the favourable natural resources provided by the stream, particularly in the later prehistoric period. It would be appropriate to require that the site be investigated, either through a watching brief on all significant ground-works or an initial evaluation by trial trenching followed by targeted investigation thereafter as appropriate, by means of a condition.

ADC CONSERVATION OFFICER:

The site is in close proximity to two listed buildings: Weavers Cottage and Avenals Farmhouse. The proposed culvert appears to be a standard engineered design, which has been prepared in order to undertake its function. Subject to the landscaping scheme (which has been prepared as part of the separate reserved matters application) being acceptable, it is thought that, on balance, the proposal would not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ECOLOGY:

No objection.

The Landscape and Ecological Management and Maintenance Plan (November 2020) and Landscaping Proposals (April 2020) which have been submitted as part of the main residential application (A/109/20/RES) have also been submitted for the proposed culverted embankment, which is considered to be acceptable.

ADC GREENSPACE:

No objection.

The graded banks are to be seeded with seed mix to return these back to natural habitat. The information submitted in the landscape plan (Dwg JBA 19/283-01 Rev F) and in the Arboricultural Impact Assessment contain sufficient information and mitigation requirements to be able to approve the landscape detail.

ADC ARBORICULTURE:

No consultation response has been received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the 'Conclusions' section below.

POLICY CONTEXT

Designation applicable to site:
Strategic Allocation in the Local Plan.

Within the Built-Up Area Boundary in the Local Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan:

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of TCPA provides that:-

(2) In dealing with an application for planning permission the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

The development is considered to comply with relevant Development Plan policies as the appearance, scale and layout of the culverted embankment is considered to be acceptable. The proposed culverted embankment across the Black Ditch would result in a functional, highly engineered scheme which would serve both as a road crossing to the residential development on Land South of Water Lane and as part of a wider flood alleviation scheme, reducing incidents of flooding on Water Lane and in Angmering village centre.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The principle of residential development on this site was established when outline planning permission (A/99/17/OUT) was granted on 12th March 2019 for access for up to 175 dwellings on Land South of Water Lane. The site access was approved under the following plan Drawing No. ITB9105-GA-022 Rev. A: 'Proposed Site Access - Land South of Water Lane' at the outline planning stage. There are no conflicts between the approved access plan, onto Water Lane, and the current proposal for a culverted embankment with a road over the embankment. The details of the culverted embankment and the road have not already been agreed.

Angmering Advisory Group meeting:

A presentation was given at the Angmering Advisory Group meeting on 30th July 2020 where there was a discussion about contractor access from High Street to the south to construct the crossing over the Black Ditch at the northern end of the site; and limiting the length of time that contractor access is available from High Street and ensuring that contractor access directly off Water Lane must be prioritised in the project planning of the development of the site.

Angmering Flood Alleviation Scheme:

Policy W DM2 of the Local Plan says: "In locations where strategic flood defence or resilient and resistant construction measures are necessary within the site itself, proposals will be required to demonstrate how measures have been incorporated as an intrinsic part of the scheme in a manner which is compatible with the latest Strategic Flood Risk Assessment."

The Flood Risk Assessment has been submitted as part of this reserved matters application to demonstrate that the culvert could facilitate a future Flood Alleviation Scheme but consideration of the merits or otherwise of a future Flood Alleviation Scheme are not part of this reserved matters application for the culverted embankment.

The Flood Risk Assessment for the Angmering Flood Alleviation Scheme concludes that the flooding in Angmering is caused by a lack of capacity in the culverted section of the Black Ditch in Water Lane and in the village centre to accommodate the storm run-off from the upstream catchment, which extends up to 25km into the South Downs. The topography of the land at the head of the Water Lane culvert offers significant storage capacity and the opportunity to restrict the flows on the Black Ditch and attenuate storm water at a number of locations. The opportunity to restrict flows using the road embankment for the new access road to the housing development on Land South of Water Lane significantly reduces the cost and complexity of the Flood Alleviation Scheme and increases its viability.

