

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



**Borough Council of King's Lynn and West Norfolk's
Response to
the Issues and Questions raised by Inspector David
Hogger
in relation to the
King's Lynn and West Norfolk Local Plan:
Site Allocations and Development Management
Policies**

Issue 38: Upwell with Outwell (G.104)

**Examination
November 2015**

Table of abbreviations used with the Council's Statements

Abbreviation	Full Wording
AONB	Area of Outstanding Natural Beauty
BCKLWN	Borough Council of King's Lynn and West Norfolk
BDC	Breckland District Council
CLG	Communities and Local Government
CITB	Construction Industry Training Board
CS	Core Strategy
DM	Development Management
DPD	Development Plan Document
EA	Environment Agency
FDC	Fenland District Council
FRA	Flood Risk Assessment
GI	Green Infrastructure
GTANA	Gypsy and Traveller Accommodation Needs Assessment
ha	Hectare
HELAA	Housing and Economic Land Availability Assessment
HLF	Heritage Lottery Fund
HRA	Habitats Regulation Assessment
HSEHA	Health and Safety Executive Hazard Areas
IDB	Internal Drainage Board
KRSC	Key Rural Service Centres
KLATS	King's Lynn Area Transportation Strategy
LDS	Local Development Scheme
LLFA	Lead Local Flood Authority
LPSO	Local Plan Sustainability Objectives
NCC	Norfolk County Council
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NORA	The Nar Ouse Regeneration Area
NWT	Norfolk Wildlife Trust
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RV	Rural Village
RAF	Royal Air Force
RLA	Residential Land Assessment
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SADMPP	Site Allocation and Development Management Policies Plan
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SMP	Shoreline Management Plan
SPA	Special Protection Area
SSF	Site Sustainability Factors
SSSI	Site of Special Scientific Interest
SuD	Sustainable Drainage systems
SVAH	Smaller Villages and Hamlets
SWMP	Surface Water Management Plan
THI	Townscape Heritage Initiative
UPC	Un-attributable Population Change

38.1

Is there evidence that the Council's approach to development at Upwell and Outwell is not justified, sustainable, viable, available or deliverable? If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council?

1. Introduction

1.1 The King's Lynn and West Norfolk Core Strategy (CS) was adopted in July 2011. This provides strategic level guidance as to growth and significant issues across the Borough in the period to 2026. The CS forms one part of the Local Plan. It is the main document setting out the long term strategy, including the vision and objectives for the Borough, and the broad policies that will steer and shape new development.

1.2 Upwell and Outwell combined together are designated as a KRSC by CS02 The Settlement Hierarchy. CS06 Development in Rural Areas states that the majority of development within rural areas will take place in KRSC. This is confirmed within CS09 Housing Distribution.

1.3 The SADMP has been prepared to give the spatial detail below higher level aspirations, within the CS and forms the second part of the Local Plan. Its policies will guide development in the Borough for the period up to 2026. The CS sets out the scale of growth and broad distribution for the Borough and the SADMP will allocate sites to help achieve this.

1.4 The Council's preferred distribution of development between KRSC, as detailed within the distribution of development chapter of the SADMP, indicates 64 additional dwellings for the KRSC of Upwell and Outwell.

1.5 With the proposed modification to Site G104.1 (see later in this statement), the Council is proposing 70 new dwellings. This, as outlined in SADMP Appendix 5, is to optimise the development potential, given the relevant constraints. The dwelling numbers are provided over 6 sites.

1.6 The distribution of sites over Upwell and Outwell is purely based upon the sites proposed as growth options and the constraints upon them. The approach was not to ensure a certain number of sites were proposed in each of the settlements.

1.7 The Council's Sustainability Appraisal (SA01) demonstrates that of all proposed options for growth the sites listed in the table below are considered the most sustainable options for development in Upwell and Outwell, out of all the sites submitted for consideration. Deliverability Forms for the sites have been prepared by the landowners/agents (CIV13) and a summary is contained in the table below.

SADMP Site	Previous Ref	Dwelling Number	Vacant	Available	Anticipated Delivery
G104.1 Upwell – land north west of Townley Close	UPW1	5	yes	now	2014/15 – 2018/19
G104.2 Upwell – land south/east of Townley Close	UPW2	5	yes	now	2014/15 – 2018/19
G104.3 Upwell – Land at Low Side	UPW3	5	no	Within the plan period	2019/20 – 2023/24
G104.4 Upwell – Land off St Peter's Road	682	15	yes	now	2014/15 – 2018/19
G104.5 Outwell – Land at Wisbech Road	OUT1	5	yes	now	2014/15 – 2018/19
G104.6 Outwell –	OUT2	35	no	Within the plan period	2014/15 – 2018/19

Land Surrounding Isle Bridge *					
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*Two forms completed as the access in separate ownership

1.8 The table above and the Deliverability Forms themselves (CIV13) demonstrate that all of the sites could be, and there is a desire for them to be, delivered within the plan period. The access to Site G104.6 is in separate ownership from the majority of the site however; both parties are working together and are in agreement with regard to deliverability.

2. Comparison of Alternative Options

2.1 The Council's Sustainability Appraisal (SA01) details the consideration of all alternative options and the reasons why these were not considered the most sustainable options for development. All sites in Upwell and Outwell have identified constraints due to the nature of the conjoined settlements (landscape, grade of agricultural land, heritage, highways issues, etc.) and that in the interest of delivering development in a KRSC the Council has chosen the least constrained and therefore most sustainable options for development.

2.2 SA01 splits the assessment table and descriptions into the two settlements of Upwell and Outwell; this was done so for ease of reference and geographical identification due to the volume of sites proposed. At previous SADMP stages a single long table was provided. The discussion brings the settlements back together and flows into the conclusion. One representation (427) highlighted that their site, 636, is listed in the Outwell table and it should be in Upwell. This could be amended but it would not alter the status of the site, as all of the sites for this KRSC were assessed together.

2.3 Site 473 has been included within the development boundary following a representation made at the Preferred Options stage (Appendix 2 covering letter). Highlighting that the site is currently a residential site and large

garden, which would be appropriate for re-development. (the site of the former Beaupre Hall).

2.4 Site 523 has also been included within the development boundary as since the start of the SADMP process planning permission was granted (12/01989/FM) for 15 affordable housing units to the front of the site and an access road allowing further development to potentially take place on Site 523. (Appendix 3, Preferred Options Site 523 representation).

