

**PARISH** Shirebrook Parish

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**APPLICATION** Application to vary condition 2 (approved plans) of application 22/00323/FUL to make amendments to the scheme - amendments inc. changes to roof lights and doors (inc. omitting some openings); increased floor areas to accommodate toilets, new openings and lights; increased hall and plant room floor area; and revisions to landscaping and drainage scheme.

**LOCATION** Shirebrook Cemetery, Common Lane, Shirebrook

**APPLICANT** Mrs Natalie Etches, The Arc, High Street, Clowne, Chesterfield, S43 4JY

**APPLICATION NO.** 23/00640/VAR **FILE NO.** PP-12572205

**CASE OFFICER** Mr Chris Whitmore

**DATE RECEIVED** 12th December 2023

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## **SUMMARY**

This application seeks permission under section 73 of the Town and Country Planning Act (1990) to make a material amendment to planning application code ref. 22/00323/FUL by varying condition 2 (approved plans) to allow the changes to be made to a new crematorium development that is under construction off Common Lane, Shirebrook as set out in the description of development.

The application requires planning committee consideration as it relates to Bolsover District Council development and proposes the variation of conditions imposed on a permission granted by the Planning Committee that comprise more than non-material amendments.

For reasons set out in the assessment section of this report, the proposed changes are considered to be acceptable having regard to the consultation responses received and relevant provisions of the development plan and national policy. A recommendation of approval is put forward on this basis.

As any permission granted will take effect as a new, independent permission to carry out the same development as previously permitted and will sit alongside the original permission, which will remain intact and unamended, in addition to amending condition 2 it will be necessary to restate the conditions imposed on the earlier permission that continue to have effect and to make amendments to other conditions, where the previously approved details have been superseded by the amended plans.

# Site Location Plan



## OFFICER REPORT ON APPLICATION NO. 23/00640/VAR

### 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 (off Common Lane).



The site comprised arable land and a cemetery car park accessed off the B6407 with a well-trodden path to the cemetery to the south, prior to the commencement of development associated with the construction of a crematorium and wake facility buildings on the land. The land is currently a live construction site. The wake facility building has been partly constructed and the steel frame of the crematorium building has been erected on site and a construction compound for vehicle parking, a site office and welfare area has been formed on site which utilise the original access.

The application site is not within the Green Belt. The site is within a Coal Authority 'Low Risk Coalfield Area'. The site lies within Flood Zone 1 (lowest probability of flooding). It 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 follows the approval of planning application code ref. 22/00323/FUL at planning committee on the 28<sup>th</sup> September 2022 for a new crematorium, including a wake facility, administration space, memorial garden, car park and landscaping. At the technical design stage a number of changes to the development have been identified, which has necessitated the submission of this application. The application also addresses changes to foul drainage connections and landscaping.

## **PROPOSALS**

This application seeks permission under section 73 of the Town and Country Planning Act (1990) to make the following changes to the previously approved scheme.

- Changes to roof lights and doors (inc. omitting some openings);
- Increase floor areas to accommodate toilets, new openings and lights; increased hall and plant room floor area, and;
- Revisions to landscaping and drainage.

### **Changes to roof lights and door (inc. omitting some openings)**

These changes relate mainly to the wake facility building. It is proposed to introduce a row of four rooflights above the main function / dining room space on the north west facing roof slope and 3 no. banks of four rooflights to the south east facing roof slope to comply with BREAM

requirements (an assessment of sustainability).

It is also proposed to omit a door in the south west elevation and introduce a new door on the return (south east elevation) to a toilet lobby area. It is also proposed to introduce a further toilet in this area, increasing the footprint of the building slightly under the overhanging section of roof. Further changes to fenestration are proposed, including the replacement of bifold doors with sets of double doors to provide means for fire escape and the omission of a window in the north west elevation serving the function room. Finally, it is proposed to omit two slit openings in the boundary wall enclosure and a beam above the courtyard access.

