

Planning Committee 22 January 2019
Report of the Interim Head of Planning

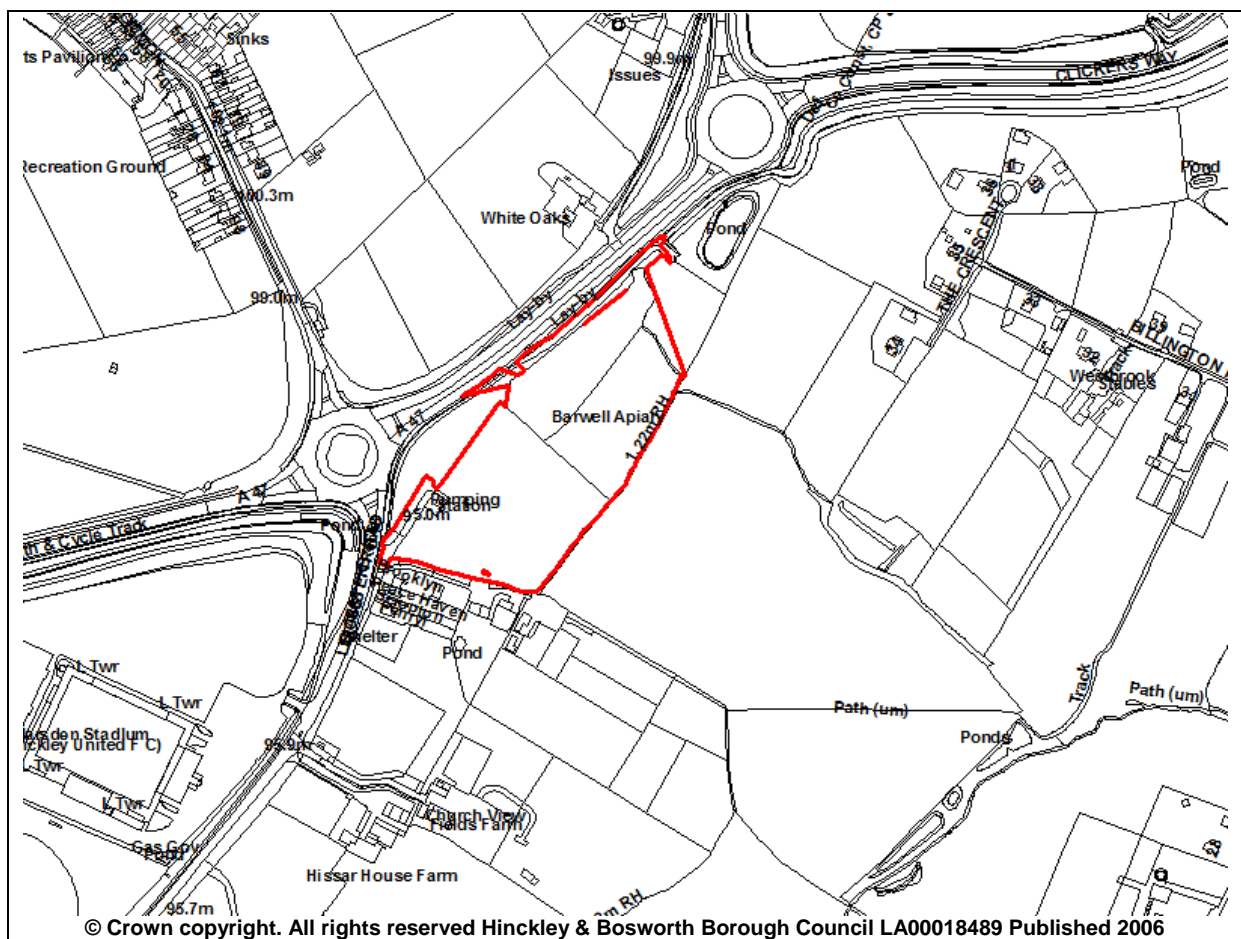


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00751/DEEM
Applicant: Hinckley and Bosworth Borough Council
Ward: Barwell

Site: Land East Of Leicester Road Barwell Leicestershire

Proposal: Erection of crematorium building and formation of associated memorial gardens, roadways, car parking, footpaths and landscaping.



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a legal agreement to secure the following obligations:
 - the provision of a replacement layby
 - Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application is made by the Borough Council under Regulation 3 of the Town and Country Planning General Regulations 1992 for deemed consent for the development of a crematorium building and storage yard and the formation of associated memorial gardens, roadways, car parking, footpaths and landscaping on Council owned land east of Leicester Road, Barwell.
- 2.2. The multi-faith crematorium buildings would provide 450 square metres of internal floor space and be located within the south east part of the site. The main car parking area (156 spaces and coach parking) would be in the north west part of the site adjacent to the access/egress points. The road layout is designed to form a loop around the site with an additional 24 overflow parking spaces. Seven parking spaces for disabled users are provided adjacent to the Waiting Room. Water retention basin features are located in lower levels in the north east and south parts of the site. The remainder of the site is to be extensively landscaped, including retention of existing grasslands and perimeter boundary hedgerows and trees.
- 2.3. The crematorium buildings are designed to accommodate 200 mourners and provide a series of linear spaces linked by covered external structures, including external walkways, colonnades and port cocheres. Each sequential space has a distinct function from arrival at the water garden, into an internal waiting area, through a covered courtyard to the ceremonial hall and afterwards along the layout of pathways and covered walkways to a series of external spaces including the flower court and book of remembrance/memorial wall on route back to the car park.
- 2.4. The buildings are designed at varying heights of 7 metres (Ceremonial Hall), 6 metres (Crematory Hall) and 4.5 metres (Waiting Room/Administration) and the cremation chimney stack height of 10 metres. Proposed external materials include: stone effect cladding (Portland Stone or similar white) to lower walls, black or anthracite standing seam zinc cladding to higher walls (above 3 metres) and chimney stack, bronze anodized aluminium doors and window frames.
- 2.5. The following documents have been submitted to support the application:
 - Site Location Plan
 - Topographical Survey
 - Proposed Site Layout Plans
 - Site Access and Circulation Plans
 - Crematorium Floor Plan, Elevations and Sections Drawings and Computer Generated External Images
 - Soft and Hard Landscaping Plans
 - Landscape Management and Maintenance Plan
 - Surface Water Drainage Plans and details
 - Design and Access Statement
 - Planning Statement
 - Crematorium Need Assessment
 - Site Sequential Test
 - Environmental Impact Assessment Screening Report
 - Landscape Visual Impact Assessment
 - Agricultural Land Classification Assessment
 - Transport Statement
 - Road Safety Audit (Stage 1)
 - Phase 2 Site/Ground Investigation Report
 - Gas Monitoring Assessment
 - Stack Height Calculation Report
 - Air Quality Assessment (Emissions)