2.5 Site G104.4 at earlier stages of the SADMP was not proposed for allocation due to highways concerns relating to access. However, this has been overcome; hence no objection from NCC HA, and indeed planning permission has been granted for two frontage dwellings and an access road to service Site G104.4 (14/00504/F). Link to the officers report and planning permission are included as Appendix 1.

3. Heritage

3.1 In response to Historic England in their representation (634) to Site G104.1 the Council proposes the following amendments to G104.1:

Paragraph/Policy no.	Issue	Proposed Change	Justification
Policy G104.1 Upwell – Land north west of Townley close	Heritage impact of a high density development at this sensitive location. A high density development would not be in-keeping with the local settlement pattern.	Reduce the allocated dwelling number from 15 to 5.	To enable a development that has a density consistent with its surroundings and has regard to the identified heritage assets
Paragraph G.104.10	Incorrect heritage asset information provided	Amend paragraph G.104.10 To: The site is situated adjacent to the Conservation Area and	In order to correctly represent the heritage assets present

Paragrap h/Policy no.	Issue	Proposed Change	Justification
		within close proximity of the Grade II* listed building Welle Manor Hall and the Grade II listed war memorial. However, the Council considers that a modest development, if designed sensitively could conserve and enhance the setting of these.	

The agent of site G104.1 has provided a response to Historic England’s representation in the form of an email, letter and indicative site layout (Appendix 4). This demonstrates an understanding of the relationship between the site and the conservation area, and recent / proposed development in the immediate vicinity.

3.2 In response to Historic England in their representation (635) to Site G104.3 the Council proposes the following amendment to G104.3:

Policy no.	Issue	Proposed Change	Justification
Policy G104.3 Upwell – Land at Low Side	The policy should refer to the need for development that conserves and enhances the conservation area. As referenced in the site description and justification the site is adjacent to the conservation area.	Addition of further Policy item: 3. Careful design ensuring that development conserves and enhances the conservation area.	Accurately reflect the conservation area and the site’s relationship.

3.3 Historic England also made a representation (636) in relation to Site G104.4. the agent has provided a response to this in the form of a letter, email and indicative layout scheme (Appendix 5). This demonstrates an

understanding of the relationship between the site and the conservation area, and development of a similar nature in the locality. Planning permission has been granted for the two frontage dwellings and access road (14/00504/F). The Historic Environment Services had no objection, the Conservation Areas Advisory Panel considered the application to be acceptable and the Council's Conservation Officer supported the application.

4. Drainage

4.1 The Council throughout the SADMP process has sought explanation and clarification on points raised by the Middle Level Commissioners (MLC). However, this has proved unsuccessful. Most recently on the particular points raised on sites within Upwell & Outwell, we have asked the MLC to explain why the development cannot connect in to their drain. They have not provided any reason to explain their comment.

4.2 The agent representing Sites G104.1 and G104.4 has provided two email responses to the comments made by the MLC (Appendix 6). In these, the agent states that he does not believe that the comments made by the MLC will prevent to the two sites being developed /delivered.

4.3 The agent representing Site G104.6 has provided a response the comments made by the MLC (Appendix 7). This states that due to the size of the site in relation to the number of dwellings allocated that there is sufficient scope for a SuDs scheme to be designed and accommodated on the site, either to infiltrate or to attenuate to greenfield run off rates. The detail of any drain improvement, which is likely to be minor if flows are attenuated, can be determined at the detailed design stage.

4.4 The detail of the schemes for G104.1, G104.2, G104.3, G104.4 and G104.6 can be developed in consultation with NCC as the LLFA and the MLC at the design process stage that would inform a detailed planning application. The landowners of Site G104.2 and the landowners of Site G104.3 have both

responded to the comments made by MLC in relation to their sites, this can be viewed as Appendix 8 & 9 respectively.

4.5 NCC who are the LLFA have not raised objection to the proposed sites.

4.6 Having liaised with the Development Management Team regarding the IDB comments they are confident there are appropriate design solutions. This has been and is current practice with planning applications in this area. Indeed Site G104.4 has applied for outline planning permission (15/01496/OM) and as part of this process MLC have been consulted and state that the proposal is acceptable. (Appendix 10)

5. Additional Sites

5.1 There are a minimum of 70 dwellings spread over six allocations for this KRSC, so the target based upon the Council's preferred method of distribution, of 64 dwellings, is exceeded. The Council has taken an appropriate flexible approach within the SADMP, in order to achieve the desired overall target dwellings numbers set by the CS. The Council does not currently propose any additional sites for this KRSC.

6. Conclusion

6.1 The Council considers that the approach taken with regard to development at Upwell and Outwell is justified, sustainable, viable, available and deliverable.

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Appendix 1: Officer Report and Decision Notice (14/00504/F)

http://online.west-norfolk.gov.uk/online-applications/files/087507249B45D508020360C877C08DBE/pdf/14_00504_F-OFFICER_REPORT-3365832.pdf

http://online.west-norfolk.gov.uk/online-applications/files/AD1A1ACFBF26BB972DCB3C2AD0926FE2/pdf/14_00504_F-DECISION-3365714.pdf

**KING'S LYNN AND WEST NORFOLK BOROUGH COUNCIL
PLANNING OFFICER REPORT**

Parish: Upwell

Proposal: Construction of two houses and detached garages along with the demolition of outbuilding and wall

Location: Land To the East of The Hollies 42 St Peters Road Upwell Wisbech

Applicant: Mr A Davies (Exors of Miss E Blunt)

Application Type: Full Application **Registration Date:** 4th April 2014
Date for Determination: 30 May 2014

THE SITE AND APPLICATION

The site is garden and amenity land associated with The Hollies which is an Edwardian villa lying on the southern side of St. Peter's Road, virtually opposite the footbridge over Well Creek. The site constitutes a gap within otherwise frontage development fronting the river. There are terraced bungalows to the north-east and open fields and orchard to the rear.

The site lies within Built Environment Type C and the Conservation Area for Upwell, as defined on the saved Local Plan map for the village. There is a mature Ash which is the subject of a Tree Preservation Order (TPO) approx. midway along the road frontage, and the site also lies within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment (SFRA).

