

**WELLS-NEXT-THE-SEA – PF/24/1572 – Erection of 47 dwellings with associated landscaping, open space, drainage, vehicular access and parking provision at Land off Mill Road, Wells-next-the-sea, Norfolk**

**Major Development**

**Target Date: 7 November 2024**

**Extension of Time: 31 December 2024**

**Case Officer: Mark Brands**

**Full Planning Permission**

**RELEVANT CONSTRAINTS**

The site falls within a National Landscape (formerly Area of Outstanding Natural Beauty (Policy EN 1)

The site may contain contaminated land (Policy EN 13)

The site falls within an area of designated countryside (Policies SS 1 and SS 2)

The site falls within a Mineral Safeguard Area

The site falls within multiple GIRAMS Zones of Influence

Floodzones 2 and 3 (by Holkham Road)

The site falls within Archaeological Notification Area

The site falls within Undeveloped Coast

Adjacent to Wells Conservation Area

**THE APPLICATION**

Seeks planning permission for the erection of 47 dwellings, comprising 8 apartments across 2 blocks, 5 bungalows, and 34 two storey dwellings, of which 26 units would be market housing and 21 units would be affordable housing. The open space to the north would include sustainable urban drainage, provision of play area, and pedestrian paths connecting the open space and new development with Bases Lane and Holkham Road. A new vehicular access connecting onto Mill Road, with amenity land either side of this new access

The site area is 2.95 hectares, with development set across 3 blocks, with the access and amenity land either side located to the southwest of the site, the housing development in the core and the public open space located to the northeast.

An Environmental Impact Assessment (EIA) Screening Opinion completed by the Council, dated 29 October 2024, concluded that the proposal would not likely have significant effects on the environment in EIA terms. The decision concluded that an Environmental Statement was not required to be submitted with the application.

**Further details / amendments received during the course of the application**

Following the consultation process, further details and amendments have been received including the below:

10 October 2024

Technical Note: LVIA Visualisations, The Landscape Partnership, Ref: E22866 R05

Site Plan Proposed (Materials/Details) Feilden and Mawson, Dwg No. 007 P01

Site Sections, Feilden and Mawson, Dwg No. 009 P00

2-Bed House (Affordable) (H-2B4P-AFF) Elevations (Terraced), Feilden and Mawson, Dwg No. 062 P01

3-Bed House (Affordable) (H-3B4P-AFF) Elevations (Traditional), Feilden and Mawson, Dwg No. 064 P01

4-Bed House (H-4B6P) Elevations (Traditional), Feilden and Mawson, Dwg No. 077 P01

01 October 2024

Technical Drainage Note

Technical Note 1: Additional Transport Information

Site Plan Proposed (roof), Dwg No. 003 P01

Site Plan Proposed (ground floor), Dwg No. 004 P01

19 August 2024

Planning Statement Addendum

LVIA Addendum

LVIA Addendum Appendix 1

15 August 2024

Access Visibility Sketch Dwg SK500B

## RELEVANT PLANNING HISTORY

Reference DE21/23/0692

Description Proposed erection of 51 dwellings

Outcome Advice given 09.02.2024

## REASONS FOR REFERRAL TO COMMITTEE

The item was called into Committee by Russell Williams – as Assistant Director of Planning. The item was called in on 19 August 2024 and the grounds for call-in are:

“My reasoning relates to the scale of the development and the Policy position associated with the allocation of the site in the Draft Local Plan and the Inspector’s comments about the site in his recent letter following the Local Plan examination hearings.”

## CONSULTATIONS

### Parish/Town Council - Support

**Anglian Water** – Comments – (subject to informatives, local infrastructure has sufficient capacity to accommodate the development)

**Climate & Environmental Policy (NNDC)** – Comments -advise use of Air Source Heat Pumps for all new homes

**Historic England** – No comments (refer to Council’s specialists)

**Landscape (NNDC)** – No objections

**Natural England** – No objection - subject to appropriate mitigation being secured

**NHS Norfolk & Waveney - Strategic Estates** – Comments – Outlining contribution requirements for healthcare

**Norfolk Coast National Landscape – Comments** – setting out policy context, assessment of submitted documentation, including absence of visualisations, sets out importance of design and materials to avoid a homogenous mass, and securing tree species, and maintaining the character of the rural roads bordering the site, minimising kerbs, lighting and signage.

**Norfolk County Council Flood & Water Management (LLFA) – Object** - Concerns over accuracy and missing calculations and details, have since received updated details, awaiting formal comments

**Norfolk County Council - Planning Obligations Co-Ordinator – Comments** (outlining contribution requirements)

**Norfolk County Council Highways – Comments** – Amendments requested relating to the path connecting to Holkham Road, to widen the gap in the hedge to 2m, establish a level surfaced route through embankment and widen the existing footway on Holkham Road to 2m) – updated plan expected imminently, and Highways would be reconsulted.

**Norfolk Fire and Rescue Service – No objections**

**Planning Policy (NNDC) – Support** – Outlines the background to the allocation of the site and associated consultations, context of the site and policy positions

**Strategic Housing NNDC – Support** – policy compliant level of affordable homes and the addition of some market rented homes

## **REPRESENTATIONS**

30 representations have been received during the course of the application, 29 **objections** and 1 **neutral** comment. The main concerns are summarised (full public comments can be viewed on the public website):

- Premature to determine until new local plan is adopted
- Not an allocated site in the existing local plan
- Agree with the findings of the Planning Inspector in their initial findings and view that the allocation should be deleted from emerging plan / would be contrary to their consideration (including the selection methodology, that the landscape impact cannot be mitigation so should be red rather than amber where mitigation would be possible).
- Agree with concerns raised during the pre application stage / concerns raised have not been adequately addressed
- Impact on the existing business / tenant at Mill Farm with loss of paddocks / pitches
- Highway safety concerns; congestion in summer months, not sufficient capacity to accommodate additional traffic volumes
- Inappropriate design and layout; suburban, over developed,
- Inappropriate scale and materials of properties
- The site is raised and prominent, ridgelines should be lower
- Loss of trees, ecology and habitat
- Detrimental impact to surrounding landscape and National Landscape designation
- Scheme cannot be adequately integrated with existing settlement
- Landscaping proposals insufficient to effectively mitigate the impact on the wider landscape (particular reference to the 6m landscape buffer on norther boundary being insufficient depth and too close to proposed properties to be effective)

- LVIA deficient in scope / underestimates impacts to landscape and National Landscape
- Contrary to Local Policy, SPDs, Wells Neighbourhood Plan
- Contrary to tests set out in the NPPF / clear reasoning for refusal / Tilted balance should not be engaged
- Alternative sites available for development locally that should be developed rather than the application site.
- Harms to the landscape and national designation would outweigh and benefits from additional housing
- New access detrimental to character, and result in loss of green field
- Insufficient infrastructure to accommodate development
- Proposed properties would be out of reach of locals / not alleviate the existing housing issues locally
- Concerns over deliverability of affordable houses / reduced post permission
- Primary Residency restriction should apply to the site
- Too far to services and facilities
- Detriment to nocturnal landscape and dark skies
- Setting of precedent for development of the rest of the site
- Concerns over increased flood risk to properties downhill from the site
- BNG should be provided on site
- Detriment to Conservation Area and NDHA (Mill House)
- Insufficient consultation and engagement undertaken

Additionally an objection has been received from the CPRE Norfolk, main concerns summarised below:

- Contrary to local policy considerations and NPPF
- Deficient assessment of landscape impacts
- Consider the visual impacts on the landscape to be greater than set out in the supporting documentation
- on the landscape to be greater than assessed in the supporting documentation
- high density and suburban appearance
- Impact from increased Light and noise pollution

#### **HUMAN RIGHTS IMPLICATIONS:**

Art. 8: The right to respect for private and family life.

