

SITE PLAN

RR/2021/2947/P

CAMBER

Former Putting Green Site – Land at  
Old Lydd Road



## Rother District Council

Report to	-	Planning Committee
Date	-	12 October 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2021/2947/P
Address	-	Former Putting Green Site – Land at, Old Lydd Road, Camber
Proposal	-	Erection of 10no. dwellings with new vehicular access, car parking with hard and soft landscaping.

[View application/correspondence](#)

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**RECOMMENDATION: It be RESOLVED to GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO THE END OF THE FORMAL PERIOD OF PUBLIC CONSULTATION AND COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING**

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**Director: Ben Hook**

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<b>Applicant:</b>	<b>Rother District Council</b>
<b>Agent:</b>	<b>Robinson Escott Planning LLP</b>
<b>Case Officer:</b>	<b>Mr E. Corke</b> (Email: <a href="mailto:edwin.corke@rother.gov.uk">edwin.corke@rother.gov.uk</a> )

<b>Parish:</b>	<b>CAMBER</b>
<b>Ward Members:</b>	<b>Councillors L. Hacking and P.N. Osborne</b>

**Reason for Committee consideration: Director – Place and Climate Change referral: This is a Rother District Council application, which relates to Council-owned land.**

**Statutory 13 week date: 9 June 2022**

**Extension of time agreed to: New date to be agreed**

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### **1.0 INTRODUCTION**

1.1 This application was considered by the Planning Committee at the 16 March meeting earlier this year. At that time the scheme for 10 dwellings included six market houses with a policy compliant four affordable units. Members resolved to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure the affordable housing.

1.2 The legal agreement has not yet been completed and the Applicant (Rother District Council) is now proposing to amend the scheme to deliver 100% affordable housing on the site, with a 50/50 mix of affordable housing for rent and shared ownership units. This change to the tenure mix has been

publicised with the formal period of public consultation ending on Friday 13 October 2023.

- 1.3 Apart from the change to the tenure mix, the scheme remains as previously approved by Members, with the report updated accordingly.

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## 2.0 SUMMARY

PROVISION	
No of houses	10
No of affordable houses	10
CIL (approx.)	£0
New Homes Bonus (approx.)	£80,840 paid over 4 years

- 2.1 The application relates to a site owned by Rother District Council (RDC), which is allocated for a residential development of some 10 dwellings (of which 40% are affordable) under Policy CAM1 of the Development and Site Allocations (DaSA) Local Plan.
- 2.2 In this case the proposal is for 10 dwellings delivered as 100% affordable housing with a 50/50 mix of affordable housing for rent and shared ownership units.
- 2.3 The Council's *Technical Advice Note 2 100% Affordable Housing 2023*, (which is a material consideration in determining the application), identifies a clear need for the provision of more affordable housing in the district and advises that applications for up to 100% affordable housing should be supported where they meet the Local Plan's adopted policies in all other respects and the affordable housing is secured through a Section 106 Legal Agreement.
- 2.4 The proposal is a well-designed and sustainable residential development which will deliver 10 dwellings on an allocated housing site and will have an acceptable impact on the environment. The change to a 100% affordable housing scheme should be supported as the housing mix is appropriate and it will help to address the clear need for the provision of more affordable housing in the district. There would be a loss of money raised through the Community Infrastructure Levy (CIL), but this loss is counterbalanced by the additional CIL liable on other sites in the district where less affordable housing and a higher proportion of market housing is achieved. New homes bonus could be approximately £80,840 paid over four years.
- 2.5 It is recommended that planning permission is granted for the proposal, subject to conditions, subject to the end of the formal period of public consultation for the change to a 100% affordable housing scheme, and subject to completion of a Section 106 Legal Agreement to secure the affordable housing.

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## 3.0 SITE

- 3.1 The application relates to a raised and rectangular shaped plot of land located on the north-east side of Old Lydd Road within the Development Boundary

for Camber. It was formerly used as a putting green but is now in use as a pay and display car park for up to 70 cars.

- 3.2 The site is owned by RDC and is allocated for a residential development of some 10 dwellings (of which 40% are affordable) under Policy CAM1 of the DaSA Local Plan. It is bounded by residential development to the north-east, Marchants Drive to the south-east and residential properties in Royal William Square to the north-west.
- 3.3 There are sand dunes opposite the site, on the other side of Old Lydd Road. The dunes, and the beach beyond these, fall within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), which is a national designated site of importance for biodiversity. The beach also falls within the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site, which are international designated sites of importance for biodiversity. There is also the Dungeness Special Area of Conservation (SAC), which lies approximately 2.8km to the east of the application site and approximately 1.6km to the south-west.

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## 4.0 PROPOSAL

- 4.1 This is a full application for 10 dwellings delivered as 100% affordable housing with a 50/50 mix of affordable housing for rent and shared ownership units. The development would be served by a new vehicular access from Marchants Drive and there would be associated car parking and hard and soft landscaping. A new pedestrian footway is also proposed along the site's frontages with Old Lydd Road and Marchants Drive. Existing ground levels would be reduced as part of the development. The finished ground floor level for all dwellings is shown as 5.2m above ordnance datum (AOD).
- 4.2 The schedule of accommodation is outlined below:

PLOT	BEDROOM/SIZE	TENURE
1	1b2p / 58sqm	Shared Ownership
2	1b2p / 58sqm	Affordable Rent
3	1b2p / 58sqm	Affordable Rent
4	1b2p / 58sqm	Affordable Rent
5	2b4p / 79sqm	Affordable Rent
6	3b6p / 111sqm	Affordable Rent
7	3b5p / 93sqm	Shared Ownership
8	3b6p / 111sqm	Shared Ownership
9	3b5p / 93sqm	Shared Ownership
10	3b6p / 111sqm	Shared Ownership

- 4.3 In terms of site layout, the proposed dwellings are arranged in an 'L' shape with three pairs of semi-detached houses fronting Old Lydd Road and four chalet-style units (arranged as one detached dwelling and a terrace of three) fronting Royal William Square. Most of the on-site car parking is provided in a parking area to the rear of the properties, which is accessed from Marchants Drive. Two of the houses would be served by tandem parking spaces, accessed from Old Lydd Road.

