

## ENVIRONMENT AND PLANNING

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX

Tel: (01553) 616200

Fax: (01553) 616652

DX: 57825 KING'S LYNN

e-mail: borough.planning@west-norfolk.gov.uk

Borough Council of  
**King's Lynn &  
West Norfolk**



### NOTICE OF DECISION - GRANT OF OUTLINE PLANNING PERMISSION

Mr & Mrs M Pitcher  
c/o G R Merchant Ltd  
4 Wrights Mews  
12A Park Road  
Holbeach  
Spalding  
Lincs  
PE12 7EE

Reference No: 19/01068/O

Application  
Registered: 14 August 2019

Parish: Walpole Cross Keys

Details: **Outline application for residential development at Adj Sunnyside Market Lane Walpole St Andrew Wisbech Norfolk**

The Town and Country Planning Act 1990 (as amended)  
*The Town and Country Planning (Development Management Procedure) (England) Order 2015)*

**Outline planning permission is granted** for the carrying out of the development referred to above in accordance with the application and plans submitted **subject to compliance with the following conditions:**

1. Approval of the details of the scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
3. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
5. The development hereby permitted shall be carried out in accordance with the following approved plans 3508-19-03A with regard to the means of access and layout.
6. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) dated June 2019, produced by Ellingham Consultancy Ltd and submitted as part of this application, including the following mitigation measures detailed within the FRA:
  1. Finished floor levels shall be raised by 300mm above existing ground level; and
  2. Flood resilient construction shall be incorporated into the development up to 300mm above finished floor levels.
  3. The surface water drainage strategy outlined within section 5.2 of the FRA.

The mitigation measures shall be fully implemented prior to occupation, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7. The foul and surface water drainage arrangements for the development hereby permitted shall be carried out in accordance with approved drawing reference 3508-19-03A and section 5.2 of the submitted FRA by Ellingham Consulting and dated June 2019.

8. No development above foundation level shall take place on site until a scheme to protect the future occupiers of the proposed associated dwellings from noise and dust has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the development is occupied.
9. Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - \* human health,
    - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - \* adjoining land,
    - \* groundwaters and surface waters,
    - \* ecological systems,
    - \* archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

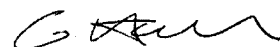
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

10. Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.
- Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.
13. Prior to the first occupation of the development hereby permitted the vehicular access over the verge shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollard / chain / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

15. Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
16. Prior to the occupation of the dwellings hereby approved the acoustic fencing shown on approved drawing 3508-19-03A (to the north and west boundaries of the application site) shall be erected and maintained in perpetuity.

The Reasons being:

1. To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
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5. For the avoidance of doubt and in the interests of proper planning.
6. To reduce the risk of flooding to the proposed development and future occupants, and to accord with the provisions of the NPPF and Policy CS08 of the LDF.
7. To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
8. To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
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12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
13. To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
14. In the interests of highway safety.
15. To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
16. In order to safeguard the amenities of the occupants of the dwellings hereby permitted in accordance with the principles of the NPPF.



Executive Director, Environment and Planning  
On behalf of the Council  
14 October 2019



1. When a Reserved Matters planning application is submitted for development in relation to this Outline application, it will be liable for the Community Infrastructure Levy (CIL) in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). Please view our webpages: [www.west-norfolk.gov.uk/CIL](http://www.west-norfolk.gov.uk/CIL) for further information.
2. Environment Agency Flood Warnings Direct Service:  
Due to the location of the site in an area at risk of Flooding it is advised that the occupants sign up to the Environment Agency Floodline Warnings Direct (FWD) Service (0345 988 1188 or [www.gov.uk/flood](http://www.gov.uk/flood)).

Flood Evacuation Plan:

Due to the location of the site in an area at risk of flooding the occupants are advised to prepare a Flood Evacuation Plan which may cover the following:-

- \* Actions to take on receipt of different warning levels.
- \* Evacuation procedures eg isolating services and taking valuables etc
- \* Evacuation routes.

3. Your attention is drawn to the correspondence from the Environment Agency dated 2nd August 2019 and available to view on the electronic file. [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)
4. Highways

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact (01603 638010).