Art. 1 of the First Protocol: The right to peaceful enjoyment of possessions

Having considered the above matters, APPROVAL of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

#### **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

#### **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy (September 2008):**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 2 (Development in the Countryside)  
Policy SS 3 (Housing)  
Policy SS 4 (Environment)  
Policy SS 5 (Economy)  
Policy SS 6 (Access and Infrastructure)  
Policy SS 14 (Wells-next-the-Sea)  
Policy HO 1 (Dwelling Mix and type)  
Policy HO 2 (Provision of Affordable Housing)  
Policy HO 7 (Making the Most Efficient Use of Land (Housing Density)  
Policy EN 1 (Norfolk Coast Area of Outstanding Natural Beauty and The Broads)  
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)  
Policy EN 3 (Undeveloped Coast)  
Policy EN 4 (Design)  
Policy EN 6 (Sustainable Construction and Energy Efficiency)  
Policy EN 8 (Protecting and Enhancing the Historic Environment)  
Policy EN 9 (Biodiversity and Geology)  
Policy EN 10 (Development and Flood Risk)  
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)  
Policy CT 2 (Developer Contributions)  
Policy CT 5 (The Transport Impact of New Development)  
Policy CT 6 (Parking Provision)

### **Wells-next-the-sea Neighbourhood Plan 2023-2036 (2024)**

Policy WNS1 (Sustainable development and protected nature conservation sites)  
Policy WNS4 – (Housing mix)  
Policy WNS5 – (Principal Residence Dwellings)  
Policy WNS6 – (High quality design)  
Policy WNS11 – (Protecting the historic environment)  
Policy WNS12 – (Flood risk)  
Policy WNS14 – (Non-designated heritage assets)  
Wells-next-the-sea Design Guidance and codes (June 2023)

### **Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026**

Policy CS16 (Safeguarding mineral and waste sites and mineral resources)

### Material Considerations:

### **National Planning Policy Framework (December 2023):**

Chapter 2 (Achieving sustainable development)  
Chapter 4 (Decision-making)  
Chapter 5 (Delivering a sufficient supply of homes)  
Chapter 6 (Building a strong, competitive economy)  
Chapter 8 (Promoting healthy and safe communities)  
Chapter 9 (Promoting sustainable transport)  
Chapter 11 (Making effective use of land)  
Chapter 12 (Achieving well-designed and beautiful places)  
Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)  
Chapter 15 (Conserving and enhancing the natural environment)  
Chapter 16 (Conserving and enhancing the historic environment)  
Chapter 17 (Facilitating the sustainable use of minerals)

### **Supplementary Planning Documents:**

North Norfolk Design Guidance (2011)  
North Norfolk Landscape Character Assessment (2021)  
North Norfolk Landscape Sensitivity Assessment (2021)  
North Norfolk Open Space Assessment (2019)

### **Other relevant documents**

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

### **OFFICER ASSESSMENT:**

#### **MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle of development**
- 2. Housing Mix**
- 3. Design and amenity**
- 4. Impact on Landscape including National Landscape**
- 5. Ecological impacts, BNG and GIRAMS**
- 6. Developer contributions**
- 7. Highways and Parking**
- 8. Heritage**
- 9. Flooding and Drainage**
- 10. Conclusion and Planning Balance**

#### **1. Principle of Development**

##### Core Strategy Policies

The spatial strategy for North Norfolk is set out within Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coastal service villages. The rest of North Norfolk is designated as 'Countryside' and development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Wells-next-the-sea is designated as a secondary settlement in the settlement hierarchy, the site lies adjacent to, but outside of the settlement boundary within a countryside location.

The supporting text to Core Strategy Policy SS 1 explains that new market housing in the countryside is restricted in order to prevent dispersed dwellings that lead to a dependency on travel by car to reach basic services and to ensure a more sustainable pattern of development.

Core Strategy Policy SS 2 permits certain types of development within the countryside, however, in the absence of anything to suggest that the scheme would satisfy any of those categories listed, the enquiry site is not a location towards which new housing is directed within the Core Strategy. The proposal would therefore conflict with Core Strategy Policies SS 1 and SS 2, the requirements of which are set out above.

The Local Authority cannot currently demonstrate either a 5-year or 4-year housing land supply, which is a material planning consideration in the determination of the application.

National Planning Policy Framework (NPPF) Paragraph 11 d) (often referred to as the “tilted balance”) sets out that:

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

An area of particular importance in relation to paragraph 11(d) of the NPPF is in relation to Areas of Outstanding Natural Beauty (AONB), now referred to as National Landscapes. The “tilted balance” under NPPF paragraph 11(d) would only be disapplied if adverse impacts on the National Landscape justify a ‘clear reason for refusing’ the application.

An assessment of the impact of the proposal on the Norfolk Coast National Landscape is set out in the relevant section below including assessment against NPPF paragraph 183.

#### Emerging Local Plan

The emerging local plan has been through a round of examination at the beginning of 2024 and further work has subsequently been requested by the Planning Inspector. The weight that can be attached to the new policies coming forward in the Local Plan will change as the plan progresses. However, at the current time, Officers consider that only very limited weight can be afforded to these emerging policies.

The application site is currently put forward for allocation in the Emerging Local Plan. In bringing this site forward ahead of formal adoption of the Emerging Plan, any proposals would ideally need to accord with Site-Specific Policy (W07/1) within the Emerging Plan, including the nine supporting criteria for the allocation which are set out below:

- 1. Delivery of high quality design that pays careful attention to site layout, building heights and materials in order to minimise the visual impact of the development on the Norfolk Coast AONB and long distance wider landscape views;*
- 2. Provision of 0.6 ha of high quality public open space including facilities for play & informal recreation;*
- 3. Provision of convenient and safe vehicular access to the site from Mill Road;*
- 4. Retention and enhancement of mature hedgerows and trees around the site boundaries including provision of landscaping along the northern and eastern boundaries;*
- 5. Provision of cycle and step free pedestrian access from Mill Road through the site and public open space to both Bases Lane and Holkham Road, including footway improvements to a minimum width of 2.0m between the Holkham Road pedestrian and cycle access and the boundary of the property known as 4 Laylands Yard;*
- 6. Submission, approval and implementation of a Surface Water Management Plan ensuring that there is no adverse effects on European sites and greenfield run off rates are not increased;*
- 7. Submission, approval and implementation of a Foul Water Drainage Strategy including details of any off-site mains water reinforcement, enhancements and setting out how additional foul flows will be accommodated within the foul sewerage network;*
- 8. Delivery of a scheme that pays careful attention to design and landscaping to minimise any potential impacts on Holkham Hall Registered Park and Garden (Grade I) to the*

south and west of the site, and to the Wells Conservation Area directly adjacent to the north east and east of the site; and,

9. *Appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS)*

Having considered the proposed allocation as part of the Emerging Local Plan, the Inspector's published initial findings, dated 24 May 2024 made reference to the policy allocation and considered that the allocation should be deleted from the plan. Relevant extracts from the Inspector's letter are set out below:

“ ...

*30. Wells lies within the Norfolk Coast National Landscape, but as a small growth town with particularly high house prices and second/holiday home ownership, there are exceptional circumstances that justify further housing development in the public interest where suitable sites are available. The submitted plan allocates two sites, with Site W01/1 (Land South of Ashburton Close) forming a natural extension to the Home Piece Road estate, a recent scheme which demonstrates how the town can acceptably expand away from the front.*

*31. However, the second allocation, Site W07/1 (Land adjacent Holkham Road) lies on the coastal side of the ridge which extends to the west of the town. The site comprises the top section of a grassed field which rises from the B1105 Holkham Road at about sea level up to the 20 m contour and the rear gardens of the houses fronting Mill Road on the ridge. The site enjoys wide views to the north over the Wells salt marshes, harbour, Holkham Meads and reclaimed farmland as far as Lady Ann's Drive, but the corollary of this exposed position is the impact that housing development on the site would have on this sensitive and nationally defined heritage coast landscape.*

*32. The site is well screened from Holkham Road by the roadside hedgerow but is clearly seen in intermittent long-distance views from the North Norfolk Coast Path from the café at the end of Lady Ann's Drive to Wells beach car park, and most seriously in ever closer views when approaching the town along the top of the Beach Road embankment, a heavily used route which also forms part of the long distance path. The scheme would also be intrusive when seen from the Wells Town football ground and overflow car park area. Whilst the houses along Mill Road would lie behind the development on the skyline, the trees within and at the back of their long rear gardens do much to mitigate their impact. By contrast, a new development of 50 dwellings along the top of the field, however well designed and landscaped on its northern edge, would appear raw and intrusive in the landscape for many years.*

