

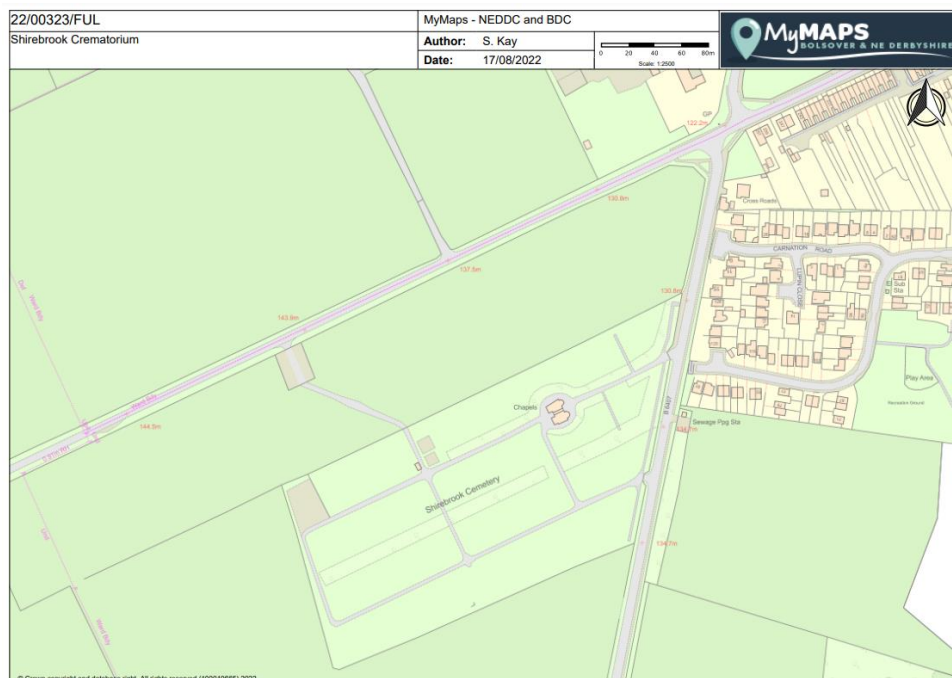
PARISH

Shirebrook Parish

APPLICATION	Proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping
LOCATION	Land adjacent Shirebrook Cemetery, Common Lane, Shirebrook
APPLICANT	Mrs Natalie Etches (Bolsover DC), The Arc, High Street, Clowne, Chesterfield, S43 4JY
APPLICATION NO.	22/00323/FUL
CASE OFFICER	Mrs Sarah Kay
DATE RECEIVED	24th June 2022

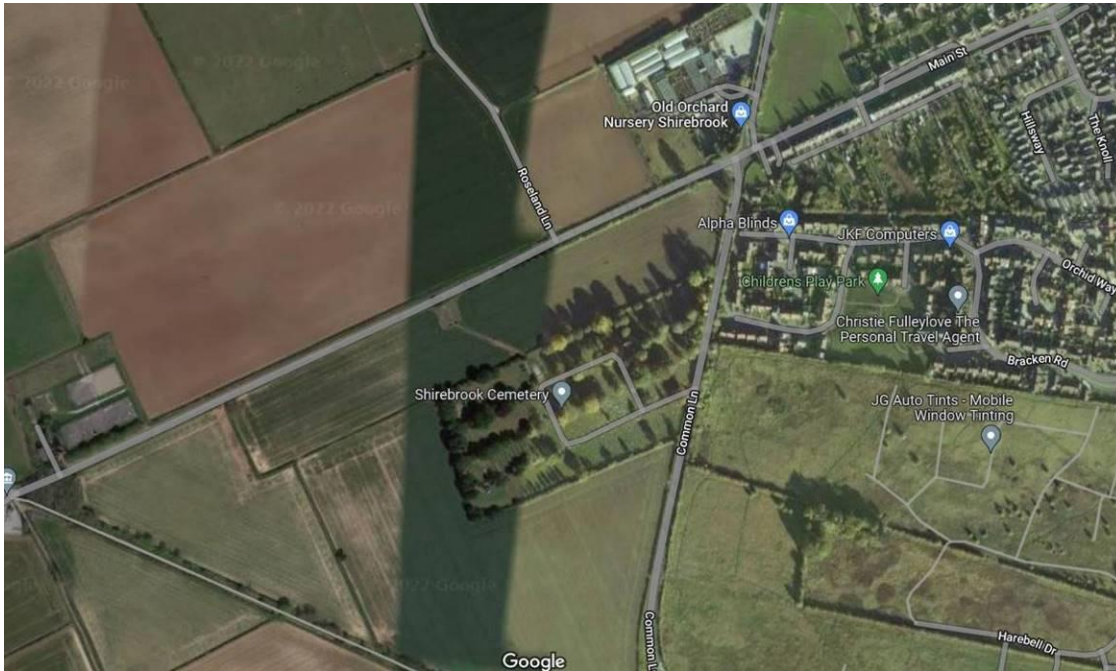
SUMMARY

Planning permission is sought in full for a proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping. The application site is located in open countryside, but adjacent to the development envelope of Shirebrook. The proposal is acceptable in policy terms having a limited impact on the character of the countryside, residential amenity and the surrounding highway network. The proposal is an acceptable and sustainable form of development in line with paragraph 7 – 11 of the National Planning Policy Framework (NPPF). The report demonstrates that there are no material planning considerations that would outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to residential areas, the highway network, ecological or arboricultural networks, or the wider character of the area. The application is recommended for approval and so is being referred to Planning Committee as it is a development proposal for Bolsover District Council.

Site Location Plan

SITE & SURROUNDINGS

The application site lies to the west of Shirebrook and measures approx. 3.27ha in area. It is located south of the B6407 and north of Shirebrook Town Council's Cemetery (Common Lane).



The site currently comprises of agricultural land (arable) and the small ancillary cemetery car park, which has an access off the B6407.

Levels across the site slope from west to east, and the site is bound by established hedgerow and mature trees to all aspects except where the arable field currently extends beyond the extent of the application site boundary and is therefore open to the west.