Full permission is sought for the construction of two detached 4/5 bedroomed houses with associated garages and accesses, plus the demolition of an outbuilding and replacement with a boundary wall related to The Hollies.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

8/1 - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy
CS06 - Development in Rural Areas
CS08 - Sustainable Development
CS09 - Housing Distribution
CS11 - Transport
CS12 - Environmental Assets

OTHER GUIDANCE

Upwell Parish Plan

PLANNING HISTORY

14/00077/F – Construction of three houses and detached garages along with the demolition of outbuilding and wall - Withdrawn 18.02.2014

CONSULTATIONS

Town/Parish Council: SUPPORT

Local Highway Authority (NCC): NO OBJECTION subject to conditions

Internal Drainage Board: Concerns expressed regarding surface water drainage/disposal

Environmental Health & Housing – Environmental Quality: NO COMMENTS

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION subject to informative note

Historic Environment Service: NO OBJECTIONS

Conservation Officer: SUPPORT

Conservation Areas Advisory Panel: ACCEPTABLE

Trees and Landscape Advisor: NO OBJECTION but observation regards the prospective pressures on the ash tree.

REPRESENTATIONS

None received

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

Principle of development

Upwell, combined with Outwell, is identified within the Core Strategy policies as a Key Rural Service Centre.

As described above, the application site falls within Built Environment Type C as defined on the Proposals Map of the King's Lynn & West Norfolk Local Plan (1998). Within this defined area the principle of new residential development is generally acceptable under saved Policies 4/21 and 8/1 of the Local Plan, provided that it has regard for, and is in harmony with, the building characteristics of the locality and complies with all other relevant planning policies. This aim is reinforced by Core Strategy Policies CS06 & CS08 of the Local Development Framework (LDF), plus the additional factor that it also lies within a conservation area which is more sensitive to new development. This will be addressed subsequently in this report.

Impact upon form and character and effect upon the Conservation Area

The site lies within the defined village development area (Built Environment Type C) and also within the Upwell Conservation Area. This part of the village is characterised by frontage houses to the south-west and bungalows to the north-east.

This scheme proposes the demolition of the existing outbuilding to the immediate north of The Hollies which has experienced significant structural problems. Its loss within the streetscene would not adversely affect the character of this locality and would expose views to and from The Hollies which is considered to be an undesignated heritage asset. It is intended to create a new frontage boundary wall 1m high with capped piers. This is endorsed by our Conservation Officer and the Conservation Areas Advisory Panel (CAAP).

The houses proposed are 4/5 bedroomed detached dwellings; two storey with rooms within the roofspace and their design taking reference from The Hollies plus other similar villas along this river frontage. The choice of facing materials is compatible to the locality. The houses each have associated double garages which reflect the style of the dwellings.

It is considered that the development would respect and enhance the character and appearance of this part of the conservation area – a view shared by our Conservation Officer and the CAAP.

Given the above, the proposal is considered to be in compliance with the provisions of the NPPF, saved Local Plan policies 4/21 & 8/1 and Core Strategy policies CS06, CS08 & CS12 of the LDF.

Impact on tree

At the centre of the site's frontage there is a mature ash which is the subject of a Tree Preservation Order. The application was accompanied by an Arboricultural Report. Initially the access was close to the tree, but has been moved nearer to bungalows to the north-east. The access arrangement is such that the house on Plot 1 is to be served by the existing access to The Hollies, and that on Plot 2 via a new access which is also proposed to serve additional land to the rear.

The new houses are proposed to be sited approx. 10m back from the ash tree. Whilst the proximity of the dwellings to the TPOed ash may result in pressure to remove it by future occupants, the proposal and methodology for protection are accepted by our Trees & Landscape Officer. This may be controlled via condition.

Access and highway matters

As stated above, the accesses proposed are Plot 1 via the existing one serving The Hollies and Plot 2 off a new estate access proposed to serve additional land to the rear which is at an advanced stage in the LDF.

County Highways are content with this proposal subject to certain conditions.

Residential Amenity

The relationship between both the new dwellings and the neighbouring properties to the south-west and north-east is considered to be acceptable. The layout and orientation of first floor windows negate any significant overlooking issues given the separation distances involved.

Other Considerations

There are no crime and disorder issues of concern; the site lies in Flood Zone 1 of the Council-adopted SFRA; notwithstanding the concerns raised by the IDB, surface water drainage/disposal may be controlled via condition. There are no land contamination issues, and there are no adverse impacts upon matters of archaeological interest or protected species.

The site area at approx. 0.18Ha) is above the threshold for affordable housing contribution (0.165Ha) as outlined in Core Strategy policy CS09 of the LDF. The site constraints however reduce the potential to accepting fewer than 5 dwellings whilst respecting the character of the conservation area.

CONCLUSION

The proposed new dwellings would have regards for, and be in harmony with, the building characteristics of the locality and enhance the appearance and character of the Upwell Conservation Area. The loss of an outbuilding which is suffering significant structural problems, would not detract from the appearance of this streetscene, and would open up views of The Hollies.

The proposal therefore accords with the provisions of the NPPF, saved Local Plan policies 4/21 & 8/1 and Core Strategy policies CS02, CS06, CS08, CS09, CS11 & CS12 of the LDF. The application is therefore duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION

APPROVE subject to the imposition of the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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 No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 2 To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

- 3 Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 14/3/1860 Revision D in accordance with the highway specification drawing No: TRAD 2. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Prior to the first occupation of the development hereby permitted, the proposed associated access and on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 5 Prior to the first occupation of the development hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plan (14/3/1860 Revision D). The splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metre above the level of the adjacent highway carriageway.
- 5 In the interests of highway safety.
- 6 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or 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.
- 6 In the interests of highway safety.
- 7 The tree protection measures shall be undertaken before and during construction in accordance with the details contained within the Arboricultural Report prepared by Treecare Consultants Ltd and submitted as part of this application.
- 7 To ensure that existing tree is properly protected in accordance with the NPPF & Core Strategy policy CS12 of the LDF.
- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: 14/3/1860/2 Revision B, 14/3/1860 Revision D & 14/3/1860/1.
- 8 For the avoidance of doubt and in the interests of proper planning.

Notes

1. INFORMATIVE

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 by the County Council within the scope of a legal Agreement with the applicant. Please note that it is the applicants' 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 Control Group based at County Hall in Norwich. Please contact the Planning and Transportation Department, County Hall, Martineau Lane, Norwich, Norfolk NR1 2SG or telephone 01603 222143.

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.

2. INFORMATIVE

Your attention is drawn to the letter dated 21/05/14 from the Internal Drainage Board.

