

**WEST RAYNHAM – PF/23/1004 - Demolition of existing workshop and construction of new dwelling at West Raynham Auto Clinic, Massingham Road, West Raynham, Fakenham, Norfolk, NR21 7AJ**

**Minor Development**

**Target Date:** 30<sup>th</sup> September 2023

**Extension of time:** 30<sup>th</sup> September 2023

**Case Officer:** Mrs Ana Nash

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

LDF Countryside

Contaminated Land

Landscape Character Area – Rolling Open Farmland – Holkham to Raynham

Nutrient Neutrality

GIRAMS

**RELEVANT PLANNING HISTORY:**

**DE21/10/0332**

Conversion of Building to Residential (advice given)

**DE21/11/0136**

Dwelling (advice given)

**THE APPLICATION:**

The proposal seeks to demolish a car repair garage known as 'West Raynham Auto Clinic' and erect a detached two-storey, four-bedroom dwelling on the land. The proposed plan indicates a building constructed of red brick and horizontal timber boarding designed with a double-pitch pantile roof. The proposed building would be set back into the site with a rear and eastern side garden. At the front, there would be a gravelled area designated for parking and turning, with the capacity to accommodate a minimum of three vehicles.

The West Raynham Auto Clinic is a local business situated close to the main entrance to the former RAF West Raynham site (now known as West Raynham Business Park). The site is positioned at the eastern end of a row of three residences along Massingham Road. It stands at the intersection of Massingham Road and Station Road. The car repair garage to be demolished is currently attached to a dwelling known as 'The Old Store' which would be retained. A timber fence demarcates the shared boundary with The Old Store.

To the south of the auto clinic lies the West Raynham Business Park, which houses approximately 13 businesses, a solar farm, and the former RAF West Raynham, an area of significant heritage value featuring around 13 Grade II listed assets. A number of residential dwellings are located at the former RAF base.

## **REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Cllr Housden owing to wider policy elements and broader principles, design elements could be addressed with applicant. Recommends a Committee site visit.

## **PARISH/TOWN COUNCIL:**

**Raynham Parish Council: Support** this application but would strongly recommend that a survey is carried out to identify any possible contamination in the ground to satisfy health and safety concerns.

## **CONSULTATIONS:**

**Ward Councillor: No objection.**

**Conservation and Design (NNDC): No objection.** The proposed development would not affect the setting of the recently listed former RAF buildings to the south.

**Environmental Health (NNDC): No objection,** subject to condition

**Landscape (NNDC): No objection,** subject to further information provided by the applicant that can demonstrate compliance with nutrient neutrality requirements.

**County Council Highways: No objection,** this proposal does not affect the current traffic patterns or the free flow of traffic.

## **REPRESENTATIONS:**

To date one **objection** has been received. The key points raised are as follows:

- Will the party wall be made good after the demolition?
- What will happen to septic tank that is currently shared by both properties?

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

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

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal 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 4 - Environment

Policy SS 6 - Infrastructure

Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 - Design

Policy EN 9 - Biodiversity & Geology

Policy EN 13 - Pollution and Hazard Prevention and Minimisation

Policy CT 5 - The Transport Impact of New Development

Policy CT 6 - Parking Provision

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

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

### **Supplementary Planning Documents:**

North Norfolk Design Guidance (2008)

North Norfolk Landscape Character Assessment (2021)

## **OFFICER ASSESSEMENT:**

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

- 1. Principle of development**
- 2. Design and amenity**
- 3. Landscape**
- 4. GIRAMS**
- 5. Nutrient Neutrality**
- 6. Environmental Considerations**
- 7. Highways and Parking**
- 8. Other Matters**

## 1. Principle of development

Policy SS 1 of the adopted North Norfolk Core Strategy sets out the spatial Strategy for the North Norfolk District, which seeks to direct the majority of new development to the towns identified as Primary and Secondary Settlements, with a smaller amount of new development focused on designated Service Villages and Coastal Service Villages to support rural sustainability.