*33. The site itself lies just within the Rolling Open Farmland landscape character type (LCT)9 but is heavily influenced by its position overlooking the Drained Coastal Marshes and Open Coastal Marshes LCTs. Contrary to the landscape guidance for these LCTs the proposed allocation would consolidate a form of linear sprawl along the undeveloped coast, intrude into views inland from the coastal marshes, detracting from their naturalistic nature and reducing their relative tranquillity and remoteness, including at night when additional light sources on the ridge would erode the dark night sky.*

*34. The proposed access to the site from Mill Road, cutting across an attractive grass paddock in front of the Mill Farm buildings and adjacent to Nos 106- 110, would also be an unduly intrusive feature. It would be poorly related to the housing estate behind, an odd entrance to the scheme, both spoiling the existing paddock and urbanising the A149 western approach to the town.*



*35. For these reasons the evidence base supporting the allocation is flawed. In particular, the landscape impact assessment under the site selection methodology should be red – the landscape impact on a sensitive landscape cannot be mitigated – rather than amber – mitigation would be possible. There is no clear physical boundary on the ground to distinguish this site from the larger site W07 of which it forms part, and which has rightly been assessed as unsuitable for development. The allocation of Site W07/1 is not justified and thus it should be deleted from the plan.”*

The Council responded to the Inspector’s letter on 16<sup>th</sup> August 2024, confirming the Council’s position to support the principle of retention of the site as an allocation in the plan.

Whilst Officers consider that the Emerging Local Plan already attracts only very limited weight in decision making terms, given the objection from the Inspector to the inclusion of the application site in the Emerging Local Plan, then this would further reduce any weight that could reasonably be given to the site as a draft allocation.

Notwithstanding the Planning Inspector’s position on the site allocation, the application has been submitted for determination and the applicant is entitled to have their application determined. In view of the very limited weight that can be afforded to the Emerging Plan, the proposed development would need to be assessed under current Core Strategy Policies (as a Departure from the Development Plan) and having regard to any material planning considerations (both positive or negative) which might justify a departure from the Development Plan.

Prematurity:

Concerns have been raised over the prematurity of the application given the context of the Emerging Local Plan and opinion of the inspector that the site should not be included as an allocation. The NPPF at paragraph 49 sets out that:

“...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) The development proposed is so substantial or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; **and**
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” [Emphasis added]

In this case, circumstance a) is not considered to apply. The development is not considered to be so substantial or result in cumulative effects that would be so significant that granting permission would undermine the plan-making process by predetermining decisions about scale, location and phasing of new development that are central to an emerging plan. The site is a local allocation for Wells-next-the-Sea within the Norfolk Coast National Landscape. The determination of the application is not considered to result in district wide implications regarding the policies in the emerging plan. Similar protections afforded to the National Landscape are found in the existing Core Strategy policy (EN 1) and, subject to the tests already referred to in the NPPF (para 183), this would only permit major development where exceptional circumstances exist and where it can be demonstrated that the proposal is in the public interest.

The scale of the proposed development in the context of the adjoining settlement of Wells-next-the-sea is not disproportionately large that it would change the categorisation of the

settlement in the Emerging Plan with the inclusion of the proposed development. Additionally, it would not materially affect the spatial spread of new development in the Emerging Plan. The Emerging Plan intends to deliver an estimated 4,300 homes on allocated sites, with 743 dwellings to be delivered within the National Landscape, constituting 17% of the overall quantum. Wells-next-the-Sea and the surrounding countryside all fall within the Norfolk Coast National Landscape and, as such, any development to support the sustainable growth of the town and the delivery of much needed homes would have to be located within the National Landscape designation to address the town's housing needs, as recognised in the Wells-next-the-Sea Neighbourhood Plan.

The Emerging Local Plan is at an advanced stage having been through the examination process, and the Inspector has published their initial findings, following which the Local Authority is seeking to defend the retention of this allocation in the Emerging Local Plan.

Whilst NPPF paragraph 49 b) is considered to be applicable, Officers consider that both parts a) and b) have not been demonstrated and therefore refusing the proposals on the grounds of prematurity would not be justified.

The current application has been submitted and would need to be assessed against the relevant policies in the existing Core Strategy, Neighbourhood Plans and the NPPF, in addition to other material planning considerations. There is a shortfall in the Councils Housing Land Supply position, and, as set out in this report, the Local Planning Authority is satisfied with the detailed proposals put forward such that a determination can be made under the existing framework to address the housing supply deficiencies the Local Planning Authority is currently facing.

#### Statement of Community Involvement

The NPPF and Local Plan advocate early engagement on new proposals, as set out in the Council's Statement of Community Involvement. This includes utilisation of the council's pre-application advice service, and supporting applications with statements explaining what community consultation has been done, the outcome of any consultations and any amendments made to the scheme as a result

The application is accompanied by a Statement of Community Involvement (SCI). This sets out the extensive engagement that Holkham Estate has had with the Local Authority (including through the submission of the site as an allocation in the emerging Local Plan and planning pre application advice), engagement with Norfolk County Council, Wells Town Council and the public in developing the proposals currently being considered. The scheme has evolved following this engagement and collaborative approach as set out in the SCI.

A Housing Needs Assessment was undertaken in 2020 commissioned by the Holkham Estate in partnership with the town council and other local groups to better understand local housing needs and tailor the proposals to meet these identified needs. The four key issues identified included a diminishing private rental sector, need for more affordable rental stock, under-occupancy (and lack of smaller units to downsize into), and lack of affordable ownership products

The proposals have positively responded to the feedback officers provided during the pre-application proposals, in addition to two presentations of the proposals provided to the local Town Council, and a public consultation, with leaflets delivered to dwellings in the local area in June 2023, with 29 responses received from this consultation. The feedback from this suggested good level of support for the design and style of the proposed dwellings and recognising the need for more affordable housing in the town.

#### Neighbourhood Plan:

The adopted Wells-next-the-sea Neighbourhood Plan and Design Guidance Codes form part of the Local Development Framework and assessed alongside policies in the Local Plan. The allocations in the emerging Local Plan are recognised within the Neighbourhood Plan. As such there would not be any particular principle issues around the proposals subject to compliance with the relevant policies in the Neighbourhood Plan. Regarding the “Principle Residence” restriction under policy WNS5, the plan specifically sets out that this would not apply to W07/1, acknowledging that this site seeks to address strategic housing needs.

In summary, Officer advice to the Development Committee is that the proposed development should be assessed under current Core Strategy Policies and Wells Neighbourhood Plan Policies and considered as a Departure from the Development Plan. In making a decision, the Development Committee will need to have regard to any material planning considerations (both positive or negative) which might justify a departure from the Development Plan. The weight to be apportioned to any material planning considerations is a matter for the Development Committee as decision maker.

## 2. Housing Mix

Policy HO 1 states that all new housing developments shall provide at least 40% of the dwellings as having two bedrooms or fewer, with internal floor spaces not more than 70 sq m. Policy HO 1 also states that 20% of the dwellings to be provided shall also be provided as accessible and adaptable for occupation by the elderly, infirm or disabled.

Policy WNS4 of the Neighbourhood Plan requires development to contribute to a mix of housing that meets local needs and enables the creation of a mixed and balanced community. For schemes of 10 or more dwellings this includes, where practical, at least half the dwellings being small and medium sized homes comprising 2-3 bedrooms, opportunities for self-build or custom build and housing for those with accessibility needs including bungalows, and affordable housing as per the requirements of the Local Plan.

