

AYLESBURY VALE DISTRICT COUNCIL

Town and Country Planning Act 1990**14/01575/APP**

Mr Robert Gillespie
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Subsequent to your application that was valid on the **30th May 2014** and in pursuance of their powers under the above mentioned Act and Orders, Aylesbury Vale District Council as Local Planning Authority **HEREBY PERMIT:-**

Erection of a crematorium with access road, bridge, car parks and ancillary works and associated landscaping (Part-retrospective planning application following quashing of original application)

AT:- Riviera Restaurant Watermead Aylesbury Buckinghamshire HP19 0FU

Approved Drawing Number(s):-

- 80424-P(0)003.A
- 80424-P(0)002
- 80424-P(0)006.D
- 80424-P(0)008.A
- 80424-P(0)009.E
- 80424-P(0)010.A
- 80424-P(0)011.A
- 80424-P(0)015.A
- 80424-P(0)016.A
- 80424-P(0)017.A
- 80424-P(0)018.A
- 80424-P(0)020.A
- 80424-P(0)021.A
- 80424-P(0)025.C
- 80424-P(0)030.H
- 80424-AP(00)50A
- NPA/10846/300/P01
- NPA/10846/200/P01
- NPA/10846/500/P01
- NPA/10846/550/P01
- OW12700-E01.D
- OW12700-E02.D
- NPA/10846/503/P01
- 80242-AL(0)007.K
- WE03847/C/020.K
- WE03847/C/021.L
- Material Samples
- WE03847-Aylesbury Crematorium
- WE03847_010B
- WE03847_011B.

Subject to the following conditions and reasons:-

- 1 The completed crematorium building including its associated bridges, access road and car parking area shall be maintained in accordance with the following approved plans:

80424-P(0)003.A, 80424-P(0)002, 80424-P(0)006.D, 80424-P(0)008.A, 80424-P(0)009.E, 80424-P(0)010.A, 80424-P(0)011.A, 80424-P(0)015.A, 80424-P(0)016.A, 80424-P(0)017.A, 80424-P(0)018.A, 80424-P(0)020.A, 80424-P(0)021.A, 80424-P(0)025.C, 80424-P(0)030.H, 80424-AP (00) 50A, NPA/10846/300/P01, NPA/10846/200/P01, NPA/10846/500/P01, NPA/10846/550/P01, OW12700-E01.D, OW12700-E02.D, NPA/10846/503/P01, 80242-AL(0)007.K, WE03847/C/020.K, WE03847/C/021.L, Material Samples, WE03847-Aylesbury Crematorium, WE03847_010B and WE03847_011B

REASON: In the interests of the visual amenities of the locality and to accord with Aylesbury Vale District Local Plan policies GP35, GP38, GP39 and GP40 and advice in the National Planning Policy Framework.

- 2 The completed hard and soft landscaping works associated with the development hereby approved, shall be managed and maintained in accordance with the approved plans; [NPA/10846/300/P01, NPA/10846/200/P01, NPA/10846/500/P01, NPA/10846/550/P01, NPA/10846/503/P01, 80242-AL (0)007.K, 80242-AL(0) 009 E, WE03847/C/020.K, WE03847/C/021.L and 80424_STL_Brunel]. Any remaining hard and soft landscaping works (which are outstanding at the date of permission) as shown in the approved plans (including the footways on the mound) shall be carried out, in accordance with the approved plans, within the first planting season following the first use of the development hereby permitted or the completion of the development whichever is the sooner.

REASON: In the interests of the visual amenities of the locality and to accord with Aylesbury Vale District Local Plan policies GP35, GP38, GP39 and GP40 and advice in the National Planning Policy Framework.

- 3 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

REASON: In the interests of visual amenities of the locality and to accord with Aylesbury Vale District Local Plan policies GP38, GP39 and GP40 and advice in the National Planning Policy Framework.

- 4 There shall be no scattering or interring of ashes within or adjacent to the site other than within the defined area within the site as shown on the approved plan P(0) 031.

REASON: In order to protect the local wildlife in accordance with .the National Planning Policy Framework (NPPF).

