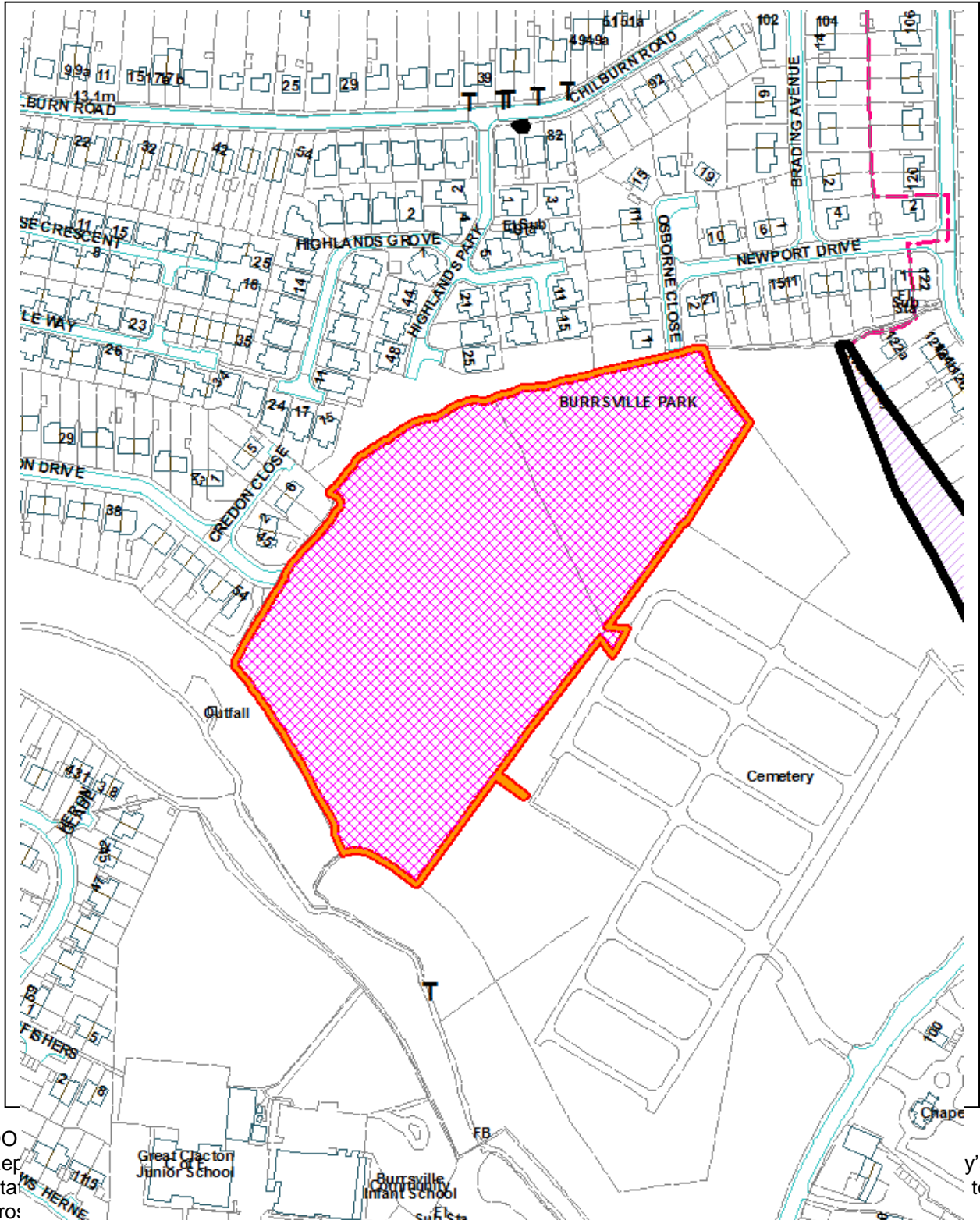


PLANNING COMMITTEE

17TH NOVEMBER 2015

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATIONS - 15/01219/FUL - BURRS ROAD CEMETERY
BURRS ROAD, CLACTON ON SEA, CO15 4LE



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Application:	15/01219/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr David Hall - Tendring District Council	
Address:	Burrs Road Cemetery Burrs Road Clacton On Sea CO15 4LE	
Development:	Extension of existing cemetery for further burials.	