- 4.4 The proposed dwellings follow a contemporary design. The semi-detached houses fronting Old Lydd Road alternate between two and three-storeys in height, and alternate between flat and dual-pitched roofs. The three-storey houses benefit from a beach facing roof terrace at second floor level. The detached dwelling and terrace fronting Royal William Square are chalet-style properties with front and rear dormers. The external materials palette for the proposed dwellings predominantly consists of facing brick and vertical composite cladding to the elevations and metal standing seam roofs (where pitched roofs are proposed).
- 4.5 Renewable energy technologies are proposed to be incorporated into the development in the form of air source heat pumps and solar PV panels for all of the dwellings. Electric Vehicle charging points are also proposed.
- 4.6 The scheme has been amended since it was first submitted, in relation to design issues, relationship with neighbouring properties, and now in relation to the tenure mix.

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## **5.0 HISTORY**

- 5.1 RR/2010/2061/P Change of use from temporary car park to permanent car park to operate from 30 September 2010. DEFERRED
- 5.2 RR/2009/1948/P Change of use from putting course to temporary use as a car park (part retrospective). GRANTED (TEMPORARY)
- 5.3 RR/2006/156/P Outline: erection of eight live/work units and one residential unit including alteration to an existing and formation of new vehicular access. WITHDRAWN
- 5.4 RR/2005/2415/P Outline: erection of 10 commercial units and managers office with 11 apartments above and managers accommodation including landscaping, alterations to an existing and creation of new vehicular access. REFUSED
- 5.5 RR/2003/42/P Erection of new cafe/restaurant and retail centre (existing putting course to be demolished) with new vehicular access. GRANTED
- 5.6 RR/89/2425/P Nine dwellinghouses with garages and vehicular access. ALLOWED ON APPEAL
- 5.7 RR/89/1042/P Outline application: erection of nine dwellings with garages and vehicular accesses. REFUSED
- 5.8 RR/89/0362/P Outline: erection of nine terraced and semi-detached dwellings with parking and new vehicular access. REFUSED
- 5.9 RR/83/1886 Outline: erection of nine two-storey dwellings with garages and accesses. GRANTED
- 5.10 RR/76/0020 Extension to pavilion at putting course. GRANTED

5.11	A/71/327	Putting course. GRANTED
5.12	A/68/466	Children's playground. GRANTED
5.13	A/60/106	Temporary car park. GRANTED
5.14	A/57/276	Pairs of semi-detached bungalows. REFUSED
5.15	A/55/199	Outline: to erect three pairs of semi-detached bungalows. REFUSED

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## 6.0 LEGISLATION AND POLICIES

6.1 The Conservation of Habitats and Species Regulations 2017.

6.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1 (Presumption in Favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- RA1 (Villages)
- SRM1 (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN4 (Management of the Public Realm)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR3 (Access and New Development)
- TR4 (Car Parking)

6.3 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG3 (Residential Internal Space Standards)
- DHG4 (Accessible and Adaptable Homes)
- DHG7 (External Residential Areas)
- DHG11 (Boundary Treatments)
- DHG12 (Accesses and Drives)
- DEN1 (Maintaining Landscape Character)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)

- DIM1 (Comprehensive Development)
- DIM2 (Development Boundaries)
- CAM1 (Land at the Former Putting Green Site, Old Lydd Road, Camber)

6.4 The following documents are also material considerations:

- Council's Technical Advice Note 2 (TAN2) 100% Affordable Housing 2023
- The Camber Village Supplementary Planning Document (SPD) 2014
- The draft Sustainable Access and Recreation Management Strategy 2017
- The National Planning Policy Framework
- The Planning Practice Guidance (PPG)

## 7.0 CONSULTATIONS

7.1 Highway Authority (East Sussex County Council) – **NO OBJECTION** – Subject to the imposition of conditions.

7.2 Lead Local Flood Authority (East Sussex County Council) – **NO OBJECTION** – Subject to the imposition of conditions.

7.3 East Sussex County Council Archaeologist – **NO OBJECTION**

7.4 Southern Water – **NO OBJECTION** – Subject to the imposition of a condition.

7.5 Environment Agency – **NO COMMENTS TO MAKE**

7.6 Natural England – **NOT ABLE TO PROVIDE SPECIFIC ADVICE ON THE SUBMITTED HABITATS REGULATIONS ASSESSMENT (AND APPROPRIATE ASSESSMENT)**

7.7 Sussex Newt Officer – **NO OBJECTION** – An informative regarding Great Crested Newts has been recommended.

7.8 Sussex Police – **NO OBJECTION** – Subject to observations, concerns and recommendations being given due consideration.

7.9 East Sussex Fire & Rescue Service – **NO COMMENTS RECEIVED**

7.10 Romney Marshes Area Internal Drainage Board – **NO COMMENTS RECEIVED**

7.11 Housing, Enabling & Development Officer (Rother District Council) – **NO OBJECTION**

7.12 Environmental Health (Rother District Council) – **NO OBJECTION** – Subject to the imposition of a condition.

7.13 Waste & Recycling (Rother District Council) – **NO OBJECTION**

7.14 Planning Notice

*In relation to the originally submitted scheme*

7.14.1 21 letters of **OBJECTION** have been received (from 20 representatives). The concerns raised are summarised as follows:

- Loss of car parking (including disabled parking).
- Proposal is for financial gain.
- Proposal ignores the needs of the village and residents.
- Increase in traffic, parking issues, safety issues and adverse visitor behaviour within the village.
- Loss of revenue for local businesses as a result of lost car parking spaces.
- Application has been worded incorrectly to deliberately mislead/hide the general issues relating to this proposal as regards the availability/loss of a day visitor parking area within the village and the additional problems this will cause.
- The traffic consultant claims that there is an excess of parking spaces of 2650. This is simply not true.
- Houses will not be affordable for locals and will be bought as holiday-lets/holiday homes.
- Existing drainage system in the surrounding area is unable to cope with the number of existing houses. Is there capacity to add more dwellings to the system?
- Overdevelopment, overbearing and out of keeping.
- Overlooking and loss of privacy.
- The properties have very little storage provision (inside and out) for all the necessities of family life.
- Inadequate car parking provision for the new houses, leading to parking problems.
- No vehicle charging points.
- Windblown sand from the nearby sand dunes will cause accessibility issues to areas of the new properties.
- Proposal will lead to degradation of Site of Special Scientific Interest, Ramsar site and Special Area of Conservation.

7.14.2 One letter with **GENERAL COMMENTS** has been received. The comments are summarised as follows:

- Original ground level should be reinstated.
- Overlooking of Marchants Drive.
- Loss of car parking spaces.
- Increased traffic in Marchants Drive.