Consequently, beyond the named settlements, Policy SS 1 designates the rest of the district as countryside, where development will be carefully managed to protect the rural character and ensure that development which needs a rural location can be facilitated. Policy SS 2 of the Core Strategy identifies a list of the types of development requiring a rural location and specifies that proposals that do not correspond with one of these identified development types will not be permitted. The only newly built residential development permitted in a countryside location is affordable housing, or housing required to meet the needs of full-time workers in agriculture, forestry or other essential workers connected with the land. This does not include new market housing, based on the policy seeking to avoid housing becoming widely dispersed and leading to a dependency on travel by car to reach essential services, seeking to ensure a more sustainable development pattern. Furthermore, Policy SS 4 of the Core Strategy requires development proposals to contribute to the delivery of sustainable development and, amongst other requirements, seeks to locate development where it would reduce carbon emissions.

West Raynham is not identified as a Service Village and, for policy purposes, is designated as countryside, benefiting from very few facilities and services (a primary school - 2.6 miles away and a village hall - 2.5 miles away) with very limited other local services that would, in turn, support the rural economy. The site itself is not well served by public transport or pedestrian footways; this being the case, future occupants of this development would, be heavily reliant on private cars to access essential services and facilities. Regarding public transport, Sanders Coaches provides one bus route (service no. 22A) between North Elmham – Litcham – Fakenham, with around eight daily stops and passes through West Raynham. The limited public transport service makes this rural community functionally remote from key service provisions, such as employment, retailing and service provisions that larger settlements can provide, along with a lack of pedestrian facilities and street lights. Although the location is not physically isolated, it sits at the end of a row of three houses and is functionally remote from basic services.

Paragraph 79 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located in sustainable locations where it will enhance or maintain the vitality of rural communities, an approach which currently adopted Core Strategy policies are in general conformity with. Given the lack of a basic level of accessible local services/facilities, it is not considered that a single dwelling in the location proposed would contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community and, as such, would not comply with the requirements of Paragraph 79 of the NPPF.

In accordance with legislation, material considerations should also be taken into account. The National Planning Policy Framework (NPPF) (2021) is a material consideration. Since the pre-application was submitted the District Council is no longer able to demonstrate a 5-year housing land supply. The 'tilted balance' would therefore apply under paragraph 11 d) of the NPPF, which supports the presumption in favour of sustainable development and reads as follows:

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8], 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 [see footnote 7]; 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.”*

In relation to para 11.d) i) Footnote 7 states *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change’.”*

In this particular case, the tilted balance would not apply, in line with Paragraph 11 d)(i) as above, owing to an identified conflict with the Conservation of Habitats and Species Regulations 2017 (as amended). The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance and in relation to nutrient enrichment (further detailed in the 'GIRAMS' and 'Nutrient Neutrality' sections of the officer report further below). Paragraph 181 of the NPPF is clear in stating that Special Protection Areas and Special Areas of Conservation, along with Ramsar sites, should be given the same protection as habitats sites. Paragraph 182 further states that:

*“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

To cover all routes, even in the event that it were deemed that the tilted balance did apply, given the sites location and for the reasons outlined above, it is not considered to be in a sustainable location. The proposal would therefore be contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy, which have been found to be sound and up-to-date and Paragraphs 8, 11 and 79 of the NPPF. In light of this, the adopted Development Plan policies are applicable, and an application would be determined in accordance with those policies.

Regarding economic and social benefits, this proposal would provide one new dwelling, and a modest contribution to the housing supply shortfall. The proposal would provide limited short-

term economic benefits through labour and supply chain demand required during construction. There are not considered to be any meaningful environmental benefits given the unsustainable location and conflict with environmental objectives (discussed further below). The limited identified benefits do not, in this instance, outweigh the strategic policy conflict.

## **2. Design and amenity**

Policy EN 4 of the North Norfolk Core Strategy requires that all development must be designed to high quality, reinforcing local distinctiveness. Design that fails to have regard for the local context and does not preserve or enhance the character and quality of an area will not be acceptable. Development proposals are expected to have regard to the North Norfolk Design Guide, be suitably designed for the context in which they are set, and ensure that the scale and massing of development are sympathetic to the surrounding area.