This reserved matters application for the culverted embankment has been kept separate from the Angmering Flood Alleviation Scheme application, which will be a separate application that has yet to be submitted; so as to ensure that this reserved matters application was not compromised by any potential delays with the Flood Alleviation Scheme. This reserved matters application for the culverted embankment now facilitates the Flood Alleviation Scheme that can be retrofitted to the wing walls on the upstream side (i.e. the eastern side) of the access road culvert. There is 11.0 metres between the wing walls of the culvert to facilitate the weir; the weir is to be constructed at a later date as part of the Flood Alleviation Scheme. As part of the Flood Alleviation Scheme, the Black Ditch would function as a lake following heavy rain; and a weir would be fitted upstream of the box culvert, which has been oversized to accommodate the flows from the weir, in compliance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

In response to the Parish Council's request for additional information, the Lead Local Flood Authority has confirmed that the Angmering Flood Alleviation Scheme Modelling Technical Note, which will be submitted with the separate application for the Flood Alleviation Scheme provides the hydraulic modelling data to support the scheme and the culverted embankment option for the road access.

DESCRIPTION OF DEVELOPMENT

This application was re-advertised as the description has been amended from: approval of reserved matters (appearance, layout & scale of access only) to approval of reserved matters (appearance, layout, scale and landscaping).

ASSESSMENT

An assessment of the layout, scale and appearance of the proposed embankment, incorporating a culvert, and providing vehicular access over the Black Ditch is set out below.

LAYOUT

Policy D DM1(1) of the Local Plan requires the development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy D SP1 of the Local Plan specifies that development should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

The proposed layout of the culverted embankment

The proposed box culvert would measure 3.5 metres wide by 3.0 metres high and would be constructed of pre-cast reinforced concrete box units. The embankment slope would measure 1 in 3 to the existing ground. The road which would run along the culverted embankment would be 6.0 metres wide and it would have a 3.0 metre wide shared footway / cycleway running along the eastern side, and a 2.0 metre wide footway along the western side. The provision of a 2.0 metre wide footway along the western side is standard engineering practice and it would ensure if cyclists and pedestrians were using the footway / cycleway on the eastern side, that pedestrians could also walk on the footway over the embankment without walking in the road.; and they could cross over onto the eastern footway/cycleway when the pedestrians and cyclists had moved on. There would be a 1.4 metre high parapet running along the sides of the embankment alongside the footways; and 1.1 metre high railings running down the embankment.

It is considered that the proposed layout of the box culvert and the grassed embankment occupies almost the same amount of land as the bridge, which was previously proposed at this location. The proposed layout, which includes a 1 in 3 slope, is considered to be functional as it provides a vehicular crossing over the Black Ditch and is the potential part of a flood alleviation scheme. The layout is considered to be acceptable; it is highly engineered but it is dual functional and does not occupy a large tract of land.

SCALE

The scale of the proposed development is large so as to accommodate its dual function as a vehicular access from Water Lane to the proposed residential which would be located south of the Black Ditch; and as a culverted embankment which could in future constitute part of the Angmering Flood Alleviation Scheme providing capacity to accommodate stormwater run-off from the upstream catchment area on the Downs, thereby reducing incidents of flooding on Water Lane and in Angmering Village Centre. It is considered that the proposed scale of the development is acceptable as the scale is predicated on its dual function as a road crossing and a potential part of a flood alleviation scheme.

APPEARANCE

The culverted embankment with the road running along the top would have the appearance of a highly engineered flood defence structure. The 1.4 metre high parapet alongside the footways / cycleway and the 1.1 metre high handrails running down the sides of the embankment would add to the highly engineered appearance of the structure, but it is considered that the parapet and the railings are required for safety reasons. The culverted embankment would be located within an area of established trees and hedges growing within and alongside the Black Ditch; and it is considered that the grassed banks of the structure would quickly blend in with the surrounding green infrastructure which fronts onto Water Lane.

The culvert is a standard pre-formed structure that has been designed in collaboration with West Sussex County Council and Arun Drainage Engineers. The structure would be adopted by West Sussex County Council Highways and therefore needs to meet their requirements. Any deviation from WSCC standards raises issues in regards to adoptability. It is pertinent to note that the structure would be mostly hidden by the embankments and surrounding areas of soft landscaping. The proposed culverted embankment would be seeded and the grass would, over time, soften the appearance of the embankment. The appearance of the culverted embankment is set out on Drawing No. 46353/2002/020 Rev. C - General Arrangement. The railings and the parapet would look like the railings and parapets installed on bridges and viaducts on motorways and trunk roads. The box culvert needs to measure 3.5 metres wide by 3.0 metres high and be constructed of pre-cast reinforced concrete box units to function as a flood alleviation feature.

ACCESS AND MOVEMENT

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements".