View east towards Common Lane



View north west towards car park / B6407

There are no formal Public Rights of Way (PROWs) within the site or its vicinity, although a trodden pedestrian route exists between the car park and the adjacent cemetery (seen in the photographs taken above). The application site is not within Green Belt. The site is within a

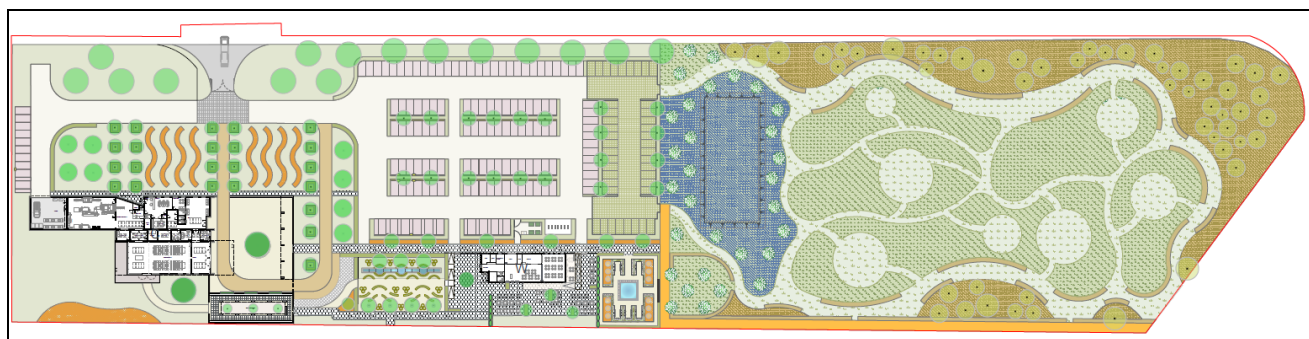
Coal Authority 'Low Risk Coalfield Area'. The site lies within Flood Zone 1 (land least likely to flood). The site is not within or close to a Conservation Area and there are no Listed Buildings within the site or affected by the proposed development.

BACKGROUND

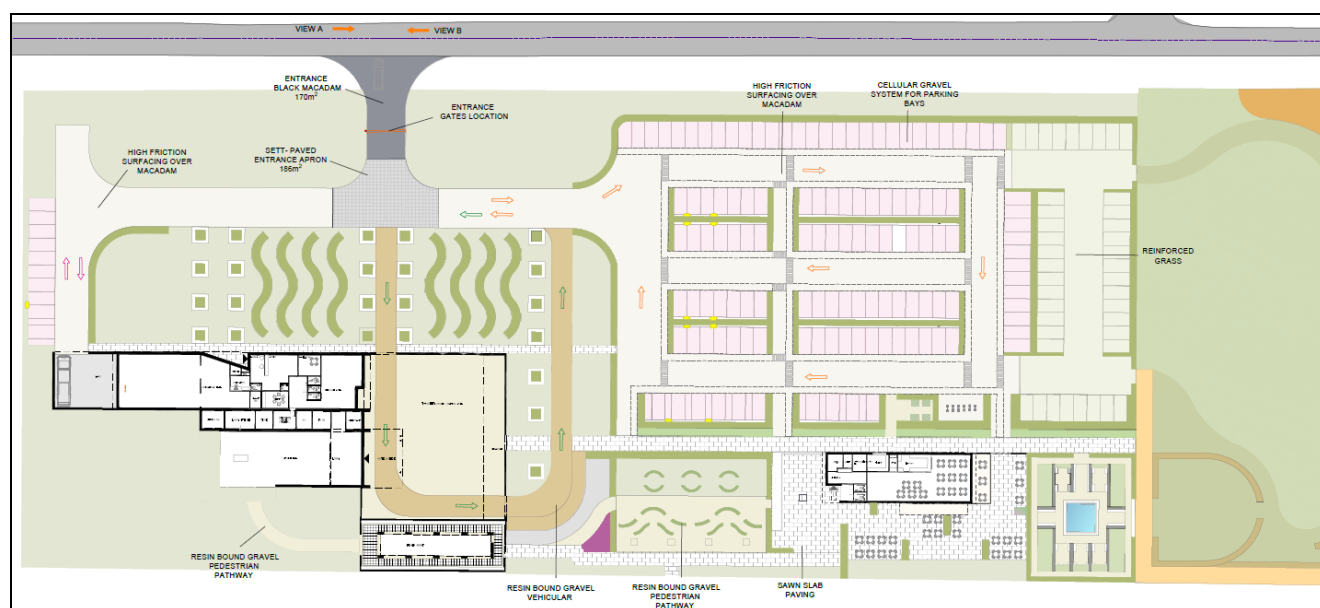
The application submission follows a public consultation exercise undertaken by the applicant, as detailed in the accompanying Statement of Community Involvement. This was also tracked alongside pre-application discussions held with the Local Planning Authority which resulted in informal pre-application advice being offered prior to the application submission.

PROPOSAL

This is a full application for the development of a new crematorium, which includes alongside the primary crematorium building, the erection of a detached wake facility, memorial garden, car park and wider elements of site landscaping.