- 5 The crematorium hereby permitted shall not be used for funeral services before 10.30am or after 16.30pm on Monday to Friday, before 10.30am or after 14.00pm on Saturdays, and shall not be used for funeral services on Sundays, or on bank or public holidays. The crematorium shall not be used within or outside of the specified hours for any other purpose other than as a crematorium.

REASON: To safeguard the amenity of the area and to accord with Aylesbury Vale District Local Plan policies GP8 and GP95 and advice in the National Planning Policy Framework.

- 6 The site shall not become operational until the foul and surface water drainage hereby approved as set out in the Drainage Strategy WE03847-Aylesbury Crematorium and approved drawings WE03847_010B and WE03847_011B has been fully implemented in accordance with the approved details.

REASON: In order to ensure that the development is adequately drained and to accord with advice in the National Planning Policy Framework.

- 7 No floodlighting or other form of external lighting shall be installed within the site unless it is in accordance with details set out in the external lighting scheme associated with the development hereby approved which comprises Ref: Lighting Report Rev-2 and drawings OW12700-E01.D and OW12700-E02.D. Any lighting which is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.

REASON: In the interest of visual and residential amenity and to accord with Aylesbury Vale District Local Plan policies GP8, GP35 and GP95, and advice in the National Planning Policy Framework.

- 8 The flood management and mitigation scheme associated with the development hereby approved shall be permanently maintained in accordance with the Flood Risk Assessment by Clive Onions Ltd dated 30 May 2014 and the following documents (Flood Management Plan (23/06/2017) Version 3, Flood Risk Management Assessment and Drainage Strategy (23/06/2017) Version 6), Compensatory flood plain storage as shown in the updated summary of flood storage volume by Clarkebond dated December 2017 and the updated flood compensation locations by Clarkebond dated December 2015 as shown in Flood Mitigation Scheme Drawing. No. 80424/P(O)030 rev H. The Finished flood levels are set no lower than 74.5 metres above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework (NPPF) and to ensure that the property is suitably protected from flooding up the 1% Annual Exceedance Probability with an appropriate allowance for climate change flood event and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 9 The management and maintenance of the grounds and building, associated with the development shall be carried out in accordance with the approved Environmental Management Plan (EMP) (Ref: Environmental Management Plan 2017-2021 (26/06/2017) Issue 2 which includes details of long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the site.

REASON: To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site in accordance with guidance set out in the National Planning Policy Framework, and in accordance with the Natural Environment and Rural Communities Act and article 10 of the Habitats Directive.

- 10 The scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles shown on the plans hereby approved, shall be laid out prior to the first operation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to accord with Aylesbury Vale District Local Plan policy GP24 and advice in the National Planning Policy Framework.

- 11 Prior to first operation, details of the additional temporary car park shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Council as Highway Authority and no part of the development shall be brought into use until the temporary car park has been laid out in accordance with the approved details. The applicant will formally notify the Local Planning Authority and Highways Authority of the dates when the alternative car parking scheme is in operation, by way of placing a public notice to be displayed in a prominent location close to the site and/or by way of written correspondence to the Local Planning Authority and Highways Authority, in such an event.

REASON: To minimise the potential for danger, obstruction and inconvenience to users of the adjoining highway and to accord with Aylesbury Vale District Local Plan policy GP24 and advice in the National Planning Policy Framework.

- 12 Prior to the first operation of the development hereby permitted a Travel Information Plan shall be submitted to the Local Planning Authority for approval in writing, the approved plan shall thereafter be implemented and (ie: before any funeral services are carried out) and, subject to its approval, shall be made publically available for all users of the site within three months of first occupation. The Travel Information Plan shall provide information on all forms of travel to the site including but not limited to: walking routes to the site; cycle routes; and links to passenger transport timetables.

REASON: In order to influence modal choice and to reduce single occupancy private car journeys to the site in line with NPPF and Local Transport Policy 4

- 13 A scheme that identifies a clearly demarked safe pedestrian route between the car park and the crematorium shall be submitted to and approved in writing by the Local Planning Authority prior to first operation of the development (ie: before any funeral services are carried out). The proposed pedestrian route shall be provided on-site in accordance with approved details within one month following approval and shall be maintained permanently thereafter in association with the use.