BACKGROUND PAPERS

Application file reference: 14/00504/F
King's Lynn and West Norfolk Local Plan (1998)

CONTACT OFFICER: Mr K Wilkinson Senior Planner 01553 616794

Is town/parish council at variance with the recommendation on planning grounds?	YES/NO
Are there unresolved representations from statutory consultees?	YES/NO
If YES has a letter been prepared for the town/parish council or statutory consultee?	YES/NO
Are there unresolved representations from contributors?	YES/NO
Does the case need to be referred to Planning Mgr or Chair/Vice Chair?	YES/NO
Signature: Case Officer	Date: 15/10/14
Recommendation Agreed	YES/NO
Signature(s): Principal Planning Officer	Date: 17/10/14
Planning Control Manager	Date:
Agreed by Chair / Vice Chair (if applicable)	YES/NO
Signature(s):	Date:
Signature(s):	Date:

ENVIRONMENT AND PLANNING

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NOTICE OF DECISION - GRANT OF PLANNING PERMISSION

Mr A Davies (Exors of Miss E Blunt)
c/o Grahame Seaton Design Ltd
67 St Peter's Road
Upwell
Wisbech
Norfolk
PE14 9EJ

Reference No: 14/00504/F
Application
Registered: 4 April 2014
Parish: Upwell

Details: **Construction of two houses and detached garages along with the demolition of outbuilding and wall at Land To the East of The Hollies 42 St Peters Road Upwell Wisbech**

The Town and Country Planning Act 1990 (as amended)
The Town and Country Planning (Development Management Procedure) (England) Order 2010

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. No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
3. Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 14/3/1860 Revision D in accordance with the highway specification drawing No: TRAD 2. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
4. Prior to the first occupation of the development hereby permitted, the proposed associated access and on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
5. Prior to the first occupation of the development hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plan (14/3/1860 Revision D). The splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metre above the level of the adjacent highway carriageway.
6. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or 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.
7. The tree protection measures shall be undertaken before and during construction in accordance with the details contained within the Arboricultural Report prepared by Treecare Consultants Ltd and submitted as part of this application.
8. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/3/1860/2 Revision B, 14/3/1860 Revision D & 14/3/1860/1.

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. To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
3. To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
4. To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure that existing tree is properly protected in accordance with the NPPF & Core Strategy policy CS12 of the LDF.
8. For the avoidance of doubt and in the interests of proper planning.



Executive Director, Environment and Planning
On behalf of the Council
17 October 2014

1. 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 by the County Council within the scope of a legal Agreement with the applicant. Please note that it is the applicants' 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 Control Group based at County Hall in Norwich. Please contact the Planning and Transportation Department, County Hall, Martineau Lane, Norwich, Norfolk NR1 2SG or telephone 01603 222143.

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.

2. Your attention is drawn to the letter dated 21/05/14 from the Internal Drainage Board.

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 Mr K Wilkinson, telephone number 01553 616794.

Notes relating to decisions on planning applications:

1. This permission refers only to that under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw order or regulation.
2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to The Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990. Appeals must be made within 6 months unless subject to an enforcement notice (see below). (Appeals must be made on a form which is available from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, telephone 0303 4445000). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (*), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority is based on a decision given by him.

Appeal time limits where the same development is subject to an enforcement notice

- 28 days from the date of the refusal or the expiry of the period which the local planning authority (LPA) had to determine the application, where the enforcement notice is served before the application is submitted;
 - 28 days from the date of the refusal or the expiry of the period which the LPA had to determine the application, where the enforcement notice is served before the decision on the application is reached or the determination period has expired; or
 - 28 days from the date the enforcement notice is served, where the enforcement notice is served after the decision or expiry of the period which the LPA has to reach a decision on the application, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice.
 - These time limits apply where an enforcement notice has been served no more than two years before the date of the application or where it is served on or after the date of the application, regardless of whether an appeal was lodged against the enforcement notice and provided the notice is not withdrawn prior to the expiry of the time limits outlined above.
3. If permission to develop land is refused or granted subject to conditions, whether by the local authority or by the Secretary of State of the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has or would be permitted, he may serve on the Council or the county district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
 4. In certain circumstances, a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(*) The Statutory requirements are those set out in Section 76(6) of the Town and Country Planning Act 1990 namely section 70 and 72(1) of the Act.

5. Time Limits for Appeals

Householder planning applications against refusal or to remove/amend conditions = 12 weeks

Minor Commercial and Advertisement Consent Appeals = 12 weeks

All other appeals = 6 months

For more information please see website: <http://www.planningportal.gov.uk/planning/appeals>

14/005/14/F

Appendix 2: ADS Preferred Options Representation Covering Letter in Relation to Site 473



2 October 2013

Our Ref: ADS/Ref No. BEAU/001

Mr A Gomm
LDF Section
King's Court
Chapel Street
Kings Lynn
Norfolk
PE30 1EX

Dear Mr A Gomm,

**RE: INCLUSION OF LAND WITHIN LOCAL DEVELOPMENT FRAMEWORK,
SITE 473, BEAUPRE LODGE, BEAUPRE AVENUE, OUTWELL**

Further to the original letter from Peter Humphrey Associates Ltd from 12th October 2011 and our subsequent visit to the LDF drop in session at Upwell Village Hall on 19th October 2013, please find attached a brief report on the potential of the aforementioned site's viability for inclusion both as a site within restructured LDF and also a site for inclusion within the development boundary for Outwell.

We have also issued a form of these comments online via the consultation portal.

To clarify the points raised within the attached report, Affordable Design Solutions and our client request that the site is re-evaluated on the basis of the site being the former focal point of the village of Outwell as it was the former Beaupre Hall. We believe that the initial decision to exempt the site from exclusion was due to the team looking solely at the existing access to the former site via the private track road which runs alongside the existing drainage channel from West to East. With the drainage channel adjacent and the inability to widen the track, our client had originally intended access the site via a new access from extending the hammerhead and turning facility on Beaupre Avenue.

The site is also only marginally further from the village amenity than one of the selected sites; OUT2.

The site 473 itself is currently classified as countryside however as the former Hall site and currently with a bungalow onsite, the site had former brownfield status.

Affordable Design Solutions Ltd would hope that this site can be consulted upon once more and would kindly request that consideration is taken upon the possibility of amending the local development boundary of Outwell to include the former brownfield site if it is not possible to put the site forward for the LDF inclusion.