Site access to Land South of Water Lane was approved at the outline planning stage (A/99/17/OUT). A separate planning application (A/109/20/RES) has been submitted for the residential development. This reserved matters application (A/179/20/RES) relates to the culverted embankment which would carry the access road over Black Ditch at the northern end of the site.

The revised General Arrangement Plan (Drawing No. 46353/2002/020 Rev. C) shows the width of the carriageway of the road is 6.0 metres, significantly exceeding the 3.7 metre requirement of the WSCC Fire and Rescue Service. It has been confirmed with the engineers that the box culvert would be constructed to be capable of withstanding 12 to 17 tonne axial weight for a fire appliance to access the site, to the satisfaction of the WSCC Fire and Rescue Service.

The Illustrative Masterplan which accompanied the outline planning application (A/99/17/OUT) highlighted an internal walking and cycling route within the site. The proposed layout plan for the road over the culverted embankment identifies a footway on the western side and a 3.0 metre wide footway / cycleway on the eastern side of the road that would cross the Black Ditch. The revised General Arrangement Plan (Drawing No. 46353/2002/020 Rev. C) illustrates the crossing over Water Lane connecting into the footway/cycleway running north and east, i.e. linking up with the footway / cycleway to be provided on Land North of Water Lane (A/40/18/OUT), as required by both the Local Planning Authority and the Local Highway Authority.

Two pedestrian / cycle / emergency access points were proposed at the outline planning stage, one onto Weavers Hill and one onto the High Street. The related reserved matters layout plan for the residential development on Land South of Water Lane (Drawing Number PLN-1-1101 Rev. AE) clearly identifies the internal cycling route which runs from north to south through the site. The proposed road design and layout ensures that this development would tie-in with the residential layout, ensuring pedestrian and cycle connectivity from High Street to the south with Water Lane to the north, in compliance with Policy T SP1 of the Local Plan and Policy TM2 of the Angmering NP.

LANDSCAPE

Policy LAN DM1 of the Local Plan says: "development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations."

The site is in close proximity to the South Downs National Park. The statutory purposes of the National Park are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and
- 2) to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

It is a duty of the LPA to assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (February 2019) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park: "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks". Policy HD5 of the Angmering NP says: "New development must not adversely impact upon the landscape setting or views into or out of the South Downs National Park."

The South Downs National Park Authority requested the provision of landscaping. The Arboricultural

Impact Assessment submitted for the residential scheme (A/109/20/RES) which has also been submitted with this application for the culverted embankment covers includes tree removal works. Only two trees are proposed to be removed to facilitate the culverted embankment, T49 (Category B1 willow) and T50 (Category C1 willow). The planting plan for the residential scheme, (Drawing No. 19-283-01 Rev. F) which has also been submitted with this application for the culverted embankment, shows the area in more detail and explains that the embankment would be seeded with grass.

It is considered that the information submitted in the landscape plan (Drawing No. 19/283-01 Rev F) and in the Arboricultural Impact Assessment contain sufficient information and mitigation requirements to be able to approve the landscape detail. No trees or hedgerows would be able to be planted on the embankment of the culvert as it is intended to be adopted and the banks would form part of this adoption. A large number of trees (18.no) screen the culvert from Water Lane and from the proposed development. These trees are a minimum of 1.6 metres tall at the point of planting and would grow to at least 16 metres with some reaching heights of 24 metres at full maturity. Within a number of years after planting, these trees would be well established and would screen the culvert well. The areas underneath the trees would be seeded with a specific wildflower mix depending on the ground conditions; and would grow to also provide screening to the culvert and encourage biodiversity.

In terms of hard landscaping, the materials for the road and pavements are set out in the key in Drawing No. 46353/2002/020 Rev. C - General Arrangement; the carriageways are to be made up of bitumen (asphalt/tarmac). It is considered that the information submitted in the General Arrangement plan contain sufficient information and mitigation requirements to be able to approve the hard landscape detail.

HERITAGE ASSETS

Policy HER DM1 of the Local Plan says: "proposals affecting statutory Listed Buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings" and "protect and where possible enhance the setting of the building". (Policy HER DM1(a) and (e).

Policy HER DM3 of the Local Plan says: "in order to preserve or enhance the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019). Paragraph 196 of the NPPF says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value".

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 says: "In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

The site is in close proximity to Weavers Cottage and Avenals Farmhouse. With the landscaping that is proposed in the separate reserved matters application for the residential development (A/109/20/RES), it is thought that, on balance, the proposal would not cause harm to the significance of the heritage assets or their setting.

