

**AGENDA ITEM NO: 9/2/(a)**

<b>Parish:</b>	<b>Bawsey</b>	
<b>Proposal:</b>	<b>EXTENSION TO EXISTING CREMATORIUM CAR PARK, WITH ASSOCIATED TREE PLANTING WORKS</b>	
<b>Location:</b>	<b>Mintlyn Crematorium Lynn Road Bawsey King's Lynn PE32 1HB</b>	
<b>Applicant:</b>	<b>MS ALLISON BINGHAM</b>	
<b>Case No:</b>	<b>23/00626/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 30 May 2023 Extension of Time Expiry Date: 7 August 2023</b>

**Reason for Referral to Planning Committee** – – Third Party objection to a Borough Council application, contrary to paragraph 1.1 iii) e) of the Authority's Planning Scheme of Delegation.

**Neighbourhood Plan:** No

**Case Summary**

The application site relates to Mintlyn Crematorium, situated on the southern side of Lynn Road, Bawsey.

Bawsey is classified as a Smaller Village and Hamlet within the Development Plan Settlement Hierarchy. The site lies within the countryside and the building and associated grounds are nestled within an area of woodland.

Full planning consent is sought for an extension to the existing carpark to the north-west part of the site.

This is a re-submission of a previous approval (17/01703/F) for the same development which subsequently lapsed.

**Key Issues**

Principle of Development  
Visual Impact  
Highway Safety  
Trees  
Ecology  
Other Material Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application site relates to Mintlyn Crematorium, situated on the southern side of Lynn Road, Bawsey.

Bawsey is classified as a Smaller Village and Hamlet within the Development Plan Settlement Hierarchy. The site lies within the countryside and the building and associated grounds are nestled within an area of woodland.

Full planning consent is sought for an extension to the existing carpark to the north-west part of the site. Currently the carpark provides 71 spaces and it is proposed to provide an additional 47 spaces, surfaced using bark chippings and pea gravel.

This is a re-submission of a previous approval (17/01703/F) for the same development which subsequently lapsed.

## SUPPORTING CASE

The applicant has confirmed that they wish to submit a supporting case which can be issued under Late Correspondence prior to the committee meeting.

## PLANNING HISTORY

17/01703/F: Application Permitted: 02/11/17 - Extension to existing crematorium car park, removal/replacement of trees associated with the works - Mintlyn Crematorium, Lynn Road, Bawsey

14/00141/NMA\_1: Application Permitted: 31/07/14 - Non-material amendment to planning permission 14/00141/F: Proposed extension to existing crematorium building - Mintlyn Crematorium

14/00141/F: Application Permitted: 24/03/14 - Proposed extension to existing crematorium building - Mintlyn Crematorium

09/00911/F: Application Permitted: 30/07/09 - Proposed extension to Mintlyn Crematorium to create a covered walkway and floral tribute area - Mintlyn Crematorium

07/01492/F: Application Permitted: 01/10/07 - Installation of new high level window within the cremation area - Mintlyn Crematorium

## RESPONSE TO CONSULTATION

**Parish Council:** No comments received.

**Highways Authority:** NO OBJECTION

**Natural England:** **NO OBJECTION** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's standing advice on other natural environment issues is applicable.

**Ecology officer: NO OBJECTION** - Satisfied that no protected species surveys will be required for the Mintlyn Crem application. The trees closest to the works are either immature pines or mature beech trees which do not support any visible bat roosting features. The risk of roosting bats being present in close proximity to the development area is therefore very low. The implementation of restrictions on working hours (i.e. only works during daylight hours) and tree root protection zones will further mitigate any residual risk to this species.

## **REPRESENTATIONS**

**ONE** representation received from the King's Lynn and West Norfolk Bicycle Users Group (KLWNBUG) **OBJECTING** on the following grounds: -

- Any approval be conditional on providing the amount of cycle parking. stands required by the Norfolk Parking Standards.
- Policy CS11 Transport
- It is a major borough trip attractor with no cycle parking.
- So badly connected to the town's cycleway network.
- Is it possible to require a cycleway link be provided before adding almost 50 more car parking spaces?

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM17** - Parking Provision in New Development

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are: -

- Principle of Development
- Visual Impact
- Highway Safety
- Trees
- Ecology
- Other Material Considerations

### **Principle of development:**

The application site lies in the countryside and as such Core Strategy Policy CS06 (Development in Rural Areas) is relevant. The policy seeks to promote sustainable communities; maintain local character and a high quality environment; and above all, protect the countryside for its intrinsic character and beauty.

The proposal seeks to extend the existing carpark facilities on site associated with the Crematorium. On this basis, the principle of the development is considered acceptable in accordance with the development Plan.

### **Visual Impact:**

The proposal involves extending the existing visitor car park to the north-western part of the site. Currently the carpark provides 71 spaces and it is proposed to provide an additional 47 spaces.

A 1.2m knee rail timber fence is proposed to the perimeter of the parking areas.

The proposed car park extension would be surfaced using bark chippings and pea gravel. The car park is not overly visible from the public highway given that the site is heavily treed. The layout and finish of the car park extension is proposed to match that of the existing parking facilities on site. As such, the proposed development would cause no harm to the character and appearance of the area.