The proposed development comprises of the following housing mix

:

| Dwelling Type   | Private<br>(Sale and<br>Rent) | Affordable Tenures |                      |                     | Total     |
|-----------------|-------------------------------|--------------------|----------------------|---------------------|-----------|
|                 |                               | Social Rent        | Intermediate<br>Rent | Shared<br>Ownership |           |
| 1 bed apartment | -                             | 4                  | 4                    | -                   | <b>8</b>  |
| 2 bed bungalow  | 3                             | -                  | -                    | -                   | <b>3</b>  |
| 3 bed bungalow  | 2                             | -                  | -                    | -                   | <b>2</b>  |
| 2 bed house     | 2                             | 2                  | 2                    | 3                   | <b>9</b>  |
| 3 bed house     | 13                            | 2                  | 2                    | 2                   | <b>19</b> |
| 4 bed house     | 4                             | -                  | -                    | -                   | <b>4</b>  |
| 5 bed house     | 2                             | -                  | -                    | -                   | <b>2</b>  |
| <b>Total</b>    | <b>26</b>                     | <b>8</b>           | <b>8</b>             | <b>5</b>            | <b>47</b> |
|                 |                               | <b>21</b>          |                      |                     |           |

The proposal includes 21 (45%) affordable dwellings, in line with Core Strategy Policy HO 2. The affordable homes would comprise 8 Social Rent Homes, 5 Shared Ownership Homes and 8 Intermediate Rent Homes to be transferred to a Registered Provider (likely to be Homes for Wells), meaning they will be available in perpetuity and at rents that meet the Homes England

Rent Standard (up to 80% of market rents). The Council would include the Intermediate Rent Homes as part of the S106 agreement alongside the affordable rent and shared ownership homes.

In addition, the proposals include five homes for market rent. These are not to be included in the s106 agreement so cannot be guaranteed to be available in perpetuity, but their inclusion is still welcomed and will bring a different tenure of homes to the development, that are in high demand.

#### Housing Need

Housing need changes gradually over time, the latest information on housing need in Wells-next-the-Sea is set out below and clearly supports the need for affordable homes in Wells, including those for intermediate rent which will be let to local households:

As of 02 September 2024 there are 899 households on the Council's housing list who want to live in Wells, of these 148 are in the highest priority bands 1\*, 1 and 2. Most of the need is for one-bed homes – 58%, with the remainder split between two-bed - 25%, three-bed – 13% and four+-bed – 4%. In terms of local need (those with a local connection to Wells or adjoining parishes) there are currently 112 households on the Council housing list.

#### Size and accessibility of homes

Twenty (43%) of the homes proposed are 1 or 2 bedroom properties helping to deliver more smaller homes. 33 out of the 47 dwellings (70%) are proposed as 2 or 3 bedroom dwellings. The proposals provide smaller homes in excess of the local requirements expressed in the Neighbourhood Plan.

Twenty-nine (62%) dwellings are designed to meet M4(2) accessibility standards (again in excess of the requirement for 20%) and 9 (19%) dwellings as step-free dwellings (5 bungalows and 4 ground floor apartments) suitable for older or infirm residents.

#### Summary

The proposals would include a policy compliant level of affordable dwellings. However, the mix does not include any self or custom build plots, as advocated in the Neighbourhood Plan (Policy WNS4). Notwithstanding the absence of self or custom build homes, Officers consider that the proposals would comply with all other local requirements, and include a tenure mix which has been developed to address local needs. As such, the proposal would broadly accord with the aspirations of Development Plan policy to create mixed and balanced communities.

The proposed affordable dwellings are of a compatible style to the market dwellings to ensure these are indistinguishable from other buildings. Additionally, there is a significant overprovision of 2-3 bedroom properties to address local need. Not all the smaller dwellings would be under the 70sm floor area, but all the floorspaces would meet, as a minimum, the Nationally Described Space Standards (NDSS) which is the more appropriate standard to adhere to for the two-bedroom properties. Compliance with NDSS will ensure more acceptable amenity standards for future occupiers. The housing mix is considered appropriate, and positively reflects the specific local housing needs as identified in the Housing Needs Assessment.

### **3. Design and amenity**

Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be

expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

Policy WNS6 similarly sets out that new development should respond positively to principles including layout and grain, pattern of development, landscaping, access and connections, town entrances, parking, scale and form of massing, boundary treatments, density, style and design, open space and designing out crime.

The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, with good design a key aspect of sustainable development. Paragraph 135 goes on to state that development should establish or maintain a strong sense of place, be sympathetic to local character and history, landscape setting and be visually attractive. Paragraph 135 also states that permission should be refused for development of poor design which fails to take opportunities available for improving the character and quality of an area, taking into account local design standards or guidance contained within SPDs.

#### Layout

The scheme layout seeks to respond to local character, continuing a loose grid as present in the historic town. The layout comprises of a main east-west access road and a series of smaller side streets forming mews streets/yards, with open ends giving visibility of the open landscape to the north towards the paddocks and marshes. The access road kinks to the east, with landscaping on the western side, within the core of the site a further kink in the road enables substantive landscaping along the road, which over time would assist in breaking up the built form when viewed from the north. Feature buildings are included in the scheme. The site entrance off Mill Road is characterised by a sweeping access road with meadow and tree planting either side leading into the built form.

#### Scale

The buildings would be generally two-storey, reflecting the predominant scale of built form in the area. Most roof pitches would be 40 degrees, larger properties would have 45 and 50 degree pitches. Additionally, there would be 4 bungalows, two on the northern part of the site, and two on the southern flank, with space within the core of the site for substantial trees, and irregular screen planting to the northern edge of the development to break up the massing and silhouette of the development in long views from the coast. The proposed density is not regarded as overdeveloped, and would be well within the density figures for secondary settlements (set at 40 dwellings per hectare). The density is considered appropriate in the context of the sensitive location, making optimum use of the central section of the site whilst also incorporating tree planting within the scheme.

#### Appearance

Design and materials have been chosen to reflect the traditional vernacular, including brick, flint, render and clay pantiles (red and grey). Two character areas are proposed with traditional properties to the west and north yard areas around Roads D and E, and contemporary designs along the main road to the site core, and east. Both styles would be identifiable as two families of buildings.

The contemporary buildings would generally have flush brick detailing, simple barge board eaves, thin aluminium window frames, silver rainwater goods, with bricks to be laid in common bond with pale mortar, some will have front elevation in Flemish bond. Where flint is

included on the elevations, the window-reveals would have a metal liner to provide an edge for the flint, instead of traditional brick quoins. The rendered properties would have the same overhang verge and eaves expressed rafter feet, with sections of weatherboarding to unite small groups of windows.

The traditional buildings would have more elaborate brick detailing, including a projecting verge and corbelled haunch, a dentil course in lieu or barge-boards to the eaves, a projecting string-course and plinth-brick sub-cills. Windows would have a more vertical emphasis, thicker frames and rainwater goods of more traditional black colour. Where flint is included on the elevations there would be traditional brick quoins to windows. The rendered properties would have wider frames vertical format windows with gabled porch.

The design of the proposed dwellings is considered to result in a good mixed visual appearance, reflecting local vernacular characteristics / detailing and accords with local design considerations in the Local and Neighbourhood Plans and Design Guides.

#### Amenity

Policy EN 4 of the North Norfolk Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity or nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The North Norfolk Design Guide states that residents should have the right to adequate privacy levels and that new development should not lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact. Additionally, private garden areas should be of adequate size and shape to serve their intended purpose. They should be substantially free from shading and are recommended to be of an area equal or greater than the footprint of the dwelling they serve.

All the gardens within the proposed development are comparable in size or greater than the footprint of the dwelling they would serve, with sufficient depths. The flats would be served by communal outdoor amenity areas. The proposed dwellings would meet the standards in the Design Guide regarding amenity space requirements, and separation distances between dwellings. This includes between the existing residential properties on Mill Road and Westfield Avenue. Mill Road properties benefit from large gardens, additionally there is a 4.5m private access to the rear of these properties separating the site. The open space to the north of the site would have some natural surveillance afforded by overlooking from the flats located to the northeast. The proposals are considered to provide a good level of amenity for future occupiers of the site, and are not considered to negatively impact existing neighbouring amenity around the site.