REASON: In order to minimise danger, obstruction and inconvenience to pedestrian users of the development in accordance with the NPPF.

- 14 Prior to first operation, details of a scheme for cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the no. of cycle spaces and the design including any supporting structure and shall be clearly identified on a plan. The cycle storage/facilities shall be laid out in accordance with the approved plans within three months following approval and the facilities shall be permanently maintained for this purpose thereafter.

REASON: In order to influence modal choice and to reduce single occupancy private car journeys to the site in line with National Planning Policy Framework and Local Transport Policy 4.

- 15 The use of the site hereby permitted shall cease within 90 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below;

(i) Within 1 months of the date of this decision, a scheme for the provision and management of the 8 metre wide ecological buffer zone alongside the River Thames shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation and a scheme for protection during any remaining construction works, formal landscaping and formal management [with the exception of the small length of non-native hedge already agreed, and the parking spaces along the left bank, upstream of the road crossing]. The scheme shall include but not be limited to:

- Plans showing the extent and layout of the buffer zone including details of any fencing which will protect the buffer from footfall and vehicular encroachment;
- Details of any proposed planting scheme in the River Thames and within the 8 metre ecological buffer (for example, native species only);
- Details demonstrating how the river and buffer zone will be managed or maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

(ii) If within 11 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period an appeal shall have been made to and accepted as validly made by the Secretary of State

- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON: In order to protect the local wildlife in accordance with the National Planning Policy Framework (NPPF).

16 The use of the site hereby permitted shall cease within 90 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- (i) Within 1 month of the date of this decision, a whole life (Sustainable Urban Drainage Strategy (SUDS)) maintenance plan for the site shall have been submitted for the written approval of the Local Planning Authority. The plan should set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction with details of who is to be responsible for carrying out the maintenance.
- (ii) If within 11 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to and accepted as validly made by the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and shall remain operational for the whole life of the use as a crematorium.

REASON: To ensure that maintenance arrangements have been arranged and agreed in accordance with the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

17 The use of the site hereby permitted shall cease within 90 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- (i) Within 1 month of the date of this decision, a surface water runoff scheme shall have been submitted to and approved in writing by the local planning authority which will demonstrate that the surface water runoff generated by the proposed development shall not discharge at a rate greater than the existing brownfield runoff rates for development site.
- (ii) If within 11 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and shall remain operational for the whole life of the use as a crematorium.

REASON: To ensure that there is a satisfactory solution to managing flood risk in accordance with the National Planning Policy Framework.

18 The entrance gateway adjacent to the junction with Watermead shall be inward-opening and openable within the site only, and shall be maintained permanently thereafter. The gate shall not be opened or extend into the public highway at any time.

REASON: To avoid queuing vehicles on the public highway, and to ensure safe access/egress to the site in order to minimise danger, obstruction and inconvenience to pedestrian users of the development in accordance with the NPPF.

- 19 Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 6 metres of the edge of the carriageway.

REASON: To enable vehicles to draw off clear of the highway for the safety and convenience of highway users and to accord with guidance set out in the National Planning Policy Framework.

Informative(s)

