



The proposed residential unit is remote from the village settlement limits and as such is not a location where another new home should be built. The residential unit is not an agricultural dwelling and there is no over-riding need for a warden to be accommodated on the site in relation to a burial ground. Elsewhere former cemetery lodges have long since been sold off. Site security could be simply improved by locking the existing gates at dusk.

The applicant has range of buildings nearby at Wrabness Hall where uses, including toilets for mourners, an operational base for the green grave yard, an estate office, staff accommodation and hospitality facilities have been approved. The current planning application duplicate the earlier approval intended to secure the future of the former farm buildings to serve this land holding.

## **2. Consultation Responses**

Environment Agency  
(Comments dated 4  
March 2019 following  
submission of additional  
information)

Thank you for your consultation received on 12 February 2019. We have inspected the application, as submitted, and we are now able to remove our holding objections to this application on both Ground Water and Flood Risk grounds. The site is currently defended and the SMP policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

### Ground Water

We have reviewed the Tier 1 Risk Assessment and we concur with the findings that the cemetery extension is low risk. We do not require any additional information or intrusive investigations. We have no further concerns regarding this application provided that no burials take place within 10m from field drains and, as such, a 10m easement from the land drain on the eastern boundary must be observed. No burials will take place into standing water, with at least 1m of unsaturated ground below the base of the coffin. Our remaining requirements of, no burials within 250m minimum distance from potable ground water supply source and 30m minimum distance from watercourse or spring, still apply, but the risk assessment has not identified these features within the specified distances of the site.

### Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a ceremony hall and wardens accommodations with change of use to burial grounds, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 2240/RE/01-19/01 and dated January 2019, are:

### Actual Risk

- The site is currently protected by flood defences with an effective crest level of 3.49m AOD which is below the present-day 0.5% (1 in 200) annual probability flood level of 4.09m AOD. However while the flood defence is overtopped in this event the defences reduce the flood risk to the site. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- If the SMP policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.13m AOD, would the existing defences.

### Residual Risk

- The FRA does not explore the risk of a breach of the defences. Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 2.46 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2.83 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. We have used OS map benchmarks due to a lack of site levels to indicate roughly what the flood depths on the site will be. You may wish to ask the applicant to provide a breach assessment and undertake a topographic survey for the development site in their FRA so that you can make a more informed decision on flood risk.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change on the site.
- However all proposed development on the site has been sequentially sited into Flood Zone 1. Therefore assuming a velocity of 0.5m/s the flood hazard is very low hazard in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 6.90m AOD. This is above the 0.5% (1 in 200) annual probability undefended flood level including climate change of 5.16m AOD and therefore dry of flooding by 1.74m depth in this event.
- Flood resilience/resistance measures have been proposed.
- Finished first floor levels have been proposed at an unknown height. However finished ground floor levels have been proposed at 6.90m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability undefended flood level including climate change of 5.53m AOD.
- A Flood Evacuation Plan has been proposed.

### Shoreline Management Plan

The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice

Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for southern Stour location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

Environment Agency  
(Initial objection dated 18  
December 2018)

Thank you for your consultation received on 22 November 2018. We have inspected the application, as submitted, and we are raising a holding objection on groundwater and flood risk grounds.

#### Groundwater contamination

For cemetery extensions we require a basic Tier 1, risk screening assessment.

We have not been provided with any information regarding the suitability of the site for burial or estimated numbers of burials per year. Although this is an extension to an existing cemetery, which has not caused any known pollution, this is not in itself adequate evidence to rule out the extension causing pollution.

Details of the assessment can be found online at:

<https://www.gov.uk/guidance/cemeteries-and-burials-groundwater-risk-assessments>

<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

The Tier 1 assessment is primarily a desk study and should include amongst other things, published information regarding the geology and hydrogeology (groundwater levels across the site including seasonality). An assessment of the hazard(s) should be made, potential pathways and receptors should be identified and reviewed, and a qualitative assessment undertaken of the significance of the risks posed, for example, high, intermediate or low. Generally we require the following basic controls:

-250m minimum distance from potable groundwater supply source;

-30m minimum distance from watercourse or spring;

-10m minimum distance from field drains;

-no burials into standing water, with a minimum of 1m unsaturated ground below the base of the coffin (including seasonal fluctuation).

#### Overcoming our Objection

The applicant can overcome our objection by undertaking the Tier 1 assessment and proving the site is a suitable burial ground.

