

**WEST RAYNHAM – PF/23/2330 - Demolition of existing garage workshops and construction of new single storey dwelling at West Raynham Auto Clinic, Massingham Road, West Raynham, Fakenham, Norfolk, NR21 7AJ**

**Minor Development**

**Target Date:** 5th June 2024

**Extension of time:** 5th June 2024

**Case Officer:** Miss Isobel McManus

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

LDF Countryside

Contaminated Land

Landscape Character Area – Rolling Open Farmland – Holkham to Raynham

Nutrient Neutrality Surface Water Catchment – River Wensum

Within the Zone of Influence of multiple designated habitats sites for the purposes of the Norfolk GIRAMS

**RELEVANT PLANNING HISTORY:**

**PF/23/1004: Demolition of existing workshop and construction of new dwelling.**

**Refused** by the Development Committee 29 September 2023 for the following 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).*

#### **THE APPLICATION:**

Proposes to demolish a car repair garage known as 'West Raynham Auto Clinic' and erect a detached single storey three-bedroom dwelling. This would be constructed of masonry brickwork with some timber cladding to the walls with concrete roof tiles. 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 for parking and turning, with the capacity to accommodate a minimum of two 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). It is now closed. The site is at the eastern end of a row of three dwellings 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.

To the south of the site is 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 building. A number of dwellings are also 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:** No comments submitted.

## **CONSULTATIONS:**

**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 a pre-commencement condition requiring a contamination risk assessment.

**Landscape (NNDC): No Objection.**

**Norfolk County Council Highways: No Objection,** as proposal does not affect the current traffic patterns or the free flow of traffic. Request a condition to secure the onsite parking and turning area.

**Natural England: No Objection,** subject to appropriate mitigation being secured.

## **REPRESENTATIONS:**

None received.

## **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 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

Material Considerations

**National Planning Policy Framework**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 12 - Achieving well-designed and beautiful places  
Chapter 15 - Conserving and enhancing the natural environment

**Supplementary Planning Documents:**

North Norfolk Design Guide (2008)  
North Norfolk Landscape Character Assessment (2021)

**OFFICER ASSESSEMENT:**

**MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle of development**
- 2. The external appearance of the dwelling and the effect on the character and appearance of the area**
- 3. Living conditions**
- 4. Effect on habitats sites**
- 5. Environmental considerations**
- 6. Highways and parking**

**1. Principle of development**

Policy SS 1 of the North Norfolk Core Strategy sets out the spatial strategy for the District, directing 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. The remainder of the district is designated as Countryside.

Policy SS 2 limits development in the countryside to that which requires a rural location and where it is for a type of development listed in the policy. New market dwellings as proposed are restricted in order to prevent dispersed dwellings that will lead to a dependency on travel to reach basic services and ensure a more sustainable pattern of development. 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 the site is within the defined Countryside. There are very few basic facilities and services close to the site. There is 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; and as such, future occupants of the development would, be heavily reliant on private cars to access essential services and facilities. Public transport is limited with one bus service, (Sanders Coaches service no. 22A) between North Elmham, Litcham and 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, medical and service provisions that larger settlements can provide. 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. The proposed development is therefore considered to be contrary to policies SS 1 and SS 2.

Paragraph 83 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, an approach which policies SS 1 and SS 2 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 this location 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 83.

However, the site can be regarded as a *“previously developed land”* given that it is occupied by a permanent structure serving the car repair garage. Paragraph 89 of the NPPF sets out that *“...The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”*. The use of previously developed land is a material consideration that weighs in favour of the proposal, and this will need to be apportioned appropriate weight in the planning balance when assessing the scheme as a whole. Further consideration is given to this matter in the Planning Balance and Conclusion section below.

## **2. External appearance and the effect on the character and appearance of the area**

Policy EN 4 requires that all development 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 application site is part of a wider rural landscape identified as Rolling Open Farmland (ROF1) within the ‘Landscape Character Assessment’ (LCA). The LCA recognises the ‘open, expansive, rural character with a sense of remoteness and tranquillity.’ In such a location, any new dwelling should be mindful of maintaining, complementing and, where possible, enhancing its immediate landscape setting. Policy EN 2 states that a proposal must demonstrate that the scale, design and materials protect, conserve and, where possible, enhance the distinctive settlement character.

A single storey dwelling is proposed which is considered to fit in with the existing adjacent dwellings and the wider context of the application site. The proposed plan indicates a building constructed of masonry brickwork with some timber cladding with concrete roof tiles. The proposed building would be set back into the site with a rear and eastern garden. At the front, there would be a gravelled area designated for parking and turning, with the capacity to accommodate a minimum of two vehicles.

It is considered that the design of the scheme put forward and its overall scale satisfactorily address the reason for refusal (no.2) within the decision notice for application ref: PF/23/1004.

Therefore, in terms of its design, the scheme is deemed compliant with Core Strategy Policies EN 2 and EN 4 and paragraph 135 of the NPPF.

### **3. Effect on living conditions**

There are no significant concerns in respect of the proposed scale and appearance of the proposed dwelling in the context of the immediate locality and street-scene given that it would be located adjacent to three existing dwellings.

Accordingly, it is considered that the proposed development complies with the requirements of Core Strategy Policy EN 4.

### **4. Effect on habitats site**

#### Recreational impacts

The site is located within the Zone of Influence of multiple habitats sites for the purposes of the Norfolk-wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). This aims to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism, to European sites, will not result in any likely significant effects which cannot be mitigated. In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (or equivalent) prior to occupation as part of this proposal at the time planning permission is approved.