- Acoustic Consultancy Report/Noise Data
- Ground Water Audit
- Flood Risk Assessment
- Archaeological Written Scheme of Investigation
- Archaeological Evaluation Report
- Tree Survey Report
- Extended Phase 1 Habitat Survey
- Botanical Survey/Update
- Badger Survey Brief
- Reptile Survey, Mitigation and Compensation Report
- eDNA Great Crested Newt Report
- Habitat Suitability Index Assessment, Record Search and Mitigation Brief

2.6. A number of amended plans and documents have been submitted during the course of the application to address issues raised. Re-consultation has been undertaken with the appropriate statutory authorities.

3. Description of the Site and Surrounding Area

3.1. The application site measures approximately 3.5 hectares and lies in the countryside to the south east of Barwell and north east of Hinckley and to the south east side of Leicester Road. The site forms part of the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. The site comprises an area of rough scrub and horse grazing paddocks with boundary hedgerows and occasional trees. To the south west corner there is a sewage pumping station which is a remnant of the former use of (part of) the site for a sewerage treatment plant. The site is located towards the bottom of sloping topography to the south of the ridgeline settlements of Barwell and Earl Shilton.

3.2. The ground level of the site is approximately 2 metres lower than the Leicester Road/Earl Shilton By-Pass (A47) that forms the north west boundary of the site beyond which there are pasture fields and an isolated residential property. To the south of the site there is a public footpath and four semi-detached dwellings, associated outbuildings/stables associated with equine recreation uses and a mobile home. A football stadium lies further to the south west. To the east and north east there are agricultural/pasture fields and low density residential small holdings beyond located within the neighbouring Blaby District Council area.

4. Relevant Planning History

90/00641/4D	New crematorium (Outline)	Permitted	31.07.1990
90/00926/4D	Crematorium and associated works	Permitted	25.09.1990
94/00104/FUL	Crematorium and associated car parking and access	Permitted	11.04.1994

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Site notices were also posted within the vicinity of the site and a notice was displayed in the local press as a departure from the adopted local plan.

5.2. Responses from four separate individual addresses (three with objections and one of support) and an objection on behalf of Dignity Funerals Limited have been received as a result of public consultation. The responses raise objections to the scheme on the following grounds:-

- 1) Inappropriate development in the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge

- 2) Reference is made to the dismissed appeal for residential development on a nearby site within the Green Wedge and potential undermining of its protection against other future speculative development
 - 3) Adverse impacts on the visual amenity of the surrounding landscape and recreational users of a local public right of way, landscaping to screen the building and car parks from outside the site will be ineffective
 - 4) Insufficient evidence has been submitted in respect of ecological habitats and biodiversity to determine the application
 - 5) The massing and detailing of the building is depressing and emotionally suppressing and does not create an uplifting experience. Materials are cold and dark and are outdated.
 - 6) Long term health implications for nearby residents from furnace emissions from the facility
 - 7) Proposal will add additional traffic to the existing noise, light and fume pollution due to usage of the A47, the by-pass and the M69
- 5.3. The letter of support considers that the proposed crematorium is a much needed facility and suggests internal layout/facilities to take into account deaf and wheelchair/disabled users needs.

6. Consultation

- 6.1. No objections has been received from:-
 Leicestershire County Council (Archaeology)
 Environment Agency
 Charnwood Borough Council
 North Warwickshire Borough Council
 Rugby Borough Council
 Barwell Parish Council
 Arboricultural Officer
 Street Scene Services (Waste)
- 6.2. No objection subject to conditions has been received from:-
 Leicestershire County Council (Highways)
 Leicestershire County Council (Drainage)
 Leicestershire County Council (Ecology)
 Leicestershire County Council (Public Rights of Way)
 National Grid/Cadent Gas Limited
 Environmental Health (Pollution)
 Environmental Health (Drainage)
- 6.3. Earl Shilton Town Council support the proposal.
- 6.4. Cycling UK raise concerns regarding the current and future arrangements for cyclists around the site and surrounding highways
- 6.5. No responses have been received at the time of writing this report from:-
 Severn Trent Water Limited
 Western Power Distribution
 Leicestershire Police
 Leicestershire Fire and Rescue Service
 Blaby District Council
 North West Leicestershire District Council
 Nuneaton and Bedworth Borough Council

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan DPD (2014)

- No relevant policies
- 7.2. Core Strategy (2009)
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
 - Policy 20: Green Infrastructure
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM25: Community Facilities
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Green Wedge Review (2011)
 - Landscape Character Assessment (2017)
 - Siting and Planning of Crematoria guidelines (1978)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies/general principles
- Design and impact upon the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Impact upon highway safety
- Pollution and residential amenity issues
- Impact upon archaeology
- Impact upon ecology
- Drainage/Flood risk
- Public right of way
- Other material considerations