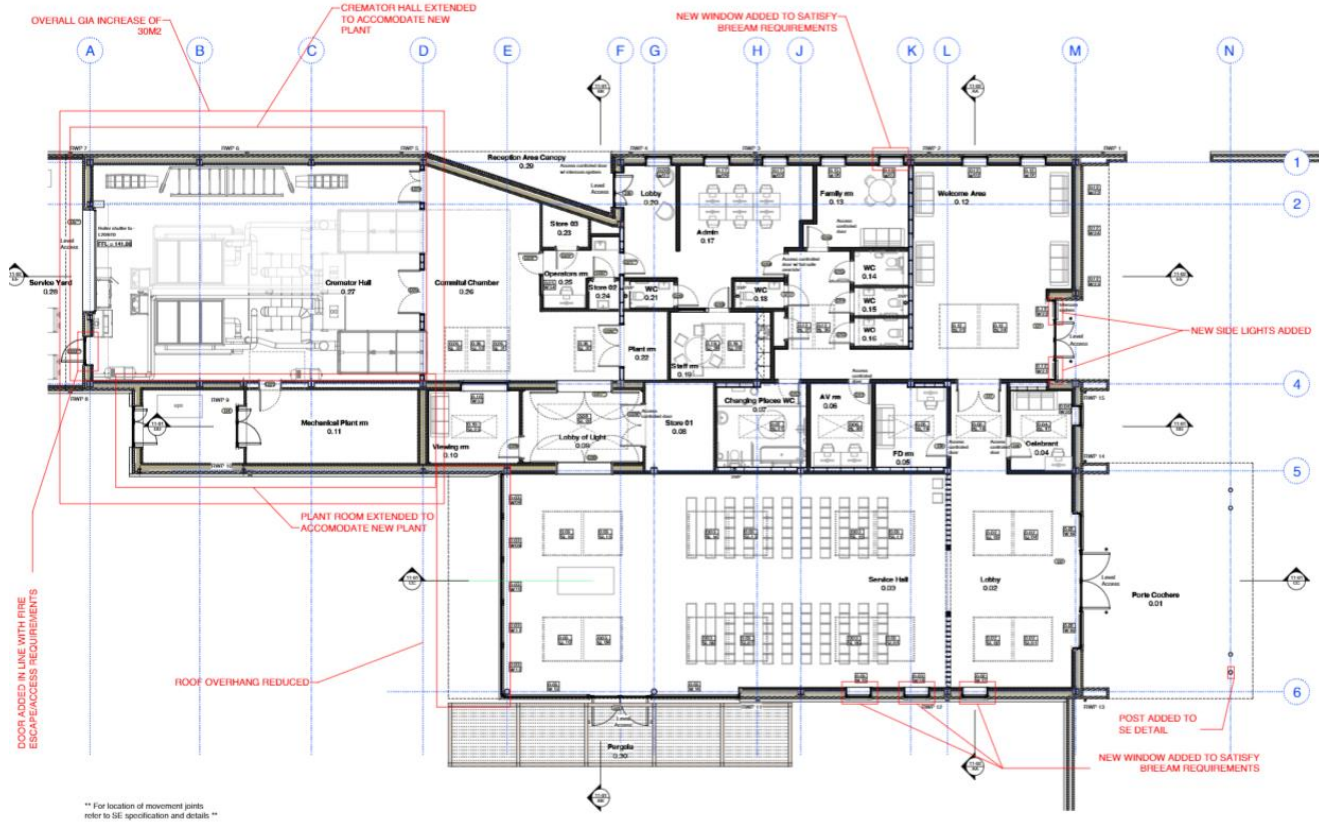
The full extent of the changes to this building are illustrated in the plan below:



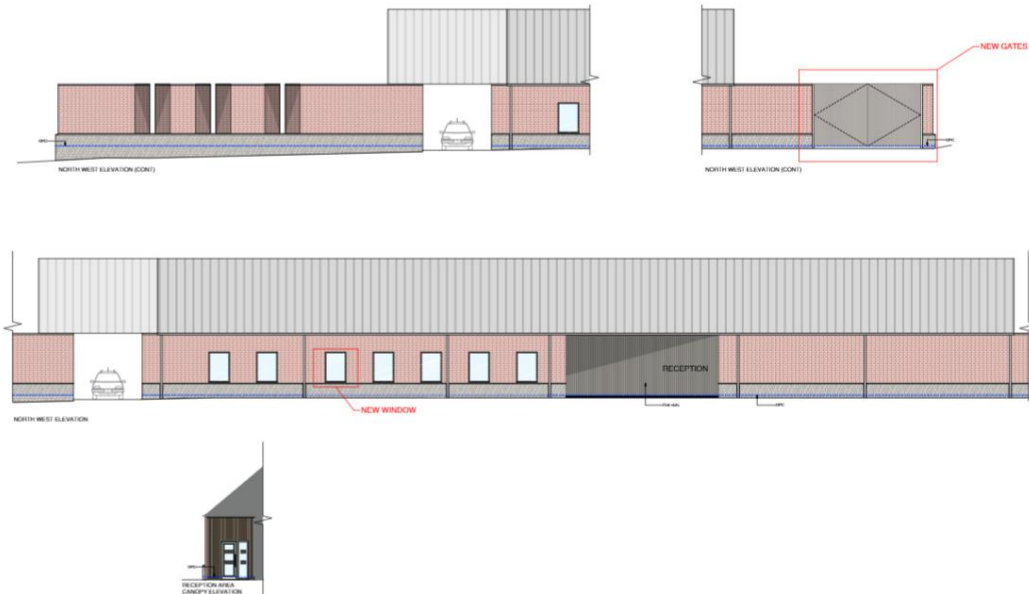
### **Increase floor areas to accommodate toilets, new openings and lights; increased hall and plant room floor area**

