

Planning Committee 19 October 2021  
Report of the Planning Manager

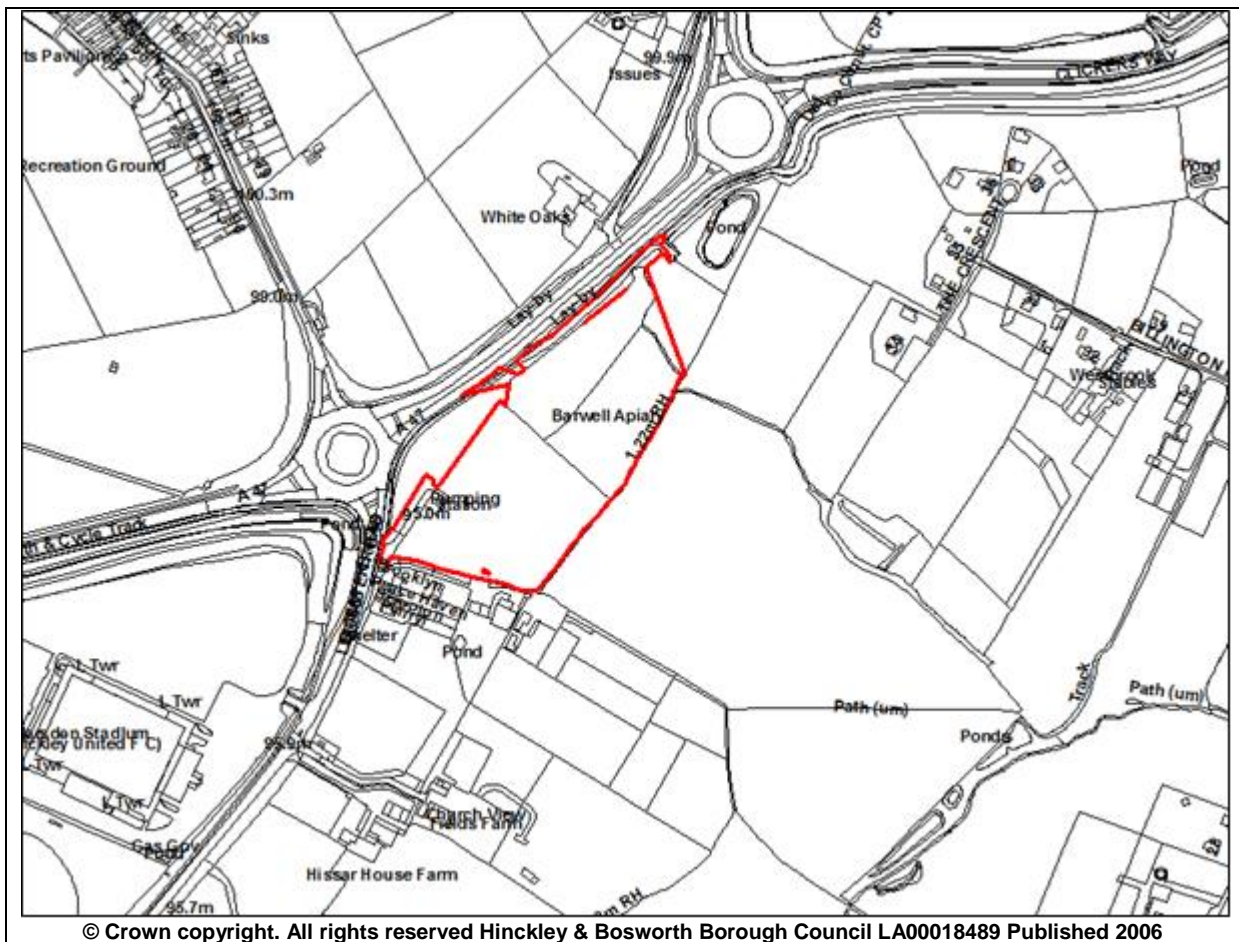
Planning Ref: 21/00169/CONDIT  
Applicant: Mr Daniel Shooter  
Ward: Barwell



Hinckley & Bosworth  
Borough Council

Site: Land East Of Leicester Road Barwell

**Proposal: Variation of conditions 2 (plans) of planning permissions 18/00751/DEEM to amend internal road layout, attenuation pond design, increased service yard and plant room, increased administration building and elevation changes to the ceremonial hall**



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**1. Recommendations**

**1.1. Grant planning permission subject to**

- Planning conditions outlined at the end of this report.

**1.2. That the Development Manager be given powers to determine the final detail of planning conditions.**

**2. Planning application description**

**2.1. This application is made by the Borough Council to vary application 18/00751/DEEM which was made 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 variation of conditions is to amend internal road/pathway layout, attenuation pond design, increased service yard and plant room, increased administration building and elevation changes to the ceremonial hall.