Proposed Site Layout



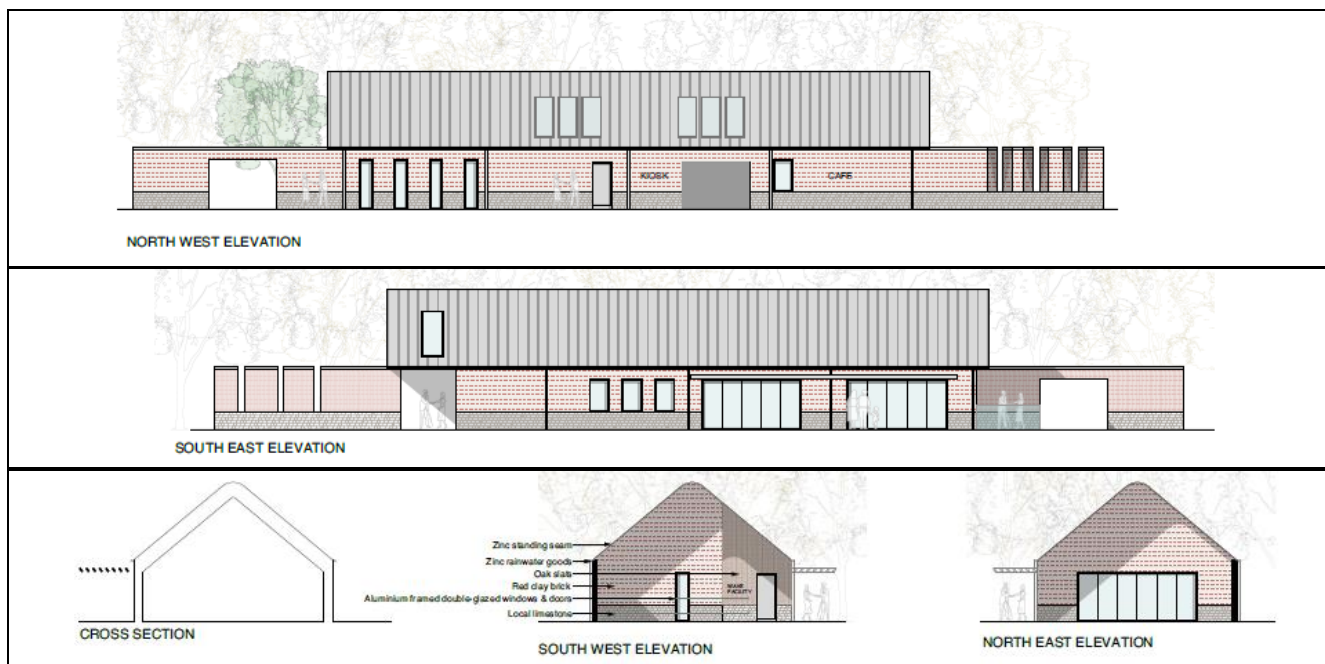
Proposed Block Plan

The development proposals are laid out across ground floor level, with the general scale of

development single storey in nature. The two buildings (the crematorium building and the wake facility) are of a contemporary architectural style, incorporating low eaves and steeper pitched roofs which give the development a more imposing appearance in the landscape. The buildings are to be finished predominantly of red brick with a zinc panel roof, but features of glazing, limestone and oak panelling are also incorporated.



Proposed Crematorium Building



Proposed Wake Facility

The development will be served via a new formed site access to the B6407 (situated in approx. the same location as the current cemetery car park access) and pedestrian / cycle access will be linked back to Common Lane via the cemetery and newly laid footpath link.

The proposals include the following components:

- Chapel (seating up to 120 people with space for 40 people standing in the lobby area);
- Crematory Hall (inc. 1 electric cremator with space for 2);
- Viewing Room;
- Funeral Director, Celebrant, AV and Family Room;
- Wake Facility;
- Welcome Area (with designated family room);
- WC facilities;
- Staff Office and Staff Room;
- Service Yard;
- Tranquillity Garden and Porte Cochere;
- Flower Court;
- Car Park (with a total of 168 spaces (117 regular, 10 disabled and 41 overflow);
- Memorial Garden;
- Parkland (inc ash scattering);
- Access Road; and
- Detailed Landscaping

The application indicates that the site will be open / operational as follows:

Opening = Monday- Friday (9:30-16:00) / Saturday (9:30-14:00)

Operational = Monday – Friday (7:00-19:00) / Saturday (7:00-17:00)

The application is accompanied by the following plans / supporting documents:

Plans

- Location Plan – Drawing No. D200020-CDS-EX-ZZ-DR-Y-002-000 Rev 01
- Existing Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0001
- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Utilities Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-003
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)
- Boundary Treatment Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-006
- Street Furniture Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-007
- Drainage Layout – Drawing No. 203810-SWH-ZZ-XX-DR-D-0500 (Rev P02)
- Crematorium GA Floor Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0030
- Crematorium GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0032
- Crematorium GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0040
- Wake GA Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0050

- Wake GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0051
- Wake GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0060
- Soft Landscaping
 - Trees and Native Hedgerows Plan 1 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-020
 - Front and Rear of Building Plan 2 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-021
 - Car Park and Adj Borders Plan 3 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-022
 - Tranquillity Garden, Wake Facility and Memorial Garden Plan 4 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-023
 - Bulb Planting 1 of 2 Plan 5 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-024
 - Bulb Planting 2 of 2 Plan 6 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-025
- Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028
- Hard Landscaping Materials Schedule dated May 2022
- Topographical Survey – 22558Y Drawing No. 01
- Vehicle Tracking Plans (Car, Harse, 3 Axle Refuse Vehicle)

Supporting Documents

- Air Quality Assessment prepared by DM Ltd dated 03 May 2022
- Alternative Site Assessment Report prepared by The CDS Group dated April 2022
- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022
- Archaeological Written Scheme of Investigation V2 prepared by Oxford Archaeology dated May 2022
- Archaeological Geophysical Survey Report by Magnitude Surveys dated May 2022
- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- Ecological Appraisal V2 prepared by RPS Group dated 26 May 2022
- Biodiversity Net Gain Assessment V1 prepared by RPS Group dated 01 June 2022
- Energy and Sustainability Statement prepared by ESP dated 27 May 2022
- External Lighting Strategy prepared by ESP dated 10 June 2022
- Flood Risk Assessment prepared by Scott White and Hookins LLP dated May 2022 (Rev 01)
- Landscape and Visual Impact Assessment prepared by The CDS Group dated May 2022 (Rev 01 – June 2022)
- Noise Impact Assessment prepared by Cass Allen dated 26 May 2022
- Odour Assessment prepared by Air Quality Consultants Ltd dated May 2022
- Phase II Geoenvironmental and Geotechnical Report prepared by The CDS Group dated 15 February 2022
- Planning and Need Assessment Report prepared by The CDS Group dated May 2022
- Preliminary Assessment of Land Contamination prepared by The CDS Group dated 20 December 2021
- Preliminary Unexploded Ordnance Risk Assessment prepared by MACC International Ltd dated 17 December 2021
- Statement of Community Involvement prepared by The CDS Group dated May 2022
- Supporting Planning Policy Statement prepared by The CDS Group dated May 2022
- Transport Statement prepared by Alpha Consultants dated May 2022

- Tree Survey Report prepared by RGS Arboricultural Consultants dated May 2022

AMENDMENTS

Additional information in connection to archaeology received 25/07/2022 in response to consultee comment from DCC Archaeology:

- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022

Package of amended plans received 02/08/2022 in response to consultee comment from Local Highways Authority (DCC):

- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)

Email from Agent 12/08/2022 confirming proposed opening hours vs operating hours.

Email from Agent 24/08/2022 confirming seed mix for proposed landscaping.