The increase in the floor area to accommodate toilets relates to the wake building as set out above. The proposals also seek to increase the floor area of the plant room and cremator hall within the crematorium building. The plant room and cremator hall will be elongated slightly, increasing the size of the cremator hall by 30m<sup>2</sup> and the plant room at the south east corner of the building will be extended slightly lengthways to accommodate larger plant.

The changes to the floor plan of the building are set out below:



The changes to the crematorium building also include the insertion of new windows to the north west and south east elevations, to again meet BREEM requirements. It is also proposed to insert gates to the yard area, introduce exterior lights to the side of the welcome area entrance doors, add a support post to the Porte Cochere and to reduce the extent of overhanging roof to the rear of the service hall. The submitted plans also show areas for signage, changes to the fully glazed opening design in the south east elevation of the service hall (oak louvre design) and a larger / wider chimney. These changes are shown on the elevation plans below:

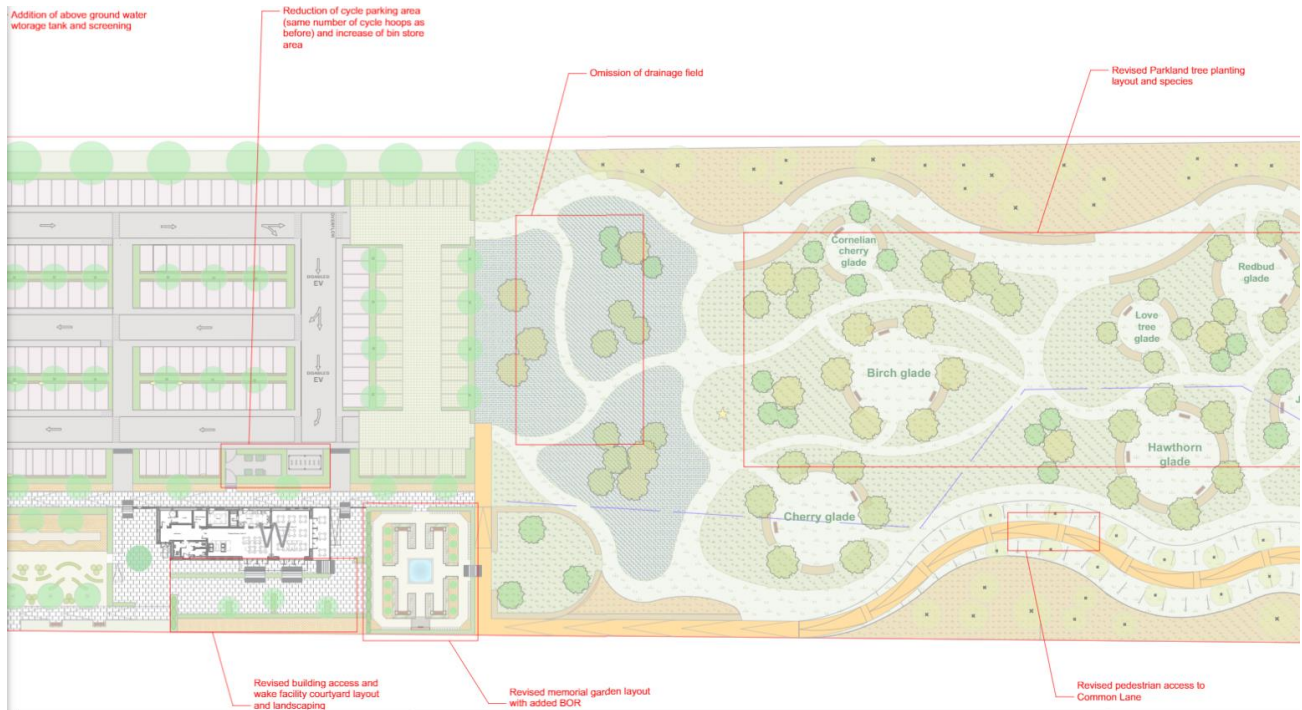
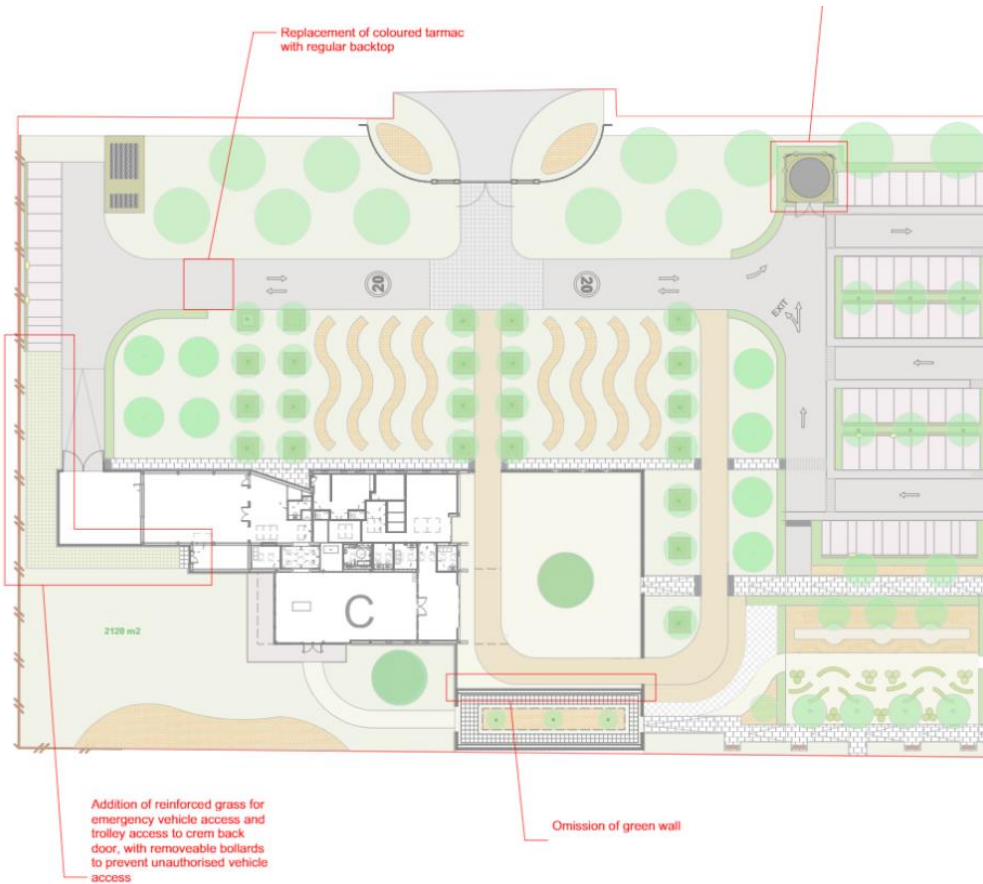




