

## ENVIRONMENT AND PLANNING

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



### NOTICE OF DECISION PRIOR APPROVAL NOTIFICATION - APPROVED

E W Kisby & Son  
c/o Trundle Design Services  
Tom Nellist  
Salgate Barn  
Islington Road  
Tilney All Saints  
King's Lynn  
Norfolk  
PE34 4RY

Reference No: 23/00040/PACU3

Application  
Registered: 11 January 2023

Parish: Welney

Details: **Notification for Prior Approval for change of use of agricultural building to dwelling (Schedule 2, Part 3, Class Q) at Land And Barns N of Swan Cottage Hundred Foot Bank Welney Norfolk**

The Town and Country Planning Act 1990 (as amended)

Process set out by Schedule 2 Part 3 Paragraph W of the Town and Country Planning (General Permitted Development)(England) Order 2015

The Borough Council of King's Lynn and West Norfolk, having considered the details submitted with the above application, in accordance with Part 3W of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 hereby gives notice that it has been determined that the prior approval of the Borough Planning Authority **HAS BEEN APPROVED, SUBJECT TO COMPLIANCE WITH THE FOLLOWING CONDITIONS APPLIED BY PART 3 AND ATTACHED BY THE LOCAL PLANNING AUTHORITY:-**

1. The development hereby permitted shall be carried out in accordance with dwg nos. PL001B (Location Plan, PL001C (Proposed Floor Plans), and PL004E (Proposed Site Plan, Elevations and Section).
2. 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.
3. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment (FRA) by Ellingham Consulting, dated January 2023 and Breach Analysis Calculations submitted 20th June 2023. In particular, the FRA recommends that:
  - o Finished floor levels will be set no lower than 0.6m above existing ground level.
  - o Flood resilient measures will be incorporated up to 1.2m above finished floor levels.
  - o There will be no ground floor sleeping accommodation.
4. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Ecological Impact Assessment dated October 2023 and authored by Glaven Ecology. In particular:

\*Any demolition or construction works to the building(s) shall only take place between 1st March and 31st October inclusive to avoid impacts to wintering birds associated with the Ouse Washes.

\*Any site clearance and removal of vegetation and shall only take place between 1st September and 31st October inclusive to avoid risk of killing or injuring nesting birds and avoid impacts to wintering birds associated with the Ouse Washes.

\*Works shall only take place during daytime hours.

\*Prior to the installation of external lighting, a scheme to minimise light spill shall be submitted to and approved in writing by the LPA.

\*Any external lighting set-up during construction or subsequent occupation of the dwelling shall be warm in colour (<2700k) and of a low light level to minimise impacts on foraging and commuting bats.

5. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for landscaping and ecology enhancement has been submitted to and approved in writing by the local planning authority. The scheme shall set out:

\*Details of the grass and hedge planting as set out in Sections 6.2 and 7.1 of the Ecological Impact Assessment;

\*siting of a temporary barn owl box within 200m of the site to be provided at least 30 days before development begins and retained until at least 30 days after the provision of a permanent barn owl box;

\*a scheme for the permanent provision of a barn owl box prior to occupation of the dwelling; and

\*at least one bat box and two bird boxes to be provided.

The scheme shall be implemented in accordance with the approved details prior to occupation of the dwelling.

The Reasons being:

1. For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. To ensure the development is reasonably safe from the risks of flooding for its lifetime in accordance with Policy CS08 of the Core Strategy 2011 and the NPPF.
4. In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF.
5. In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process and enhancements to deliver net gain in biodiversity as secured.



Executive Director, Environment and Planning  
On behalf of the Council  
9 November 2023

### Notes

1. In accordance with Paragraph Q.2(3) of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the development hereby permitted under Class Q is subject to the condition that the change of use of the agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and the approved building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) must be **completed within a period of 3 years** starting with the prior approval date. The prior approval date is the date of this decision.



2. The proposed development will include the refurbishment/replacement of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.
3. Reference the above application. Because of its location in an area at risk of flooding I would suggest that the occupiers:  
Should sign up to the Environment Agency flood warning system (0345 988 1188 or [www.gov.uk/flood](http://www.gov.uk/flood))  
A flood evacuation plan should be prepared (more details at [www.gov.uk/flood](http://www.gov.uk/flood)):  
This will include actions to take on receipt of the different warning levels.  
Evacuation procedures eg isolating services and taking valuables etc  
Evacuation routes
4. This planning application is liable for the Community Infrastructure Levy (CIL) in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

**Please ensure that before you start work on site you submit the CIL Form 6 Commencement Notice.**

Further information can be found on our website: [www.west-norfolk.gov.uk/CIL](http://www.west-norfolk.gov.uk/CIL)

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 Bradley Downes, telephone number [REDACTED]

## Conditions

If this Decision relates to:

Class M – *launderette, betting office, pay day loan shop, hot food takeaway, mixed up to dwellinghouses*

- the development under Class M must be completed within a period of 3 years starting with the prior approval date.

Class MA – *Class E to dwellinghouses*

- the development under Class MA must be completed within a period of 3 years starting with the prior approval date

Class N – *amusement arcade or casino uses to dwellinghouses* –

- the development under Class N must be completed within a period of 3 years starting with the prior approval date.

Class O – *offices to dwellinghouses*

- the development under Class O must be completed within a period of 3 years starting with the prior approval date.

Class P - storage and distribution centre to dwellinghouses

Class PA – Light Industrial to dwellinghouses

- the development under Class O must be completed within a period of 3 years starting with the prior approval date.

Class Q – *agricultural buildings to dwellinghouses –*

- the development under Class Q must be completed within a period of 3 years starting with the prior approval date.

Class R – *agricultural buildings to a flexible commercial use*

- the development must begin within a period of 3 years starting with the prior approval date.
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Class S – *agricultural buildings to state-funded school or registry nursery*

- the development must begin within a period of 3 years starting with the prior approval date.

Class T – *business, hotels etc. to state-funded schools or registered nursery*

- the development must begin within a period of 3 years starting with the prior approval date.

The development shall be carried out in accordance with the details provided.