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

HISTORY

97/00077/FUL	Granted Conditionally	Creation of vehicular access road between approved car park and the cemetery
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CONSULTATIONS

BDC Engineers – 15/07/2022

No objections raised in principle to the development proposals, subject to the SuDS design being acceptable to the LLFA and agreement to a lifetime management and maintenance plan. No public sewers are recorded to cross the site, however, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but

may cross the site of the proposed works. All drainage will need to comply with Part H of the Building Regulations 2010, and it is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

BDC Environmental Health – 08/07/2022

No objections in principle to the proposed development (having reviewed the air quality and contaminated land assessments accompanying the application). The noise report submitted makes recommendations in table 2 regarding maximum plant noise levels, and I suggest a condition is included in any permission requiring the applicant to demonstrate, to the satisfaction of the LPA, that the quoted levels can be achieved and maintained. The facility will also require an Environmental Permit to operate, and the applicant is advised to contact the EH Permitting team at the earliest opportunity.

BDC Planning Policy – 12/09/2022

From an assessment of this proposal, it is considered that the proposal does not fully comply with policy SS9: Development in the Countryside but that it accords with the Local Plan's Spatial Strategy, provided that the proposals would respect the form, scale and character of the landscape and have no significant negative implications for the area.

Coal Authority

Standing Advice applies.

DCC Archaeology – 07/07/2022 and 27/07/2022

Initial response received advised that whilst the results of a geophysical survey and a Written Scheme of Investigation (WSI) for field evaluation had been provided with the application submission, further fieldwork evaluation was required prior to the application being determined.

An Evaluation Report was subsequently provided which concluded that whilst the geophysical survey showed features which were consistent with a field system of early date, when evaluated by trial trenches, the majority of features were not identified, suggesting that the geophysics may have picked up fissuring within the limestone bedrock. A single very shallow gully was excavated, this producing neither finds nor evidence of palaeo-environmental potential. It was confirmed that although the undated gully probably does relate to early activity, its level of truncation and the absence of further features or potential for scientific dating severely limits the potential of the site to contribute to regional research topics. DCC Archaeology therefore concluded on balance that there should not be any further archaeological work under the site under the policies at NPPF Chapter 16.

DCC Flood Risk (LLFA) – 11/07/2022

No objections in principle to the proposed development, subject to conditions (5) being imposed on any final decision issued to require final approval of the drainage details and management plan proposals (in accordance with the DEFRA hierarchy and technical guidance; and the application FRA, Drainage Plan and Strategy submitted), satisfactory details being agreed to deal with construction phase surface water run-off, specifications of geocellular tanks and final verification of works prior to occupation.

DCC Highways – 19/07/2022 and 04/08/2022

Initial comments received sought further amendment / clarification on the proposed location of the site and lack of pedestrian infrastructure on this part of the B6407, and suggested provision be made for these users through the existing cemetery.

Revised plans were submitted to secure this provision which enables the County Council to support the application and recommend conditions (5) seeking the improvement to the access onto the B6407 before any other operations commence, parking being provided before use operating, there being no gates on the access point, construction compounds being provided throughout the construction phase, and wheel washing facilities on site.

DCC Planning – 19/07/2022

No objections raised to the proposed development, noting that there is an overriding public need for the facility to outweigh any potential planning policy conflict with the Bolsover District Local Plan. Support for the application was also reported to have been received from County Cllr Dale and Dixon, who both note that families in Shirebrook currently have to travel great distances to Chesterfield or Mansfield to access such services.

Derbyshire Constabulary (Crime Prevention) – 18/07/2022

No objections in principle to the proposed development. In terms of crime prevention measures it was advised that the main risks to this type of development arise due to their secluded location, vehicles being left unattended and sites being unoccupied overnight. Vehicle crime is not however an issue on any current site, but there have been incidents of overnight burglary, with two of our facilities having been broken into over the last 2 years (so the advisor has asked the operator to be aware of this to ensure they make their own security arrangements). The advisor isn't overly keen on the car park / pedestrian approach lighting design because it is bollard scheme which offers little in the way of security lighting, but an objection couldn't be sustained due to the generally low crime levels at other comparable sites.

Derbyshire Fire & Rescue – 29/06/2022

No objections.

Derbyshire Wildlife Trust – 22/08/2022 and 24/08/2022

No objections were raised in principle to the proposals, having reviewed both the Ecological Appraisal and the BNG Assessment. Comments confirmed there are no statutory / non statutory designations affecting the site or land adjacent, and no records of any protected species. The EA also confirmed no species had been encountered. Adjacent farmland had the potential to support ground nesting birds, but the application site characteristics meant it was less attractive. Hedgerows might be used by nesting birds, so protection will be needed during the nesting season. The BNG assessment uses the 3.1 metric and demonstrates a net gain, which is acceptable and should be managed for at least 30 years. One element of the landscape proposals should be clarified – the use of native British seed mixes for the proposed species rich grassland habitats being created?

Subsequently the applicant confirmed the species mix comprised of native British plant seeds and therefore no further concerns arose.

Environment Agency – 20/07/2022

No objections in principle to the proposed development. The EA confirm that development is unlikely to encounter groundwater as the Cadeby Formation is at least 10m below ground

level. They note that SW drainage is proposed to soakaway and advise that it must be ensured that only clean roof water is disposed in this way and any soakaway is constructed into clean uncontaminated natural ground. Drainage from parking areas should pass through an appropriate level of pollution prevention measures prior to discharge. Foul water is noted as proposed to package treatment plant and subsequent drainage field with final discharge to ground. The EA advice it is likely that an Environmental Permit will be required for this discharge.

Severn Trent Water

No comments received.

Shirebrook Town Council – 24/08/2022

No objections.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

The application has been publicised by site notices posted on 05/07/2022, by advertisement placed in the local press on 06/07/2022 and by neighbour notification letters sent to 14 adjacent properties on 05/07/2022.

There have been no letters of representation received as a result of the applications publicity.