## **Revisions to landscaping and drainage**

A revised planting schedule has been submitted, which generally follows the approved landscape design. The 112 mixed fruit trees in a natural parkland orchard are to be replaced with native ornamental and fruit tree and shrub planting, to form Cherry, Cornelian Cherry, Birch, Love tree, Redbud, Hawthorn and Juneberry glades. Some minor revisions to the parkland tree species around the periphery of the site are also proposed. The landscaping scheme also includes a pedestrian footpath link to Common Lane, a revised layout to the memorial garden, the omission of a green wall in a formal garden area, between the crematorium and wake facility buildings, the introduction of grasscrete type surfacing for emergency vehicles around the crematorium building up to the plant room, the replacement of a small section of coloured tarmac with blacktop and the addition of a screened, above ground water storage tank. The revised plans omit the drainage field. In lieu of this, it is proposed to make a main sewer connection to dispose of foul sewage. The revised landscaping plans also show revisions to bin, bench and outside tap positions, with some bins (cigarettes and litter omitted). Finally, the cycle store area is reduced, whilst maintaining the number of cycle hoops and the adjacent bin store increased slightly. The pedestrian / access through the main gate is also shown to be omitted.

The changes to the landscaping and drainage are set out on the plan below:





## Supporting Documents

The following plans and documents have been submitted with the application:

- Application Form
- Ground floor crematorium plan numbered 1481-A-10-01
- Ground Arrangement Plan – Tranquillity and Flower Court Plan numbered 1481-A-10-02
- Crematorium Roof Plan numbered 1481-A-10-03
- Crematorium Elevations Plans numbered 1481-A-12-01, 02, and 03
- Wake Facility Building General Arrangement Plan numbered 1481-A-50-01
- Wake Facility Building Roof Plan numbered 1481-A-50-02
- Wake Facility Elevations Plan numbered 1481-A-52-01
- Boundary Treatment Plan numbered D200020\_CDS\_EN\_ZZ\_DR\_L\_006 REV 02
- General Site Layout Plan numbered D200020 CDS EN ZZ DR L 01
- Soft Landscaping Plan 1 of 7 - Trees, Seeding & Native Hedgerows numbered D200020 CDS\_EN\_ZZ\_DR\_L\_020
- Soft Landscaping Plan 2 of 7 - Front & Rear Of Building numbered D200020 CDS EN ZZ DR L 021
- Soft Landscaping Plan 3 of 7 - Car Park & Adjacent Border numbered D200020 CDS EN ZZ DR L 022
- Soft Landscaping Plan 4 of 7 - Flower Court to Wake Facility Borders numbered D200020 CDS EN ZZ DR L 023
- Soft Landscaping Plan 5 of 7 – Tranquillity Garden, Wake Facility and Memorial Garden Plan numbered D200020 CDS EN ZZ DR L 024
- Soft Landscaping Plan 6 of 7 – Bulb Planting numbered D200020 CDS EN ZZ DR L 025
- Soft Landscaping Plan 7 of 7 – Site Entrance numbered D200020 CDS EN ZZ DR L 026
- Hard Landscape Plan 1 of 2 numbered D200020 CDS EN ZZ DR L 028
- Hard Landscape Plan 2 of 2 numbered D200020 CDS EN ZZ DR L 029
- Gates, Fencing & Street Furniture Plan 1 of 3 numbered D200020 CDS EN ZZ DR L 040
- Gates, Fencing & Street Furniture Plan 2 of 3 numbered D200020 CDS EN ZZ DR L 041
- Gates, Fencing & Street Furniture Plan 3 of 3 numbered D200020 CDS EN ZZ DR L 042
- Vehicle Access Plant Plan numbered D200020 CDS EN ZZ DR Y 004 Rev 03
- Pedestrian and Cycle Access Plan numbered D200020 CDS EN ZZ DR Y 005 Rev 02

In addition to the above, the following plans and documents have been received following receipt of consultation comments from the Lead Local Flood Authority:

- Location of Proposed Connection Plan
- And drainage layout drawings numbered DR-C-0503 C02, C06 and C07.

## **AMENDMENTS**

No amendments have been received.

## 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	PER	Creation of vehicular access road between approved car park and the cemetery
22/00323/FUL	GC	Proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping
23/00104/DISCON	PTDIS	Discharge of Conditions 3 (Materials), 6 (Approved Access), 9 (Surface Water Drainage), 10 (Drainage Assessment), 11 (Surface Water Run off), 15 (CEMP), 16 (LBMP), 18 (Lighting), 23 (Employment & Skills) of Planning Permission 22/00323/FUL

## CONSULTATIONS

Bolsover District Council Engineer:

No further comments to make.

Derbyshire County Council (Development Control Archaeologist):

No objections in principle to this variation.

Derbyshire County Council (Lead Local Flood Authority):

Comment that the proposals include changes to the proposed drainage, comprising the omission of proposed effluent drainage field. They advise that it was initially proposed to discharge the treated sewerage from a treatment plant into the proposed drainage field. The application as submitted did not confirm or include a plan showing the point of discharge of the treated sewerage. These details were requested.

Following the submission of foul drainage connection information by the application, the Lead Local Flood Authority commented as follows on the 30<sup>th</sup> April 2024:

We have no objection and further comments to make in respect of the variation of condition No 2.

Derbyshire County Council (Local Highway Authority):

The proposed alterations to the approved plans indicate the provision of a pedestrian access on to Common Lane which will link with the existing footway on the western side of Common Lane. There are no objections to the creation of the pedestrian access on to Common Lane; any gate(s) erected at this access adjacent to Common Lane shall open inwards only.

The other proposed on-site alterations included in the application will not have any highway impact and on that basis there are no highway authority objections to the application.

Derbyshire Fire and Rescue:

No Objections.

Derbyshire Force Designing Out Crime Officer:

No objections to the variations proposed.

Derbyshire Wildlife Trust:

We have reviewed the information relating to VOC including alterations to the landscaping plans. Given that the scheme achieves well over the statutory 10% net gain in biodiversity the minor alterations to the planting scheme should not make a considerable difference to this target. Providing the LBEP is updated accordingly with any proposed changes then we have no further comments to make.

Environment Agency:

The Environment Agency will not be making any formal comment on the submission for the following reason:

- The Environment Agency did not request the planning condition(s) the applicant is seeking to vary. We advise you seek the views of the consultee who requested the condition on the information submitted.

Shirebrook Town Council:

No objections.

## **PUBLICITY**

Provisions relating to statutory consultation and publicity do not apply to applications made under S73 of the Planning Act 1990. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.

In this case, the application has been publicised by site notices posted on 19<sup>th</sup> December 2023 by advertisement placed in the local press on 3<sup>rd</sup> January 2024 and by neighbour notification letters sent to 14 adjacent properties on the 18<sup>th</sup> December 2023.