Assessment against strategic planning policies/general principles

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2018) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. Policy DM25 of the adopted SADMP seeks to support the formation of new community facilities across the Borough. To reduce the reliance on the private car, where new facilities are established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.5. The 1902 Cremation Act which is reiterated in the Siting & Planning of Crematoria guidance (1978) states that no crematorium shall be constructed nearer to any dwelling house than 200 yards (circa 183 metres) without the owner/occupier's written consent. This provides a constraint to the likelihood that a crematorium facility would be located, or would be suitable, within an urban area of the Borough. The guidance also suggests that crematorium facilities must have easy access by public transport.
- 8.6. It is considered that the location of the proposed crematorium close to the edge of, and centrally located to, the established urban area of the Borough (Barwell, Hinckley, Earl Shilton and Burbage), and a large proportion of the population that it is intended to serve would be a rational location for this type of community facility. The site lies approximately 2 miles to the north east of Hinckley town centre and is well served in terms of the potential for the use of sustainable transport. An existing shared-use footway/cycleway runs alongside the A47 and site frontage providing suitable links to the surrounding area. The nearest bus stop is approximately 2 minutes walk from the site on Leicester Road with regular bus services providing links to the wider area and Hinckley railway station.
- 8.7. In a planning appeal decision (APP/T2405/A/13/2210523, Foston Road, Countesthorpe) the Inspector noted that a crematorium is more likely to require a rural location because of the constraints imposed by the Cremation Act 1902. The Inspector identified that these requirements reduce the likelihood of finding a suitable urban site, a conclusion which has been reached in a number of appeal decisions where inspectors have found a rural location to be acceptable.
- 8.8. Notwithstanding this, one of the overarching planning principles of national and local planning policy is to protect the countryside and areas/sites of designated particular importance from inappropriate development. It is therefore necessary to assess the proposal against these protection policies and in terms of impact on the countryside and designated Green Wedge.

Design and impact upon the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge

- 8.9. A Planning Statement, Design and Access Statement and Landscape Visual Impact Assessment have been submitted to support the application. A comprehensive landscaping scheme and Landscape Management and Maintenance Plan have also been submitted to integrate the development into the wider landscape.
- 8.10. The Design and Access Statement has been submitted to support the application. This suggests that the buildings have been designed to be long and low to blend into the landscape and are sited furthest from the public highway (over 100 metres) and on a 2 metre lower ground level than the road level. The proposed external materials are described as being '*simple yet natural elegant materials that will withstand the elements.*'

- 8.11. The Planning Statement and Landscape Visual Impact Assessment suggest that the benefits of the proposed development will outweigh any adverse landscape or visual impacts which are assessed as low and not significant as the proposed scheme would not affect the landscape character in the broader spatial context and would represent a sustainable form of development.
- 8.12. As a result of public consultation on the application, objections have been received on the grounds that the proposal would be inappropriate development and result in adverse impacts on the visual amenity of the surrounding landscape and recreational users of a local public right of way and would be in conflict with adopted strategic planning policies relating to protection of the countryside and the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. Reference is made to a dismissed planning appeal in respect of a major residential development on a nearby site within the Green Wedge and potential undermining of its protection against other future speculative development. Objectors consider that landscaping to screen the building and car parks from outside the site will be ineffective. An objection has also been received on the grounds that the massing and detailing of the building is depressing and emotionally suppressing and does not create an uplifting experience also raising that the proposed materials are cold and dark and are outdated.

Design

- 8.13. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.14. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 127 requires that decisions should ensure that developments will function well and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 128 of the NPPF (2018) states that applications that can demonstrate early, proactive and effective engagement with the community should be looked upon more favourably than those that cannot.
- 8.15. The layout of the site has been shaped by the building zone restriction defined by the Siting and Planning of Crematoria guideline separation distance of 183 metres to avoid any conflicts with existing neighbouring dwellings. The proposed crematorium buildings are therefore restricted to the rearmost (south east) part of the site over 100 metres from the public highway and on a ground level approximately 2 metres lower than the highway. The buildings have also been designed to be long and low (with the exception of the required chimney stack) to minimise their visual impact on the surrounding landscape.
- 8.16. The crematorium building has an individual statement design and appearance and reflects its proposed use/function. The proposed use of a variety of natural materials including stone, timber, metal and glazing assists in breaking up the mass of the buildings and provides visual interest and progression. Notwithstanding the single objection received on design grounds, it is accepted that design is a subjective matter. The proposed scheme has been subject to widespread public consultation and has been refined to take into account some of the comments received from the community.
- 8.17. The proposed design would ensure that the development will function well and would be visually attractive as a result of good architecture, layout and appropriate

and effective landscaping. It is therefore considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Countryside/Landscape

- 8.18. The site is located outside of any settlement boundary and is therefore in the countryside as defined in the adopted SADMP where Policy DM4 of the adopted SADMP is applicable.
- 8.19. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. Forms of development that the policy may consider to be sustainable in the countryside include development for sport or recreation purposes, change of use of existing buildings, development that contributed significantly to economic growth, job creation and/or rural businesses, renewable energy developments and essential rural worker accommodation. The policy also states that development in the countryside will be considered sustainable where:
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development;
 - iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9.
- 8.20. The Council's Landscape Character Assessment (LCA)(2017) assesses the landscape of the Borough and divides the landscape into ten character areas based on their characteristics. It also assesses the larger settlements (including Barwell) and identifies their urban characteristics.
- 8.21. The LCA identifies the application site as being part of landscape Area F: Burbage Common Rolling Farmland. Key characteristics of this landscape include: 1) Large scale gently rolling arable and pasture farmland; 3) Smaller scale pasture fields around the settlements; 5) Sparse settlement within the area, comprising individual buildings and scattered farm complexes; 6) Major transport corridors dissect the landscape and introduce noise and movement; 7): Open landform and lack of tree cover allows for expansive and distant views to edge of settlement, often situated on the skyline, and punctuated by major infrastructure; 8) Public rights of way concentrated around Burbage Common; and 9) Green Wedge providing separation between Hinckley and Barwell and green infrastructure to the cluster of settlements of Burbage, Hinckley, Barwell and Earl Shilton.
- 8.22. Key landscape sensitivities and values for this area identified within the LCA include: 1) public rights of way; 2) Woodland and mature trees provide biodiversity and visually screen nearby development; 3) The generally rural character and undeveloped landscape of the Green Wedge which forms an important gap between Hinckley and Barwell and a green infrastructure link to the wider landscape to the north; 4) Low hedgerows and hedgerow trees surrounding fields form part of the overall ecological network; 6) Extensive visibility and long distance views across open expanses of rolling farmland are sensitive as any change/development has the potential to be widely visible.
- 8.23. Landscape strategies for this area identified within the LCA include: 2) Respect and enhance the essentially rural character of the landscape. Ensure any new