POLICY

Local Plan for Bolsover District 2020 ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:-

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- SS9 Development in the Countryside
- WC3 Supporting the Rural Economy
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC7 Flood Risk
- SC8 Landscape Character
- SC9 Biodiversity and Geodiversity
- SC10 Trees, Woodland and Hedgerows
- SC11 Environmental Quality (Amenity)
- SC13 Water Quality
- SC14 Contaminated and Unstable Land
- SC18 Scheduled Monuments and Archaeology
- ITCR10 Supporting Sustainable Transport Patterns
- ITCR11 Parking Provision
- II2 Employment and Skills

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47 - 48: Determining applications
- Paragraphs 55 - 58: Planning conditions and obligations
- Paragraphs 92, 93, 95 and 97: Promoting healthy and safe communities
- Paragraphs 104 - 108: Promoting sustainable transport
- Paragraphs 110 - 113: Considering proposals – traffic impacts
- Paragraphs 119, 120, 122 and 123: Making effective use of land
- Paragraphs 126 - 132 and 134: Achieving well-designed places
- Paragraphs 152, 154 and 157: Meeting the challenge of climate change
- Paragraphs 159, 167 and 169: Planning and flood risk
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 183 - 188: Ground conditions and pollution
- Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance

National Model Design Guide

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development
- the visual impact of the proposed development inc. residential amenity and landscape character
- whether the development would be provided with a safe / suitable access and impacts on highway safety
- drainage / flood risk
- land condition / contamination / air quality / noise
- heritage / archaeology
- biodiversity and trees

These issues are addressed in turn in the following sections of this report.

Principle

The application site lies outside of the development envelope of Shirebrook and so should under Policy SS9 of the Local Plan for Bolsover District be regarded as development proposed in the countryside.

Policy SS9 (Development in the Countryside) states:

Development proposals in the countryside outside development envelopes will only be

granted planning permission where it can be demonstrated that they fall within one or more of the following categories:

.....

d) Secure the retention and / or enhancement of a community facility.

.....

In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

In this context it is acknowledged that the site adjoins the boundary of the Shirebrook town development envelope and lies immediately adjacent to the Shirebrook Cemetery. Having regard to the nature of the development proposals they can be regarded under the provisions of policy SS9 as an enhancement of an existing community facility given their relationship to the adjacent cemetery use, and that they will serve a wider unmet community need for this particular type of facility (currently similar such facilities are some distance away in Chesterfield / Mansfield). These principles are reflected in para. 85 of the NPPF, where it is further acknowledged that sites to meet local community needs may have to be found adjacent to or beyond existing settlements.

The application submission is accompanied by an Alternative Site Assessment (ASA) and Needs Assessment (NA) which set out the concept considerations of the development proposals inc. assessment of quantitative and qualitative need for a new crematorium and further identification of the most optimal location for a crematorium in the district. The assessments had regard to the regional death rates, cremation rates, the 'drive time' catchment to existing facilities; as well as capacity at existing local crematoria and a predicted growth in the ageing population locally leading to a forecast increase in death rate. Analysis concludes that there is cogent need for a new crematorium facility in the area.

Accepting that the proposals will serve a much wider catchment than just the community of Shirebrook it is also considered that the development proposals could be regarded as development which supports the rural economy – particularly as this type of facility a) requires a buffer to existing residential dwellings and the public highway and b) this type of enterprise / operation is better suited to a countryside setting.

Policy WC3 (Supporting the Rural Economy) states:

Sustainable rural employment and diversification will be supported in villages and within the countryside where this does not conflict with other local plan policies.

Employment generating developments of a scale appropriate to a small settlement and / or rural surroundings will be supported in rural areas where the development or activities are necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in the countryside, or where the business has no significant negative implications for the area and will help to support a sustainable rural economy and contribute to rural environmental or social regeneration. Such proposals should meet at least one of the following criteria:

b) Provide community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy.

In relation to this, Policy WC3: Supporting the Rural Economy provides general support for

employment generating developments of a scale appropriate to their rural surroundings, including proposals that provide community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy (criterion b). However, this support is conditional and proposals in particular need to demonstrate that the business has no significant negative implications for the area. The supporting text of policy ITCR4 also advises that the Council will seek to maintain and improve the provision of local community services and facilities.

In the context of both policy SS9 and WC3 of the Local Plan, it is considered that there is a clear evidenced need for a crematorium facility in this locality which supports consideration of the development proposals wider compliance with the provisions of these policies. The principle of development is therefore considered to be acceptable.

Para. 119 of the NPPF further advocates that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. In the latter regard of para. 119 detailed consideration of more specific design / technical considerations set out in the separate individual sections of the report below.

Design / Appearance inc. Residential Amenity and Landscape

Alongside the applications detailed design drawings, the submission is accompanied by a series of complimentary reports which consider design, appearance and landscape visual impact.

As described above, the proposals are made up of two separate building components, with the larger crematorium building standing as the feature building that frames the entrance into the site from Balkham Lane. The crematorium building is adjoined by a tranquillity courtyard, and beyond this car parking and the wake facility building are set further into the site adjoined by the tranquillity and memorial gardens.



Figure 4 – Section A-A through proposed development showing trees at 10+ years (location of section shown on Figure 3)



Figure 5 – Section B-B through proposed development showing trees at 10+ years (location of section shown on Figure 3)



Figure 6 – Section C-C through proposed development showing trees at 10+ years (location of section shown on Figure 3)

The images below are artist's impressions of the main crematorium building and courtyard, taken from the applications accompanying Design & Access Statement (DAS).



View from Balkham Lane entrance of crematorium building / courtyard



Bird's-eye view of approach, crematorium building and courtyard



View from within the tranquillity courtyard of crematorium building / entrance

The DAS explains the design concept for the site, having regard to its rural landscape setting and its relationship to wider existing properties and land uses. The location, adjoining the existing Shirebrook Cemetery, is logical and its position on the fringe of the settlement of Shirebrook such that the site can be connected to the existing settlement whilst meeting operational permit requirements in respect of separation to existing residential properties.

The Landscape Visual Impact Assessment (LVIA) considers the potential visual impact of the proposed development upon the wider landscape setting, acknowledging the landscape character of the area (Southern Magnesian Limestone – Landscape Character of Derbyshire 2003) is one of limestone farmlands and gorges.

The LVIA considers the 'landscape receptors' likely to be impacted upon by the development proposals, comprising mainly of users of the Main Street / Balkham Lane, visitors to Shirebrook Cemetery and residents / visitors of housing to the north, west, south of the site, and the wider Shirebrook settlement at its extreme west.

The ultimate conclusions of the LVIA assess that the landscape character is one of *moderate sensitivity*, the magnitude of change resulting from the development proposals are considered to be *medium*, and the overall effect of change on the wider landscape resulting from the proposed development is regarded to have a *minor effect*.