The proposals are considered acceptable from a design and amenity perspective, according with policy EN 4, WNS 6, and the associated design guide and codes and Section 12 of the NPPF.

## **4. Impact on Landscape including Norfolk Coast National Landscape**

### Landscape and Policy Context

Core Strategy Policy EN 1 seeks to protect the special qualities of Areas of Outstanding Natural Beauty (now Norfolk Coast National Landscape), with development only being permitted where it is appropriate for the area, does not detract from the special qualities of the Norfolk Coast AONB, and facilitating the delivery of AONB management plan objectives.

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas.

Policy EN 3 sets out that within the Undeveloped Coast as defined in Local Plan 'only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted'. Para. 3.3.10 explains that this designation is designed to minimise the wider impact of general development, additional transport and light pollution on the distinctive coastal area.

Policy SS 4 states that all development proposals will contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity. Open spaces will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. New development will incorporate open space and high-quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces. Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged, and all proposals should seek to increase public access to the countryside.

The Wells Neighbourhood Plan Vision to 2036 sets out that "...the Norfolk Coast National Landscape will be protected."

NPPF Paragraph 180 states that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. This paragraph also states that development should maintain the character of the undeveloped coast, while improving public access to it where appropriate.

NPPF Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

NPPF Paragraph 183 sets out that when considering applications for developments within Areas of Outstanding Natural Beauty, permission should be refused for major development other than within exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

The accompanying footnote (64) sets out it is for the decision maker to consider whether a proposal is 'major development', taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. For the avoidance of doubt the Local Planning Authority does consider this to be major development in this context, taking into account the nature, scale and setting and potential impacts on the wider landscape and does constitute major development under

paragraph 183 of the NPPF. This position was set out at the pre-application stage and remains the position at the time of determining this application.

The application is accompanied by a robust assessment of the three associated criteria under paragraph 183 in the Planning Statement and Planning Statement Addendum, the findings of which Officers accept and which satisfy the tests of the NPPF regarding the principle of major development within the protected National Landscape. As such Officers are of the opinion that there is not a clear reason for refusing the application under paragraph 183 of the NPPF.

#### Landscape considerations

The site is located within a sensitive landscape of high value, designated as the Norfolk Coast National Landscape, Undeveloped Coast, with Wells Conservation Area adjacent to the east boundary of the open space area to the north. The Norfolk Heritage Coast national designation lies to the north-west of the site and lies wholly within the National Landscape. The site currently comprises a series of fields and enclosures of improved and semi-improved grassland used for horse grazing and a caravan site located on the western edge of Wells, east of Mill Farm.

The land is defined as Rolling Open Farmland (ROF), characterised by the rural undeveloped nature of the setting to Wells-next-the-Sea. The North Norfolk Landscape Character Assessment (2021 SPD) sets out this is an open, expansive rural landscape with long range views and sparse settlement resulting in dark night skies and a sense of remoteness and tranquillity. Landscape guidelines for conservation and enhancement of the ROF Type include integration of fringe development into the existing landscape by reflecting the local vernacular and planting palette and retaining mature trees which contribute to the setting of the settlement.

In accordance with Wells Neighbourhood Plan, the site lies within Character Area 6 as described in the Design Code. This is noted as a dark area in terms of nocturnal streetscape which should be retained. Substantial mature tree cover around Mill Farm House and adjoining meadows is highlighted as a notable local landscape feature. The report considers that the area makes a significant contribution to the urban form of the town when viewed from the Coast Path to the north.

Policy DC.1.2 - Pattern of Development (WNP) sets out three guidelines for new development to ensure that it makes a positive contribution to existing built form and is well integrated into its setting:

- i. Development affecting the transitional edges between a settlement and the surrounding countryside must be softened by new landscape planting to provide a more harmonious interface between built development and the wider landscape;*
- ii. Development that alters the existing roofline or blocks existing long distance views to the waterfront should be avoided; and*
- iii. New development should be limited in extent and well-integrated with the landscape and the existing settlement pattern and vegetation.*

The site is on an elevated and prominent position, with numerous long-range views from the north of the development, with the roofscape particularly visible. The proposals include variety in building heights, roofing materials and chimneys to break up the roofline, with diversity also on elevational treatments.

The shared surface and filter drain alongside the main roadway and avoidance of over-engineered kerbing, gullies and paving will make for a softer informal appearance to the whole scheme. Site and plot boundary treatments are also broadly appropriate, setting out a mix of options and avoiding the dominance of close board fencing. The proposed site entrance off



Mill Road is suitably informal. The roadway is softened with tree and meadow grass planting and a native hedge forms the west site boundary at this point. Tree, shrub and hedge planting is accommodated throughout the layout which, in time, will help to break up the built form and embed the scheme into its rural landscape setting.

A 6m wide strip would be provided for native tree, shrub and scrub planting along the northern site boundary. This would be multi-layered and varied in height to filter and break up the built form in the longer-range views north and north-west of the site (also promoting ecological connectivity). The area of open space north of the site is suitably designed with appropriate spaces, varied habitats and proportionate tree, shrub and hedge planting.

Regarding the potential for light pollution, no street lighting is intended with this scheme. Light spill from large areas of glazing has also been considered and openings largely limited in size and number on prominent elevations that may impact principal views.

### Summary

There has been proactive engagement between the developer and the Local Planning Authority, with amendments and additional information provided to supplement the Landscape Visual Impact Assessment (LVIA) including Zone of Theoretical Visibility, visualisations and sections. The incremental design changes make for a scheme that would be more sympathetic and better assimilated into its designated and sensitive landscape context. Officers concur with the findings of the applicant's LVIA, with none of the effects considered to be of Major or Major Moderate Significance, but note the lower levels of harm identified to the designated landscape. This would result in residual adverse effects of Minor-Moderate significance to the National Landscape and Moderate-Minor Significance on the Rolling Open Farmland Landscape Type. The design, variation of scale, materials and landscaping go a significant way to mitigate the landscape impacts. Notwithstanding this, harm has been identified and would need to be weighed against the public benefits and interest being delivered from the scheme

## **5. Ecological impacts, BNG and GIRAMS**

Policy EN 9 sets out that all development proposals should protect the biodiversity value of land and buildings, maximise opportunities for restoration and enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.

Policy WNS6 sets out development proposals should make appropriate contributions towards GIRAMS, protect and enhance existing habitats, wildlife corridors and creation of new green corridors.

Paragraph 180 of the NPPF sets out that development should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity,

### Ecology

The application is accompanied by an ecological assessment, setting out that the site comprised primarily of semi-improved grassland, with hedgerows to be retained. The site has been assessed as being of low ecological value for the protected species scoped into the assessment including foraging bats, nesting birds, hedgehogs and moths.

Mitigation measures include commencing construction works outside of the nesting bird season (or following an inspection by a suitably qualified ecologist), and provision of hedgehog access holes. The report also advises that precautionary measures should be employed

throughout the construction phase such as backfilling or covering trenches, and appropriately storing materials

Enhancements include appropriate soft landscaping with native species, swift and house sparrow boxes and bat boxes on buildings and hedgehog access holes. The landscape section has advised based on the composition of the dwellings and number it would be appropriate for 42 swift boxes / bricks and 10 bat boxes to be incorporated into the fabric of the buildings (final details and locations etc can be secured by condition).

#### Biodiversity Net Gain

The application is subject to mandatory 10% BNG enhancement requirements. The site comprises medium distinctiveness habitats including other neutral grassland, small areas of scrub and urban trees. The scrub and trees cannot feasibly be retained whilst delivering dwellings at the site, and only part of the grassland will be lost to accommodate the new access road. Scrub and trees are proposed in other parts of the site post-development to compensate for their loss. New habitats to be created include other neutral grassland, modified grassland and SUDS.

Hedgerow units can be delivered onsite. Approximately 50m of hedgerow will require removal as part of the development but this will be compensated for and enhanced through the planting of 285m of new native species-rich hedgerows.