development is integrated into the landscape; 4) Maintain the gap between Hinckley and Barwell as a multifunctional green corridor incorporating recreation; 5) Maintain and enhance recreational assets including rights of way; and 6) Create new and conserve existing notable habitats.

- 8.24. The site is relatively well screened by mature landscaping to the south west, south east and north east of the site, the majority of which is proposed to be retained. Although the visual presence of the crematorium building in the landscape would be reduced in light of the layout and low level design, the buildings would initially be visible from the public highway, in particular from higher ground at the roundabout to the north of the site. In addition, the strong rectilinear lines of the building and proposed use of external Portland Stone or similar white wall cladding could result in a bold feature in contrast to the surrounding verdant countryside, particularly in the initial years prior to the proposed comprehensive soft landscaping scheme becoming established to provide additional screening. However, once the landscaping becomes established, the building and remainder of the site would be well screened from the surrounding landscape, including the public right of way that runs outside the south boundary of the site. In addition, the visual impact of the development in the landscape from any higher ground would be tempered by separation distances, intervening existing landscaping and the presence of nearby much larger scale sport stadium and other sports buildings.
- 8.25. However, the proposal for a crematorium building and associated hardstanding is not a form of development in the countryside that is supported by Policy DM4 of the adopted SADMP. By virtue of built form the proposal would have an impact on the current verdant, undeveloped character of the site. The proposal would therefore result in conflict with Policy DM4 of the adopted SADMP.

Green Wedge

- 8.26. The application site is located within the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge on the Policies Map of the SADMP where Policy 6 of the adopted Core Strategy is relevant. Areas of green wedge primarily seek to guide the development form of urban areas. The green wedge protects the separation of the settlements, helping to protect their individual identities and provides easy access from the urban areas into green spaces and contributes towards the quality of life for residents in their urban areas.
- 8.27. Policy 6 of the adopted Core Strategy seeks to protect the Green Wedge from unacceptable development and identifies acceptable land uses, provided the operational development associated with the use does not damage the function of the green wedge. The acceptable uses are as follows:
- a) Agriculture, including allotments and horticulture not accompanied by retail development
 - b) Recreation
 - c) Forestry
 - d) Footpaths, bridleways and cycle ways
 - e) Burial grounds
 - f) Use for nature conservation.

Policy 6 also requires that any land use or associated developments in the Green Wedge should:

- a) Retain the function of the Green Wedge
- b) Retain and create green networks between the countryside and open spaces within the urban areas
- c) Retain and enhance public areas to the Green Wedge, especially for recreation; and

d) Should retain the visual appearance of the area.

- 8.28. Policy 20 of the adopted Core Strategy identifies that the green wedge between Hinckley and Barwell should be maintained as it plays an important environmental and landscape protection role. It also identifies that the green wedge is looked to be developed into a large scale recreational asset to service the Sustainable Urban Extensions and residents living in north Hinckley.
- 8.29. The Green Wedge Review (2011) divides the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge into nine areas. The application site is located within Area E: 'Land off Leicester Road'. The assessment identifies that: *'The site provides remote access as it provides important views towards Burbage Common and Woods and there are distinct sightlines. Remote access means that the area provides a valuable, visual green space resource which provides a panorama to the community. Any development would have a significant impact on the visual amenity on the wider green wedge towards Burbage Common and Woods. It would impact on the rural nature and character of the western fringes of Elmesthorpe which is already sensitive due to the construction of the bypass. It provides a continuing green route way.'*
- 8.30. The Green Wedge Review concludes that: *'Area E plays an important role in terms of the wider green wedge role as it provides the green link from the A47 towards Burbage Common and the public right of way which runs alongside the boundary of Area E towards Elmesthorpe and Burbage Common and Woods. There is mature vegetation within this area and the poplar trees are particularly prominent. The Sustainable Urban Drainage System is the main feature visible from the A47 roadside and was put into place as a mitigation measure from the development of the A47 bypass. It now provides an aesthetic, wildlife habitat within the area whilst performing the green lung function in terms of flood alleviation. This area offers the role of preventing the merging of settlements in relation to the wider context, whilst guiding development form beyond the A47 limiting any potential impact on the rural character of Elmesthorpe and its unique morphology. There is public access through the green wedge in terms of the A47 transport corridor which penetrates between Area E and C contributing towards separation and acting as a green lung. The A47 has a pavement that leads to Leicester Road and The Common, this allows pedestrian connectivity between Earl Shilton, Hinckley and Barwell. There are no boundary amendments proposed for the assessment area.'*
- 8.31. Policy 6 of the Core Strategy supports the use of land within the green wedge for a burial ground which is a similar use to that proposed but does not provide specific support for any associated buildings. To help make an assessment of the impact of the proposal on the green wedge a micro-scale assessment can be undertaken as outlined in the Leicester and Leicestershire Green Wedge Review Joint Methodology. The Methodology allows for micro-scale reviews to enable detailed analysis of smaller areas, and how they function in the context of the wider strategic designation, using the four functions of the green wedge as the evaluation criteria within Policy 6 of the adopted Core Strategy.
- i) Preventing the merging of settlements
- 8.32. The application site is a relatively small part of the assessment area on the edge of the Borough. The site lies to the south east of the A47/Bypass and by virtue of its valley location and relatively low key nature with a majority of the site retained for soft landscaping and existing and proposed screening, the proposed development would not impact to any significant degree on the coalescence of settlements. If implemented, the proposed use has the potential to act as a further constraint to development in the vicinity of the site.

ii) Guiding development Form

8.33. Unlike green belt one of the principles of green wedges is to help guide the form of new developments as urban areas extend. As such it is not a wholly restrictive policy that prevents any development within the green wedge. Due to the 183 metre buffer required between residential properties and a crematorium it is likely that the siting of such a building would need to be located within the countryside whilst being in close proximity to the community which it is to serve. The proposed location provides easy access to all the urban settlements within the Borough.