1. Executive Summary

- 1.1 This application has been referred to the Planning Committee because the Council is the applicant.
- 1.2 The application site forms part of the Burrs Road Cemetery. The application seeks an extension to the existing cemetery. This extension would accommodate the identified local need for additional burial plots in the future.
- 1.3 The area that would be utilised for the extension has historically been earmarked for this purpose as set out in Policy COM25 of the Adopted Local Plan (2007) and PEO24 of the Draft Local Plan (2012) as amended by the 2014 Focussed Changes.
- 1.4 National planning policy is contained within the National Planning Policy Framework (NPPF). The NPPF promotes the principles of sustainable development through proposals that respect the intrinsic character of the countryside. Proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture and appropriate landscape design. The scale, layout and landscaping of the proposal are in keeping with the existing cemetery and would result in some biodiversity benefits to the site.

Recommendation: That the Head of Planning be authorised to grant planning permission for the development subject to conditions relating to the following:-

1. Time limit for commencement
2. Development in accordance with submitted plans
3. Details of a surface water drainage scheme,
4. Implementation of all hard and soft landscaping
5. Ecological mitigation scheme and management plan
6. Surveys as set out in Ecological Report
7. Landscape/Open space management plan

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (December 2007)

QL9 Design of New Development

- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- COM25 Cemeteries and the Crematorium
- EN6 Biodiversity
- EN11c Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- SD9 Design of New Development
- PEO19 Green Infrastructure
- PLA4 Nature Conservation and Geo-Diversity
- PEO24 Cemeteries and the Crematorium

3. Relevant Planning History

96/01128/FUL	(Burrs Road Cemetery, Burrs Road, Clacton on Sea) Erection of new cemetery store building to replace existing store. Store to be used for machinery used in the cemetery	Approved	08.10.1996
15/01219/FUL	Extension of existing cemetery for further burials.	Current	

4. Consultations

- 4.1 **ECC Highways Dept** - The Highway Authority raises no objection to the proposed development.
- 4.2 **Natural England** – Indicated that they had no comments to make on the current proposal.
- 4.3 **ECC SuDS Approval Board** – Raised no objection to the current proposal subject to the inclusion of a planning condition requesting details of a surface water drainage strategy be submitted to the Council for approval prior to commencement of the development.
- 4.4 **Essex Wildlife Trust** – No comments received
- 4.5 **Environment Agency** – Raise no objection but do comment that:

We have assessed the various aspects of the cemetery extension design, including the leachate calculations, proposed drainage of the basin, capacity of the attenuation pond, calculations for the 1 in 100 year return period storm and reed bed design. We are fairly confident that if the cemetery extension is constructed as designed, the proposed extension should not cause an unacceptable impact to the local environment. Any pollution that could occur would most likely be organic in content.

The submitted plans suggest that water is actually diverted away from the burial area and, as such, any polluting discharge will be at very low levels of contamination. Any polluting discharge would have to first flow through the soil, which would provide some treatment, then it would enter an attenuation pond where we would see large dilution and degradation, and then into a reed bed, where further treatment would occur before discharge to a river. We therefore consider that any possible pollution would be minimal and unlikely.

The theoretical nature of some of the calculations and the bespoke nature of the cemetery drainage design should be noted. You should ensure you are satisfied that the system will function as expected and there is no discharge of pollutants from the site.

Officers would like to draw Member's attention to the comments received from Essex County Council SuDS and the suggested list of conditions recommended by officers should permission be granted.

- 4.6 **Principle Tree and Landscape Officer** – No comments at time of report and members will be updated with regard to any comments that might be received

5. **Representations**

- 5.1 No objections have been received to the application.