The design of the proposed new dwelling envisions a red brick and horizontal timber boarding appearance, complemented by a pitched pantile roof. The building would be set back into the site with a gravelled area to the front with parking and turning provision for a minimum of three car spaces to the southeast of the proposal.

The scale of dwelling is considered to be oversized for the available plot, in the context of the existing neighbouring single-storey dwellings and taking account of the prominent positioning of the site on the corner of the road. The proposed height of the new dwelling would be approximately 8 metres, creating a notable disparity when compared to the neighbouring property, which stands at approximately 4.7 metres in height. It is recognised that there is a two-storey dwelling further to the west, but this particular plot is considered to be more prominent with a much closer relationship to existing dwellings. In the context of what is already present in the site (a single-storey garage business), the proposed dwelling is larger in width and with a longer ridgeline, which would accentuate the disproportionate appearance adjacent to the existing dwellings.

As such, it is considered that the proposed development would be contrary to policy EN 4 of the adopted North Norfolk Core Strategy.

## **3. Landscape**

The site is part of a wider rural landscape identified as Rolling Open Farmland within the 'Landscape Character Assessment' published in June 2009. The LCA defines this area as being one of 'Rolling Open Farmland' (ROF1), which, amongst other characteristics, recognises the presence of *'larger isolated farmsteads and minor gentry houses'*. However, it requires that to maintain landscape character, properties (if accepted) should be of a *'scale and location which respect the individual form of the settlement in which they are located (i.e. development should not 'stand out' but rather should be almost unnoticeable and unremarkable...'* and with landscaping that *'actively blends with existing features rather than tries simply to screen new development'*. In essence, any new dwelling should be mindful of maintaining, complementing and, where possible, enhancing its immediate landscape setting.

Policy EN 2 (protection and enhancement of landscape and settlement character) states that a proposal must demonstrate that the scale, design and materials protect, conserve and, where possible, enhance the distinctive settlement character. Although there are concerns in respect of scale and appearance as outlined above in the context of the immediate locality and street-scene, it would be difficult to argue any significant harm to the wider landscape, further to which no objection have been raised by the Landscape team.

Accordingly, it is considered that the proposed development complies with the requirements of Policy EN 2 of the adopted north Norfolk Core Strategy.

#### **4. GIRAMS**

The site is located within the Norfolk Valley Fens Special Protection Area Zone of Influence, Breckland Special Protection Area (SPA) Zone of Influence, Breckland Special Area of Conservation (SAC) Zone of Influence, North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence, and the Wash Special Protection Area (SPA) Zone of Influence. The Council has agreed to the Norfolk Wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The Strategy aims to deliver strategic mitigation necessary to avoid likely significant effects on the North Norfolk Coast Marine Protected Area and Natura 2000 from planned residential and tourism growth forecast across Norfolk.

Proposals for new residential development and holiday accommodation will only be permitted after it has been demonstrated that there are no adverse impacts on the integrity of nature sites. All new net residential and tourism developments are required to mitigate the effects of the development. To accord with Policy EN 9 of the adopted Core Strategy and Section 15 of the NPPF, a tariff to all net new residential and tourism-related growth is required in order to contribute to the mitigation of any adverse effects. The GIRAMS mitigation strategy is a requirement in order to comply with the Habitats Regulations – the required tariff payment has not been received.

Accordingly, the applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

#### **5. Nutrient Neutrality**

The proposed development comprises a new dwelling (overnight accommodation) that falls within the catchment of the River Wensum Special Area of Conservation and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development, including in relation to nutrient enrichment. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposed development is contrary to Policies SS 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

## **6. Environmental Considerations**

Concerns have been raised by a third party objecting to the proposed use, raising the issue as to what will happen to the septic tank within the site used by both properties. The applicant proposes to connect to the existing mains drainage system, which is considered to be an acceptable arrangement, along with the directing of surface water to soakaway. The matter of what would happen to the existing septic tank would be subject to agreement between the applicant and third party. A risk assessment for the demolition phase, to be undertaken by a qualified, competent professional to investigate the site for possible contaminated site, would also be required.