Biodiversity Net Gain for habitats cannot be achieved on site, with a loss of 27.7%. Off-site Biodiversity Net Gain would be provided to compensate for this on a 0.55 ha site to the east of the town, adjacent to an existing off site BNG provision. The 0.55 ha site would provide an overall net gain of 10.4%, meeting this statutory requirement. Standard BNG notes and conditions will be imposed to secure the BNG requirements.

#### GIRAMS

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategy agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in North Norfolk by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

This Strategy recommends a tariff approach to ensure funds are collected and pulled together to deliver the Recreational Impact Avoidance and Mitigation (RAMS) package proposed. This reflects the entirety of Norfolk including all partner Local Planning Authorities and would see a common tariff amount for all net new dwellings in the county (£221.17) alongside a 6:1 ratio for tourism development. This has been calculated from the RAMS mitigation package to cover the lifetime of the Local Plans.

An appropriate shadow HRA has been provided identifying five habitat sites within 700m of the site, with only recreational disturbance progressed to the Appropriate Assessment. Officers agree with the other impacts being screened out due to the site lying beyond a nutrient impact area and visual and sufficiently distanced from the SPA/RAMSAR resulting in visual and noise disturbances unlikely to occur. The alone impacts from recreational disturbance is not considered to be significant due to a very low increase in visitor numbers relative to the existing disturbance, only the in-combination impacts would need to be mitigated for which this would be addressed through payment of the Norfolk GIRAMS tariff of £221.17 per

dwelling. The proposed development subject to payment of the GIRAMS tariff (which would total £10,394.99) would not result in a significant adverse effect on the integrity of Habitats Sites,

Subject to the payment of the GIRAMS through the S106 and appropriate landscaping conditions, the scheme would comply with Policy EN 9 of the adopted Core Strategy and Section 15 of the NPPF.

## 6. Developer contributions

Core Strategy Policy CT 2 states that on schemes of 10 or more dwellings where there is not sufficient capacity in infrastructure, services, community facilities or open space improvements which are necessary to make that development acceptable, mitigation will be secured by planning conditions or obligations, and these must be provided within appropriate timescales.

The recently published National Model Design Code sets out that new development should contribute towards the creation of a network of green spaces and facilitate access to natural green space where possible.

The North Norfolk Open Space Assessment provides the most up to date evidence of local need. It provides the justified evidence to support the requirement for open space contributions in Policy CT 2 of the Core Strategy.

Based on the mix of housing tenures, sizes and types shown within the submission, there would be an on-site requirement for amenity green space, play space for children and off-site contributions where required for allotments, parks and recreation, play space (youth) and natural green space.

| Open Space requirement     | Policy Compliance Position         |                         |                                     |                       |                   |   | Off Site Contribution                            |                           |                    |                       |
|----------------------------|------------------------------------|-------------------------|-------------------------------------|-----------------------|-------------------|---|--|---------------------------|--------------------|-----------------------|
|                            | Required m <sup>2</sup> per person | Cost per m <sup>2</sup> | Total requirement (m <sup>2</sup> ) | Cost of provision (£) | On site required? | Required quantity on site (m <sup>2</sup> ) | Enter actual provision on site (m <sup>2</sup> ) | % of requirement provided | Value of provision | Contribution required |
| Allotments                 | 6                                  | 27.66                   | 636.00                              | £17,592               | 0                 | None  | 0  | N/A                       | 0                  | £17,592               |
| Amenity Green Space        | 10                                 | 25.06                   | 1,060.00                            | £26,564               | Y                 | 1,060.00                                    | 3,485.92   | 328.86                    | 87,357             | £0                    |
| Parks & Recreation Grounds | 11                                 | 115.05                  | 1,166.00                            | £134,148              | 0                 | None  | 0  | N/A                       | 0                  | £134,148              |
| Play Space (Children)      | 1                                  | 208.91                  | 106.00                              | £22,144               | Y                 | 106.00                                      | 124.57   | 117.52                    | 26,024             | £0                    |
| Play Space (Youth)         | 0.6                                | 141.54                  | 63.60                               | £9,002                | 0                 | None  | 63.6   | N/A                       | 9,002              | £0                    |
| Natural Green Space        | 15                                 | 25.06                   | 1,590.00                            | £39,845               | 0                 | None  | 3,485.92   | N/A                       | 87,357             | £0                    |
|                            | <b>43.60</b>                       |                         | <b>4,622</b>                        | <b>£249,295</b>       |                   | <b>1,166.00</b>                             |  |                           | <b>209,740</b>     | <b>£151,740</b>       |

### Open space supply from the North Norfolk Open Space Assessment

| Parish             | Allotments | Amenity Greenspace | Parks and Recreation Grounds | Play (Child) | Play (Youth) | 2016 Population |
|--------------------|------------|--------------------|------------------------------|--------------|--------------|-----------------|
| Wells-Next-the-Sea | 3.60       | -0.80              | -1.79                        | 0.00         | -0.08        | 2149            |

## Assessment of Requirements

### Allotments:

The requirement is 0.06 ha (636 sqm) for the proposed development. There is an existing overprovision of 3.6ha in Wells, as such a contribution towards allotments would not be necessary.

### Parks and Recreation Grounds:

The requirement is for 0.11 ha (1,166 sqm) for the proposed development. The definition provided of Parks and Recreation Grounds states that they are “*defined as an open space that: Has at least two facilities e.g. a children’s play area and tennis courts, or; Has provision for formal sports pitches e.g. football or cricket pitch (informal football would be excluded); and Is owned/managed by the Council (or Town/Parish Council), for general public access.*” The proposed on-site open space would not provide two facilities or sports pitches and therefore would not meet the definition of Parks and Recreation Grounds. A contribution of £134,148 is therefore required.

### Play Space (Children and Youth):

There is a requirement for 0.01 ha (106 sqm) of children play space for the proposed development, and 0.006 ha (63.6 sqm) of youth play space (combined total requirement is for 0.017 ha (169.6 sqm)). The total area proposed for play space is 188.17, exceeding the requirements, final design and facilities can be secured by condition.

### Amenity Green Space and Natural Green Space:

The requirement is for 0.1 ha (1,060 sqm) of Amenity Green Space for the proposed development. The definition provided of Amenity Green Space states that it includes “*those spaces open to free and spontaneous use by the public, but neither laid out nor managed for a specific function such as a park, public playing field or recreation ground; nor managed as a natural or semi-natural habitat [...] Amenity green spaces smaller than 0.15 ha are not included within the analysis for this typology, as it is considered that these sites will have limited recreation function and therefore should not count towards open space provision.*”

The requirement for Natural Green Space is 0.16 ha (1,590 sqm) for the proposed development. The definition provided for Natural Green Space is that it “*covers a variety of spaces including meadows, woodland, copses, river valleys and lakes all of which share a trait of having natural characteristics and biodiversity value and are also partly or wholly accessible for informal recreation.*”

The combined requirement is for 0.26ha (2,600 sqm). The site provides 2 areas of open space larger than 0.15ha that are designed to have areas of Amenity Green Space and areas of Natural Green Space. The main open space is 0.55 ha (5,469.69 sqm). The entrance open space is 0.15ha (1,502.15 sqm). This would provide a total of 0.7 ha (6,971.84sqm) of amenity and natural green space, resulting in an overprovision, as such a contribution would not be required

The proposals include large areas of open space, and inclusion of play facilities. Exceeding the requirements of the emerging policy, and in excess of policy expectations to the benefit of the local community. There is an overprovision of allotments in Wells, as such contributions for this isn’t required, but off-site contribution of £134,148 towards parks and recreation grounds would be required to satisfy local requirements to be included in a S106 Obligation.