*In relation to the first amended scheme*

7.14.3 24 letters of **OBJECTION** have been received (from 20 representatives). Additional concerns raised are summarised as follows:

- Precedent for high density development which is not in keeping with the area.
- The drawings are at best, inaccurate, or at worst misleading.
- New parking spaces should be provided before any scheme that removes parking from the area is allowed.
- Poor design – a number of design issues are raised.
- Affordable housing units have not been ‘peppercotted’ with market housing units.
- Unclear whether a proportion of the homes will meet the Lifetime Homes Standard.
- Camber sits outside the residential development zones identified in the Local Plan and is therefore classed as a Rural Exception site. There is no evidence that the Rural Exception Site Requirements have been met.



- SUDS drainage strategy requires a clear maintenance and management plan.
- Any increase in pedestrian volume along the unadopted road at Royal William Square will increase the likelihood of a road traffic accident occurring.
- No assessment has been made of the impact of construction traffic on the unadopted road at Royal William Square.
- Overlooking and right to light issues for residents in Royal William Square.
- Lack of engagement with the community about the proposal.
- This development is a missed opportunity for habitat creation.
- Revised submission was not included in any of the 'My Alerts' emails issued or in any of the Council's lists of planning applications.
- Do we have any guarantee that these proposals will become reality in the end?

7.14.4 One letter with **GENERAL COMMENTS** has been received. The comments are summarised as follows:

- Use of light-brown bricks is an odd choice for the buildings and metal railings, metal-framed windows and zinc roofs would be subject to rapid erosion from the sea air.
- Potential for noise disturbance from proposed air source heat pumps.
- Covenants are required to prevent properties being sold as holiday homes and to retain the affordable units as 'affordable'.

7.14.5 **ANY PUBLIC COMMENTS RECEIVED IN RELATION TO THE AMENDED SCHEME FOR 100% AFFORDABLE HOUSING TO BE REPORTED IN A COMMITTEE UPDATE**

7.15 Camber Parish Council – **GENERAL COMMENTS** – Provided in relation to the originally submitted scheme only.

7.15.1 The comments are summarised as follows:

- Loss of car parking at the site will add to existing parking issues in Camber.
- Concern that the affordable housing units will not be affordable and that they will add to the holiday-let market if not secured as affordable housing in perpetuity.
- Existing drainage system in the surrounding area is not fit for purpose. If permission is granted for building on this site then a complete overhaul of drainage needs to be a condition.

7.15.2 **ANY COMMENTS RECEIVED FROM THE PARISH COUNCIL IN RELATION TO THE AMENDED SCHEME FOR 100% AFFORDABLE HOUSING TO BE REPORTED IN A COMMITTEE UPDATE**

## 8.0 LOCAL FINANCE CONSIDERATIONS

8.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. However, there is a fee exemption for affordable housing units which means that in this case no CIL money will be received.

- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £80,840 over four years.
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## 9.0 APPRAISAL

- 9.1 The main issues are determined to be:
- Principle of development, including whether the provision of 100% affordable housing is acceptable.
  - Impact on the character and appearance of the locality.
  - Housing mix.
  - Impact on neighbouring properties.
  - Living conditions for future occupiers.
  - Highway matters
  - Flood risk and drainage.
  - Impact on habitats and biodiversity.

### 9.2 Principle of development

9.2.1 The site is located within the development boundary for Camber where there is a policy presumption that infilling and redevelopment will be acceptable, subject to compliance with other relevant policies of the development plan. One of these is Policy CAM1 of the DaSA Local Plan, which allows for the redevelopment of the site from a car park to wholly residential, with some 10 dwellings provided (40% of which are affordable). The current proposal would provide 10 dwellings on the site delivered as 100% affordable housing.

9.2.2 Whether or not the provision of 100% affordable housing on this site is acceptable in relation to the policy requirement for 40% affordable housing is dealt with in the Council's *Technical Advice Note 2 100% Affordable Housing 2023*. This document, which is a material consideration in the determination of planning applications, explains how adopted Development Plan policy will be applied in situations where applications for 100% affordable housing are submitted. In summary, planning applications for 100% affordable housing should be supported where they meet the Local Plan's adopted policies in all other respects and the affordable housing is secured through a Section 106 Legal Agreement.

9.2.3 By way of background information, paragraph 24 of this document states:

*“Since 2011, only 516 affordable rented dwellings have been built, which averages 52 dwellings/year (contrasting strongly with the need, identified in the HEDNA 2020, for 295 affordable rent properties to be built each year). The long-term average is reflected in the most recent years, with 67 affordable rent dwellings completed in 2020/21 and 50 in 2021/22.”*

9.2.4 Paragraph 25 says:

*“232 shared ownership properties have been built since 2011, an average of only 23 dwellings/year (again contrasting with the HEDNA 2020, which identifies a need for 203 affordable home ownership properties per year). 35 shared ownership dwellings were completed in 2020/21 and 62 dwellings in 2021/22.”*

9.2.5 In terms of implementing Local Plan policy, paragraph 36 of TAN2 says:

*“More recent evidence within the HEDNA (2020) highlights that the need for affordable housing, and socially rented housing in particular has significantly increased, due to the widening gap between local income levels and the costs of renting or buying housing. The affordable housing need exceeds total housing delivery in Rother. Furthermore, the Council’s Corporate Plan supports the provision of affordable housing which meets demonstrated local needs.”*

9.2.6 Paragraph 37 says:

*“Where proposals come forward for greater levels of affordable housing than the minimum percentages set out in Policy DHG1 (up to 100%), the applications should be supported in principle. Such proposals would not conflict with Policy DHG1 of the DaSA Local Plan, which sets out minimum (not maximum) percentage requirements for affordable housing...”*

9.2.7 The above demonstrates that there is a clear need for more affordable housing in the district. As such, the proposal for 100% affordable housing on this site should be supported in principle.

9.2.8 Separate to the above, the Parish Council and local residents have raised concern about loss of the existing car park. With regard to this specific issue supporting paragraph 11.70 of the DaSA Local Plan says:

*“The site’s redevelopment will result in a small reduction in public car parking capacity in the village. However, there is a significant amount of alternative car parking provision in Camber, and the benefits of redeveloping this prominent site, including in terms of it making a valuable contribution to the village’s housing supply and improving the street scene, are considered to outweigh this loss. It is noted that any additional demand for car parking in the winter months could be adequately accommodated elsewhere in the village, including at the Central Car Park, in the event of the redevelopment of the former putting green site. It is not proposed to utilise the Western Car Park in the winter months (which would raise potential nature conservation issues).”*

### 9.3 Impact on the character and appearance of the locality

9.3.1 Camber is characterised by a range of residential development. Buildings in the surrounding area are varied in terms of size, age, style, and materials. There is no single unifying character. Recent developments have generally followed a contemporary design approach.