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

## **POLICY**

### Adopted Local Plan for Bolsover District 2020 (“the Development Plan”)

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**

This application is made under s73 of the Planning Act and seeks to substitute approved drawings under application code ref. 22/00323/FUL to allow changes to the appearance of the wake facility and crematorium buildings and the approved drainage and landscaping proposals as set out in the proposals section of this report.

Applications under s73 of the Planning Act allow applicants to apply for minor amendments to approved developments. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

The scope of consideration is limited to the changes to the development that has already been granted under application code ref. 22/00323/FUL. Whilst the effect of the changes can be considered in the round in terms of their impact on the local environment, the nature / principle of the development has already been approved and is not a matter for consideration in respect of this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Local Plan for Bolsover District (2020). Having regard to the consultation responses received and the relevant provisions of the development plan and policy contained within the National Planning Policy Framework, the main issues to consider assess are:

- The impact of the changes to the wake facility and crematorium buildings on the character, identity and context of this part of the countryside / settlement edge and whether the development achieves high design quality;
- The implications of the changes on landscape character and biodiversity, and;
- Drainage considerations.

The proposed changes do not affect the amount of parking and vehicular access arrangements. It is proposed to improve pedestrian connectivity, by providing a footpath link to Common Lane to the east. The Local Highway Authority and Derbyshire Force Designing Out Crime Officer have raised no objections with regard to the changes in terms of their impact on highway and public safety.

The proposals involve the modest increase in the size of the cremator hall and plant room, to accommodate slightly larger plant. It remains, however, that the crematorium facility will require an Environmental Permit from the Environment Agency to operate which will strictly control emissions and other environmental controls. Notwithstanding the location of the site relative to nearby residential properties, the proposals will not materially impact on the predicted noise levels from the crematorium building which were deemed to be acceptable by the Council's Environmental Health Team subject to conditions. The Environment Agency have chosen not to comment on the application and point to the agency not recommending any conditions. It would be appropriate / necessary to repeat the condition attached to the existing permission, requiring a further noise report validating that the development will achieve the operational noise levels set out in Table 2 of the original Noise Impact Assessment should the application be approved, to protect the amenity of the occupants of nearby dwellings / land uses.

The impact of the changes to the wake facility and crematorium buildings on the character, identity and context of this part of the countryside / settlement edge and whether the development achieves high design quality

Policy SC2 of the development plan is supportive of new proposals that protect and enhance the character and quality of local landscapes and the wider countryside and that seek to protect and enhance the distinctiveness, character, townscape and setting of settlements amongst other considerations.

Policy SC3 'High Quality Development' requires development to achieve a high quality of design in terms of place making, buildings and landscaping. It states that proposals for development will be permitted where they respond positively to the context and contribute to local identity in terms of height, scale, massing, density, layout and materials and accord with and respond to the established character and local distinctiveness of the surrounding landscape.

These provisions align with government policy in the National Planning Policy Framework, which recognises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The approved crematorium building comprises a series of connected single storey buildings with overhanging roofs. Its approved siting, form, scale and high-quality design responds positively to character of this part of the countryside / settlement edge. Beyond this building is a tranquillity courtyard, car park and separate wake facility building. Again, this building is single storey and set well within the site, maintaining a sense of openness to the north.

The proposed changes to the appearance of the building are relatively minor. Their high quality design would not be compromised, with only minor changes proposed to the buildings footprint, window design and the omission and addition of new windows and doors.

The CGI images of the approved crematorium building from the B6407 entrance to the site that accompanied the original application continue to provide an accurate interpretation of the building's contribution to their surroundings, except for the chimney stack which is not shown.

The main changes that would be evident from the site entrance would be the insertion of the window in the north elevation shown in the image below, resulting in a consistent series of windows.



Within the tranquillity courtyard area and main entrance an additional canopy support column would be introduced and an area for signage and external lighting, otherwise the development has not significantly changed from that originally envisaged and approved.



The submitted plans show several areas for signage, however, no details of signage have been submitted with the application. While certain advertisements benefit from deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 where they meet prescribed conditions and limitations, a footnote will be necessary to advise the applicant that the signage may require a separate grant of express advertisement consent from the Local Planning Authority.

Taking into the consideration the nature and extent of changes to the buildings, officers are satisfied that they would be acceptable in terms of the overall impact of the development on the character, identity and context of this part of the countryside / settlement edge and will not result in any depreciation of the high-quality design that the original scheme secured.

### **The implications of the changes on landscape character and biodiversity**

Development plan policies are supportive of new proposals that protect and enhance the character and quality of local landscapes and the wider countryside and that respond positively to the established character and local distinctiveness of the surrounding landscape.