## **7. Highways and Parking**

Policies CT 5 and CT 6 require that the development is capable of being served by safe access to the highway network and that there are adequate parking facilities to serve the needs of the development.

Based upon the parking standards contained in Appendix C of the North Norfolk Local Development Framework Core Strategy and Policy CT 6, the development would require the following levels of car parking.

- 4+ bed dwellings - a minimum of 4 spaces per unit.

Regarding parking, it is anticipated that the North Norfolk Parking standards can be adhered to, which mandate a minimum of three spaces and a maximum of four spaces for a four or more-bedroom unit. The dimensions of the front garden designated for parking purposes appear adequate, and as such, there are no anticipated issues concerning parking availability and manoeuvring provisions within the proposed scheme. The Highways Authority have offered no objection to the proposal with regards to access or parking arrangements.

Accordingly, the proposed development complies with the requirements of Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

## **8. Other Matters**



Core Strategy Policy CT 3 requires that proposals resulting in the loss of sites which currently or were last used for important local facilities or services will not be permitted unless an alternative provision is made or it is demonstrated that there is no reasonable prospect of retention. The vehicle repair business is not considered to be an important local facility or service for the purpose of Policy CT 3 with alternative provision available in West Raynham and further away in Fakenham.

## **9. Conclusion**

The proposed development would be contrary to the strategic planning objectives of the Council in respect of Policies SS 1, SS 2 and SS 4 and Paragraphs 8, 11 and 79 of the NPPF in being located within an unsustainable location, with no sufficient identified benefits to outweigh the policy conflict identified.

In addition, the proposed dwelling, owing to its scale, design and contrast with adjacent properties, along with the prominent position, is contrary to the design objectives of Policy EN 4.

Finally, the applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance and in relation to nutrient enrichment, contrary to Policies SS 4, EN 9 and EN 13.

In view of the unresolved matters relating to impacts to habitats sites under the Habitats Regulations, these would amount to clear reasons for refusing the development and which would disengage the titled balance under NPPF paragraph 11 d) i). There are no material considerations advanced in favour which would justify a departure from Development Plan policy.

### **RECOMMENDATION:**

### **REFUSAL FOR THE FOLLOWING REASONS:**

#### Context:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 - Environment

EN 4 - Design

EN 9 - Protection and Enhancement of Landscape and Settlement Character

EN 13 – Pollution and Hazard Prevention and Minimisation

National Planning Policy Framework (NPPF) (2023) Paragraphs 8, 11 and 79

The Conservation of Habitats and Species Regulations 2017 as amended

#### Detailed reasons:

1. It is considered that the proposed development would be located in an unsustainable location with a lack of basic day-to-day facilities/services and sustainable connections to such facilities/services, resulting in future occupiers of the proposed dwellings being heavily reliant on private vehicles in order to gain access to services/facilities in larger settlements. It is not considered that a single dwelling in the location proposed would contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community, nor would it contribute to the delivery of sustainable development, nor reduce carbon emissions.

Consequently, with no adequate benefits to outweigh the identified policy conflict, it is considered that the proposed development is contrary to the requirements of Policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy and paragraphs 8, 11 and 79 of the National Planning Policy Framework.

2. It is considered that the proposed dwelling, taking account of its length and two-storey form, would be disproportionate in scale, accentuated by its prominent corner position, to the detriment of the overall street-scene.

The proposed dwelling would not be considered suitably designed for the context in which it is set. Accordingly, it is considered that the proposed development would be contrary to policy EN 4 of the adopted North Norfolk Core Strategy.

3. The Local Planning Authority considers that the proposed development falls within Group Area Zones of Influence and affects European Designations as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy, and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

4. The proposed development comprises overnight accommodation that falls within the catchment of the River Wensum Special Area of Conservation and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4, EN 9 and EN 13 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the

Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

**Final wording of reasons for refusal to be delegated to the Assistant Director - Planning.**