9.3.2 Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy, Policy DEN1 of the DaSA Local Plan and paragraph 130 of the National Planning Policy Framework seek, amongst other things, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.

9.3.3 Policy CAM1 (ii) of the DaSA Local Plan says that in relation to the form of development on this site, regard is given to the Camber Village SPD. Section

4.3 of this document sets out the overall approach and framework to guide new development. This is designed to be nonprescriptive so that development can come forward flexibly but in line with key principles and guidelines for the site. The guidelines are set out in detail on pages 95-96, and cover: built development, traffic and movement, natural environment, uses and activities, and landscaping. An example scheme is provided in the document and the site layout is reproduced below:



- 9.3.4 The example layout shows units fronting Old Lydd Road and turning the corner to address the dwellings in Royal William Square to the west. Each of the buildings is said to be three-storeys in height. A parking area is provided to the rear of the properties, which is accessed from Marchants Drive.
- 9.3.5 The layout of the housing scheme now proposed is similar to that indicated in the Camber Village SPD. It presents a permeable frontage to Old Lydd Road, with gaps between the three pairs of semi-detached dwellings. It then turns the corner with the terraced dwellings and detached dwelling addressing the neighbouring properties in Royal William Square. The proposed site layout is reproduced below:



- 9.3.6 The proposed building heights are varied with a mixture of two and three-storey dwellings fronting Old Lydd Road, and chalet-style dwellings fronting Royal William Square. Overall this results in a scheme which has a comfortable relationship with the local context in terms of massing, scale and streetscene character. Private gardens and a parking area are proposed to the rear of the houses, together with a new vehicular access onto Marchants Drive, all as per the SPD.
- 9.3.7 In terms of the building designs, a contemporary architectural approach has been adopted with a modern external materials palette comprising facing brick and vertical composite cladding to the elevations and metal standing seam roofs (where pitched roofs are proposed). Due to the variety of materials and styles in the local area, the proposed dwellings would not appear unsympathetic or out of keeping with their surroundings.
- 9.3.8 Conditions are required in relation to external materials, boundary treatments (including to define and enclose the front gardens of the dwellings) and hard and soft landscaping etc. to ensure a high-quality building appearance and a high-quality public realm and landscape setting.
- 9.3.9 Overall it is considered that the proposed housing development would contribute positively to the character and appearance of this coastal village.
- 9.3.10 Sussex Police have commented on the proposal from a crime prevention viewpoint. Recommendations have been made and these can be brought to the landowner and/or developer's attention by way of an informative on the decision notice if planning permission is granted.
- 9.3.11 Concern has been raised about herring gulls roosting within the development and it has been requested that the design is reviewed by a specialist to avoid this. Ultimately if roosting gulls becomes a problem, this would be a matter for future occupiers to deal with.

## 9.4 Housing mix

- 9.4.1 In relation to housing mix, Policy LHN1 of the Rother Local Plan Core Strategy supports mixed, balanced, and sustainable communities. Housing developments should, amongst other things: (i) be of a size, type and mix which will reflect both current and projected housing needs within the district and locally; (ii) in rural areas, provide a mix of housing sizes and types, with at least 30% one and two bedroom dwellings (being mostly two bed); (iv) in larger developments (6+ units), provide housing for a range of differing household types.
- 9.4.2 The proposal would provide a mix of 1, 2 and 3-bedroom dwellings, 50% of which would be 1 and 2-bedroom properties and 50% of which would be 3-bedroom properties. The five 3-bedroom properties would cater for a mix of five and six person households. A mixture of dwellings is proposed which complies with the above policy requirements.
- 9.4.3 With specific regard to the affordable housing tenure mix, Policy LHN1 (v) of the Rother Local Plan Core Strategy says there should be an overall balance of 65% social/affordable rented and 35% intermediate affordable housing (e.g. shared ownership). In this case there would be a 50/50 split, which is at odds with the above policy requirement. However, the Council's Housing Enabling & Development Officer has advised that this split is acceptable; his detailed comments are repeated below:

*"The scheme proposes 5 homes for affordable rent and 5 homes for shared ownership. Under the previous iteration of the scheme that only provided 40% Affordable housing there would only have been 3 homes for affordable rent. As such there is an uplift of 2 homes for affordable rent in this application. Homes for affordable and social rent are a priority for the council in terms of meeting housing need in the district and this is therefore welcome. It is noted that the remainder of the scheme is to be delivered as homes for shared ownership which meets a need for more affordable family size homes in the Camber area. A smaller 1 bed shared ownership home is also proposed, this size of shared ownership home is not often included on development sites so it is welcome to see here.*

*The layout of the scheme appropriately separates the affordable rent and shared ownership units in a way that makes sense for development and management of the scheme as well as paying attention to policy DHG1 on pepper-potting. If the shared ownership homes are seen to fulfil the roles of open market sale housing in this instance then the units are appropriately spread through this small development.*

*The provision of 1 bed affordable homes for rent is welcome and aligns with housing need identified in the area through the council's housing register, family size 2 bed and 3 bed affordable homes for rent are also proposed which is particularly welcome. The large size of the 3b 6p affordable rent home at 111sq m is also welcome and ensures it will be suited to a range of family sizes and likely suitable for a family into the long term.*

*This is a well designed scheme providing well proportioned units and good outside space. The energy efficiency credentials of the scheme mean that running costs for the people living in the completed homes should be more*

*manageable also. This application for 10 affordable homes is fully supported by housing development.”*

- 9.4.4 There is no requirement to provide First Homes (an affordable home ownership product) on this housing scheme, as the development is exclusively for 100% affordable housing. The Written Ministerial Statement on First Homes, made on 24 May 2021, confirms:

*“Paragraph 64 of the National Planning Policy Framework [2019] sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless one of the exceptions applies. First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 64 of the Framework, they shall also be exempt from the requirement to deliver First Homes.”*

- 9.4.5 One of the exemptions listed are where the site or proposed development is exclusively for affordable housing. The National Planning Policy Framework has since been updated (most recently in September this year), and the old paragraph 64 has now been renumbered to 65 but the wording is unchanged. This means that sites proposed exclusively for affordable housing (such as this one) are exempt from the requirement to provide First Homes.
- 9.4.6 For the above reasons the proposed housing mix is acceptable. The affordable housing units would need to be secured through a Section 106 Legal Agreement and this would also ensure the dwellings do not become holiday-lets/holiday homes.