8.34. There are a number of scattered residential properties and large scale sports facilities within the vicinity of the proposed site so there is already some built development within this location and sightlines. It could therefore be considered that an isolated crematorium building screened by comprehensive landscaping would have limited impact on the rural character of the wider green wedge.

iii) Providing a green lung into urban areas

8.35. Green wedges help provide communities with access to green infrastructure and the countryside beyond. The site is currently enclosed with no public access and therefore does not contribute significantly to this function of the green wedge other than contribution to views. The proposed development would include large areas of soft landscaping and grassland for memorialisation and this would provide biodiversity enrichment of the existing site and enhancement of ecology and wildlife through increasing the biodiversity and range of habitats. As such the proposal would contribute to the positive enhancement of the site in terms of green infrastructure and the green lung function.

iv) Acting as a recreational resource

8.36. The site does not currently act as a recreational resource and is not publically accessible other than remote access (contribution to views). The adopted SADMP identifies cemeteries and churchyards as open space. The primary purpose of this type of open space is for burial of the dead and quiet contemplation but also for the promotion of wildlife conservation and biodiversity. The proposal would include large areas of quiet contemplation within the site and aims to protect and enhance the biodiversity of the area. Policy DM9 of the adopted SADMP relates to natural and semi-natural open spaces and seeks to enhance accessibility and recreational value whilst ensuring that biodiversity and conservation is improved. It is considered that the proposal would provide an additional recreational resource through the creation of a publically available open space.

8.37. The proposal is not a form of development that is supported by Policies 6 or 20 of the adopted Core Strategy. However, the site is relatively well screened with the exception of the north west of the site which is proposed to be significantly improved through comprehensive landscaping. As such the area would remain predominantly verdant in nature and have a positive impact on green infrastructure. From a micro-scale assessment, the proposed crematorium development could be considered to have only a limited impact on the function of the wider green wedge, but would nevertheless be in conflict with Green Wedge protection Policies 6 and 20 of the adopted Core Strategy.

Impact upon highway safety

8.38. Policy DM17 of the adopted SADMP supports development proposals where they:

- a) Seek to make the best use of public transport services;
- b) Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;

- c) Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement:
- d) That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- e) Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

Where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).

All proposals for new development should reflect the most up to date highway design standards adopted by the relevant highway authority.

- 8.39. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.40. Policy 109 of the NPPF (2018) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.41. As a result of consultation, Cycling UK raise concerns regarding the current and future arrangements for cyclists around the site and surrounding network.
- 8.42. A Transport Statement and Road Safety Audit (Stage 1) have been submitted to support the application. The Transport Statement concludes that:
 - the site is well located for this type of development, on the edge of town but with good transport links, including facilities for non-car users
 - additional traffic movements generated by the proposed development could be comfortably accommodated, without significant impact on the safety or capacity of the surrounding transport network and infrastructure
 - due to its off-peak operating times, the proposal will not impact upon existing peak hour traffic flows on the adjacent A47 or local network
 - subject to further detailed design, the site entrance/exit and internal road layout appear feasible and appropriate for the site and its intended use
 - proposed on-site parking provision is ample in terms of the likely vehicle movements forecast
 - the provision of a local crematorium facility for the Borough should reduce overall vehicle miles travelled within the wider area to existing crematoria further afield.
- 8.43. Leicestershire County Council (Highways) assessed the submitted information and raised initial concerns in respect of the position and design of the site access/exit points and adherence to relevant highway design guidance and standards, together with impact on the existing highway layby on the A47/Bypass.
- 8.44. Amended plans have been submitted during the course of the application to address the concerns initially raised and have been reassessed. The Local Highway Authority are now satisfied that the revised site access has addressed the concerns raised, that the internal road layout will work on a one-way system to reduce potential conflict between vehicles within the site and that an appropriate level of parking provision for various vehicles is provided within the layout to serve the proposed development. No objections are raised in respect of highway safety. The Local Highway Authority consider that, subject to a number of highway related

conditions, the cumulative impacts of the development can be mitigated and are not considered severe in accordance with the NPPF (2018).

- 8.45. Recommended highway conditions relate to:
- the prior submission of a scheme for off-site highway works for the provision of a new layby on the A47/Bypass to replace the existing layby through which access to the site is to be taken and for its construction prior to any works that would impact on the use of the existing layby;
 - the provision of the site access and egress as proposed subject to a Stage 2 Road Safety Audit;
 - the provision of parking and turning facilities within the site as proposed; and
 - satisfactory set back from the highway and opening during operational hours of any access/egress security gates
- 8.46. The conditions relating to the site access and egress, parking and turning and site access and egress security gates are reasonable to make the development acceptable in planning terms. However, it is considered that a more satisfactory method by which to secure the replacement layby would be through the completion of an appropriate legal agreement for off-site works. This is being negotiated at the time of writing this report and an update will be reported as a late item to this agenda.
- 8.47. Subject to the conditions and completion of a section 106 planning obligation the proposal would enable the use of sustainable transport modes for access to the site, would not result in any significant adverse impacts on highway safety and would provide adequate parking and turning arrangements within the site to serve the development. Notwithstanding the issue raised by Cycling UK, any amendments to the existing cycle paths and cyclist and pedestrian safety would be considered as part of the overall scheme. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Pollution and residential amenity issues