The development is acceptable and complies with Policy HER DM1 of the Local Plan in terms of impact on listed buildings; the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that it protects the setting of the Listed Buildings.

ARCHAEOLOGY

Condition 27 which was imposed on the outline planning permission (A/99/17/OUT) required the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and it has been implemented.

The area around the Black Ditch was not evaluated by the archaeological contractors who carried out geophysical surveys and trial trenching over the southern, central, eastern and western parts of the wider site comprising Land South of Water Lane in 2020 and uncovered evidence of mid to late Bronze Age settlement and Iron Age settlement on the site. Subsequently, it is considered that a further discharge of condition application needs to be submitted requiring a written scheme of investigation focussed on the land in and around the Black Ditch at the northern end of the site. The area around the Black Ditch could provide archaeological evidence of activity and settlements along the banks.

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation (a), light levels should be the minimum required for security and working purposes (b), and minimise potential glare and spillage (c); and the degree to which outdoor lighting can be powered by on-site renewable sources (d).

The South Downs National Park Authority has requested full details of any street lighting along the culverted embankment should be secured by condition. A detailed lighting condition (Condition 33) was imposed on the outline planning permission (A/99/17/OUT) to minimise the effect of light glare and spillage from the street lights due to the close proximity of the culverted embankment to the South Downs National Park. Consequently, the lighting details would be submitted in a separate discharge of condition application, in accordance with Policy D SP1 and Policy D DM1 of the Local Plan and Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan. The lighting details would also need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding.

SUMMARY

This reserved matters application seeking approval for appearance, scale, layout and landscaping is considered to be acceptable. It is considered that the proposed culverted embankment across the Black Ditch would result in a functional, highly engineered scheme which would serve both as a road crossing and part of a wider flood alleviation scheme for Angmering, in accordance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

RECOMMENDATION

As this application was re-advertised, because the description was amended to include landscaping as a reserved matter, and the period for re-advertisement expires on 17th January 2021, the recommendation is that the Development Control Committee delegate to the Director of Place (in consultation with the Chairman and the Vice Chairman) authority to:

- a. Grant planning permission subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human

Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

A Section 106 Agreement was imposed at the outline planning stage (A/99/17/OUT) which contained planning obligations regarding a highways contribution, early years, primary, secondary and further education contributions, a library contribution, a fire and rescue contribution, the provision of LEAPs and LAPs, a sports hall contribution, swimming pool contribution, a contribution to artificial pitches and a contribution towards the re-location of the skatepark, the BMX track and the fitness trail.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings and submitted materials:
 - Drawing No. 46353-STN-SBR-1772-DR-CB-0010 Rev. P01 - Site Red Line Plan
 - Drawing No. 46353/2002/020 Rev. C - General Arrangement
 - Drawing No. 46353/2002/021 - Vehicle Swept Path Analysis Duo Recycler
 - Drawing No. 46353/2002/022 - Proposed Contours
 - Drawing No. 46353/2002/023 - Road Longitudinal and Cross Sections
 - Drawing No. 46353-STN-SBR-1772-DR-CB-0006 Rev. P01 - General Arrangement
 - Drawing No. 46353-STN-SBR-1772-DR-CB-0011 Rev. P01 - Existing Plan Sections and Levels
 - Drawing No. 46353-STN-SBR-1772-DR-CB-0012 Rev. P01 - Proposed Site Sections and Levels
 - Drawing No. JBA 19-283 01 Rev. F - Angmering Detailed Planting Plan, Sheet 1
 - Drawing No. JBA 18109-SK01 Rev. J - Landscape Masterplan
 - Landscape and Ecological Management and Maintenance Plan (November 2020 (Ref. JBA 19/283 Rev. C)
 - Arboricultural Impact Assessment AR01 Rev. B (Ref. JBA 19-283).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 2 Prior to the commencement of development, a scheme to establish who will manage and maintain the culvert associated with this development shall be submitted for approval in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing / phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure the structural integrity of the flood defences and thereby reducing the risk of flooding and to reduce the risk of flooding to the proposed development and future users, in accordance with Policy D DM1 and Policy W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure there is an adequate maintenance programme in place prior to the adoption of the structure.

- 3 INFORMATIVE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal);
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
 - on or within 16 metres of a sea defence;
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.

For further guidance please visit <http://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advises them to consult with them at the earliest opportunity.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.