## 9.5 Impact on neighbouring properties

- 9.5.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy says that new development should not unreasonably harm the amenities of adjoining properties.

- 9.5.2 The site is currently open and so compared to the existing situation the outlook from the surrounding properties would be quite radically altered by the proposed residential development. However, this is to be expected, as the site has been allocated for housing.

### *Impact on ‘Thika’*

- 9.5.3 To the rear, north-east, the site is adjoined by ‘Thika’, a detached bungalow with a long garden that runs the full width of the site. The proposed housing scheme’s main parking area and the rear garden of the dwelling on Plot 1 would directly adjoin the neighbouring property. It is considered that the impacts arising from this – in terms of noise and disturbance – would be no worse than that generated by the existing use of the site as a pay and display car park for up to 70 cars.

- 9.5.4 Turning to the impacts from the proposed houses themselves, there would be a minimum separation distance of some 19m between the rear elevations of the two and three-storey dwellings and the common boundary with ‘Thika’. This is a good measure of separation, which would ensure that overlooking, overshadowing/loss of light and loss of outlook to the detriment of residential amenity would not occur.

9.5.5 The proposed chalet-style dwelling on Plot 1 would be located closer to the neighbouring property (i.e. some 8.9m away from the common boundary). This is still reasonable degree of separation, and it is also the case that this dwelling would be opposite an outbuilding in the front garden of the neighbouring property. As such, overlooking, overshadowing/loss of light and loss of outlook to the detriment of residential amenity would not occur.

*Impact on No. 21 Old Lydd Road*

9.5.6 No. 21 Old Lydd Road comprises a detached two-storey building with the Dunes Bar & Restaurant at ground floor level and a flat above. It is located to the south-east of the site, on the other side of Marchants Drive. The main focus here is the relationship between the proposed three-storey dwelling on Plot 10 and the neighbouring first floor flat which has four windows facing the site.

9.5.7 There would be a separation distance of some 12m between the side, flank wall of the dwelling on Plot 10 and the neighbouring flat. It is considered that this measure of separation would be sufficient to guard against harmful overlooking of the neighbouring living accommodation from the side facing windows and first floor terrace of the proposed dwelling.

9.5.8 Turning to impact on light, the 25-degree rule of thumb applies, as set out in the BRE sunlight and daylight guidance. The rule is that suitable daylight for habitable rooms is achieved when a 25-degree vertical angle taken from the centre of the lowest window is kept unobstructed. Having regard to the submitted street scene drawings, the rooms of the neighbouring flat would receive adequate daylight, as the 25-degree line would not be obstructed by the proposed three-storey dwelling. This would also ensure that there would be no loss of outlook to the detriment of residential amenity.

*Impact on properties in Royal William Square*

9.5.9 The residential properties comprising the Royal William Square development are located to the north-west of the site, on the other side of an unmade road. These properties have been constructed with garages at ground floor level and living accommodation at upper floor levels. The proposed chalet-style dwellings would be located opposite the neighbouring properties.

9.5.10 The separation distance between the front walls of the proposed dwellings and the main front walls of the neighbouring properties would be some 9.5m at the closest point. There is potential for some overlooking of the neighbouring upper floor living accommodation from the first floor dormer windows of the proposed chalet-style dwellings. However, these windows serve bathrooms and so they can be obscure-glazed, secured by condition.

9.5.11 Turning to impact on light, and having regard to the submitted street scene drawings, the neighbouring upper floor living accommodation would receive adequate daylight, as the 25-degree line would not be obstructed by the proposed chalet-style dwellings. This would also ensure that there would be no loss of outlook to the detriment of residential amenity.

9.5.12 The ground floors of the neighbouring properties facing the site were approved as garages (non-habitable accommodation) under the planning permission for the Royal William Square development (Application Ref: RR/2005/2230/P), and these are specifically precluded from being used for



any other purpose by Condition 8 of that permission. Most of the garage doors remain and the relationship between the proposed chalet-style dwellings and these non-habitable ground floor rooms would be acceptable.

- 9.5.13 The garage doors at no.18 have been replaced with a large obscure glazed and slatted window. There is no record of any planning permission being granted for conversion of this garage to any other use. Therefore, if the garage is in use as additional living accommodation, this is likely to be unauthorised.
- 9.5.14 Local residents have raised concern about the impacts of construction traffic during the construction period of the development. This matter can be dealt with as part of a Construction Environmental Management Plan (CEMP), secured by condition.
- 9.5.15 Concern has also been raised about noise from the proposed air source heat pumps. Full details of the pumps – including noise levels and locations – have not been submitted for consideration. This matter can, however, be dealt with by planning condition, and this would ensure that undue disturbance from noise would not arise.
- 9.5.16 For the above reasons the proposal would not unreasonably harm the amenities of adjoining properties.

## 9.6 Living conditions for future occupiers

- 9.6.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 9.6.2 Policy DHG3 of the DaSA Local Plan sets out the minimum internal space standards for new dwellings. Policy DHG7 sets out the requirements for external areas, including in relation to the levels of private external space, car parking and cycle storage provision, and bin storage provision.
- 9.6.3 Paragraph 130 (f) of the National Planning Policy Framework says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.6.4 In terms of internal space, all of the new dwellings proposed would meet the minimum internal space standards. Turning to external areas, new dwellings should normally be provided with private rear garden spaces of at least 10m in length. The submitted drawings show that the proposed development would include rear gardens to all of the new dwellings. However, none would meet the desired minimum length of 10m. They instead range from 6m to 9.4m in length. Generally, shorter gardens are provided for the 1-bedroom dwellings with longer gardens for the 2 and 3-bedroom units, three of which would also have a roof terrace at second floor level.
- 9.6.5 The reduced size of the gardens would not be attractive to every household, for example, families with children. The gardens would nevertheless provide adequate separation distances between the dwellings and would be useable for activities such as clothes drying, small-scale gardening, dining and sitting out. Moreover, the DaSA Local Plan says that there are a number of

considerations that may be taken into account in respect of any garden spaces provided as part of a development. In this case, the external space available for rear gardens is largely constrained by the need to provide an appropriate level of on-site car parking provision. Furthermore, and with regard to families with children, there is easy access to the beach and there are several open spaces/play areas nearby on Lydd Road which are accessible on foot. Ultimately, it is not considered that the reduced size of the gardens would justify a refusal of planning permission in this case. It is, however, considered necessary to remove permitted development rights for extensions and ancillary buildings (other than cycle stores) in the rear gardens, so that the existing garden provision is retained for future occupiers.