We ask to be re-consulted with the results of the Tier 1 assessment.

We will provide you with bespoke comments within 21 days of receiving formal re-consultation.

Our objection will be maintained until

an adequate Tier 1 assessment has been submitted.  
Flood Risk Our maps show the application site partially lies within Flood Zones 3 and 2, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high and medium probability of flooding respectively. Paragraph 163, footnote 50 of the NPPF requires applicants for planning permission to submit a site-specific FRA when development is proposed in such locations. An FRA is vital if you are to make an informed planning decision. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

### Overcoming our Objection

The applicant can overcome our objection by undertaking an FRA that demonstrates that the development is safe without increasing risk elsewhere and, where possible, reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted. Advice to Applicant  
Our Customers and Engagement team can provide any relevant flooding information that we have available. Please contact: [Enquiries\\_EastAnglia@environment-agency.gov.uk](mailto:Enquiries_EastAnglia@environment-agency.gov.uk). For further information on our flood map products please visit our website here: Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning process. The SFRA may contain information to assist in preparing site-specific FRAs. Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding'. We have included a factsheet with our response, which sets out the minimum requirements. Further guidance on completing an FRA is available on our website here and in the Site-specific flood risk assessment: Checklist.

Essex Wildlife Trust

No comments.

Natural England

Natural England's initial screening of this planning application suggests that impacts to designated sites caused by foul drainage arrangements need to be considered by your authority (i.e. the relevant Impact Risk Zone has been triggered). The assessment of impacts from small sewage discharges (SSD) may be assessed with some confidence by following the process outlined below. We therefore advise you to review the planning application under consideration, and apply the following generic advice, as appropriate. Please note that this advice only applies to development proposals within Essex, Hertfordshire, Cambridgeshire, Bedfordshire, Northants, Norfolk and Suffolk.

Most foul water is removed from a development site by a mains sewer. If a house or business is within 30m of a mains sewer, the expectation is that this will form the foul drainage arrangement. If a mains sewer connection is not proposed, and the property is more than 30m away from the nearest sewer your sewage may go to one of

the following small sewage options:

- a septic tank - an underground tank which is part of a sewage treatment system where the solids sink to the bottom and the liquid flows out and soaks through the ground
- a small sewage treatment plant (also known as a package treatment plant) - a part mechanical system that treats the liquid so it's clean enough to go into a river or stream
- a cesspool (also called a cesspit) - a sealed tank that collects the sewage but without treatment, stores the waste and requires regular emptying by a tanker
- a non-standard system, eg a reed bed or a trench arch system

Please refer to the decision tree at Annex A to assesses whether the discharge needs an Environmental Permit and a Habitats Regulation Assessment or SSSI Assessment.

Is the discharge to surface water?

If the discharge is to surface water such as a ditch, stream or intertidal area discharges must preferably not be in or within 500m<sup>1</sup> of a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, biological Site of Special Scientific Interest (SSSI), freshwater pearl mussel population, designated bathing water, or protected shellfish water; 200m of an aquatic local nature reserve; 50m of a chalk river or aquatic local wildlife site. If within this distance you will need to apply to the Environment Agency for a permit, and associated assessment work. Furthermore, within this distance it should be regarded as likely to have a significant effect to the European site (SPA, SAC, Ramsar), and further assessment work should be requested of the applicant, to inform your Habitats Regulations Assessment (see below), or consideration of the SSSI, as appropriate.

The sewage must only be domestic. The discharge must be less than 5 cubic metres per day in volume. The discharge must not cause pollution of surface water or groundwater. The sewage must receive treatment from a sewage treatment plant. New discharges must not be within 30m of a public foul sewer. Discharges must be made to a watercourse that normally has flow throughout the year and must not be made to an enclosed lake or pond.

Is the discharge to ground water?

If the discharge is to ground water through a soakaway or drainage field then discharges must not be in, or within 50m of an SAC, SPA, Ramsar site, or biological SSSI, and must not be within an Ancient Woodland. If within this distance the applicant will need to apply to the Environment Agency for a permit. You can find out where ancient woodlands are on the Magic website. If within this distance, it should also be regarded as likely to have a significant effect to the European site (SPA, SAC, Ramsar), and further assessment work should be requested of the applicant to inform your Habitats Regulations Assessment (see below), or consideration of the SSSI, as appropriate.