Contributions would also be required for other services and facilities including areas such as education (SEND), libraries and fire hydrants requested by Norfolk County Council. The Local Planning Authority also received a request for healthcare contributions of £43,895 to aid the expansion of the local GP practice to provide additional capacity to support the expected

additional population. A table of S106 financial and non-financial contributions expected from the development is set out below.

| <b>Contribution Description</b>  | <b>Amount<br/>(index linked)</b> | <b>Cost Per Dwelling<br/>(approx.)</b> | <b>Agreed to be paid<br/>by the applicant?</b> |
|--|----------------------------------|--|--|
| Affordable Housing (21 units – 8 social rent, 8 intermediate rent, 5 shared ownership) | On-Site Provision                | -                                      | Yes  |
| Parks and Recreations Grounds (Off-site)   | £134,148                         | £2,854.21                              | Yes  |
| NCC Education contribution – Special Education Needs and Disabilities (SEND)           | £96,806                          | £2,059.70                              | Yes  |
| Healthcare contribution  | £43,895                          | £933.94                                | Yes  |
| GIRAMS Tariff*   | £10,394.99                       | £221.17                                | Yes  |
| Library Contribution   | £4,700                           | £100                                   | Yes  |
| Fire Hydrant (one)   | On-site provision                | -                                      | Yes  |
| NCC S106 Monitoring Fee  | £500 per obligation              | -                                      | Yes  |

\*This contribution is mandatory in order to satisfy Habitats Regulations

Subject to securing the required contributions through S106 obligation (or condition(s) as may be the case with the Fire Hydrant), the proposals would accord with the requirements of Core Strategy Policy CT 2.

## 7. Highways and parking

Core Strategy Policy CT 5 (The Transport Impact of New Development) states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location.
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

Policy CT 6 (Parking Provision) states that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

The Wells Design Guidance and Codes sets out new street layouts should connect to the wider area and public footpaths, have a clear and legible street hierarchy, incorporate landscaping (street trees and green verges) and sustainable drainage solutions and encourage opportunities for cycling. Parking should be provided on site, combined with landscaping and designed to minimise run off with use of permeable paving, and interspersed with trees where on street parking is proposed (policies DC 2.1 and DC 2.2).

Paragraph 108 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 109 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. It also recognises that transport solutions will vary between urban and rural areas.

Paragraph 114 states amongst other matters that development should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 115 sets out that 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.

Paragraph 116 of the NPPF continues by setting out that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and facilitate access to high quality public transport where possible. Development should also address the needs of all users, be safe, secure and attractive avoiding conflict between transport users, allow for efficient delivery/access and be designed to enable charging of ultra-low emission vehicles.

There are existing pedestrian footways located next to Mill Road and Holkham Road. These, connect to the wider Wells pedestrian network and connect to the town centre and existing informal pedestrian access through to Bases Lane. The services, facilities and town centre of Wells are all within comfortable walking and cycling distances, which promotes active modes of transport over the use of a car. There are bus stops in the vicinity, including on Mill Road, Holkham Road, and the main bus stops at The Butlands. There have been no recorded Personal Injury Collisions in the vicinity of the proposed access onto Mill Road

The main estate spine road coming into the site would comprise a 4.8m wide carriageway with 2m swale on both sides and footpath on east side (Road A) continuing as a 4.8m carriageway with 2m swale and 2m footpaths on both sides (Road B) both these are proposed to be adopted. The other roads branching off would be private. Road C comprising 4.8m with 1m shared space, Roads D and E comprising 4.2m shared surface. The pedestrian footways and shared spaces facilitate permeability through the site and appropriate connectivity towards the town centre and other facilities and services in the vicinity.

Pedestrian access through the site will be achieved through the site access junction at Mill Road, which has the provision of 2.0m wide pedestrian footways either side of the carriageway that lead directly into the Site. These footways will tie into the existing footway provision on Mill Road at the site frontage, which provide connections east towards Wells-next-the-Sea town centre, and west towards the Wells-next-the-Sea community hospital and associated bus stops.

On the main site access road, a single 2m footway is proposed on the eastern side of the carriageway. This increases to two, 2m footways on either side of the carriageway at the location of the proposed dwellings to serve the properties.

Pedestrian access to the site will also be achieved through a footpath connection to the north, providing a connection into Holkham Road, through the open space that forms part of this proposed development. This connection will tie into the pedestrian footways on Holkham Road.

An additional pedestrian connection will be provided to the east of the proposed development onto Bases Lane, that will provide a connection to the pedestrian footways on Bases Lane and Theatre Road leading to the Town Centre.

There would be policy compliant parking provision and cycle storage provision commensurate for the sizes of properties in accordance with local policy considerations;

#### Parking provision

- 1-bed units: 1.5 spaces/dwelling
- 2+3-bed units: 2 spaces/dwelling
- 4+5-bed units: 3 spaces/dwelling
- Garages will not count as parking spaces
- Visitor parking 9 spaces

Cycle parking would be provided within the curtilages of residential dwellings in a secure shed or garage, and the apartments would have dedicated cycle stores.

The internal road layout will be designed to accommodate refuse collection vehicles and fire tender access. Bin storage will be provided in accordance with guidance on bin drag distances i.e. 30m for residents and 25m for refuse collectors.

It is forecast the proposed 47 dwellings would generate a total of 28 two-way vehicle trips in the AM peak hour and 25 two-way vehicles trips in the PM peak hour, within the operational capacity. It is anticipated that the proposals would have a negligible impact upon the local highway network.

Vehicular access to the site would be from Mill Road, through a proposed priority T-Junction, with visibility splays 2.4 x 59m achieved in both directions, the private drives serving the residential dwellings would be designed to adoptable standards and can accommodate refuse vehicles.

Subject to further updates to the plans to show appropriate detail regarding the path connecting to Holkham Road, (including widening the gap, level surface and widening the footway), this would address the highway concerns. There would be sufficient parking provision and the proposal would have appropriate connectivity with the rest of the town. No concerns have been raised by the statutory consultee on highway safety concerns relating to the new access, with other areas previously raised addressed.

Subject to revised plans, the proposals would accord with Development Plan policy requirements.

## **8. Heritage**

Policy EN 8 of the North Norfolk Core Strategy requires that development proposals, should preserve or enhance the character and appearance of designated assets and their settings. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Policy WNS11 sets out development should respect the significance of designated and non-designated assets, including being of an appropriate design and character and protecting the setting of the Conservation Area, with locally considered non-designated-heritage assets set out under WNS12.

The Wells Conservation Area is located to the northeast of the site, adjacent to the open space area to the north of the site. New built form is focussed within the core of the site, the approach seeks to sufficiently distance that new build from the sensitive setting of the Conservation Area. Given that the land adjacent to the Conservation Area would remain largely undeveloped and retained as open space, Officers consider that the impact of the proposals are effectively buffered from blocking or impinging upon important or defining views into and out of the Conservation Area.

The development would be visible in tandem with the Conservation Area from locations including Beach Road and the car park behind Freeman Street. While the proposal would introduce further urbanisation, from a heritage perspective Officers consider this would not undermine or challenge the overall significance of the Wells Conservation Area.

Holkham Hall Grade 1 Historic Park and Garden is located 600m west of the site. The intervening woodland along the former railway cutting and west of Mill Farm limits any adverse landscape and visual impact resulting from the development on the historic designed landscape. The nearest listed buildings are to the east, within the built-up area of Wells. These listed buildings are sufficiently distanced and also separated by intervening buildings and have relatively self-contained settings. Officers therefore consider that there would be no harm to the significance of listed buildings.

The Neighbourhood Plan identifies Mill Farm to the west of the site as a non-designated heritage asset under Policy WSN12. The effect of the proposals on its significance is required to be taken into consideration. The Neighbourhood Plan also identifies Wells Old Cottage Hospital as a non-designated asset but, in the opinion of Officers, this is sufficiently distanced from the site - some 150m southwest of the site, separated by the railway cutting, to be materially affected. . The application site is compartmentalised away from the designated and non-designated heritage assets, with the main development taking place within the core of the site. Mill Farm House and its associated buildings would still stand on its own, with a degree of separation from the main core of the development aided by existing and proposed landscaping.

Mill Farm is set back from the road and enclosed by boundary walls and mature trees and, as such, given the more limited views of the property, does not act as a key landmark building in the wider landscape. There is a clearly defined curtilage, visually and physically divorced from the application site. The existing trees on the boundary to the application site are to be retained such that retaining this feature re-enforces separation and mitigates the impact on views towards the application. Views from the open spaces will be maintained, including from the new access road connecting to Mill Road to the upper storey of the house. The western side



of the new access road would be planted with trees, providing filtering to the road edge in views southwards from the farmhouse. The proposals would therefore have limited impact on the Non-Designated Heritage Asset, with the key attributes of its setting sustained.