Your Sincerely,

J Lewis

124 LONDON ROAD • KING'S LYNN • NORFOLK • PE30 5EB • TELEPHONE: 01553 660902
E-MAIL: james@designkingslynn.co.uk • jordan@designkingslynn.co.uk • WEBSITE: www.designkingslynn.co.uk
Formerly Peter Humphrey Associates Ltd King's Lynn Office
Affordable Design Solutions are proud to support **Reach For a Star** (1145735)

Appendix 3: Preferred Options Representation in Relation to Site 523

Grahame Seaton Design Limited

Design & Planning Consultant
New Build Domestic & Commercial

67 St. Peters Road, Upwell, Wisbech, Cambs PE14 9EJ
Telephone/Fax (01945) 772632 Mobile (07799) 833359
Email: gas@grahameseaton.co.uk



Borough Council of Kings Lynn and West Norfolk
Planning Policy Team
Kings Court
Chapel Street
Kings Lynn
Norfolk



3rd October 2013

Dear Sirs

Local Development Framework Consultation Preferred Options– Land at Birdbeck Drive Outwell

I refer to your recent consultation and write on behalf of my client Mr Starr.

Mr Starr is the owner of land at Birdbeck Drive Outwell as shown on the plan attached, and proposes an alternative location for development within Outwell.

My clients land was previously included in the councils initial consultation and identified as land reference 523, it was however not included in this latest consultation as a preferred site because;

- The site is further than 25m from the existing settlement boundary.

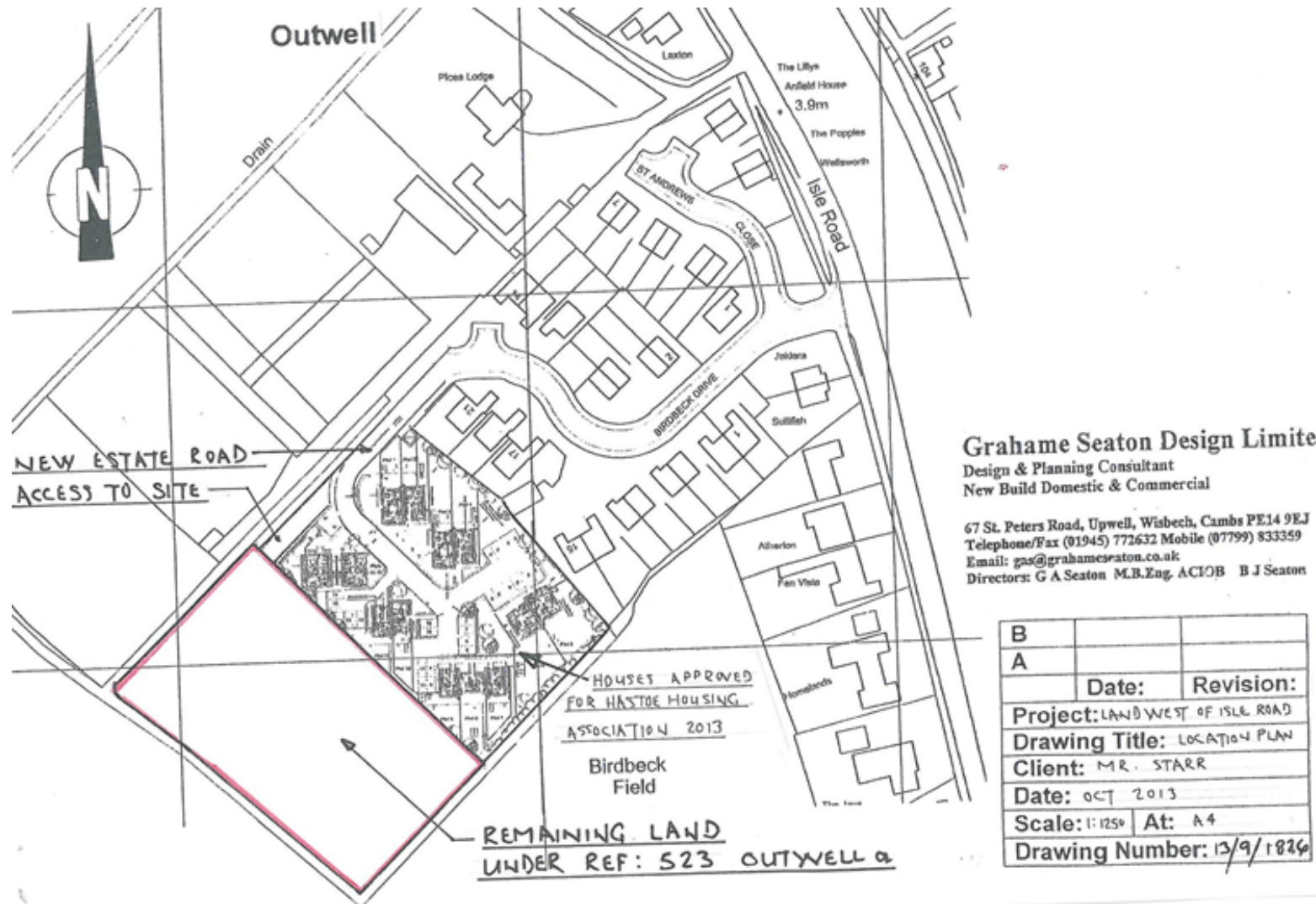
Since the start of the LDF process planning permission 12/01989/FM has been granted for the erection of 15 dwellings on part of the site, with a provision being made for access to the rear also being provided, the site will therefore no longer be 25m from the settlement but abutting it, and your reasons for rejection of the site are therefore no longer valid.

Mr Starr therefore believes the site should be allocated for residential purpose and included as a Preferred Option.

Yours sincerely

Grahame Seaton
Cc Mr Starr

Six times winner of the Borough Council of Kings Lynn and West Norfolk Mayors Award For Design in the Environment -1997, 1998, 2003, 2005, 2006, 2011



Appendix 4. G104.1 Agent's Responses to Historic England

From: G Seaton <gas@grahameseaton.co.uk>
Sent: 10 March 2015 16:54
To: Alex Fradley
Subject: Re: Upwell Site allocations

Good Afternoon Alex

Policy G104.1 (UPW1) Land north-west of Townley Close, Upwell

Further to your e.mail dated 4 March 2015 I wish to comment on the objections made by English Heritage to this site.