### **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
- 3.3. Site clearance and ground works have commenced, including the creation of the access and internal roads and parking area and digging out of the water retention ponds on site, in connection with approval 18/00751/DEEM. All of the pre-commencement conditions have been discharged.

### **4. Relevant planning history**

#### **94/00104/FUL**

- Crematorium and associated car parking and access  
Permission  
11.04.1994

#### **18/00751/DEEM**

- Erection of crematorium building and formation of associated memorial gardens, roadways, car parking, footpaths and landscaping.  
Deemed consent  
18.04.2019

#### **90/00641/4D**

- New crematorium (Outline)  
Permission  
31.07.1990

#### **90/00926/4D**

- Crematorium and associated works  
Permission  
25.09.1990

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No comments were received as a result of publicity.

## **6. Consultation**

- 6.1. No objection some subject to conditions from the following:
- LCC Ecology
  - LCC Highways
  - LCC Drainage

- 6.2. No response was received from Barwell Parish 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) (2021)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Green Wedge Review (2020)
  - 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

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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 The principle of development for the erection of a crematorium is established through the granting of planning permission 18/00751/DEEM which has been implemented. However, in accordance with paragraph 135 of the NPPF "Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme". Therefore, careful consideration should be given to the design changes proposed.
- Design and impact upon the character of the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 8.5 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. 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 development has been found to be sustainable by the granting of planning permission. Therefore, it is only for this application to consider whether the amendments to the scheme remain acceptable in this rural location, some conflict with Policy DM4 was previously found due to the impact upon the site's verdant, undeveloped character.
- 8.6 In addition to the above, the site falls 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. The original application made an assessment of the impacts of the development upon the functions of the Green Wedge. It was found that the proposal would retain a predominantly verdant nature and have a positive impact on green infrastructure; it was also considered to have only a limited impact on the function of the wider green wedge, but would nevertheless have some conflict with Green Wedge protection Policies 6 and 20 of the adopted Core Strategy. However, the need for the development and the need to

be located away from residential development was given weight in the determination of the application is this Green Wedge location.

- 8.7 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.
- 8.8 The Design and Access Statement submitted to support the original application suggested that the buildings have been designed to be long and low (with the exception of the required chimney stack) 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 variation of condition sees an increase in the footprint of the plant and service yard and administration building, but there is no increase in overall height.
- 8.9 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. This is unchanged in this variation application.
- 8.10 The assessment of landscape and visual impacts made at the time of the original application concluded that impacts would be low and not significant, as the proposed scheme was not considered to affect the landscape character in the broader spatial context.
- 8.11 It was previously considered that the buildings would initially be visible from the public highway, in particular from higher ground at the roundabout to the north of the site and 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.
- 8.12 However, it was felt that due to the site being 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, 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. The minor changes to the building are not considered to alter this assessment that would have a material impact upon the recommendations made.
- 8.13 The changes to the footpath arrangements are considered to have very limited impact upon the landscape and overall character of the proposed development. There are also changes to the attenuation pond design, which sees the shape of these changed, although the general location remains as previously approved. These changes accord with the details approved by discharge of condition. The layout changes also sees the retention of existing ditches through the site; however, this does not impact upon the approved drainage strategy as these ditches outflow to an existing field ditch to the southern boundary. Whilst it is a change from the approved landscape strategy it would have very minor impact upon the overall visual amenity of the site. However, the final landscape details will require

agreement which can be secured via condition. The retention of the ditches is appropriate in the rural area and with appropriate landscaping as proposed could form an attractive feature within the site. The site remains open and largely verdant other than pathways and contemplation areas, which are considered appropriate uses in this type of landscape.

- 8.14 The crematorium building design and appearance was found to reflect its proposed use/function. The proposed use of a variety of natural materials including stone, timber, metal and glazing was previously considered acceptable. The amended plans proposed minor changes to the materials proposed, including the use of grey windows rather than bronze and a Forticrete imitation stone rather than the previously specified Portland stone. The changes to the size of the service and plant yard, administration building and the minor elevation changes are minor and do not alter the overall character or function of the building already approved.
- 8.15 Overall it is considered 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.

Pollution and Impact upon neighbouring residential amenity

- 8.16 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.
- 8.17 The initial application was supported by a Stack Height Calculation Report, Air Quality Assessment (Emissions), Acoustic Consultancy Report/Noise Data, Phase 2 Site/Ground Investigation Report and Gas Monitoring Assessment. The Environmental Health (Pollution) team assessed the submitted information and found the development to be acceptable subject to conditions with negligible impact from the operation of the development found. The Ground Investigation Report found no contaminants of concern in excess of relevant criteria.
- 8.18 Therefore the changes to the site layout including retention of ditches and pond design, footpath alignments and the introduction of a mini roundabout and the changes to the building elevations and footprint have limited impact upon the above considerations.
- 8.19 The site will still 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 necessary conditions relating to noise/dust/ ground contamination etc. are still relevant and will still be applied to this varied permission.
- 8.20 By virtue of separation distances and existing and proposed landscaping the proposal would not result in any overlooking or 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 highway safety

- 8.21 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the

development proposed. Paragraph 111 of the NPPF 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.