- 8.48. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that it will not contribute to poor air quality and appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.49. As a result of public consultation, objections have been received on the grounds that the proposal may result in potential long term health implications for nearby residents from furnace emissions from the facility and that the proposal will add additional traffic to the existing noise, light and fume pollution due to usage of the A47, the by-pass and the M69.
- 8.50. A Stack Height Calculation Report, Air Quality Assessment (Emissions), Acoustic Consultancy Report/Noise Data, Phase 2 Site/Ground Investigation Report and Gas Monitoring Assessment have been submitted to support the application.
- 8.51. The Environmental Health (Pollution) team have assessed the submitted information. The submitted Air Quality Impact Assessment and Noise Impact Assessment predict a negligible impact from the operation of the development. The site will be subject to the separate Environmental Permitting regime and an Environmental Permit will be required which will control emissions to the air from the processes. The Air Quality Impact Assessment predicts possible dust impacts during construction works and therefore a condition requiring the submission of a

Construction Environmental Management Plan for prior approval is recommended and would be reasonable to protect amenity.

- 8.52. The Ground Investigation Report found no contaminants of concern in excess of relevant criteria. However, a condition is recommended that in the event of any land contamination being encountered during the site preparation and construction phases that a scheme for its investigation and appropriate remediation shall be submitted for prior approval. Ground gas monitoring has been carried out and concludes that no gas protection measures for the proposed buildings are considered necessary.
- 8.53. Notwithstanding the objection received, by virtue of separation distances and existing and proposed landscaping the proposal would not result in any overlooking of overbearing impacts on any neighbouring dwellings. Subject to the recommended conditions the proposal would not result in any significant adverse impacts on the residential amenity or health of the occupiers of any neighbouring properties and would address any potential land contamination issues. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon archaeology

- 8.54. Policies DM11 and DM13 of the adopted SADMP and Section 16 of the NPPF seek to protect and enhance the historic environment, including archaeology. Where proposals have the potential to impact a site of archaeological interest, full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.
- 8.55. An Archaeological Written Scheme of Investigation and Archaeological Evaluation Report have been submitted to support the application. The report concluded that as no archaeological deposits or finds were present within 24 trenches excavated during the evaluation, that it is unlikely that the proposed development will have an impact upon any archaeological remains.
- 8.56. Leicestershire County Council (Archaeology) has assessed the proposal and submitted archaeological information and confirms that the field work has demonstrated a low archaeological potential, with no significant remains identified. As such the proposal would not result in any significant direct or indirect impacts upon the archaeological interest or setting of any known or potential heritage assets and no further archaeological action is required. The proposal would therefore be in accordance with Policies DM11 and DM13 of the adopted SADMP and Section 16 of the NPPF (2018).

Impact upon ecology

- 8.57. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.58. As a result of public consultation, objections have been received on the grounds that insufficient evidence has been submitted in respect of ecological habitats and biodiversity to be able to properly determine the application.
- 8.59. A Tree Survey Report; Extended Phase 1 Habitat Survey; Botanical Survey/Update; Badger Survey Brief; Reptile Survey, Mitigation and Compensation Report; eDNA Great Crested Newt Report, Habitat Suitability Index Assessment, Record Search and Mitigation Brief and Landscape Management and Maintenance Plan have been submitted to support the application. Following the objection received, a Habitat Suitability Index Assessment, Record Search and Mitigation Brief and further clarification has been submitted to address the issues raised and support the application.

- 8.60. The surveys identified that there are habitats of some ecological value within the site but with targeted recommendations to enhance biodiversity, the development of the site in the manner proposed is likely to increase its ecological value and provide net gains to biodiversity.
- 8.61. A comprehensive landscaping scheme is proposed for the site and is supported by a Landscape Management and Maintenance Plan. It is considered that the substantial planting proposed would enable the proposed development to be satisfactorily integrated into the wider landscape, particularly once it has become established. The proposed provision of native and ornamental species and the creation of a variety of habitats with attenuation ponds, trees, copse and understorey and ground level planting, new hedgerows and retention of species rich grassland would provide a variety of foraging and wildlife habitats and significantly enhance the biodiversity value of the site.
- 8.62. The Tree Survey and impact assessment have been assessed by the Tree Officer who considers that they are accurate reflections of the tree population and the effect that development will have on tree cover. The loss of trees to be removed and in particular G1 Lombardy poplar which is in structurally poor condition, can be mitigated by high quality new planting which will be of high future benefit.
- 8.63. The various submitted ecological surveys and reports have been assessed by Leicestershire County Council (Ecology). Following the submission of the additional information, no objections are raised subject to conditions. These require: the submission of a construction management plan and biodiversity management plan for prior approval providing details on how the retained grassland will be protected during construction and then maintained long-term; a pre-commencement badger survey and, if found necessary, a mitigation strategy for prior approval; and any required vegetation clearance to be completed outside of the bird-breeding season.
- 8.64. Subject to the recommended conditions and the development of the site in accordance with the approved landscaping management and maintenance details, the proposal would result in enhancement of the biodiversity value of the site and would therefore be in accordance with Policy DM6 of the adopted SADMP and the overarching principles of section 15 of the NPPF (2018).

Drainage/Flood risk

- 8.65. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding and that development will not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough.
- 8.66. A Flood Risk Assessment (FRA), Sustainable Surface Water Drainage System (SuDS) details and calculations and Ground Water Audit have been submitted to support the application.
- 8.67. The submitted details have been assessed by Leicestershire County Council (Drainage) as the Lead Local Flood Authority and Environmental Health (Drainage). The submitted details demonstrate that the site is capable of being satisfactorily drained by a sustainable drainage system incorporating attenuation basins within the site layout. Subject to conditions to secure the submission of further drainage details for prior approval, the proposal would not create or exacerbate flooding or adversely affect water quality or the ecological value or drainage function of the existing watercourses. The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

Public right of way

- 8.68. Leicestershire County Council (Public Rights of Way) recommend a number of conditions in respect of a public footpath. However, it lies outside the south boundary of the application site and the proposals would not result in any adverse impacts on the right of way. Therefore, the conditions are not considered to be either reasonable or necessary in this case.