I have spoken to the owner of this land today and he appreciates some of the concerns raised by English Heritage.

Having looked again at the land from New Road my client Mr Starr feels that 5 or 6 executive style houses facing onto New Road would be preferable and more in keeping with the area particularly as we understand that the modern vicarage adjacent to his Grade 11 Listed Building at Welle Manor has received planning permission to be demolished and replaced with 2 detached houses.

These 2 new houses would act as a buffer between the proposed 5 or 6 houses on this site and the Grade 11 Welle Manor, and thus elevate some of the English Heritage concerns.

Kind regards

Grahame

Grahame Seaton Design Limited
Design and Planning Consultant
67 St Peters Road,
Upwell,
Norfolk
PE14 9EJ
01945 772632

Grahame Seaton Design Limited

Design & Planning Consultant
New Build Domestic & Commercial



Overall Winner 2009

67 St. Peters Road, Upwell, Wisbech, Cambs PE14 9EJ
Telephone/Fax (01945) 772632 Mobile (07799) 833359

Directors G A Seaton M.B.Eng. ACIOB B J Seaton Registered in England No.4682205

PLANNING POLICY
Boro. Council of K L & W N
Kings Court
Chapel Street
Kings Lynn PE30 1EX

17 April 2015

F.A.O. Alex Fradley

Dear Alex

Re: G:104.1 Land N.W. of Townley Close, Upwell.

Further to your e.mail dated 8 April 2015 please find enclosed indicative layout of the land known as G104.1 land N.W. of Townley Close.

You will see from my drawing number 15/4/1923 that the layout of the site has taken in the concerns of English Heritage.

In policy document item G104.11 you state that "The site could potentially accommodate a frontage development which is in keeping with the linear nature of the village".

As the area of land you now propose is 0.5 hectares and is 100metres wide and 50metres deep(0.5 hectares) 5 frontage plots is all it can comfortably accommodate.

My client Mr Starr does own the land to the north of the site and this could be accessed from Townley Close as can be seen from my site plan.

One final point of interest, The Ely Diosean Board of Finance recently applied for planning permission to demolish the Rectory at no. 5 New Road, Upwell and construct 3 new houses, under ref. no. 13/01687/F. This was refused and subsequently reduced to 2 dwellings and approved. The width of these 2 plots would be identical to our proposed 5 plots.

As I pointed out to you on Thursday this site was originally 1 hectare in your draft policy UPW1 land N.W. of Townley Close and again 15 dwellings were allocated. Do you know why it was reduced to 0.5 hectare in your new policy G104.1 Upwell and still allocated for 15 dwellings.

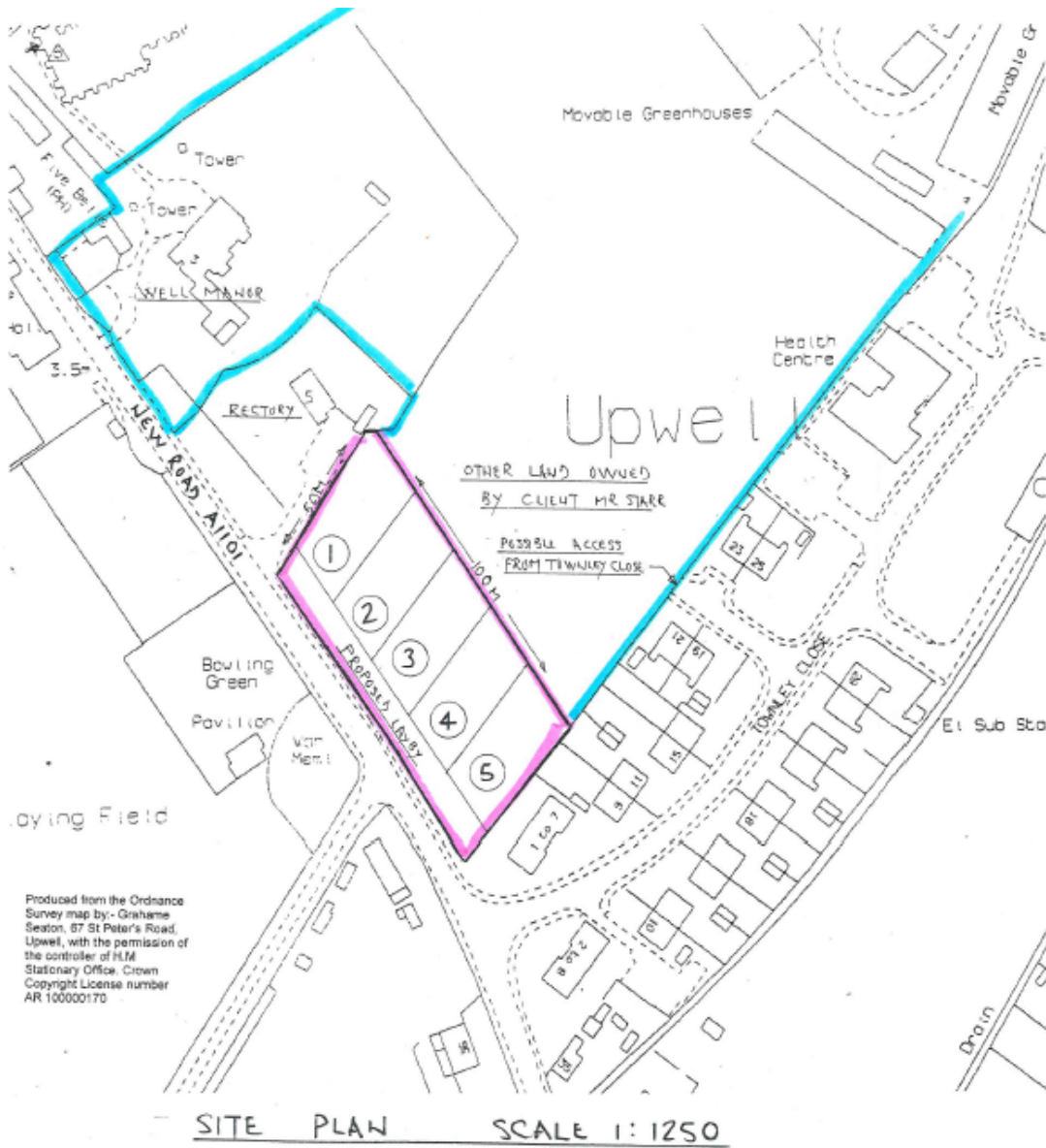
I would welcome your comments.