- 1 In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council in dealing with this application, has worked in a positive and proactive way with the Applicant and has focused on seeking solutions to the issues arising from the development proposal. In this case the applicant and agent was provided with pre-application advice which was taken into account in the application submitted. Amendments to the proposals and additional information have been sought and submitted. The application has been found acceptable on the basis of these amendments, and permission has been granted.
- 2 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required if protected habitats or species are affected by development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0118 958 1222.
- 3 There is a probability that birds will nest on this site. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to kill, injure or take a wild bird, or to take, damage or destroy the nest of any wild bird while that nest is in use or being built. The most effective way of avoiding breaches of this legislation is to conduct activities that might disturb nesting birds outside the nesting period. The bird nesting season usually covers the period from mid-February to the end of August. However it is very dependent on the weather and certain species of birds may nest well outside this period. Under section 16 of the Wildlife and Countryside Act 1981, licences can be issued, which permit otherwise illegal activities to be carried out for a variety of purposes. Further information on licences is available from Natural England. For further information or to obtain approval contact Natural England on 0118 958 1222. Details can be found at www.naturalengland.org.uk
- 4 If any unexpected contamination is encountered during any phase of the works, the District Council's Environment Services Division must be informed immediately and works should cease on site until a remedial strategy has been written and agreed in writing by the District Council. For further information contact Miss Deborah Ferady, Contaminated Land Officer, Tel. 01296 585621.
- 5 The cremation of human remains is a regulated activity under the Environmental Permitting Regulations 2010. Accordingly, the activity will require a Environmental Permit issued and enforced by Aylesbury Vale District Council, and based on the Department for Environment, Food and Rural Affairs Statutory Guidance for Crematoria; Process Guidance Note 5/2 (12).
- 6 Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River

Thame, designated a 'Main River'. The Environment Agency advises that the applicant contacts westthamesconsents@environment-agency.gov.uk for further information relating to flood defence consents. Please note that this consent is independent of the need for planning permission and the granting of planning permission does not necessarily imply that Environment Agency consent will be granted.

- 7 It is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 8 It is an offence under Section 151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 9 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under Section 137 of the Highways Act 1980.
- 10 The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge, or any other land forming part of the Highway. A period of 28 days must be allowed for the issuing of this license.
Please contact:

Transport for Buckinghamshire
Aylesbury Vale Area Office
Corrib Industrial Park
Griffin Lane
Aylesbury
Bucks. HP19 8BP
Tel: 0845 230 2882

Your attention is drawn to the notes on the back of this form.

Susan Kitchen

For and on behalf of the District Council
11th December 2018

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within 6 months of the date of this Notice, using a form which you can get from the Planning Inspectorate, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You can also lodge an appeal via the internet at www.planningportal.gov.uk/pcs

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State grants permission to develop land subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Approval under the Town and Country Planning Act DOES NOT operate as a consent under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, by emailing bcontrol@aylesburyvaledc.gov.uk

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.

4. SUSTAINABILITY

We support the principles of sustainable design and construction, including: carbon management (energy efficiency and micro generation) as a central theme in design, build and use; the re-use of materials in construction projects; the sustainable management of water through water conservation (rainwater harvesting and water reuse) and the use of sustainable drainage systems (SUDS). We have published a Sustainable Construction Advisory Guide to help those involved in new build gain a better understanding and encourage the use of sustainable construction techniques in new developments. We will also provide basic guidance for interested parties on request. Further information can be found at CIRIA's SUDS website www.ciria.org/suds/icop.htm and the Building Research Establishment website www.bre.co.uk

5. MATERIALS

Please note that we cannot accept samples of materials at our offices. You should submit a Discharge of Conditions application (see note 6 below) with the materials fully specified, and then the case officer will make arrangements to view samples on site as required. Application forms are available on our web site (see link below).

6. DISCHARGE OF CONDITION(S)

A fee is payable for applications seeking confirmation that a) information submitted satisfies the requirements of a condition (including planning permission that has been granted on appeal) and b) a condition has been discharged.

For our current fees please visit our website <https://www.aylesburyvaledc.gov.uk/section/step-2-you-apply> Please note that any number of conditions can be included on a single request but, if separate applications are made for each condition, a fee is required for each: i.e. if 4 separate application are made to discharge 4 conditions, total fees payable will be 4 x application fee.

You should submit a formal application using the standard 1APP form accompanied by the appropriate information, details or drawings. Applications can be made online via www.planningportal.gov.uk or you can download from our website at <http://www.aylesburyvaledc.gov.uk/planning---building/planning-and-building-control-applications/step-3-apply-for-planning-permission/planning-application-forms/>

7. STANDING ADVICE FOR DEVELOPMENT SITES WHERE THERE IS NO KNOWN HISTORICAL CONTAMINATION

If during development works contamination is encountered which has not been previously identified please contact the Environmental Health department immediately at envhealth@aylesburyvaledc.gov.uk. Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority.

Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.