It is considered therefore that the proposal accords with Development Plan Policies CS06, CS08, and DM15 and the general provisions of the NPPF.

### **Highway Safety:**

The Local Highway Authority raises no objection to the proposed car park extension within the grounds of the crematorium as the development does not affect the existing access point or the public highway network.

The Third Party concerns have been taken into consideration and whilst the Local Highway Authority has not requested the provision of cycle stands, it is considered a reasonable request and as such a condition is recommended to request details of appropriate provision.

The proposal therefore accords with Local Plan Policy CS08, CS11 and DM15; and section 9 of the NPPF.

### **Trees:**

A tree plan accompanies the application which shows tree and root zone protection in accordance with the British Standard.

An Arboricultural Report was submitted with the previous application, which the Council's Arboricultural Officer raised no objection to. The trees which have been removed on site, shown on the current tree plan to aid the development, were approved to be felled during the course of the previous application. Further, those trees were young saplings that had self-seeded, so not considered to have had high quality amenity value.

New replacement trees have been planted and additional planting is proposed. The Arboricultural officer raises no objection to this in principle subject to a condition requesting details of the replacement trees.

The car park would be constructed using a 'no-dig' system with geotextile (or similar) and a pea gravel and bark chipping surface. A condition will be imposed to secure the protection of the trees during works.

As such, it is considered that the proposal complies with Development Plan Policies CS06, CS08, CS12 and DM15 and sections 12 and 15 of the NPPF.

### **Ecology:**

There is a large bat population inhabiting the woodland area within the wider application site. However, the saplings that were removed were unlikely to have bat roosting features given that they were self seeded and immature. The more mature trees within close proximity to the proposed works are hard wood species which are typically less likely to support bats and do not have any visible bat roosting features.

The additional mitigation measures, such as hours of construction, control of outdoor lighting and tree protection zones, (which are in line with the tree protection fencing requirements) will further mitigate for the negligible residual risk to bats. The Council's Ecology Officer therefore raises no objection to the proposal subject to the mitigating conditions being imposed.

It was therefore considered disproportionate to request a protected Species Survey to support the proposed development.

As such, it is considered that the proposal complies with Development Plan Policies CS08, CS12 and DM15 and section 15 of the NPPF.

### **Other Material Considerations:**

#### *Crime and Disorder*

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

### **CONCLUSION:**

The principle of the car park extension for an additional 47 spaces, taking the total to 118, was deemed to be acceptable in the previous application which has subsequently lapsed.

There have been no fundamental changes to the application site or to Planning Policy since the granting of the previous application that would suggest that the proposal is no longer acceptable.

It is your officer's opinion that the proposal would cause no harm to visual amenities of the area as it is not overly visible from the public domain and replicates existing facilities on the site.

There would be no highway safety concerns as a result of the development as it does not affect the existing access or local highway network.

Neither would the scheme cause an adverse impact on trees and bats found across the site.

On the basis of the above, it is your office's opinion that the proposed development accords with Development Plan Policies CS06, CS08, CS12, DM15 and DM17; and the general provisions of the NPPF and it is therefore recommended for approval.

## **RECOMMENDATION:**

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason 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 Condition The development hereby permitted shall be carried out using only the following approved plans:
  - 17-L38-PL002A – Demolition Plan;
  - 17-L38-PL003 – Proposed Site Plan; and
  - 17-L38-PL004A. – Tree Survey Plan
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety, in accordance with the Development Plan and the provisions of the NPPF.
- 4 Condition No development or other operations shall commence on site until the existing trees to be retained have been protected in accordance with the Tree Protection Plan – Appendix 4 and Arboricultural Method Statement – Appendix 5 of the Arboricultural Impact Assessment by A T Coombes Associates dated 2017. The erection of fencing and the installation of ground protection for the protection of any retained tree shall be carried out before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing and ground protection 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 or ground protection 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.

- 4 Reason In order to adequately protect on site trees and in the interests of the amenities of the locality, in accordance with the Development Plan and the provisions of the NPPF.
- 5 Condition The development hereby approved shall be carried out between the hours of 08:00 and 16:00 between the 1st October to 31st March in any given year; and between 08:00 and 17:00 between 1st April and 30th September in any given year. No construction works shall take place outside of these hours.
- 5 Reason In the interests of protecting bat roosts on the site during hours of darkness, in accordance with the Development Plan and the provisions of the NPPF.
- 6 Condition Prior to the use of the development hereby approved, full details for the provision of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be available for use as agreed before the carpark extension is brought into use and retained thereafter as such.
- 6 Reason To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport, in accordance with the development Plan and the provisions of the NPPF.
- 7 Condition No development other operations shall commence on site in connection with the development hereby approved, until details of tree planting, indicating positions, sizes, density, species, planting specifications, means of support and young tree maintenance including watering proposals has been submitted to and approved by the Local Planning Authority, and the planting shall be carried out before the end of the current or first available planting season following practical completion of the development hereby permitted.

Any such trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

- 7 Reason In the interests of the amenities of the locality, in accordance with the Development Plan and provisions of the NPPF.
- 8 Condition Prior to the first use of the development hereby approved, 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.
- 8 Reason In the interests of minimising light pollution and to safeguard protected species and the amenities of the locality in accordance with the NPPF.