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Please note that any conditions that may be attached to this decision notice form an integral part of the permission. Failure to comply with any conditions could lead to enforcement action or the need to submit a further formal application.

In accordance with the NPPF, in determining this application for planning permission, the Borough Council has approached it in a positive and proactive way, and where possible has sought solutions to problems to achieve the aim of approving sustainable development. As such the development hereby approved is considered to represent sustainable development.

The case officer who dealt with this application was Clare Harpham, telephone number 01553 616318.

# TOWN AND COUNTRY PLANNING ACT 1990

## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

## Appeals Subject to an Enforcement Notice

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

## Other Types of Appeal

- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision on any other type of application you must do so within 6 months of the date of this notice.

## How to Make an Appeal

- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least **10 days before submitting the appeal**. Further details are on [GOV.UK](http://GOV.UK).

Our ref: 19/01068/O  
Planning Officer: Clare Harpham  
Council Information Centre: 01553 616200 Option 3  
E-mail: borough.planning@west-norfolk.gov.uk

Borough Council of  
**King's Lynn &  
West Norfolk**



**Geoff Hall**  
Executive Director

**Environment and Planning**

Mr & Mrs M Pitcher  
c/o G R Merchant Ltd  
4 Wrights Mews  
12A Park Road  
Holbeach  
Spalding  
Lincs  
PE12 7EE

14 October 2019

Dear Sir / Madam

**Decision Date:** 14 October 2019  
**Development :** Outline application for residential development  
**Location:** Adj Sunnyside Market Lane Walpole St Andrew Wisbech Norfolk  
**Applicant:** Mr & Mrs M Pitcher

#### **Town & Country Planning Act 1990**

**PLEASE FIND ATTACHED A COPY OF YOUR PLANNING PERMISSION FOR THE ABOVE PROPOSED DEVELOPMENT. HOWEVER, YOU SHOULD READ THE NOTES BELOW AS FAILURE TO COMPLY WITH CONDITIONS IMPOSED ON THE ATTACHED PLANNING PERMISSION COULD RENDER THE DEVELOPMENT UNAUTHORISED OR REQUIRE THE SUBMISSION OF A FURTHER FORMAL APPLICATION**

1. This planning permission is granted in strict accordance with the approved plans. It should be noted that:
  - a) Any variation from the approved plans following commencement of the development may constitute unauthorised development and may be liable to enforcement action.
  - b) You or your agent or any other person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised as to the best method of resolving the matter. This may require the submission of a new formal application.
2. We have a formal process for discharging conditions which involves completing a form or writing to us with sufficient information to allow us to fully assess the information, and submitting an appropriate fee.  
The form can be downloaded from our website at [https://www.west-norfolk.gov.uk/info/20077/planning\\_applications/144/make\\_a\\_planning\\_application](https://www.west-norfolk.gov.uk/info/20077/planning_applications/144/make_a_planning_application) or you can request a form to be sent to you. Although there is a national target of 8 weeks to deal with these requests we will endeavour to deal with these sooner, particularly the more straightforward requests.
3. This permission is granted subject to conditions and it is the site owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
4. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development, this is called a "condition precedent". If a condition precedent is not complied with, this may render the whole of the development unauthorised and you may be liable to enforcement action or need to submit a further formal application.
5. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Building Regulations can be obtained from CNC Building Control who provide the Building Control service for the Borough of Kings Lynn & West Norfolk. Their telephone number is 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and their website is [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk).
6. **If your development results in the need to have a new address then you are advised to do this as soon as the development commences. The application form and fee schedule is available on [https://www.west-norfolk.gov.uk/info/20083/address\\_management/493/new\\_or\\_changing\\_your\\_property\\_address](https://www.west-norfolk.gov.uk/info/20083/address_management/493/new_or_changing_your_property_address). Alternatively, you can email the Address Management Team at [snn@west-norfolk.gov.uk](mailto:snn@west-norfolk.gov.uk) for more information.**

Yours faithfully

Executive Director

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX  
Tel: (01553) 616200; fax: (01553) 691663  
DX 57825 KING'S LYNN

Chief Executive – Lorraine Gore