- 9.6.6 With regard to car parking provision, a total of 18 on-site car parking spaces are proposed. 12 of these would be allocated to the 2 and 3-bedroom houses (two spaces each) with four unallocated parking spaces serving the four 1-bedroom units. Two visitor spaces are also proposed. East Sussex County Council Highway Authority (the Highway Authority) have confirmed that this level of car parking provision is acceptable. Turning to cycle parking, a secure cycle store for each dwelling can be secured by condition.
- 9.6.7 In terms of bin storage provision, the submitted drawings show that seven of the proposed dwellings would have a bin store in their front garden; the remaining three dwellings would have a bin store in their rear garden. All bins would be available for collection from the front of the properties on collection day.
- 9.6.8 Local residents have queried whether a proportion of the houses would meet the Lifetime Homes Standard, as required by Policy LHN1 (vii) of the Rother Local Plan Core Strategy. This policy requirement is now defunct, as the Lifetime Homes Standard was superseded in 2015 by Part M4(2) Category 2: Accessible and adaptable dwellings of the Building Regulations. This new accessibility standard has been adopted by the Council for all new dwellings under Policy DHG4 of the DaSA Local Plan. It is secured by planning condition.
- 9.6.9 For the above reasons the proposal would meet the needs of future occupiers, including providing appropriate amenities.

## 9.7 Highway matters

- 9.7.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.
- 9.7.2 Paragraph 110 (b) of the National Planning Policy Framework seeks to ensure that safe and suitable access to the site can be achieved for all users. Paragraph 111 says:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 9.7.3 A new vehicular access is proposed on Marchants Drive to serve the rear car parking area. It is also proposed to create two new vehicular accesses on Old

Lydd Road to serve the tandem car parking spaces. Further to this, a new pedestrian footway, some 2m in width, is proposed along the site's frontages with Old Lydd Road and Marchants Drive. The formation of a new access on Marchants Drive and the provision of a new pedestrian footway comply with the requirements of Policy CAM1 (iv & v) of the DaSA Local Plan.

9.7.4 The Highway Authority has commented on the proposal. They have no major concerns regarding the proposed access arrangements, trip generation and highway impact. Conditions have been recommended which would ensure that the development can proceed without an unacceptable impact on highway safety. The new pedestrian footway can also be secured by condition. On this basis there is no objection to the proposal on highway grounds.

## 9.8 Flood risk and drainage

9.8.1 Policy EN7 of the Rother Local Plan Core Strategy says that flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk. Policy CAM1 (iii) of the DaSA Local Plan requires a site-specific Flood Risk Assessment (FRA) to be undertaken which demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

9.8.2 When the site was allocated for residential development it was in Flood Zone 2, which meant that it had a medium probability of flooding from rivers and the sea. However, the site is no longer in Flood Zone 2. According to the Government's Flood Map for Planning it is now in Flood Zone 1, which means it has a low probability of flooding from rivers and the sea. The FRA submitted with the application confirms this and it also confirms that the site is at low risk from surface water flooding. However, with regard to other sources of flooding, the FRA says that the site is at medium risk from groundwater flooding and this issue has been raised by the Lead Local Flood Authority (LLFA).

9.8.3 Paragraph 161 of the National Planning Policy Framework explains that to avoid flood risk to people and property, development plans should apply a sequential, risk-based approach to the location of development when taking account of all sources of flooding. This should be done by applying the Sequential Test. Paragraph 162 of the National Planning Policy Framework explains that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Paragraph 162 also includes an instructional policy that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

9.8.4 A Sequential Test has been submitted and this has listed other sites in a robustly defined Sequential Test Area (in this case Camber and its immediate environs), and then considered if they are of a lower flood risk and reasonably available. The Sequential Test concludes that there are no reasonably available sites within Camber and its immediate environs which are sequentially preferable to the application site for the functions and purposes of the development. As such, the Sequential Test is passed, and so this is a

case where the development can be permitted, provided it can be made safe throughout its lifetime, without increasing flood risk elsewhere. The Exception Test referred to in paragraph 163 of the National Planning Policy Framework is not applicable, as the site lies within Flood Zone 1 where it is not required.

- 9.8.5 In terms of whether the proposed development can be made safe for its lifetime, without increasing flood risk elsewhere, an appropriately designed surface drainage system would be required. In this regard, the LLFA is satisfied, in principle, that surface water runoff from the development can be managed safely. The detailed design – which will need to be informed by the findings of groundwater monitoring between autumn and spring – can be secured by condition.
- 9.8.6 In addition to the above, the FRA confirms that the elevated finished floor levels of the dwellings would mitigate any residual risk from surface water flooding. There is no objection to the provision of sleeping accommodation at ground floor level – as proposed for three of the dwellings – as the site now has a low probability of flooding from rivers and the sea.
- 9.8.7 While the site itself is at low risk from surface water flooding, the FRA confirms that Old Lydd Road to the south is at greater risk (the Government map shows it to be at high risk). This has the potential to cause difficulties in terms of access and egress in the event of surface water flooding along this route. Pedestrian access and egress would, however, still be available via Marchants Drive to the east of the site, and this has links through to the nearby Dunes Avenue and the main road through Camber.
- 9.8.8 With regard to foul water drainage, it is proposed to connect to the existing public foul sewer. Southern Water have not objected to this and would need to undertake any network reinforcement as appropriate. They have recommended a foul water drainage condition.
- 9.8.9 For the above reasons it is considered that the proposal would be acceptable in relation to flood risk and drainage.
- 9.9 Impact on habitats and biodiversity
- 9.9.1 Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the DaSA Local Plan and the National Planning Policy Framework seek to conserve and enhance habitats and biodiversity.
- 9.9.2 Policy CAM1 of the DaSA Local Plan makes specific reference to avoiding adverse impacts on the adjacent designated sites of importance for biodiversity (i.e. the Dungeness, Romney Marsh and Rye Bay SSSI, the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, and the Dungeness SAC), as well as supporting the implementation of the Sustainable Access and Recreation Management Strategy (SARMS) as appropriate.
- 9.9.3 The application is accompanied by an Ecological Impact Assessment (EIA) – updated to support the amended housing scheme – which considers the impacts of the proposed development on statutory designated sites, habitats and protected species. The EIA's conclusion is as follows:

*“The Dungeness, Romney Marsh and Rye Bay SSSI lies eight metres south of the site, while the Dungeness, Romney Marsh and Rye Bay Ramsar Site and SPA lie 140m south of the site. The Dungeness SAC lies 1.5km south-west. The site comprises a hardstanding car park bounded by ruderal vegetation and is assessed as having low suitability for foraging and commuting bats. The site does not support habitats suitable for any other protected species.*

*Adverse impacts on designated sites and foraging and commuting bats have been identified and appropriate mitigation measures proposed. These include the implementation of a CEMP, development of a suitable drainage strategy, sensitive timings of works and working methods and the implementation of a sensitive lighting scheme for bats. Post-development, no residual or cumulative impacts are anticipated.*

*The site will be enhanced for bats through the installation of artificial roosting features within the new dwellings, and for bats and birds through new tree planting and landscaping. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including Policy EN5 of the Rother Local Plan Core Strategy, Policy CAM1 of the Development and Site Allocation Local Plan and the National Planning Policy Framework (see Section 2.0).”*

- 9.9.4 With regard to the impact of the proposed development on protected species (in this case bats), the mitigation and enhancement measures proposed in the EIA can be secured by condition.
- 9.9.5 The Sussex Newt Officer (SNO) has confirmed that the site falls within the red impact zone for great crested newts. This indicates that there is suitable habitat and a high likelihood of great crested newt presence. However, in this case the SNO is satisfied that if the development was to be approved, it would be unlikely to cause an impact on great crested newts and/or their habitats. In reaching this conclusion the SNO has had regard to the EIA which says that the habitat on site is unsuitable for great crested newt. An informative on the decision notice has been recommended if planning permission is granted.
- 9.9.6 Turning to the impact of the proposed development on the designated sites of importance for biodiversity, with the regard to the European sites (i.e. the SPA and Ramsar site and SAC), the Council, as the competent authority, has undertaken an Appropriate Assessment in accordance with section 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The assessment concludes that with the mitigation measures proposed in the EIA (e.g. CEMP, suitable drainage strategy etc.), which can be secured by condition, the proposal would not adversely affect the integrity of these sites. The proposed mitigation measures would also protect the integrity of the SSSI.
- 9.9.7 In terms of supporting the implementation of the SARMS, the EIA proposes signage in the form of a notice board in a communal area of the site, which can also be read from the footpath or road. The notice board would make residents aware of the importance of the designated sites, as well as ways in which visitors can avoid adversely impacting the sites when visiting. The proposed erection of a notice board is supported. Its precise location and content can be secured by condition.

9.9.8 For the above reasons it is considered that the proposal would have an acceptable impact on habitats and biodiversity.

9.10 Other Matters

9.10.1 The application is accompanied by a Phase I Geo-Environmental Site Assessment, which concludes:

*“The Conceptual Site Model has identified the presence of a series of potentially active pollution linkages associated with the historical use of the site and immediately adjacent sites which are considered to have the potential to present a significant risk to identified receptors.”*

9.10.2 It goes on to recommend:

*“An intrusive site investigation should be undertaken to investigate the potential pollution linkages identified by the Conceptual Site Model and determine the potential risks posed to the identified receptors.*

*Upon return of chemical testing results a Tier 1 Risk Assessment should be undertaken to determine whether the encountered soils have the potential to present a significant risk to the identified receptors. This would then enable mitigation measures to be formulated, if required.”*

9.10.3 The Council’s Environmental Health Service has reviewed the Phase I Geo-Environmental Site Assessment and agrees with the recommendation to carry out an intrusive site investigation. This can be secured by condition, together with a remediation strategy if contamination is found to be present.

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## **10.0 PLANNING BALANCE AND CONCLUSION**

10.1 The proposal is a well-designed and sustainable residential development which will deliver 10 dwellings on an allocated housing site and will have an acceptable impact on the environment. The change to a 100% affordable housing scheme should be supported as the housing mix is appropriate and it will help to address the clear need for the provision of more affordable housing in the district. There would be a loss of money raised through the Community Infrastructure Levy (CIL), but this loss is counterbalanced by the additional CIL liable on other sites in the district where less affordable housing and a higher proportion of market housing is achieved. New homes bonus could be approximately £80,840 paid over four years.

10.2 It is recommended that planning permission is granted for the proposal, subject to conditions, subject to the end of the formal period of public consultation on the 13 October 2023, for the change to a 100% affordable housing scheme, and subject to completion of a Section 106 Legal Agreement to secure the affordable housing.

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**RECOMMENDATION: GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO THE END OF THE FORMAL PERIOD OF PUBLIC CONSULTATION AND COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING**

## CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:  
No. 001 Rev. P02 (Site Location Plan), dated 01/06/21  
No. 003 Rev. P10 (Proposed Site Plan), dated 10/10/22  
No. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22  
No. 005 Rev. P04 (Proposed Plans & Elevation Unit Type B), dated 06/10/22  
No. 006 Rev. P04 (Proposed Plans & Elevation Unit Type C), dated 06/10/22  
No. 007 Rev. P04 (Proposed Plans & Elevation Unit Type D), dated 06/10/22  
No. 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22  
No. 009 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22  
No. 010 Rev. P03 (Plot 5 Proposed Elevations Unit Type B), dated 05/10/22  
No. 011 Rev. P03 (Plot 7 9 and 6 8 10 Proposed Elevations Unit Type C and D), dated 05/10/22  
No. 012 Rev. P01 (Proposed Street Elevations Merchant Drive), dated 05/10/22  
No. 013 Rev. P05 (Proposed Street Elevations Old Lydd Road), dated 05/10/22  
No. 014 Rev. P05 (Proposed Street Elevations Old Lydd Road), dated 05/10/22  
No. 015 Rev. P01 (Proposed Street Elevations Royal William Square), dated 05/10/22  
No. 016 Rev. P02 (Proposed Site Block Plan), dated 10/10/22  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development hereby permitted shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved drainage works to serve the development have been provided.  
Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (i) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.
4. No development hereby permitted shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed having regard to the following:
  - a) Surface water runoff from the proposed development should be drained to the ground via infiltration. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - b) The details of the proposed permeable pavement and infiltration trench should be provided as part of the detailed design. This should include cross sections and invert levels.