The overall height of the buildings has not changed, neither has their general position on site. The proposed changes to the footprint and scale of the crematorium building are minor and do not change the outcomes / findings of the Landscape and Visual Impact Assessment that accompanied the original application. The buildings would not be out of scale or character in landscape terms and will continue to respond positively to the sites location on the settlement edge, with a sense of openness maintained to the north and significant new tree planting which in time will filter views of any development from this direction and when viewed from Common Lane. The above ground water storage tank is sensitively located and is of a scale that would not be visually intrusive or harmful in landscape terms.

Paragraph 180 of the National Planning Policy Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity amongst other requirements. Policy SC9 of the development plan requires development across the district to demonstrate that there will be no overall loss of biodiversity.

Prior to development commencing on site the land comprised arable farmland, which is of limited value in biodiversity terms. The proposals include the introduction of significant amounts of new tree and shrub planting. Whilst some of the tree and shrub species have changed, the nature (in terms of design and numbers) and quality of the landscaping on site will largely remain with extensive new planting, which will lead to significant biodiversity gain to satisfy the relevant provisions of the development plan and national policy. Derbyshire Wildlife Trust have raised no objections on this basis, however, point to the need to update the Landscape and Ecological Management Plan, which can be achieved by condition.

### **Drainage**

The application does not propose to alter the surface water drainage proposals, which were deemed to be acceptable from a land drainage and flood risk perspective to satisfy the relevant provisions of the Policy SC7 of the development plan.

The approved surface water drainage system incorporates 3 no. geocellular tanks to handle surface water run off from the 2 no. proposed buildings, and filter drains / strip 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 addition of an above ground water storage tank, screened by perimeter fencing would not affect the approved surface water drainage system.



The application omits the drainage field, which was proposed to accommodate a package treatment plant. It is now proposed to connect to the main sewer, which is more preferable having regard to the Building Regulations order of priority. Such a connection will need to be made before the facility is brought into use to satisfy Buildings Regulations. The revised proposal is therefore considered to be a betterment over the approved foul drainage method.

## **CONCLUSION**

This application seeks minor amendments to an approved crematorium and wake facility with associated landscaped grounds which is under construction. The changes are minor in nature. When assessed individually and cumulatively they would not undermine the high design quality of the already approved development, result in a development that would continue to respond positively to the character and appearance of this part of the countryside and local landscape and deliver significant biodiversity enhancement.

There are no technical reasons why the changes are unacceptable. No amendments are proposed to the vehicular access or parking arrangements and pedestrian connectivity will be enhanced with the new footpath connection to Common Lane. The surface water drainage proposals have not changed and will continue to provide acceptable surface water attenuation on site to deal with extreme rainfall events, factoring in an allowance for climate change. The amendments include the omission of the drainage field and instead propose to make a main sewer connection which is a more preferable method of disposing of foul water and waste.

Taking the above into consideration the proposed changes are considered to be acceptable, having regard to the consultation responses received and the relevant provisions of the development plan. A recommendation of approval is put forward on this basis.

As this application under section 73 of the 1990 Act will sit alongside the previous permission, it will be necessary to repeat and modify any original conditions that remain relevant to reflect amended plans and details.

## **RECOMMENDATION**

It is recommended that the application be APPROVED subject to the following conditions:

1. Unless specifically stated in the conditions below, the development hereby permitted shall be carried out in accordance with the plans and documents approved in respect of application code ref. 22/00323/FUL, except where amended by the following details and plans:
  - Ground floor crematorium plan numbered 1481-A-10-01
  - Ground Arrangement Plan – Tranquillity and Flower Court Plan numbered 1481-A-10-02
  - Crematorium Roof Plan numbered 1481-A-10-03
  - Crematorium Elevations Plans numbered 1481-A-12-01, 02, and 03
  - Wake Facility Building General Arrangement Plan numbered 1481-A-50-01
  - Wake Facility Building Roof Plan numbered 1481-A-50-02
  - Wake Facility Elevations Plan numbered 1481-A-52-01

