

ENVIRONMENT AND PLANNING

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



NOTICE OF DECISION - GRANT OF PLANNING PERMISSION

B.C.K.L.W.N.
c/o Trundley Design Services
Salgate Barn
Islington Road
Tilney All Saints
King's Lynn
Norfolk
PE34 4RY

Reference No: 20/01866/F
Application
Registered: 7 December 2020
Parish: Burnham Market

Details: **Residential development of 9no. dwellings. at Land North West of 40 Sutton Estate Burnham Market King's Lynn Norfolk**

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

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 17-L44-PL020, 17-L44-PL021E, 17-L44-PL022, 17-L44-PL023, 17-L44-PL024, 17-L44-PL025.
3. Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No 20008-204-RevP4 have been submitted to and approved in writing by the Local Planning Authority.
4. Prior to the commencement of works on site hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 3 shall be completed to the written satisfaction of the Local Planning Authority.
5. Prior to the commencement of any works associated with the development hereby permitted a Construction Traffic Management Plan (CTMP) and Access Route (AR) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities, proposals to control and manage construction traffic using the 'Construction Traffic Access Route' which shall ensure no other local roads are used by construction traffic, and detailed provision for on-site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority together For the duration of the construction period the development shall be carried out in accordance with the approved details.
6. No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan prior to the first occupation of the final dwelling hereby permitted.
7. Before any dwelling is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
8. Prior to the first occupation of any dwelling hereby permitted, the proposed parking and turning areas serving that particular property shall be laid out, levelled, surfaced and drained in accordance with the approved plans and thereafter be retained for that specific use.

9. No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and:
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and
 - g) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
10. No development shall take place other than in accordance with the written scheme of investigation approved under condition 9 and any addenda to that WSI covering subsequent phases of mitigation.
11. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 9 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
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 current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
13. Prior to the first occupation of any dwelling hereby permitted a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the provision of a fire hydrant (BS750 with a minimum sustained outlet discharge in line with the national guidance document on the provision of water). Prior to the first occupation of any dwelling hereby permitted the fire hydrant shall be installed in accordance with the approved details.
14. Prior to the installation of any external lighting relating to the development hereby permitted a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed. Your attention is drawing to Informative 1 which relates to this condition.
15. Prior to the first occupation of the development hereby permitted, a management and maintenance plan for the habitat area (as shown on drawing PL021E) shall be submitted and approved in writing by the Local Planning Authority. The plan shall provide for the long-term management of the habitat area and specify the maintenance responsibilities and arrangements for its implementation. The development shall be carried out in accordance with the approved plan.
16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
17. The development hereby permitted shall be carried out in full accordance with the 5.3 Mitigation and Compensation and 5.4 Enhancement and all their subparagraphs of the Ecological Report that accompanied the application (Ref 2018/088 undertaken by Norfolk Wildlife Services)

18. No development within the root protection of any existing trees and / or hedgerows shown to be retained on drawing PL021E shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
19. Notwithstanding the information that accompanied the application, no development above foundation / slab level shall be permitted until full details of the surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate dwelling and land surface water drainage details including percolation test results, system designs and in perpetuity maintenance arrangements. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
20. Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
21. Finished floor levels in the development hereby permitted shall be as shown on drawing no. PL021E. Additionally, 0.3m of flood resilient construction shall be incorporated above ffl.

The Reasons being:

1. To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. This needs to be a pre-commencement condition as such details cannot be retrospectively designed.
4. To ensure that the highway network is adequate to cater for the development proposed.
5. In the interests of maintaining highway efficiency and safety and to ensure adequate off-street parking during the construction period in the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
6. To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway. This needs to be a pre-commencement condition to ensure fundamental elements of the development, that cannot be retrospectively designed and built, are planned for at the earliest possible stage.
7. To ensure satisfactory development of the site.
8. To ensure the permanent availability of the parking / manoeuvring area in the interests of highway safety.
9. To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
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11. To safeguard archaeological interests in accordance with the principles of the NPPF.
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 adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
14. In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
15. To ensure that the landscaping is properly maintained in accordance with the NPPF.
16. To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
17. In the interests of conserving and enhancing the natural environment in accordance with the NPPF and Development Plan.
18. To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
19. To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
20. In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
21. To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.



Executive Director, Environment and Planning
On behalf of the Council
14 October 2021

1. National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:
 - 1) fully shielded (enclosed in full cut-off flat glass fittings)
 - 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
 - 3) switched on only when needed (no dusk to dawn lamps)
 - 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Please also refer to the Institute of Lighting Professionals, Guidance Notes for the Reduction of Obtrusive Lights which gives guidance for lighting in an AONB.

2. 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. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

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.

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

3. Noise, Dust and Smoke from Clearing and Construction Work
Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the British Code of Practice BS5228:2009 which set down requirements for the control of noise during construction and demolition works. The contractor should also be made aware of the requirements of the Clean Air Act and Control of Pollution Act regarding the prohibition of site bonfires. Please note that during construction stringent control should be kept on waste packaging etc to keep it contained, avoid littering and ensure it is appropriately disposed of or recycled. The Council's Community Safety and Neighbourhood Nuisance Team can provide advice and assistance in this regard.

4. INFORMATIVE

A legal agreement completed by the Applicant and the King's Lynn and West Norfolk Borough Council under the provisions Section 106 of the Town and Country Planning Act, 1990 is linked to this permission.

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.

Section 33 and 34 for the Environmental Protection Act 1990 place a duty on developers to ensure that they manage and dispose of waste appropriately, this includes preventing the escape of waste by storing it in containers that are; clearly and correctly labelled, suitable for the waste and designed to prevent leakage or waste being wind blown off site. You should also ensure that you keep waste transfer records and only transfer waste to an authorised person.

For further information and to ensure that you have appropriate permits or exemptions in place visit:

<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

<https://www.gov.uk/government/collections/waste-exemptions-treating-waste>

In addition, further information is available on <https://www.ccscheme.org.uk/>

The case officer who dealt with this application was Mrs N Osler, telephone number 01553 616402.

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 then 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.