The discharge must be less than 2 cubic metres in volume. The sewage must only be domestic. The discharge must not cause pollution of surface water or groundwater. The sewage must receive treatment from a septic tank and infiltration system (drainage field) or a sewage treatment plant and infiltration system.

Is the proposed discharge close to a protected site?

Natural England has published a set of mapped Impact Risk Zones (IRZs) for SSSIs. This GIS tool can be used to help consider whether a proposed development is likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website. The

locations of all SSSIs are also mapped on the Magic website (Link to Magic) and can be accessed online without GIS. The site shows the locations of all statutory designations however it doesn't show Impact Risk Zones and the applicant will need to measure the proximity of the discharge location to protected sites using the toolbar.

If the discharge location is within or in close proximity to a Special Area of Conservation, Special Protection Area or Ramsar then it will be necessary for the applicant to provide sufficient information for you as the Competent Authority to conduct a Habitats Regulation Assessment in accordance with their duties under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest, Natural England advises that the competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>2</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Where foul water is discharged either to ground to clearly filter away from the site, or into a nearby watercourse to clearly flow away from the development its impact will not need to be assessed. If the treated water flows towards a Site of Special Scientific Interest (SSSI), the closer it discharges to the SSSI, the less time there is for it to be diluted before it reaches the site. Therefore, at greater distances from the SSSI, only those developments with a greater discharge volume are likely to have an impact. The sewage discharge thresholds are aligned with Environment Agency permitting.

What is the expected discharge volume?

It is necessary to ascertain whether the sewage discharge method proposed is appropriate and sufficient to handle the expected discharges throughout the year, including peak flows if use is occasional or seasonal. The expected discharge volume for proposed developments may be estimated using the daily discharge calculator for domestic properties which can be found here link to [www.gov.uk](http://www.gov.uk).

As a general rule of thumb developments likely to fall below 5 cubic metres (5000 Litres) per day discharge include:

- Individual dwellings
- 5 homes of 4 bedroom or less
- 6 homes of 3 bedrooms or less
- 8 flats or small homes of 2 bedrooms or less

What information should be provided within the application for a HRA or SSSI assessment?

The information provided by the applicant should fulfil the requirements of the permits and general binding rules as outlined with Annex B and allow the Competent Authority to complete a HRA. For example:

- How the septic tank will work
- How often will the tank be serviced and emptied
- Will the tank have a bund around it
- Where is the tank/Where is the outfall
- Does the nearest watercourse flow all year
- If the tank overflows would it soak away to ground or to a ditch or direct to the river
- How deep is the water table
- Does the area regularly flood

Licensing

If a discharge does not meet the general binding rules as outlined in Annex A, then it will require a Small Sewage Discharges Permit from

the Environment Agency. Applicants should consult the GOV.UK website to confirm whether their proposal will require a permit early in the development stage.

The Ramblers Association No comments.

UU Open Spaces Current Position

There is currently a deficit of 0.30 hectares of play and formal open space in Wrabness.

There is one play space in Wrabness, located at Rectory Road. The play space is classified as a Local Equipped Area for Play.

Recommendation

It is felt that there will be no significant impact on the current Open Space and Play facilities.

No contribution is required on this occasion.

Environmental Protection Environmental Protection have no comments to make in relation to the above application.

Licensing Section No comments.

Tree & Landscape Officer The change of use of the land from agricultural to use as a Green Burial Ground will not affect any trees or other vegetation on the land and in the long term the creation of additional woodland will be a positive addition to the landscape.

With regard to the construction of the proposed building and its future use it will not, as a result of its construction, necessitate the removal of any existing trees or other vegetation. However the erection of the building has the potential to have an adverse impact on the character and appearance of the local landscape character.

In terms of the quality of the local landscape character it is important to note that the application site is situated within Stour Valley Landscape Character Area (LCA) as described in the Tendring District Council Landscape Character Assessment. To the north is The Stour Estuary Marshes LCA and on the higher ground to the south is the Bromley Heaths LCA.

The application site is situated on the low land on the slopes of the Stour Valley that form the setting to one of the most important wildlife estuaries in Europe and a setting to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

The valley sides are highly sensitive to visual change because they form an important rural setting to the open waters of the Stour estuary and are visible from the open water and the northern slopes of the Stour Estuary. Nevertheless the scale of the structure is such that a carefully designed structure that recognises the local design features of a small scale agricultural building would not be an incongruous feature in the landscape.