6. **Assessment**

- 6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Policy Context;
- Impact on Neighbours;
- Design and Layout;
- Biodiversity; and,
- Flooding.

Context and Background

- 6.2 The site is located to the northwest of the existing cemetery with access gained from Burrs Road.
- 6.3 A Design and Access Statement supports the application and within this document the applicant identifies the need for the extension proposed within the current application. This need is born out of the fact that the current burial rate is around 140 – 150 per year a figure which is expected to continue or slightly increase. Based on these figures it is anticipated that the existing cemetery would be fully utilised within the next 5 years.
- 6.4 The site is adjacent to Pickers Ditch which runs along the south western boundary while a tributary ditch runs to the northwest with residential properties beyond this ditch.
- 6.5 The site itself is currently an area of mixed scrubland, grassland and woodland in the form of hedgerows, mature and immature trees and is a locally designated as a Local Wildlife Reserve.
- 6.6 The site covers an area of 1.9 ha and slopes gently to the northwest.
- 6.7 The site is designated within the current adopted local plan as a site for a cemetery extension and is owned by Tendring District Council.

- 6.8 The cemetery is open for vehicular access Monday to Fridays from 7.30am to 4.30pm and on Saturdays and Sundays from 10.00am to 4.30pm, 365 days a year. The site is open for pedestrian access 24hrs a day year round.

Proposal

- 6.9 The proposal is to extend the cemetery northwest into the mixed grassland.
- 6.10 Access to the proposed extended section of the site will be via an extension of the existing cemetery access road which will provide suitable access associated with the use of the site as a cemetery.
- 6.11 The applicant indicates that the proposed development would seek to retain as much of the existing scrubland and woodland as possible, particularly with reference to the hedges along Pickers Ditch, the ditch feeding Pickers Ditch and the dividing hedge between the new extension and land retained as a future extension.
- 6.12 The existing hedge along the north western boundary will be retained providing screening for the properties on Credon Close. Additional planting within the 10m buffer would serve to enhance the level of screening currently provided.
- 6.13 As part of the landscaping of the site the applicants have stated that a number of micro-ponds would be created within the detention basin.
- 6.14 As the central section of the cemetery is unsuitable for burials this area will be utilised for the new access road, a small car park, the cremated remains area and two small memorial gardens. In order to control surface water run-off a detention basin is to be located at the bottom of this central area.

Policy Context

- 6.15 National planning policy is contained within the National Planning Policy Framework (NPPF). The NPPF promotes the principles of sustainable development through high quality design that respects the intrinsic character of the countryside. Proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture and appropriate landscape design. Given the characteristics of the proposal, with mature existing soft landscaping, the design would be respectful of the intrinsic character of the landscape and the design features of the existing crematorium. Within this context the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 6.16 Policy COM25 of the Adopted Local Plan (2007) and Draft Local Plan Policy PEO24 supports the extension of existing cemeteries subject to meeting the requirements of other relevant policies in the Local Plan. Subject to meeting other relevant policies, the Council will approve proposals which are compatible with neighbouring uses and which minimise any adverse environmental impacts.
- 6.17 Members are advised that the proposed extension of the Burrs Road cemetery will bring Local Plan Policies into conflict. The expansion of cemeteries is supported by adopted policy COM25 and draft policy PEO24 while policies EN6 and EN11c of the Adopted Local Plan (2007) and draft Policy PLA4 of the Adopted Local Plan (2012) seeks to ensure that any new development has regard to local biodiversity and also seeks to protect local sites of wildlife importance.

- 6.18 The proposal would ensure that the existing Burrs Road cemetery would have sufficient capacity to serve the needs of the local community. In addition it is noted that the applicant has gone to some length to ensure that local biodiversity features are retained and managed while new features that would benefit local wildlife will also be introduced. So whilst the proposal could be seen as contrary to those policies seeking to protect and biodiversity and local wildlife officers are of the view that the compensation measures proposed by the applicant to enhance the site in combination with the benefits to the local community would outweigh the limited harm brought about by the development.