- 8.22 The proposed access has already received consent subject to condition, however, the variation of condition application includes changes to the internal road layout arrangement of the carpark by introducing a mini-roundabout south of the access at the entrance to the parking area. There was some initial concern from the LHA that this could lead to 'backing up' at the access and on to the A47. Therefore this internal arrangement was amended by moving the feature further in to the site, to avoid this from taking place, removing the LHA concern.
- 8.23 All other impacts with regards to access, parking and trip generation remain unchanged from the permission already granted.
- 8.24 The plans referred to by condition are those approved previously as the access arrangements in to the site are not altered. Only the layout within the site has changed and so these access plans are still relevant.
- 8.25 Overall, the proposal does not have a significant adverse impact upon highway safety with adequate mitigation, the submitted Travel Plan satisfies the need to encourage sustainable transport and parking is provided in accordance with guidance, therefore the proposal is in accordance with the requirements of Policy DM17 and DM18 of the SADMP.

#### Drainage and Flood Risk

- 8.26 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.
- 8.27 The layout of the attenuation basins is proposed to be amended, along with the retention of existing drainage ditches on site. The retention of the ditches does not impact upon the approved drainage strategy as the outfall is to a field boundary ditch rather than the attenuation features. The change in design to the drainage ponds accords with the approved drainage strategy via conditions of application 1818/00751/DEEM.
- 8.28 The submitted details have been assessed by Leicestershire County Council (Drainage) as the Lead Local Flood Authority. 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. It is not considered that the proposal would create or exacerbate flooding or adversely affect water quality or the ecological value or drainage function of the existing watercourses.
- 8.29 The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

#### Ecology

- 8.30 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.31 The previous approval was supported by all of the relevant ecology surveys. As a result of this appropriate conditions were attached to the permission including a biodiversity management plan. Overall, the amendments to the scheme are minor,

however due to layout changes within the footpath area, an updated management plan will be required to ensure that the correct replacement grasslands are used in this amended location. All other relevant conditions will be carried forward to this permission.

- 8.32 Therefore, the proposals would not result in any adverse impacts upon protected species and therefore the application is in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016).

## **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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 principle of development has already been established and the development implemented on site (pre-commencement conditions have also been discharged). Therefore, the principle of the scheme is acceptable.
- 10.2. The proposed alterations to the attenuation basins, footpaths, parking area (mini roundabout) and elevations do not have any significant adverse impacts upon the character of the area, ecology, drainage, pollution or highway safety.
- 10.3. The proposal would contribute to the environmental, social and economic objectives of sustainable development identified in paragraph 8 of the NPPF (2021) and it has previously been found 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. The changes to the proposal do not alter this planning balance. 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

- 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 **Conditions and Reasons**

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

Site Location Plan - Drg No. 18016-02-91-004 received 08<sup>th</sup> February 2021  
Site Plan Drg No 18016-02-02-001G received 23<sup>rd</sup> August 2021  
Masterplan Drg No 02-01-001 Rev G received 23<sup>rd</sup> August 2021  
Site Section AA - Drg No. 18016-02-04-001B received 08<sup>th</sup> February 2021  
Site Section BB - Drg No. 18016-02-04-002B received 08<sup>th</sup> February 2021  
BuildSection AA - Drg No. 18016-02-04-010C received 08<sup>th</sup> February 2021  
Elevation AA - Drg No. 18016-02-05-001E received 08<sup>th</sup> February 2021  
Elevation BB - Drg No. 18016-02-05-002E received 08<sup>th</sup> February 2021  
Elevation CC - Drg No. 18016-02-05-003F received 08<sup>th</sup> February 2021  
Elevation DD - Drg No. 18016-02-05-004F received 08<sup>th</sup> February 2021  
Elevation EE - Drg No. 18016-02-05-005B received 08<sup>th</sup> February 2021  
Elevation FF - Drg No. 18016-02-05-006B received 08<sup>th</sup> February 2021  
Elevation GG - Drg No. 18016-02-05-007C received 08<sup>th</sup> February 2021  
Elevation HH - Drg No. 18016-02-05-008D received 08<sup>th</sup> February 2021  
Roof Plan - Drg No. 18016-02-03-001C received 08<sup>th</sup> February 2021  
Ground Floor Plan Drg No 02-03-000F received 08<sup>th</sup> February 2021  
  
Ditch Diversion Layout Drg no. 075265 CUR 00 ZZ DR C 92601 P01 16<sup>th</sup> March 2021

**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).

2. The development shall be carried out in accordance with the Construction Environmental Management Plan Rev 3 and SHEMS-FOR-CON-008 Environmental Management Plan (EMP) Hinckley - Rev 2 as agreed by the Council on the 28<sup>th</sup> January 2021 under reference 20/01331/DISCON.