Whilst the use of the building associated with the 'day to day' operation of the Green Burial Ground appear reasonable the proposed residential use of part of the building would introduce a



different set of actions and movements that are likely to be associated with the residential use of land. These include the provision and use of a garden, vehicular movements and additional lighting that, collectively, would not have a positive impact on the character of the area

The guidance for the Stour Valley LCA states that: 'The overall strategy should be to maintain the sparse settlement pattern of the rural valley slopes and the distinctive character of the historic ports. The area should continue to provide the rural backdrop and setting for the Suffolk Coast and Heaths AONB and deserves a high level of protection'. Excluding the residential element of the application it would appear that the development proposal does not significantly compromise this objective.

Whilst the proximity of the adjacent AONB and the current assessment of land within the Tendring District by Natural England to determine whether or not it merits inclusion within the AONB are clearly material considerations in the planning process it should be noted that AONB designation is not intended to prohibit development but to ensure that care is taken so that any development does not cause harm to the character, qualities and setting of the AONB.

If planning permission were likely to be granted then detail of soft landscaping should be secured to soften the appearance of the building and screen it from sensitive viewpoints.

Anglian Water Services Ltd

No comments.

Essex Bridleways Association

No comments.

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal makes use of the existing access to the Burial ground with no changes to the existing layout therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation (warden's accommodation) and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway and not to impact on the capacity of the existing car park.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

### **3. Planning History**

17/01115/FUL	Proposed detached ceremony hall and warden's accommodation and change of use of land from agricultural use to burial ground.	Withdrawn	29.09.2017
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### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM25 Cemeteries and the Crematorium

EN1 Landscape Character

EN3 Coastal Protection Belt

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

## Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

HP2 Community Facilities

PP13 The Rural Economy

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### **Site Description**

The application site is Oakfield Wood Burial Ground, which is located to the north-western section of Wheatsheaf Lane within the parish of Wrabness. The site is rural in character, with the south and western sections currently being utilised for green burials with a number of planted trees. The eastern section, which is the subject of part of this application, is currently laid to grass. To the south-eastern corner is a car park in relation to the burial ground.

The character of the surrounding area maintains a rural feel, with only sporadic development; largely the area is dominated by large, open grassed or agricultural land. The site falls outside of a recognised Settlement Development Boundary within both the Saved Tendring Local Plan 2007

and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The nearest settlement is Wrabness, approximately 800m to the east. The site also falls within a Coastal Protection Area.

### Description of Proposal

This application firstly seeks planning permission for the change of use of part of the land to the north-east of the site from agricultural to an extension of the existing burial ground.

Secondly, the application seeks planning permission for the erection of a ceremony hall. The building is to be located to the south-eastern corner of the site, adjacent to the west of the existing car park, and will measure 8.5m height, 21m width and 17m depth. The building will accommodate an entrance canopy, reception lobby, toilets, a stage and seating area, and a kitchen and administration office.

Initially the plans included a single storey element to serve a warden's accommodation, however given that there was insufficient information provided that this was justified it has been removed from the plans and therefore does not form part of the assessment of this application.

### Assessment

The application includes two proposals, each of which will be assessed individually below.

#### Change of Use of Land

##### 1. Principle of Development

Policy COM25 of the Adopted Local Plan (2007) 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. In line with this, the proposal to extend the existing burial ground is acceptable in principle subject to the detailed consideration below.

##### 2. Visual and Landscape Impacts

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed change of use will see the land being utilised as additional space for the burial ground use occupying the larger existing site. The use is therefore in-keeping with its immediate surrounds, and will not affect any trees or other vegetation on the land currently. Further, the use will create additional woodland in the long term and will therefore be a positive addition to the landscape.

##### 3. Impact to Neighbours

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The site is within a rural location, however that notwithstanding there are properties located to the north-east and east that are in relative close proximity to the site. However, given the minor nature of the development to this site, there will be no negative impacts to neighbouring amenities.

## 4. Flood Risk

The Environment Agency, following consultation, initially stated they were objecting to the proposal on the grounds that a basic Tier 1 risk screening assessment had not been carried out. This was a requirement for cemetery extensions. Accordingly the agent for the application has submitted a Tier 1 Groundwater Risk Assessment. Following this the Environment Agency has removed its objection, stating they concur with the assessments' findings that the cemetery extension is low risk.

### Ceremony Hall

#### 1. Principle of Development

Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective.