- c) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) The detailed design of the Sustainable Drainage System features should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
- e) A maintenance and management plan for the entire drainage system should be provided and cover the following:
  - Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until evidence (including photographs) demonstrating that the surface water drainage scheme has been constructed in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (iii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii), DEN5 and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

- 5. No development hereby permitted shall commence until a Contaminated Land Assessment (CLA) has been submitted to and approved in writing by the Local Planning Authority. The CLA shall include the following details:

- a) The results of a full intrusive site investigation carried out in accordance with the recommendations set out in section 7.0 of the Omnia Phase I Geo-Environmental Site Assessment (Omnia ref: A11574/1.0), dated June 2021.
- b) If contamination is found to be present at the site, provide a remediation strategy and timetable detailing how this contamination will be dealt with.

Where remediation is required, the remediation strategy shall be implemented as approved.

Reason: This pre-commencement condition is required to ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

- 6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy and timetable detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.



7. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, the timing of the works and site-specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, surface water run-off and groundwater. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The construction of the development shall be carried out strictly in accordance with the approved CEMP at all times.  
Reason: This pre-commencement condition is required to safeguard the amenities of neighbouring properties and the surrounding area generally, and to safeguard the integrity of the adjacent designated sites of importance for biodiversity, in accordance with Policies OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.
8. No development hereby permitted shall commence until construction details of the new pedestrian footway around the site have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the pedestrian footway has been provided and constructed in accordance with the approved details.  
Reason: This pre-commencement condition is required to ensure satisfactory pedestrian access to the dwellings and to improve pedestrian access in the surrounding area, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy CAM1 (v) of the Development and Site Allocations Local Plan 2019.
9. No development above slab level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:
- a) 1:10 scale drawings of proposed details including fenestration, eaves details, dormer windows, porches, and utility boxes (including the location of such boxes on the buildings).
  - b) Specifications and samples of the materials to be used in the construction of all external surfaces of the buildings.
  - c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).
- Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.
10. No development above slab level shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and prior to occupation of the first dwelling:
- a) Boundary treatments and means of enclosure (fences, railings and walls) indicating the location, design and materials of such, including to define and enclose the front gardens of the dwellings.

- b) Hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

- 11. No development above ground level shall commence until the following soft landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out as approved and in accordance with the agreed timetable for implementation:

- a) Detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate.
- b) The detail of all new trees, including their species, sizes, quantity, positions and how they will be protected and maintained until successfully established in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".
- c) Timetable for implementation of the soft landscaping works.
- d) Management responsibilities and maintenance schedules for the soft landscaped areas (except privately owned domestic gardens).

Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the creation of a high quality public realm and landscape setting, and to enhance the biodiversity value of the site, in accordance with Policies EN3 and EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

- 12. No development above slab level shall commence until full details of the proposed air source heat pumps – to include noise levels, maintenance instructions and proposed locations on the dwellings hereby permitted – have been submitted to and approved in writing by the Local Planning Authority. The air source heat pumps shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

- 13. No development above slab level shall commence until details of a notice board for residents and visitors – to include design and materials of the notice board, content and location – which raises awareness of the importance of the adjacent Dungeness Complex of Natura 2000 sites – comprising the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site, and the Dungeness Special Area of Conservation – as well as ways in which visitors can avoid adversely impacting the sites when visiting, has been submitted to and approved in writing by the Local Planning Authority. The approved notice board shall be provided prior to occupation of the first dwelling and shall thereafter be retained.

Reason: To ensure the development has no adverse effect on the integrity of the adjacent Natura 2000 Sites and supports the implementation of the Sustainable Access and Recreation Management Strategy, in accordance with Policy EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vii) of the Development and Site Allocations Local Plan 2019.

14. At the time of construction and prior to occupation of the dwellings on Plots 1 to 4 hereby permitted, the bathroom windows at first floor level within the west elevations, as indicated on approved Drawing Nos. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22, and 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.  
Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.
15. At the time of construction and prior to occupation of the first dwelling, a single integrated bat tube shall be incorporated into the fabric of each new dwelling hereby permitted, as detailed in section 5.5.3 of the ECOSA Ecological Impact Assessment (Report ref: 22.0186.0001.F0), dated November 2022, and the bat tubes shall thereafter be retained.  
Reason: To enhance the biodiversity value of the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.
16. The completed vehicular accesses shall have maximum gradients of 4% (1 in 25) from the channel line for 2m or for the whole width of the verge whichever is the greater and 11% (1 in 9) thereafter.  
Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
17. No dwelling hereby permitted shall be occupied until the vehicular accesses serving the development have been constructed in accordance with the approved drawings.  
Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
18. The main vehicular access from Marchants Drive shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
19. No dwelling hereby permitted shall be occupied until motor vehicle parking and turning areas have been provided in accordance with the approved drawings. The motor vehicle parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and shall not be used for any other purpose.  
Reason: To ensure there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.
20. The motor vehicle parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls/fences).  
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the accesses and

proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.

21. No dwelling hereby permitted shall be occupied until a secure cycle store for each dwelling has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and the cycle stores shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies PC1 and TR3 of the Rother Local Plan Core Strategy 2014.
22. No external lighting shall be installed until a "lighting design strategy for biodiversity" for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The installation of any external lighting shall thereafter only be undertaken in accordance with the approved strategy and shall be retained as such thereafter.  
Reason: To mitigate the effects of artificial lighting on bats, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.
23. The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.  
Reason: To ensure that an acceptable standard of access is provided to the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG4 of the Development and Site Allocations Local Plan 2019.
24. The dwellings hereby permitted shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwellings hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that they have been constructed to achieve water consumption of no more than 110 litres per person per day.  
Reason: To ensure that the dwellings are built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy 2014 and Policy DRM1 of the Development and Site Allocations Local Plan 2019.
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension beyond the rear wall of the dwellings on Plots 2 to 10 hereby approved, or beyond the north wall of the dwelling on Plot 1 hereby approved, shall be constructed.  
Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-

enacting that Order with or without modification) no development permitted by Class E of Part 1 of Schedule 2 of the 2015 Order (as amended) shall be erected within the curtilage of any dwelling hereby approved.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

#### **NOTES:**

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The landowner and/or developer is advised that Sussex Police have made recommendations on the proposal from a crime prevention viewpoint. Their details comments are available to view on the planning website.
3. The landowner and/or developer is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
4. The landowner and/or developer will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of the new vehicular accesses. The Applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
5. The landowner and/or developer is advised that the provision of the new 2m wide pedestrian footway along the site's frontages with Old Lydd Road and Marchants Drive is likely to require a 'deed of dedication' in order that the footway can be constructed to an adoptable standard. The footway will require constructing in accordance with East Sussex County Council specification with all works carried out by an approved contractor under the appropriate legal agreement.
6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
7. The developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with 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.