The appropriate contribution has been secured in accordance with the RAM strategy and as such, it is considered that this is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. The proposal therefore complies with Policy EN 9.

An appropriate assessment of the implications of the proposed development has been carried out in view of those conservation objectives and it is considered that the local planning authority may now also agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

#### Nutrient Neutrality

Alongside all other local planning authorities in Norfolk, the Council received a letter dated 16 March 2022 from Natural England about nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution. Such development includes amongst others, new dwellings as would be created in this case. Without appropriate mitigation the proposed development would have an adverse effect on the integrity of The Wensum Special Area of Conservation (SAC), the Broads SAC and the Broadland Ramsar.

The existing garage is connected to a shared septic tank that serves one additional property. To provide mitigation it is proposed to upgrade the septic tank to a biological Package Treatment Plant that that will serve the existing and proposed dwelling. This would result in nutrient loads being reduced by 0.69kg Phosphorous/year and 6.62kg Nitrogen/year with the proposed PTP upgrade serving both dwellings. The reduction in nutrient loads is sufficient to offset the proposed development such that the development would be nutrient neutral.

The local planning authority as competent authority, has undertaken an appropriate assessment (dated 9 April 2024) of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). This assessment concludes that the local planning authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England who are statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, have advised that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Subject to securing the upgrading of the septic tank prior to the commencement of the proposed development, which it is recommended should be via a unilateral undertaking under section 106 of the Town and Country Planning Act 1990, the proposal is considered to be in accordance with Policies SS 4, EN 9 and EN 13 and will not have an adverse effect on the integrity of the Habitats Sites identified above from nutrient pollution when considered 'alone' or 'in combination' with other plans and projects..

## **5. Environmental Considerations**

Due to the historic use of the site, it could potentially be contaminated. Environmental Health have requested a pre-commencement condition to require contamination risk assessment be submitted. This would also identify any remediation that is required in the interests of public health and safety and that of the future occupiers. On that basis the proposal is considered to comply with Policy EN 13.

## **6. 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.

The dimensions of the front driveway designated for parking purposes appear adequate such that 2 spaces could be provided which would comply with the current adopted parking standards, and as such, there are no anticipated issues concerning parking availability and manoeuvring provisions within the proposed scheme.

The Highway Authority have no objections to the proposal with regards to access or parking arrangements and this was not a reason for refusal previously.

The application is therefore considered to be acceptable in terms of highway impact and in accordance with policies CT 5 and CT 6.

## **Other considerations**

Policy CT 3 has a presumption against proposals resulting in the loss of sites which currently or were last used for important local facilities or services unless an alternative provision is made, or it is demonstrated that there is no reasonable prospect of retention. Whilst petrol filling stations are listed in the policy as an important local facility, vehicle repair businesses are not. There is therefore no conflict with Policy CT 3 and there is alternative provision available in West Raynham and further away in Fakenham.

## **Planning Balance and Conclusion:**

As the proposal is for a new market dwelling within the Countryside it is considered to be contrary to the aims of Core Strategy Policies SS 1 and SS 2 which seek to direct new market dwellings to the most sustainable locations.

It is considered that future occupiers of the proposed development would be heavily reliant on the use of the car to access basic services and facilities. However, because this is an application for the provision of housing and the local planning authority cannot currently demonstrate a five-year land supply for housing, policies SS 1 and SS 2 which are the most important for determining the application are considered to be out of date as set out in paragraph 11d) of the NPPF. In such circumstances the presumption in favour of sustainable development must be applied which, as stated in paragraph 11, for decision making means granting permission unless:

- i. the application of policies in the 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 the Framework taken as a whole.

In this case, none of the circumstances in i) above apply as matters relating to the effect on habitats sites have been addressed and there would be no effect on designated heritage assets. With regards to ii) whilst out of date, appeal decisions received recently continue to confirm that policies SS 1 and SS 2 are broadly consistent with the NPPF in aiming to achieve sustainable patterns of development. Being within the Countryside means that the site location is considered to be inherently unsustainable.

Weighing heavily in favour of the proposal is the fact that the site is previously developed ('brownfield') land as defined in Annex 2 of the NPPF. Meeting housing requirements through the use of small sites and previously developed land is supported by the NPPF (paragraph 70).

With regard to paragraph 83 of the NPPF, as a small single dwelling the contribution the development would make to supporting local services would be limited. There would be modest economic and social benefits in terms of the contribution to housing supply, labour and supply chain demand required during construction, and spending within the local economy by the future occupiers. Now that the previous reasons for refusal in terms of nutrient neutrality in particular have been addressed, the proposed dwelling would be quickly deliverable utilising previously developed land rather than a greenfield site. It would also result in an enhancement of the character and appearance of the area and remove a use which generally would now be considered inappropriate in close proximity to dwellings.

It is however acknowledged in the particular circumstances of this case that the planning balance is very marginal, but cumulatively weighing the considerations outlined above, in particular that the site is previously developed land which tips the balance, are sufficient to outweigh the conflict with policies SS 1 and SS 2 and it is therefore considered that the proposal is acceptable and should be approved.



**RECCOMENDATION:**

**APPROVAL** subject to:

1. The completion of a unilateral undertaking under S1106 of the Town and Country Planning Act 1990 to secure the proposed nutrient mitigation proposals (upgrading of the existing septic tank to a biological package treatment plant) and;
2. Conditions to cover the following matters and any others considered necessary by the Assistant Director - Planning:
  - Time limit for commencement
  - Approved plans
  - External materials
  - Risk assessment for contamination
  - On-site parking and turning
  - Notification of commencement for GIRAMS mitigation contribution

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