Other material considerations

- 8.69. The proposed development would be in conflict with Policy DM4 of the adopted SADMP and Policies 6 and 20 of the adopted Core Strategy which seek to protect the countryside and designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge.
- 8.70. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 8.71. In this case, a Crematorium Need Assessment, Site Sequential Test and Agricultural Land Classification Assessment have been submitted to support the application.
- 8.72. The Need Assessment provides a quantitative and qualitative need assessment for additional crematorium facilities to serve the area. It assesses drive time catchments of the existing crematoria in neighbouring districts and the proposed facility, the existing population/demand and future population growth/demand projections and the capacity and operation of the existing facilities and satisfaction levels of those using those facilities. The assessment suggests that there is a cogent need for additional crematorium facilities for the following reasons:
- Approximately 32,000 residents are outside the 30 minute drive time catchment of existing crematoria in neighbouring areas and equates to approximately 250 cremations per annum that would be unique to the site
 - When factoring in population growth, the closest facility (Nuneaton) is due to reach capacity within 3.5 years or sooner
 - 51% of the potential catchment of the proposed crematorium is not accounted for by the nearest crematorium
 - Qualitative and quantitative analysis highlights the need for additional facilities to address the scarcity of services at core times (10am to 3pm) and enable appropriate timescales for funerals to take place along with less hurried services.
 - Waiting times of up to 3 weeks for a core service time at the closest facility (Nuneaton) is normal according to local funeral director services and the nearest alternative (South Leicestershire) is beyond the 30 minute drive time. Approximately 90% of funeral directors surveyed supported the need for a new crematorium. The remaining 10% lie further away from the site and have alternative crematoria options.
- 8.73. The submitted Need Assessment refers to an appeal decision relating to a crematorium proposal in Cambourne, Cornwall (reference APP/D0804/A/09/2098108 dated 19 August 2009) in which the Inspector considered that: *'I place significant weight on the needs of the bereaved and*

conclude that the proposed crematorium would result in benefits not only in terms of the times involved in travelling to and from funerals, but also in provision of appropriate timescales for funerals to take place and potentially the experience on site.'

- 8.74. The submitted Sequential Test assessed a number of sites within the Borough for their suitability for additional crematorium facilities. Having regard to site size, location, characteristics and deliverability and the application of strategic, practical and environmental criteria, the report concludes that the application site offers the most potential with the least detriment and provides the most sustainable option of all sites assessed. This site is within close proximity to the four urban settlements within the Borough whilst also being far enough away from any neighbouring dwellings to meet the necessary separation distance requirements within the Siting and Planning of Crematoria guidelines (1978).
- 8.75. The submitted Agricultural Land Classification Assessment suggests that following both site and desk top review the site has been classified as Grade 3b based on the most limiting factor (wetness). This classification relates to agricultural land of only moderate quality and therefore the proposal would not have any adverse impacts on the best and most versatile agricultural land within the Borough.
- 8.76. By virtue of the proposed layout, scale and design and the comprehensive soft landscaping scheme and future landscape management and maintenance plan, the proposal is considered to result in limited adverse impacts on the character and verdant appearance of the countryside and the function of the designated Green Wedge in this case, particularly once the planting has become established.
- 8.77. Support for a more flexible approach to the consideration of crematorium development in designated areas can be found in paragraph 145 of the NPPF (2108). In referring to proposals affecting the more restricted designation Green Belt land, paragraph 145 of the NPPF (2018) states that: *'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.'* However exceptions to this, include: *'b) the provision of appropriate facilities for cemeteries and burial grounds as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.*
- 8.78. The micro-scale assessment of the Green Wedge suggests that the openness would be preserved and that the proposed change of land use for a crematorium and associated facilities would not conflict to a significant degree with the function of the Green Wedge in this case. By virtue of the comprehensive landscaping scheme including the varied habitat protection and provision measures, the proposal would significantly enhance the biodiversity of the site and provide public access where non currently exists. The provision of a more local facility in close proximity to the four urban centres of the Borough would reduce the need to travel to existing facilities further afield. The proposal would therefore result in a public benefit and contribute to the environmental objective of sustainable development.
- 8.79. The provision of a new accessible crematorium facility with open space to serve the local community would result in a public benefit and contribute to the social objective of sustainable development.
- 8.80. The provision of the facility would result in benefits to the local economy through the construction of the development and its long term future operation and therefore contribute to the economic objective of sustainable development.
- 8.81. The Needs Assessment demonstrates that there is a need for a new facility in the local area. The nature of the facility and separation distance requirements are likely to result in a rural location rather than an urban location and the site is located in

close proximity to the four main urban settlements of the Borough. The proposal would result in significant public benefits and contribute to the environmental, social and economic objectives of sustainable development as outlined in paragraph 8 of the NPPF (2018). It is considered that the need for the facility, its functional requirements and the significant public benefits identified would outweigh any adverse visual impacts on the countryside or the function of the Green Wedge in this case.

9. Equality Implications

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposed development for a crematorium and associated facilities is not a form of development that is supported by either Policy DM4 of the adopted SADMP or Policies 6 or 20 of the adopted Core Strategy that seek to protect the countryside and designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. However, Policy DM25 of the adopted SADMP supports the provision of sustainable and accessible community facilities.

10.2. It is recognised that by virtue of their nature and separation distance requirements that such facilities are likely to require a rural location. In addition, the more recently published NPPF (2018) provides more flexibility for the consideration of new buildings in associated with cemeteries and burial grounds in the countryside and designated protection areas subject to their openness and function being preserved.