Overall the scheme is well designed, taking account of the landscape character and setting. The building finishes are appropriate to the wider context and the extent and density of proposed landscape planting will ensure that the development settles into the wider landscape and over time establishes its own character and wider contribution to biodiversity. Impacts upon the local or wider area will be limited in the short-term during construction and in the following (approx. 1 – 5 years) whilst the landscaping

establishes. The proposals are considered to be of an appropriate scale, form and layout, which are all considered to be acceptable having regard to the provisions of policies SC3 and SC8 of the Local Plan, and the wider NPPF.

Access and Impacts on Highway Safety

As described, the proposals will include the creation of an upgraded access junction onto the B6407 which will serve as the sole vehicular access point for the development proposal. Pedestrian and cycle access will be provided independent to the vehicular access, through the provision of a new route leading from Common Lane along the southern boundary of the application site. This route will ensure that all pedestrian / cycle traffic is directed from the existing infrastructure provision on the highway network to follow a safe route into the site, instead of using the B6407 where there is no footway margin.

The application submission is accompanied by a Transport Statement (TS) and various plans showing the proposed site layout, access junction and footpath designs. These have been reviewed by the Local Highways Authority (LHA) who have provided consultee comments on the application submission. As amended / clarified the LHA has no objection to the development subject to the imposition of conditions.

The TS concludes that the site appears to be ideally positioned for a development of its type. It is located outside residential areas, whilst still offering convenient access for the local community. A range of travel modes and associated facilities will be available to those attending the site, including public transport, walking and cycling. In terms of travel by car, the adjoining highway has a good safety record and it appears that a suitable vehicular access arrangement can be safely accommodated, with appropriate visibility splays.

It is likely that the additional traffic movements generated by the crematorium can be comfortably accommodated, without significant impact on the safety or capacity of the surrounding transport network and infrastructure. It is particularly important to recognise the off-peak operating times of the site, and the fact that any impact on existing peak traffic flows will be negligible.

The proposed on-site parking provision is considered ample in terms of the likely vehicle movements forecast and overall site usage. The provision of a new local crematorium facility for the Bolsover District should reduce overall vehicle miles travelled within the wider area, as these trips will effectively replace those currently undertaken to existing crematorium facilities further afield.

Overall it is considered that the impacts of the development proposals upon the wider highway network are acceptable, and there is no reason to suggest the development will result in a detriment to local highway safety. Furthermore the proposed site layout is laid out to meet with the carriageway standards of the Local Highways Authority such that the site will be served by a safe access.

Drainage / Flood Risk

The application is supported by a Flood Risk Assessment (FRA) and proposed Drainage Layout which have been prepared by Scott White and Hookins LLP. These detail that the

proposed development will be served by a soakaway surface water drainage solution and on site foul water package treatment solution.

The drainage layout incorporates 3 no. geocellular tanks to handle SW run off from the 2 no. proposed buildings, and filter drains / strip are detailed in the hard / soft landscaping proposals around the circulation spaces and car parking areas. Permeable paving will also be laid out under approx. 2/3's of the proposed car parking area.

The Lead Local Flood Authority (LLFA), the Council's own Engineers (BDC Eng) and the Environment Agency (EA) have reviewed the details that support and accompany the application proposals. Severn Trent Water (STW) were consulted but did not provide any comments.

Overall the drainage proposals and their detailed specification have been accepted (subject to conditions recommend by several consultees), and therefore in this regard it is considered that the development proposals can be adequately drained and manage potential surface water flood risk in accordance with the provisions of policy SC7 of the Local Plan.

Land Condition / Contamination / Air Quality / Noise

In respect of land condition and contamination the application is supported by a Phase II Geoenvironmental and Geotechnical Report which has been considered by the Environmental Health Officer (EHO) having regard to the sites former / historic use and the nature of the proposed development. In addition to this it is noted that the extent of the application lies in an area where the Coal Authority consider the risk to the site posed by potential unrecorded mine working / legacy to be low, such that their standing advice to all developments can be applied.

The EHO has confirmed that they are satisfied with the findings of the Phase II Report which identifies potential sources of onsite contamination that have been identified comprise pesticide/herbicide risk from the sites long term historical use for agricultural purposes. A single phase of ground investigation has been undertaken and the results of the contamination testing have shown that the site is generally considered to be free from significant contamination. A discovery strategy should be put in place to address unforeseen pockets of contamination, and this requirement can be imposed by condition of any respective planning permission.

In respect of air quality / odour an Air Quality Assessment (AQA) has also been submitted, detailing the proposed operational requirements for the crematorium and a relative assessment of the potential impacts arising from the nature of this operation associated with air quality and surrounding neighbouring amenity. The AQA details that the crematorium will be powered by a green energy tariff (zero carbon) renewable electricity rather than the more traditional use of natural gas, lowering carbon dioxide (CO₂) emissions by around 80%. The dispersion modelling in the AQA (which has been based on a two cremator operation) has predicted ground-level concentrations of the pollutants released into the atmosphere from the proposed crematorium [Oxides of nitrogen (NO_x), Sulphur dioxide (SO₂), Particulate matter (PM₁₀), Carbon monoxide (CO), Hydrogen chloride (HCl) and Mercury (Hg)] to not be any levels that are of concern to human health or ecosystems. The AQA has been considered by the EHO, who confirms that its content and conclusions are acceptable. The facility will

require an overriding Environmental Permit to enter operation which will strictly control operational site emissions.

Finally turning to matters concerning operational noise the site will sit on the edge of the settlement of Shirebrook in a relatively remote location. The nearest residential properties are located on the western edge of Shirebrook town.

A Noise Impact Assessment (NIA) accompanies the application submission. Operationally noise from the crematorium facility may arise from either mechanical plant; or operational activities. The building will have a cremator which will require external ventilation (i.e. supply and extract fans) and external condensers and mechanical plant to ventilate and cool the various spaces within the buildings. Operationally, noise might arise from congregations, low level music, vehicle movements and servicing.

In the context of the sites current noise climate (which was surveyed to inform and model the NIA) it is considered that through the use of appropriate plant and building design, the crematorium can achieve an appropriate and acceptable operational noise environment. The EHO has requested that the recommendations in table 2 regarding maximum plant noise levels are conditioned requiring the applicant to demonstrate, to the satisfaction of the LPA, that the quoted levels can be achieved and maintained. This can be controlled by appropriate condition.