Overall, Officers consider that the proposals are acceptable from a heritage and conservation perspective. They would not result in detrimental impacts on the significance of the designated and non-designated heritage assets and their character and appearance would predominantly be preserved. The proposals would accord the Development Plan policy considerations.

### Archaeology

An Archaeological Desk Based Assessment and Geophysical Survey have been provided, setting out there are no archaeological Designated Heritage Assets (i.e. Scheduled Monuments or Registered Battlefields) within the proposal site. The Norfolk Historic Environment Record records one non-designated heritage asset within the proposed development site: the site of a former 18th and 19th century windmill, within the south-western field of the site. No upstanding remains of this windmill are present, and no evidence for buried features were detected in the Geophysical Survey. Based on review of existing information for the surrounding search area, and the geophysical survey results, the site is assessed to have at most a low potential for additional significant archaeological remains of all periods. There is no suggestion that the site contains heritage assets likely to be a constraint to development or which might require further investigation to inform decision-making on the planning application. Requirements for further archaeological work can be secured by condition and will comply with the requirements of policy EN 8.

## **9. Flooding and drainage**

Core Strategy Policy EN 10 seeks to direct most new development to areas of lower risk of flooding (Flood Zone 1). A site-specific flood risk assessment is required for development proposals of 1 hectare or greater in Flood Zone 1. Moreover, in relation to surface water drainage, the Policy sets out that appropriate surface water drainage arrangements dealing with surface water run-off from the new development will be required.

The site is located within Flood Zone 1. The proposals do not affect flood storage within the floodplain and the peak surface water runoff rate leaving the site would be captured via permeable pavement, granular trenches, and gullies, before discharging treated water to permeable geology at shallow depths within the chalk layers. Other sources of flooding would pose only minor threat to development on the site, which can be satisfactorily mitigated.

The existing site falls 18.89 m from South-West to North-East across the whole site and 5.03m across the proposed residential development in the centre of the site, falling in the same direction. There is a small area of low-risk flooding running from Bases Lane to Holkham Road, outside of the site boundary and being at the lower end of the site would cause no risk to habitable areas for the proposed development.

The geology is suitable for infiltration, and infiltration testing on the site provided favourable results, and groundwater was not encountered. The proposed development would introduce an impermeable area of 11,300sqm, as such surface water would need to be appropriately mitigated.

The drainage strategy incorporates private soakaways located within back gardens, private infiltrating permeable paving. Rainfall captured on the roofs and patio areas of the proposed dwellings will convey to private soakaways located within back gardens. Where 5m clearance from buildings cannot be achieved within back gardens, the soakaways would be shared. All drainage features would be installed with a minimum of 1.2m clearance from the recorded

groundwater levels. Permeable paving is proposed within all private parking, drives and accesses. These are expected to drain at source, mimicking the natural process that currently occurs.

Regarding the new roads, surface water would be directed towards an infiltration basin with sediment forebay collected by filter trenches along the main road and gullies along the shared surface roads. A sediment forebay is proposed upstream of the infiltration basin, providing pollution mitigation. The main infiltration basin half-drains within 848mins for the extreme design event and all proposed soakaways half drain within the 24hr period. This would be within guidance expectations, and demonstrates sufficient storage and infiltration of surface water drainage would be provided.

Regarding water treatment, Anglian Water has confirmed the foul drainage from this site is in the catchment of the Wells-Freeman Street Water Recycling Centre, which has available capacity for the flows from the proposed development and has associated infrastructure in proximity to the site.

It is noted that there is a current objection from the Lead Local Flood Authority (LLFA) pending further details and clarifications from the applicant to ensure an acceptable scheme. The applicant is progressing matters with the LLFA and, subject to the LLFA removing their holding objection the proposals would ensure there would be suitable maintenance and mitigation of drainage and flooding, complying with Core Strategy Policy EN 10 and meets the surface water drainage hierarchy of the NPPF.

## **10. Conclusion and Planning Balance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

As set out in the report, the application site is in a sensitive location where additional protections are in place to give great weight to the safeguarding of a nationally important landscape.

Whilst the weight to be afforded to material planning considerations is a matter for the decision maker, Officers consider that the weight that can reasonably be afforded to the site as an emerging allocation can only be very limited and would not displace the primacy of the existing Development Plan.

The proposal to provide 47 dwellings in the National Landscape (considered to constitute major development by the Local Planning Authority) represents a departure from the Development Plan.

Officers recognise that the National Landscape designation represents a significant constraint, with both the town and surrounding countryside falling within this designation. However, Officers also have to recognise that it would not be possible for housing growth required to meet the needs of the town being met on another site which falls outside of the National Landscape designation.

Officers consider that meeting the housing needs of the town is in the wider public interest and this attracts considerable weight in the planning balance. There has been extensive public engagement and a local housing needs assessment accompanies the application proposing a suitable housing mix to reflect the specific needs of the locality.

As set out under the landscape section, the proposals would result in residual adverse effects of Minor-Moderate significance to the National Landscape. However, the impacts would be moderated by virtue of the design, variation of scale, materials and landscaping to filter views of the proposed development that provide effective mitigation.

Notwithstanding the mitigation measures, Officers consider that the proposals would still result in some harm and therefore will attract some negative weight in the planning balance. However, Officers consider that the proposal satisfies the tests under NPPF paragraph 183 in relation to major development in a National Landscape.

The comments from the Inspector are noted regarding the allocation of the site in the Emerging Local Plan. However, as per the detailed plans and information provided as part of the application, this has shown that the proposals can be accommodated within the landscape with mitigation reducing the landscape and visual impacts to an acceptable level to be viewed as an incremental addition to the settlement within the context of other built form in the vicinity.

In light of the above considerations and in the absence of either a 5-year or 4-year housing land supply, Officers consider that the “Tilted Balance” under NPPF paragraph 11 d) ii) would be engaged which sets out that planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

The application will deliver significant material planning benefits including the addition of 47 dwellings (including 21 affordable properties designed to meet local need). This would make a positive contribution to the Councils current housing supply shortfall and addressing local need. These benefits would attract significant weight in the planning balance.

There are also deficiencies in open space provision in Wells-next-the-Sea, as set out in the report. The open space being provided within this development and off-site financial contributions would make a positive contribution to addressing the local deficiencies which attract moderate positive weight in the planning balance.

There would also be some modest contributions to the local economy during the construction phase and also after occupation, with additional people to support the town’s shops, services and facilities. Again, Officers consider these benefits would attract modest positive weight.

When undertaking the planning balance and applying the “tilted balance”, Officers consider that there are no individual or cumulative adverse impacts which significantly and demonstrably outweigh the benefits in this case to indicate that development should be refused.

Therefore, approval is recommended.

### **RECOMMENDATION:**

**Delegate authority to the Assistant Director of Planning to APPROVE subject to:**

- 1. Satisfactory resolution of drainage concerns sufficient to address LLFA comments and removal of the statutory consultee objection;**
- 2. Satisfactory resolution of highways matters sufficient to address NCC Highways objection.**

- 3. Securing of S106 Obligations as set out at Section 6 of the report including Affordable housing and other financial contributions.**
- 4. Imposition of conditions including any considered necessary by the Assistant Director - Planning including matters relating to:**
  - **Time Limit for implementation**
  - **In accordance with approved plans**
  - **Materials**
  - **Landscaping details, implementation and management**
  - **Mitigation and enhancement measures set out in Ecological Assessment**
  - **Construction Management Plan (CEMP)**
  - **Highway access and visibility**
  - **Provision of parking and retention**
  - **Implementation and retention of refuse and recycling**
  - **10% renewable energy**
  - **ASHP details**
  - **Drainage strategy and mitigations**
  - **Permitted Development Right restrictions**
  - **Archaeology**
  - **BNG Delivery**

**Final wording of conditions to be delegated to the Assistant Director – Planning.**

**That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Assistant Director - Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**