Impact on neighbours

- 6.19 Policy QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.20 Neighbouring properties to the north west of the planned development are screened from the site by a mature hedge which will be retained.
- 6.21 The applicant has indicated that additional planting would be provided to fill in gaps that would serve to enhance the existing screening. This additional planting will be secured by condition and in officer's view would reduce the limited visual impact on the above mentioned residential properties.
- 6.22 Apart from the above residential properties neighbouring land is either part of the existing cemetery or open space.
- 6.23 In recognition of these characteristics, the proposal would be consistent with saved Local Plan Policy QL11 and emerging Policy SD9.

Design and Layout of Proposal

- 6.24 The applicant has indicated that the site would be converted into a cemetery that would match the current design and layout.
- 6.25 The submitted plans show that buffer strips would be provided along both ditches which would further serve to maintain existing character and habitat value.
- 6.26 Additionally the access roads would be planted with a variety of native trees and shrubs to complement the existing planting within the site as well as the new planting within the buffer strips.
- 6.27 As stated earlier the central section of the cemetery is unsuitable for burials. Consequently this area will be utilised for the new access road, a small car park, the cremated remains area and two small memorial gardens. In order to control surface water run-off a detention basin is to be located at the bottom of this central area.
- 6.28 Based on the above officers conclude that the design and layout of the proposed extension to the existing cemetery would create an aesthetically pleasing open space that would sit comfortably within the context of the existing cemetery and would as a result not detract from the established character of the area.

Biodiversity

- 6.29 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.
- 6.30 The site is designated as both a Local Nature Reserve and a Local Wildlife Reserve due to its mosaic of woodland and grassland interspersed with hedges.
- 6.31 As part of the submission the applicant has indicated that all hedges with the exception of the least important hedge that currently divides the existing cemetery from the extension would be retained.
- 6.32 It is however noted that this hedge represents a fairly recent addition to the site and has been identified with the accompanying Ecologist Report as the least important of those on the site.
- 6.33 It is further anticipated that some of the longer established hedges, which display some large gaps, would be filled-in with native hedgerow species. Officers consider that not only would this provide improved screening in and out of the site but also serves to enhance existing wildlife habitat.
- 6.34 The Ecologist Report prepared by Essex Ecology Services Ltd concludes:
- Grassland provides potential habitat for reptiles – A reptile survey is suggested.
 - Hedgerows support nesting birds – Apart from the central fairly recent hedgerow the remaining hedgerows on site will be retained. A condition will be imposed to ensure that any hedgerow removal should take place outside the bird breeding season.
 - Hedgerows and Oak trees could support bats – Bat survey to be secured by condition
 - Invertebrate survey to be secured by condition
 - Conservation Management Plan to include ecological enhancements to be secured by condition.
- 6.35 Furthermore, Natural England has been consulted on the application, and has no objection to the application.
- 6.36 Given the site's Local Plan designations and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities would be secured by condition.

Flooding

- 6.37 The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where

development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.

- 6.38 The applicants have submitted a Flood Risk Assessment as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps the site is located entirely within Zone 1 – at low risk of flooding.
- 6.39 With regards to the information submitted within the FRA, ECC SuDS raised no objection to the proposed development subject to the inclusion of a planning condition requesting details of a surface water drainage strategy be submitted to the Council for approval prior to commencement of the development.
- 6.40 Based on the details it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Conclusion

- 6.41 Based on the above assessment officers conclude that the proposed extension to the Burrs Road Cemetery can be achieved without any material harm to the surrounding residential properties or the character and appearance of the site. In addition a number of measure shave been suggested that would secure the biodiversity credentials of the site while also introducing additional benefits that weighs as a positive in the consideration of the application.
- 6.42 The application would comply with the aims and objectives of National and Local Plan Policies as identified within the report and approval is recommended on this basis.

Background Papers

None.