- Boundary Treatment Plan numbered D200020\_CDS\_EN\_ZZ\_DR\_L\_006 REV 02
- General Site Layout Plan numbered D200020 CDS EN ZZ DR L 01
- Soft Landscaping Plan 1 of 7 - Trees, Seeding & Native Hedgerows numbered D200020 CDS\_EN\_ZZ\_DR\_L\_020
- Soft Landscaping Plan 2 of 7 - Front & Rear Of Building numbered D200020 CDS EN ZZ DR L 021
- Soft Landscaping Plan 3 of 7 - Car Park & Adjacent Border numbered D200020 CDS EN ZZ DR L 022
- Soft Landscaping Plan 4 of 7 - Flower Court to Wake Facility Borders numbered D200020 CDS EN ZZ DR L 023
- Soft Landscaping Plan 5 of 7 – Tranquillity Garden, Wake Facility and Memorial Garden Plan numbered D200020 CDS EN ZZ DR L 024
- Soft Landscaping Plan 6 of 7 – Bulb Planting numbered D200020 CDS EN ZZ DR L 025
- Soft Landscaping Plan 7 of 7 – Site Entrance numbered D200020 CDS EN ZZ DR L 026
- Hard Landscape Plan 1 of 2 numbered D200020 CDS EN ZZ DR L 028
- Hard Landscape Plan 2 of 2 numbered D200020 CDS EN ZZ DR L 029
- Gates, Fencing & Street Furniture Plan 1 of 3 numbered D200020 CDS EN ZZ DR L 040
- Gates, Fencing & Street Furniture Plan 2 of 3 numbered D200020 CDS EN ZZ DR L 041
- Gates, Fencing & Street Furniture Plan 3 of 3 numbered D200020 CDS EN ZZ DR L 042
- Vehicle Access Plant Plan numbered D200020 CDS EN ZZ DR Y 004 Rev 03
- Pedestrian and Cycle Access Plan numbered D200020 CDS EN ZZ DR Y 005 Rev 02
- Location of Proposed Foul Water Connection Plan, and
- Drainage layout drawings numbered DR-C-0503 C02, C06 and C07.

Reason:

For the avoidance of doubt and in order to define the planning permission.

2. The buildings hereby approved shall be constructed in the materials set out in the CDS Group Proposed Materials Schedule that was approved in respect of application code ref. 23/00104/DISCON unless otherwise agreed in writing by the Local Planning Authority.

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.

3. 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.

4. The proposed visitor parking shall be provided in accordance with the application drawings prior to first use of the facility. 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.

5. 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 other than as set out on drawings numbered D200020 CDS EN ZZ DR L 040, Vehicle Access Plan numbered D200020 CDS EN ZZ DR Y 004 Rev 03, Pedestrian and Cycle Access Plan numbered D200020 CDS EN ZZ DR Y 005 Rev 02 and drawings D200020-CDS-EN-22-DR-L-55 and 56 (Construction Details 6 and 7 of 8) approved in respect of application 23/00104/DISCON 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.

6. 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.

7. 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**

8. Within 28 days of the date of this decision 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) shall have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage for the site shall thereafter be provided in accordance with the approved details.

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.

9. Within 28 days of the dated of this decision 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.

10. Within 28 days of the date of this decision, 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.

11. 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.

12. 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**

13. 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.

14. The development shall be undertaken in strict accordance with the Construction Environmental Management Plan: Biodiversity V1 (CEMP: Biodiversity) by RPS Group dated 16.01.22 approved in respect of application 23/00104/DISCON. 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.

15. Prior to first use of the facility the approved Landscape and Biodiversity Enhancement Plan (LBEP) V3 dated 10<sup>th</sup> February 2023 shall be updated to reflect the changes to the approved landscaping and the revised document submitted to the Local Planning Authority for approval in writing. The plan shall thereafter be carried out 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.

16. 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.

17. The external lighting shall be carried out in accordance with the External Lighting Strategy Rev C dated 17/06/2022 by CDS Group and no bat box shall be installed in areas where the proposed lux exceeds 1 (as per the Lighting Strategy).

Reason:

To safeguard bats and maximise the biodiversity value of the site of in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

18. The development shall be completed in accordance with the details on the Hard Landscaping Plans numbered D200020 CDS EN ZZ DR L 028 and D200020 CDS EN ZZ DR L 029 and the Hard Landscaping Materials Schedule dated May 2022 (except where amended by the above plans) prior to the site being brought 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**

19. 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.

20. 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.

21. 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.

22. The development shall operate in accordance with the Employment and Skills Plan Method Statement approved in respect of application code ref. 23/00104/DISCON throughout its lifetime unless otherwise agreed in writing by the Local Planning Authority.

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](http://www.derbyshire.gov.uk), email [highways.hub@derbyshire.gov.uk](mailto: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](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

The applicant is advised in respect of Conditions 8-12 that the submitted details shall address the Lead Local Flood Authority's comments in respect of application code ref. 23/00104/DISCON dated 7<sup>th</sup> July 2023.

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](mailto: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](http://www.gov.uk/government/organisations/the-coal-authority)

## 05. The Need for Advertisement Consent

The applicant is advised that this permission does not convey authorisation to display advertisements that do not benefit from deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Such advertisements would require a separate grant of express advertisement consent. For further advice on the need or otherwise for advertisement consent, the applicant is advised to contact / engage with the Local Planning 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.*