Overall subject to conditions as suggested, it is considered that the potential risks arising from contamination, odour, air quality and noise have all been appropriately considered, and respective matters arising can either be suitably mitigated or acceptable levels achieved such that the amenity and safety provisions of Policy SC14 of the Local Plan and the wider NPPF are met.

Heritage / Archaeology

In accordance with para. 197 of the NPPF and policy SC18 of the Local Plan, the application submission was supported by archaeological reporting (undertaken by Oxford Archaeology and Magnitude Surveys) of the site comprising desk based, geophysical and field work evaluation.

The evaluation works were undertaken to address the potential presence of archaeological interest at the site, due to previous immediate vicinity recording set out in the Derbyshire HER. The works were undertaken in consultation with the County Archaeologist at DCC, who was consulted on the planning application.

The findings of the field work and their evaluation has led to the DCC Archaeologist confirming that whilst the geophysical survey showed features which were consistent with a field system of early date, when evaluated by trial trenches, the majority of features were not identified, suggesting that the geophysics may have picked up fissuring within the limestone bedrock. A single very shallow gully was excavated, this producing neither finds nor evidence of paleo-environmental potential.

DCC Archaeology therefore concluded on balance that there should not be any further archaeological work under the site under the policies at NPPF Chapter 16. This conclusion is

supported further by the provisions of policy SC18 of the Local Plan.

In the wider area the application site nor its surroundings lie in close proximity to any designated heritage assets, and therefore the development proposals are not considered to impose any impacts in this regard.

Biodiversity and Trees

In order to consider the impacts of the development proposals upon biodiversity the application submission is supported by an Ecological Appraisal (EA) and associated Biodiversity Net Gain (BNG) Assessment. These reports establish the baseline conditions of the application site in respect of biodiversity and use the biodiversity metric tool to calculate relative habitat units to be lost and gained as a result of the application proposals. The submission is accompanied by detailed soft landscaping proposals, which make up components of the BNG Assessment.

The application site comprises of predominantly arable farmland, with mature hedgerows and tree planting to the peripheral boundaries. The BNG Assessment concludes that the sites current baseline condition comprises of 6.93 non-linear habitat unit and 4.61 linear habitat units. Given the complex soft landscaping proposals set out for the development proposals the BNG Assessment indicates that there will be an overall increase in non-linear habitat units of 18.67 units and an overall increase in linear habitat units of 5.71. As a percentage this is net gain of 269% for non-linear and 124% for linear habitats – which is well in excess of the national target of at least 10% BNG.

Policy SC9 of the Local Plan requires development across the district to demonstrate that there will be no overall loss of biodiversity, and the application proposals far exceed the policy ambitions for BNG.

DWT have also corroborated the BNG Assessment and advised that subject to the soft landscaping proposals being implemented as proposed and thereafter maintained for the period of no less than 30 years the proposals were also acceptable to them.

In addition to biodiversity considerations, the application site is bound on its northern, eastern and southern periphery by hedgerows and mature trees. The most significant of these trees in fact lying outside of the application site boundary in the adjacent cemetery grounds to the south. The application submission is accompanied by a Tree Survey Report, which has assessed the condition of all these trees and considered the potential impacts of the works arising from the development proposals upon the trees.

To the northern edge of the site, the formation of the new access junction will require the removal of 4 no. trees identified as G1 and G2. These were assessed as category C trees.

Given that the siting of the proposed new access / junction represents the best location in highway safety terms and the fact that overall the development proposals incorporate significant proportions of new soft landscaping and an overall biodiversity net gain, the loss of these trees can be accepted.

To the eastern and southern boundaries the development include the creation of a new

footpath / access connection to Common Lane. This route abuts the southern boundary and lies underneath the canopy of the mature trees in the cemetery grounds.

The Tree Survey Report indicates that this route will be constructed using an above ground constriction method (such as cellular web) to ensure that the rooting environment of these trees is not compromise by the construction works. This is also considered to be acceptable subject to the measures set out in the report being adhered to during the construction phases.

Overall it is considered that the arising impact of the development proposals upon biodiversity and trees is acceptable.

CONCLUSION

The proposal is considered to be acceptable in principle, despite its location in the open countryside. It is considered that the nature of the development proposal lends itself to a fringe settlement / countryside location and under the provisions of policies SS9 and WC3 it is considered that there is a demonstrable unmet public need for this particular type of facility, such that any conflict with policy SS9 is overridden by the public benefit the facility will bring.

The development proposals do represent sustainable development in all other regards, and all remaining technical and design based policy criteria have been assessed and deemed to be met.

There are no significant amenity impacts likely to arise from the development proposals that cannot be dealt with by condition. No other environmental impacts have been identified that would warrant the refusal of planning permission.

The proposed development therefore accords with the policies of the local plan as well as the National Planning Policy Framework.

RECOMMENDATION

It is therefore recommended that the application be APPROVED subject to the following conditions (set out in draft form, the final wording to be formulated by the Planning Manager / Assistant Director of Development and Planning):

01. The development 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.

02. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless specifically stated otherwise in the conditions below:

- Location Plan – Drawing No. D200020-CDS-EX-ZZ-DR-Y-002-000 Rev 01
- Existing Block Plan – Drawing No. D200020-CDS-EN-ZZ-DR-A-0001

- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Utilities Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-003
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)
- Boundary Treatment Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-006
- Street Furniture Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-007
- Drainage Layout – Drawing No. 203810-SWH-ZZ-XX-DR-D-0500 (Rev P02)
- Crematorium GA Floor Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0030
- Crematorium GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0032
- Crematorium GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0040
- Wake GA Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0050
- Wake GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0051
- Wake GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0060

Soft Landscaping

- Trees and Native Hedgerows Plan 1 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-020
- Front and Rear of Building Plan 2 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-021
- Car Park and Adj Borders Plan 3 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-022
- Tranquillity Garden, Wake Facility and Memorial Garden Plan 4 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-023
- Bulb Planting 1 of 2 Plan 5 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-024
- Bulb Planting 2 of 2 Plan 6 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-025
- Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028
- Hard Landscaping Materials Schedule dated May 2022
- Topographical Survey – 22558Y Drawing No. 01
- Vehicle Tracking Plans (Car, Hearse, 3 Axle Refuse Vehicle)
- Air Quality Assessment prepared by DM Ltd dated 03 May 2022
- Alternative Site Assessment Report prepared by The CDS Group dated April 2022
- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022
- Archaeological Written Scheme of Investigation V2 prepared by Oxford Archaeology dated May 2022
- Archaeological Geophysical Survey Report by Magnitude Surveys dated May 2022

- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- Ecological Appraisal V2 prepared by RPS Group dated 26 May 2022
- Biodiversity Net Gain Assessment V1 prepared by RPS Group dated 01 June 2022
- Energy and Sustainability Statement prepared by ESP dated 27 May 2022
- External Lighting Strategy prepared by ESP dated 10 June 2022
- Flood Risk Assessment prepared by Scott White and Hookins LLP dated May 2022 (Rev 01)
- Landscape and Visual Impact Assessment prepared by The CDS Group dated May 2022 (Rev 01 – June 2022)
- Noise Impact Assessment prepared by Cass Allen dated 26 May 2022
- Odour Assessment prepared by Air Quality Consultants Ltd dated May 2022
- Phase II Geoenvironmental and Geotechnical Report prepared by The CDS Group dated 15 February 2022
- Planning and Need Assessment Report prepared by The CDS Group dated May 2022
- Preliminary Assessment of Land Contamination prepared by The CDS Group dated 20 December 2021
- Preliminary Unexploded Ordnance Risk Assessment prepared by MACC International Ltd dated 17 December 2021
- Statement of Community Involvement prepared by The CDS Group dated May 2022
- Supporting Planning Policy Statement prepared by The CDS Group dated May 2022
- Transport Statement prepared by Alpha Consultants dated May 2022
- Tree Survey Report prepared by RGS Arboricultural Consultants dated May 2022

Reason: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.

03. Before the construction of the development above foundation level commences on site, samples of the exterior wall and roof materials must be submitted to and approved in writing by the Local Planning Authority. The development must be constructed using the approved materials and must be maintained as such thereafter.

Reason: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.

Highways

04. Before any other operations commence the existing vehicular access onto Common Lane shall be improved. The junction shall be laid out in accordance with the approved plan(s), constructed to base level, drained and visibility sightlines of 215m measured in each direction to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area

within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.

05. The proposed parking shall be provided in accordance with the application drawing for a vehicle to be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the site.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.

06. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

07. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

08. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

Drainage

09. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Scott White and Hookins. (25 - May 2022) FRA & Drainage Strategy Report. 203810/Revision 1
- b. Scott White and Hookins. (26 - May 2022) Drainage Layout. 203810-SWH-ZZ-XX-DR-D-0500-P02
- c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

10. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

And to ensure that development will be safe from flood risk including from groundwater and natural springs.

11. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

12. The Geocellular tank should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document:
- “Drainage Layout” referenced 203810-SWH-ZZ-XX-DR-D-0500-P02 (dated 26 May 2022 by Scott White and Hookins.),
- and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District..

Ecology

14. No construction work, soil stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), based on the measures identified in section 5.2 of the Ecological Appraisal prepared by RPS May 2022 and the Tree Survey Report prepared by RGS Arboricultural Consultants May 2022, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.

- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for amphibians, reptiles, bats and badger).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

16. A Landscape and Biodiversity Enhancement Plan (LBEP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. The LBEP should be in accordance with the Biodiversity Enhancement Strategy set out in section 3 of the Biodiversity Net Gain Assessment prepared by RPS June 2022. It shall be suitable to provide to the management body responsible for the site and shall include the following: -
 - a. Description and location of features to be retained, created, enhanced and managed
 - b. Aims and objectives of management.
 - c. Appropriate management methods and practices to achieve aims and objectives.
 - d. Prescriptions for management actions.
 - e. Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
 - f. Details of the body or organization responsible for implementation of the plan.
 - g. A monitoring schedule to assess the success of the enhancement measures
 - h. A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i. Habitat enhancements for roosting bats and nesting birds
 - j. Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEP shall also include details of the legal and funding mechanism(s) by which the 30-year implementation of the plan will be secured by the developer with

the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In order to mitigate the biodiversity impacts of the development and to ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

17. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reason: To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(d, h and i), SC3(a, b, e, and i), SC9 and SC10 of the Local Plan for Bolsover District.

18. Prior to the installation of lighting fixtures a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

19. Development shall be completed in accordance with the details on the Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028 and the Hard Landscaping Materials Schedule dated May 2022 prior to the site being bought into first use. The details thereafter shall be maintained throughout the life of the development as approved.

Reason: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

Contamination / Noise

20. If during the development, any contamination is identified that has not been considered in the Phase II Geoenvironmental and Geotechnical Report, then additional remediation proposals for this material shall be submitted to the Local

Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement for the site.

Reason: To protect future occupiers / users of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

21. Prior to first operation of the development an independent validation report must be submitted demonstrating that any remediation works carried out under condition 20 above have been carried out satisfactorily and remediation targets have been achieved and this report shall have been produced by a suitably qualified independent body. The report shall provide verification that the remediation works have been carried out in accordance with the approved Remediation Method Statement(s) and post remediation and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

Reason: To protect future occupiers / users of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

22. Prior to the development being brought into operation, a further noise report validating that the development will achieve the operational noise levels as set out in Table 2 of the Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development use shall only commence upon agreed of the validation report and measures deployed to achieve operational noise levels as agreed shall be retained and maintained throughout the lifetime of the development.

Reason: To protect the amenity of future operators and nearby residential neighbours of the development in compliance with Policies SC3 and SC11 of the Local Plan for Bolsover District.

23. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.

Reason: To maximise potential local skills, training and employment opportunities and to accord with policy II2 of the Local Plan for Bolsover District.

Advisory/Informative Notes

01. Local Highways Authority

1. Section 184 Licence. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning

permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

2. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. If construction works are likely to require Traffic Management, advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
5. The applicant should be aware that if any land within the site is subject to a covenant which protects that land indicated on the attached drawing, obligations on the land owner and the protection of future access and maintenance rights for the Highway Authority shall pass with successors in title.

02. Lead Local Flood Authority

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

H. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

I. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 years rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

J. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.

- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

03. Wildlife

- a. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- b. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

04. Coal Authority

- a. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission; or*
- are necessary to address issues that require information to show that the development will or can be made safe, or*
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.*

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.