Yours sincerely

Grahame Seaton

v/c Mr M Starr





Grahame Seaton Design Limited
 Design & Planning Consultant
 New Build Domestic & Commercial

67 St. Peters Road, Upwell, Wisbech, Cambs PE14 9EJ
 Telephone/Fax (01945) 772632 Mobile (07799) 833259
 Email: gsa@grahameseaton.co.uk
 Directors: G A Seaton M.B.Eng. A.C.I.O.B. B J Seaton

Client	
MR. M. STARR WELL MANOR, UPWELL	
Job Title	
LAND N.W. OF TOWNLEY CLOSE UPWELL POLICY G104.1 UPWELL	
Drawing Title	
SITE PLAN	
Scale	
1:1250	
Date	Drawn by
APRIL 2015	GSA
Org No.	Rev.
15/4/1923	

Appendix 5 G104.4 Agent's Responses to Historic England

Alex Fradley

From: G Seaton <gas@grahameseaton.co.uk>
Sent: 10 March 2015 16:06
To: Alex Fradley
Cc: John Maxey (Maxey Grounds & Co LLP)
Subject: Re: Upwell Site allocations

Good Afternoon Alex

Policy G104.4 Land off St Peters Road, Upwell.

Further to your e.mail dated 4 March 2015 I wish to comment on the objections made by English Heritage to this site.

The land already has full planning permission for two houses and an access road under planning ref. no. 14/00504/F dated 17/10/2014.

The estate to the rear off the proposed access road is almost all outside the Upwell Conservation area, and would be shielded from view by the linear development running along St Peters Road.

It is with a mixture of bungalows immediately behind the bungalows facing onto St Peters Road and houses on the remainder which would all be behind the houses fronting St Peters Road. This way the impact would be limited when viewed from the Conservation area.

There are already 3 similar developments in the Upwell Conservation area namely Hall Bridge Road, New Bridge Road and Ransome's Close.

In all 3 cases the development are off the linear main roads within the Conservation area, similar to the proposed G104.4 development.

I understand that the site was identified by Boro. Council of Kings Lynn & West Norfolk because of its closeness t the centre of the village and that subject to careful design to ensure no adverse impact on the Conservation area, would be a preferred option. The design and layout of the dwellings will be carefully considered during the planning process.

Kind regards

Grahame

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Directors G A Seaton M.B.Eng. ACIOB B J Seaton Registered in England No.4682205

Planning Policy
Boro Council of K L & W N
Kings Court
Chapel Street
Kings Lynn

16 April 2015

c/c Mr T Davies
c/c Mr J Maxey



F.A.O. Mr Alex Fradley

Dear Alex

Re: G104.4 land off St Peters Road, Upwell.

Further to your e.mail dated 8 April 2015 please find enclosed an indicative layout of the land known as G104.4.

You will see from my drawing number 15/2/1915/1 that the layout of the site has taken in the concerns of English Heritage and the plots immediately behind the bungalows facing onto St Peters Road will also be bungalows.

The other plots will be houses and will be generally shielded from St Peters Road by the 2 storey houses along St Peters Road.

I have also indicated a parking area off the new estate road to cater for parking for the proposed orchard nature walk to the rear of the site.

Finally my indicative layout shows a total of 15 dwellings as you suggested but as can be seen from the plan the plots are very large and final numbers can be agreed at a later date.

Yours sincerely

Grahame Seaton


Drawing No. 15/12/1915/1: Plots 1-12 Houses, Plots 13 -15 Bungalows



Appendix 6. G104.1 and G104.4 Agent response to MLC comments

Re: Site G104.1 & G104.4 Upwell

G Seaton <gas@grahamseaton.co.uk>

 You replied to this message on 26/06/2015 14:41.

Sent: Fri 26/06/2015 14:08
To: Alex Fradley
Cc: Anglia Building Consultants

Hi Alex,
PoicyG104.1 Land N.W. of Townley Close.
This is now 5 dwellings, please confirm.
M.L.C. are wrong about use of soakaways.
In our experience soakaways work perfectly well in this area but in anycase
percolation tests will be carried out to determine type and size.
I await your comments.
Grahame.

Grahame Seaton Design Limited
Design and Planning Consultant
67 St Peters Road,
Upwell,
Norfolk
PE14 9EJ
01945 772632

Re: Site G104.1 & G104.4 Upwell

G Seaton <gas@grahamseaton.co.uk>

Sent: Fri 26/06/2015 15:03
To: Alex Fradley
Cc: John Maxey (Maxey Grounds & Co LLP)

Hi Alex,
Policy G104.4 Land off St Peters Road Upwell.
I am quite amazed at these late ,late comments from the M.L.C.
Obviously all of their points can be addressed and we can instruct experts if
needed but of course this takes time.
I will however make the following points;
1. No proposed new dwellings are within the M.L.C. 20M maintenance strip.
2.I am fully aware the importance of the Well Creek Waterway as I have been
Chairman of the Well Creek Trust Ltd for over 20 years
and was a member when in 1972 the Well Creek was Unusable and un-navigable
due to neglect.
3. Navigation will not be affected by proposals.
4.The 2 approved houses face onto the Well Creek.
5. The 2 dwellings will indeed enhance the riverside corridor.
6.No surface water will go directly into the Well Creek .
7. No surface water will go into Churchfield and Plawfield system.
8.Surface water will be discharged into soakaways subject to a satisfactory
percolation test to latest B.S.
9.I dispute the ground condition stated by M.L.C. In my experience the ground in
this area is mainly silt with a water table
at about 2M to 3M below the surface.
10. There are usually no long term maintenance issues.
11.The proposed 15 dwellings are on large sites and will not incese the flood risk.
Please contact me when you receive this email
Grahame

Grahame Seaton Design Limited
Design and Planning Consultant
67 St Peters Road,
Upwell,
Norfolk
PE14 9EJ
01945 772632

Appendix 7. G104.6 Agent Response to MLC comments

From: John Maxey (Maxey Grounds & Co LLP) <jmaxey@maxeygrounds.co.uk>
To: Alex Fradley
Cc:
Subject: RE: Outwell & Welney Sites

Sent: Fri 26/06/2015 16:23

Mr Fradley

I note Middle Level's comments. With respect to them as the IDB, it is their habit to flag up on all consultations that are at "outline" stage all potential barriers to development rather than considering how these can be overcome.