Paragraph 83 of the National Planning Policy Framework (2019) states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 states planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Policy COM4 of the Adopted Local Plan 2007 states permission will be granted for the redevelopment of land for appropriate community use provided the facility is, amongst other things, readily accessible to local people, is not detrimental to the character and amenities of the area, will not lead to unacceptable parking or traffic problems. Further, for proposals outside of a Settlement Development Boundary, a proven local need for the facility is required.

The proposed development would see the erection of a ceremony hall within the countryside outside of a recognised Settlement Development Boundary. There were some initial concerns that the building was not justified; however additional information has been provided by the agent for the application. This information demonstrates that the site currently hosts in excess of 100 funerals per year, with an approximate 60 attendees at each funeral, although this can at times be far higher. Given this, that the proposal would represent an expansion of a long-term successful business within the area, and that the site has a large existing car park to cater for the visitors to the site, it is considered that the principle is acceptable subject to the detailed consideration below.

#### 2. Visual and Landscape Impacts

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN3 of the Adopted Local Plan states new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted, and even when a compelling functional need is demonstrated the development should not significantly harm the landscape character and quality of the undeveloped coastline.

The application site is situated in a Coastal Protection Belt and within Stour Valley Landscape Character Area (LCA); to the north is The Stour Estuary Marshes LCA and on higher ground to the south is the Bromley Heaths LCA. The site is situated on low land on the slopes of the Stour Valley that form the setting to one of the most important wildlife estuaries in Europe and a setting to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The valley sides are highly sensitive to visual change because they form an important rural setting to the open waters of the

Stour estuary. It is therefore important to ensure that any development is sensitive to this important location.

The design of the building takes on a semi-rural appearance, with a number of features to break up its bulk. These include the use of a front gable, canopy area and a brick plinth. Following the submission of amended plans, the bulk of the building has been reduced by 'half-hipping' the roof and reducing the overall ridge height by 0.3 metres. Given this, and the use of materials such as natural oak weatherboarding and slate roof, it is considered the design is sympathetic in this location and will not be an incongruous feature in this important landscape.

Therefore while it is acknowledged there is a degree of harm of any building in this location, efforts have been made to ensure it will assimilate well within its surroundings, mirroring features of nearby development to the north-east. Therefore, on balance, it is considered that the harm identified will not be to a significant level that would warrant a reason for refusal.

### 3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

While there are properties located to the north-east that are in relative close proximity to the site, given the single storey nature of the building and an approximate separation distance of 40 metres there will be a neutral impact to existing amenities as a result.

### 4. Flooding Issues

Within their response following consultation, the Environment Agency have confirmed the proposal for a ceremony hall is classified as a 'more vulnerable' development and is required to pass the Sequential and Exception Tests. However, upon closer inspection, it is acknowledged that while part of the overall site falls within Flood Zone 3a, the location of the building falls outside. Therefore, on this occasion the Sequential and Exception Tests are not applicable and do not need to be applied.

### 5. Highway Impacts

Essex Highways Authority acknowledge that the proposal makes use of the existing access to the burial ground, with no changes to the existing layout, and therefore have no objections to the proposed development.

Further, Adopted Car Parking Standards state that there should be minimum provision of 1 space per 20sqm of the building. The building has a floor area of approximately 360sqm and therefore provision should be for a minimum of 18 vehicles. It is noted there is an existing car park adjacent to the siting of the building, and this can accommodate significantly more vehicles than required.

### Other Considerations

Wrabness Parish Council objects to the proposed development as it feels it is not in the interest of the community for the following reasons:

1. Impact to designated special landscape area;
2. Impacts to other community facilities;
3. Ceremony Hall is too large; and
4. No justification for the warden's accommodation

In answer to this, points 1 and 3 have been addressed within the main body of the report. Point 2 is not a material planning consideration, while the warden's accommodation has since been removed from the plans.

There have also been five letters of objection received, with the following concerns:

1. Harm to special landscape value of area;
2. Impact to traffic;
3. No justification for a ceremony hall; and
4. No justification for the warden's accommodation.

In answer to this, points 1 and 3 have been addressed within the main body of the report. With regards to point 2, Essex Highways Authority has raised no objections, while the warden's accommodation has since been removed from the plans.

## **6. Recommendation**

Approval.

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 99-2013-01PB, 99-2013-02PC, 99-2013-03PC, 99-2013-05PC, and the documents titled 'Flood Risk Assessment', 'Tier 1 Groundwater Risk Assessment' and 'Design and Access Statement'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway and not to impact on the capacity of the existing car park.