10.3. The application is supported by evidence that there is a cogent need for an additional crematorium facility in the area and that the site, being located close to, and between, the four urban areas with easy access by sustainable transport modes is a sequentially preferable site. Any adverse impacts on the rural character and appearance of the wider landscape and function of the designated Green Wedge would be limited by the comprehensive landscaping scheme and biodiversity enhancements proposed.

- 10.4. Subject to conditions, the proposal would not result in any significant adverse impacts on highway safety, residential amenity, pollution, archaeology, ecology or surface water drainage.
- 10.5. The proposal would contribute to the environmental, social and economic objectives of sustainable development identified in paragraph 8 of the NPPF (2018) and it is considered that any adverse impacts on the countryside or Green Wedge would be outweighed by the need for the facility and significant public benefits of the scheme in this case. Accordingly the proposal is considered to be a sustainable development and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a legal agreement to secure the following obligations:
 - the provision of a replacement layby
- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

Site Location Plan Drawing No. CDS_HAB_CRM_01 Rev 01

Site Layout Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 1 of 5)

Highways Overview Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 2 of 5)

Highways Entrance and Exit Detail Plan Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 5 of 5)

Coach and Car Swept Path Analysis Plan Drawing No. CDS_HAB_CRM_52 Rev 00

Landscape Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 3 of 5)

Planting Schedules Drawing No. CDS_HAB_CRM_11 Rev 04

Drainage Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 4 of 5)

Utilities Plan Drawing No. CDS_HAB_CRM_09 Rev 00

Ground Floor Plan Drawing No. 02-03-000 Rev C

Building Elevation A-A Drawing No. 02-05-001 Rev D

Building Elevation B-B Drawing No. 02-05-002 Rev D

Building Elevation C-C Drawing No. 02-05-003 Rev D

Building Elevation D-D Drawing No. 02-05-004 Rev D

Building Elevation E-E Drawing No. 02-05-005 Rev A

Building Elevation F-F Drawing No. 02-05-006 Rev A

Building Elevation G-G Drawing No. 02-05-007 Rev B

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No site preparation or development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, any impact on existing residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the residential amenity of neighbouring occupiers and to minimise potential sources of pollution in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No site preparation or development shall commence until a Construction Management Plan and Biodiversity Management Plan providing details of how the retained grassland will be protected during construction and then maintained long-term, shall be submitted to and approved in writing by the local planning authority and the development shall then be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 15 of the National Planning Policy Framework (2016).

5. No site preparation or development shall commence until a pre-commencement badger survey, including a badger mitigation strategy if found to be required, have been submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 15 of the National Planning Policy Framework (2016).

6. Site preparation and construction works shall be limited to the following hours: Mondays - Fridays inclusive: 07:30 - 18:00; Saturdays 08:00 - 13:00 and no working on Sundays and/or Bank Holidays.

Reason: To protect the residential amenity of neighbouring occupiers and to minimise potential sources of pollution in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence on site until a scheme to provide a sustainable surface water drainage system in accordance with the submitted Flood Risk Assessment (December 2018 D1.0) and surface water drainage strategy has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on site until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until a scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to first use of the development hereby permitted, full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

Reason: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable surface water drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to first use of the development hereby permitted the proposed site access and exit, shall be in general accordance with Highways Overview Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 2 of 5) and Highways Entrance and Exit Detail Plan Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 5 of 5) and shall include revisions as recommended by a Stage 2 Road Safety Audit and in accordance with engineering details which have first been submitted to, and approved in writing by, the local planning authority. Such details are to include construction, signing, surface, water drainage and street lighting details and thereafter shall be implemented in accordance with the approved details and be completed prior to the first use of any part of the development.

Reason: To ensure that vehicles enter and leave the site in a controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to first use of the development hereby permitted the parking and turning facilities shall be implemented and completed in accordance with the details submitted on Highways Overview Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 2 of 5) and Highways Entrance and Exit Detail Plan Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 5 of 5) and once so provided shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the first use of the development hereby permitted full details of the proposed access and exit road security gates and any site boundary walls and/or fencing shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such at all times thereafter.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The materials to be used on the external elevations of the crematorium buildings hereby permitted shall be in accordance with the details submitted on the approved Elevations Drawing Nos Building Elevation A-A Drawing No. 02-05-001 Rev D; Building Elevation B-B Drawing No. 02-05-002 Rev D; Building Elevation C-C Drawing No. 02-05-003 Rev D; Building Elevation D-D Drawing No. 02-05-004 Rev D; Building Elevation E-E Drawing No. 02-05-005

Rev A; Building Elevation F-F Drawing No. 02-05-006 Rev A; Building Elevation G-G Drawing No. 02-05-007 Rev B and Building Elevation H-H Drawing No. 02-05-008 Rev B received by the local planning authority on 20 August 2018.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. The development shall be carried out in accordance with the details submitted on approved Landscape Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 3 of 5) and Planting Schedules Drawing No. CDS_HAB_CRM_11 Rev 04. The soft landscaping scheme shall be carried out during the first appropriate planting season following the date when the crematorium hereby permitted is first ready for use and shall thereafter be managed and maintained in accordance with the approved Landscape Management and Maintenance Plan (August 2018) at all times thereafter.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained and to conserve and enhance features of nature conservation and visual amenity within the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary and shall be open at all times when the crematorium building is in use.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a section 278 agreement. It is strongly recommended that contact is made at the earliest opportunity to allow time for the process to be completed to specify the new works and enable road space booking (to enable coordination of physical works on the highway) before works can start. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information

please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. In relation to Condition 7, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

5. In relation to Condition 8, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. In relation to Condition 11, details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system.
7. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
8. In relation to Condition 10, advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
9. The applicant/developers attention is drawn to the consultation response from National Grid/Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: plantprotection@cadentgas.com Telephone: (0)800 688588.