G104.6 (OUT2) which is for 35 units on 2 ha is at a density where there is ample scope for a SUDS scheme to be designed and accommodated on site, either to infiltrate or to attenuate to Greenfield run of rates. The detail of any drain improvement which is likely to be minor if flows are attenuated, can be determined at the detailed design stage.


G.113 (WEL1) is a site for only 7 units which previously had consent. My client Elgood and Sons Ltd owns significant amounts of land adjoining the allocation site which could be utilised for SUDS infiltration or attenuation if required. MLC have identified a discharge route in their consultation if one is required because infiltration by soakaways is not suitable.

G113.2 (Site 376) is again a low density site (13 on 2 Ha) with a board drain adjoining to be able to accept discharge and space on site to infiltrate or attenuate to Greenfield run off rates.

I would thus suggest that in all of these cases a satisfactory form of surface water drainage is achievable. The detail of these schemes can be developed, in consultation with both the LLFA and MLC as part of the design process leading to a planning application. I believe the IDB is unduly pessimistic as to the ability of these relatively low density sites to accommodate the necessary drainage provision, and the viability of the schemes to enable delivery. You will note that all their comments are phrased "may be" rather than will be, and should be, in my view, considered precautionary rather than indicating insurmountable constraint.

Regards

John Maxey MA(Cantab), FRICS, FAAV
For and On Behalf of Maxey Grounds & Co LLP



1-3 South Brink
Wisbech
Cambridgeshire
PE13 1JA

Tel: 01945 583123
Email: jmaxey@maxeygrounds.co.uk

www.maxeygrounds.co.uk

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Maxey Grounds & Co LLP accepts no liability for the accuracy or completeness of the information contained in this email.

Appendix 8. G104.2 Landowner response to MLC.

Alex Fradley

From: jon <jon@jonnyhelen.org>
Sent: 06 July 2015 10:50
To: Alex Fradley
Subject: Policy G104.2 Upwell (formerly UPW2)

Dear Alex,

Thank you for your recent letter and the time for our phone call this morning. I understand from our conversation that the Middle Level Commissioners have recently expressed some concerns about most of the proposed sites in Upwell and Outwell. To confirm the points from the phone call:

The site is bounded by a drain that goes along either side of the field (the Townley close border and the Listers Road side). Both of these side drains empty into the Board drain that runs alongside New road. The Listers Road side drain had some maintenance work carried out in Jan 2011 to ensure smooth running. The board drain now runs partly underground which was carried out some years ago as part of the New Road, road widening scheme.

The field has been owned by our Family for many years (the orchard was initially planted by my grandfather in 1917) and there is no history of this field being subject to flooding.

If you need to contact either my Brother or I, please feel free to use this email address (jon@jonnyhelen.org) or alternatively our mobile phone numbers are:

Jon Bradley: [REDACTED]

Simon Bradley: [REDACTED]

If you need any further information (or you think the notes above would benefit either from clarification or expansion of detail) please don't hesitate to contact us.

Your sincerely,

Jon Bradley.

Appendix 9. G104.2 G104.3 response to MLC.

From: KATE BENNETT <katebennett@btinternet.com> Sent: Wed 01/07/2015 12:56
To: Alex Fradley
Cc: Prue Lester; Jill Gooch; Andrew Harrison; Ros Shorting; Margaret Hodgson; Jonathan Schultz; Cllr Chris Crofts
Subject: Re: Site G104.1 & G104.4 Upwell

Good Afternoon Alex

Upwell Parish Council would like to point out that the nearest drainage dyke to the proposed site is about 125 yards away and this connects to the board's maintained drain. Any water run-off from the Scholars Way development adjacent feeds into this so the proposed site should be able to also, if deemed necessary.

Please also note that it is possible for up to 7 properties to be serviced from a self-maintained permeable gravel roadway and the proposed site has only 5 allocated to it.

Many thanks.

Regards,

Kate

Kate Bennett
Clerk
Upwell Parish Council

Appendix 10. MLC 15/0146/OM consultation response

Our Ref: 306/PL/479 & 139/1/2862

Churchfield & Plawfield IDB/Middle Level Commissioners

Re Proposed Development to the south of 21a-42 St Peters Road, Upwell

Brief Description of Development 25 houses

Name of Applicant/Agent Maxey Grounds & Co

In respect of the above proposed development the location of which is edged red on the attached location plan* please would you confirm as follows:-

1. On the assumption that no more than 50% of the development site will be impermeable, will unregulated direct discharge of surface water from the development to the adjoining watercourse system be permitted? **YES/NO**

Subject to the provision of a viable surface water disposal scheme which may require suitable hydraulic modelling and downstream channel improvements, if required, being undertaken. Surface water must be disposed of into the Board's systems. A discharge into the Commissioners' Well Creek will not be permitted.

2. If the answer to 1 is NO, will discharge of surface water from the development to the adjoining watercourse system attenuated to greenfield rates of run-off be permitted? **YES/NO**

Channel improvements to the downstream system may be required.

3. If the discharge of surface water cannot be permitted to the adjoining watercourse system please indicate briefly why.

See 2. above.

4. (delete if not applicable) It is proposed to discharge foul effluent flows arising from the development to

Is this proposal acceptable? **YES/NO**

Subject to all foul effluent being disposed of to the respective adopted AWS system and not the Commissioners'/Board's system.

The site is within the catchment of West Walton WWTW which discharges treated effluent into the Environment Agency's River Nene system. Therefore, the Commissioners'/Board's consent is not required.

NOTE:

- i Where appropriate the comments are subject to the respective authority's requirements being met including the provision of adequate applications and the submission of the associated fees.
- ii In view of the size and/or location and/or issues associated with this potential development the Commissioners/Board would encourage the applicant to undertake our pre-application discussion process to reach an amicable solution so that objection due to lack of information or concerns about water level/flood risk management can be avoided.

Further details can be found at <http://www.middlelevel.gov.uk/planning-consent-documents.aspx>.

The King's Lynn & West Norfolk Borough Council's response to the Issues and Questions paper from
Inspector David Hogger

I certify that the responses given above have been made on behalf of the Middle Level
Commissioners/relevant Internal Drainage Board under reference

Signed *[Signature]* Dated *21/08/19*
Proper Officer