**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).

3. Within 12 months of this permission an update to the Biodiversity Management Plan agreed by the Council on the 04<sup>th</sup> June 2020 under application 20/00222/DISCON, shall be submitted to the Council for agreement. The development shall then be maintained in accordance with the agreed 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).

4. The development shall be carried out in accordance with the updated Badger Walkover received by the Council on the 28<sup>th</sup> February 2020 and agreed on the 04<sup>th</sup> June 2020 under reference 20/00222/DISCON.

**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. 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 Public 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).

6. The development shall be carried out in accordance with the drainage details received on the 28<sup>th</sup> February 2020 and agreed by the Council 04<sup>th</sup> June 2020 under reference 20/00222/DISCON;

SHE-0082-3000-1000-3000 Windes 11  
SHE-0082-3000-1000-3000 HydraulicData  
SHE-0082-3000-1000-3000 Causeway\_Flow\_ Data  
SHE-0082-3000-1000-3000\_Micro Drainage Data  
Technical Specification Dwg no. SHE-0082-3000-1000-3000  
Hydro brake Design Drawing Dwg no. SHE-0082-3000-1000-3000  
Drainage Constructions Details Sheet 3 Dwg no HCM-BWB-DDG-XX-DR-C-0561 (S4-P1) Rev P1  
Drainage Constructions Details Sheet 2 Dwg no HCM-BWB-DDG-XX-DR-C-0561 (S4-P1)  
Drainage Constructions Details Sheet 1 Dwg no HCM-BWB-DDG-XX-DR-C-0560 (S4-P1)  
Surface Water DB2 Network Details & Critical Storms  
Surface Water DB1P5 Network Details & Critical Storms  
Flood Routing Plan Dwg No. HCM-BWB-DDG-XXX-DR-C-0540 Rev P1  
Drainage Strategy Dwg No. HCM-BWB-DDG-CC-DR-C-0500

The scheme shall be implemented in accordance with the agreed 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).

7. During construction the management of surface water shall accord with the Drainage Construction Management Plan Technical Note. Received 28 February 2020 and agreed 04<sup>th</sup> June 2020 under reference 20/00222/DISCON. The scheme shall 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).

8. The development shall be carried out in accordance with the existing and proposed ground levels and proposed finished floor level details agreed by

the Council on 28<sup>th</sup> January 2021 under reference 20/01331/DISCON as follows;

Received 15 December 2020

Drg no 02-04-001 Rev B

Drg no 02-04-002 Rev B

Received 6 January 2021

18016-BMA-SW-00-DR-GA-A-002 C1 Proposed Levels

18016-BMA-SW-00-DR-GA-A-001 (2) Existing Levels

**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).

9. 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).

10. The sustainable surface water drainage system within the development shall be maintained at all times in accordance with the SuDS Operation & Maintenance Guidance Manual Dwg No. HCM-BWB-DDG-RP-EN-D-0500 and Maintenance Responsibility Details agreed by the Council on the 04<sup>th</sup> June 2020 under reference 20/00222/DISCON.

**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).

11. 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).

12. 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).

13. 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).

14. 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 Elevation AA - Drg No. 18016-02-05-001E; Elevation BB - Drg No. 18016-02-05-002E; Elevation CC- Drg No. 18016-02-05-003F; Elevation DD - Drg No. 18016-02-05-004F; Elevation EE - Drg No. 18016-02-05-005B; Elevation FF - Drg No. 18016-02-05-006B; Elevation GG - Drg No. 18016-02-05-007C; Elevation HH - Drg No. 18016-02-05-008D received by the local planning authority on 08<sup>th</sup> February 2021.

**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. Within 6 months of this permission a soft Landscape Plan, Planting Schedules Drawing and Landscape Management and Maintenance Plan shall be submitted to the council for agreement. The soft landscaping scheme shall then 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 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).

16. 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).

17. The external lighting system to serve the building and wider site shall be carried out in accordance with Lighting Plan Drg No 2001052DNM agreed by the Council on the 12<sup>th</sup> April 2021 under reference 21/00057/DISCON. The lighting shall be completed prior to first use of the site and once provided shall be permanently so maintained at all times thereafter.

#### 11.4 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](mailto: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](http://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. 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>
5. 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](mailto:plantprotection@cadentgas.com) Telephone: (0)800 688588.