

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	14/04/2022
Planning Development Manager authorisation:	AN	14/4/22
Admin checks / despatch completed	DB	14.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.04.2022

Application: 21/01863/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Woodland Burials

Address: Oakfield Wood Burial Ground Ash Street Wrabness

Development: Proposed link detached chapel of rest.

1. Town / Parish Council

Wrabness Parish Council
26.11.2021

Following discussion the Parish Council OBJECT to this planning application:

The proposed building is within the Area of Outstanding Natural Beauty and a designated special landscape area where built development should be strictly controlled.

Planning permission exists for a large ceremony hall at the burial ground and the addition of a chapel of rest building will urbanise the frontage of this rural site.

The proposed chapel of rest building includes residential accommodation at first floor level. New residential development should be discouraged outside the Wrabness Settlement Limits.

This building at the burial ground is not justified in relation to the use opportunities of the ceremony hall, and the potential afforded at nearby Wrabness Hall, which already includes the operational base for the burial ground, an estate office and staff accommodation.

2. Consultation Responses

ECC Highways Dept
06.01.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with an earlier planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2010. It is noted that this application is similar to previous application: 18/01818/FUL. No new or altered means of access is proposed to the Burial ground with some improvements to the existing car park, therefore:

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

mitigation and conditions:

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. As indicated in the design and access statement, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, while each blue badge parking space shall have minimum dimensions of 3.9 metres x 6.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

3. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

4. 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.

5. 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: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environment Agency
06.01.2022

Thanks for the e-mail. I can see that my colleague Liam looked at this and screened it out. So we have no comments on this one.

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
18/01818/FUL	Proposed detached ceremony hall and change of use of land from agricultural use to burial ground.	Approved	29.03.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

HP2 Community Facilities

PP13 The Rural Economy

PPL2 Coastal Protection Belt

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL3 Sustainable Design

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

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 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 the Settlement Development Boundary. The nearest settlement is Wrabness, approximately 800m to the east. The site also falls within a Coastal Protection Area and within the Area of Outstanding Natural Beauty.

Description of Proposal

This application seeks planning permission for the erection of a link detached chapel of rest. The application was originally for a larger extension including overnight staff accommodation, this was removed from the proposal as residential accommodation cannot be supported in this unsustainable location, and to support a use where overnight accommodation is not considered essential.

Assessment

1. Principle of Development

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

Paragraph 84 of the National Planning Policy Framework, 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.

The proposed development would see the erection of a chapel within the countryside outside of a recognised Settlement Development Boundary.

Given 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

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are

visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy PPL2 of the Tendring District Local Plan 2013-2033 seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The design of the building takes on a semi-rural appearance, the roof will be constructed from re-constituted slate, external walls will be Maldon Antique Facing Brickwork plinth with natural Oak cladding, black PVC rainwater goods on natural oak fascia boards with natural oak bargeboards to all roof gables. The windows and doors will be natural oak coloured aluminium double glazed units. The materials used will match the previously approved ceremony hall.

Therefore while it is acknowledged there is a low degree of harm of any building in this location, efforts have been made to ensure it will assimilate well within its surroundings. 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

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

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

4. Flooding Issues

The application site is adjacent to the Flood Zone however the Environment Agency have been consulted on this application and have stated that they have no comments to make.

5. Highway Impacts

Essex Highway Authority have been consulted on this application and have stated that the information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2010. It is noted that this application is similar to previous application: 18/01818/FUL. No new or altered means of access is proposed to the Burial ground with some improvements to the existing car park. The highway authority have no objections subject to conditions relating to vehicular parking area, parking spaces, no discharge of surface water, cycle parking and storage of building materials. The cycle parking condition will not be imposed as sufficient space is available to accommodate bicycle storage. The storage of building materials will be imposed as a condition only.

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 210sqm and therefore provision should be for a minimum of 11 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.

6. Area of Outstanding Natural Beauty

Policy PPL3 of the Local Plan 2013-2033 states that Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale AONB, and its setting, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New

development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.

The proposal will not have a substantial impact on the Suffolk Coasts and Heaths AONB as the proposal will be seen in conjunction with the already approved Ceremony Hall. The proposal is therefore not considered to cause any significant harm to the landscape character of the area.

6.Environmental Protection

The Councils Environmental Protection Team have been consulted on this application and have stated that given the sites current use and surrounding areas historical use for agriculture, the team have requested a Watching Brief to be conditioned and adhered to throughout the demolition and construction phase.

8. Other Considerations

Wrabness Parish Council objects to this application and have stated that the proposed building is within the Area of Outstanding Natural Beauty and a designated special landscape area where built development should be strictly controlled. They have explained that Planning permission exists for a large ceremony hall at the burial ground and the addition of a chapel of rest building will urbanise the frontage of this rural site. The proposed chapel of rest building includes residential accommodation at first floor level. New residential development should be discouraged outside the Wrabness Settlement Limits. This building at the burial ground is not justified in relation to the use opportunities of the ceremony hall, and the potential afforded at nearby Wrabness Hall, which already includes the operations base for the burial ground, an estate office and staff accommodation.

In response to the Parish, the application site is located within the AONB and this has been addressed within the report. The staff overnight accommodation has been removed.

One letter of representation has been received raising the following concerns:

- Concerns that there is no evidence to demonstrate the chapel of rest is needed.
- Concerns in regards to the use of the building
- Concerns that its over capacity

In response to the above concerns, the chapel of rest will be used ancillary to the ceremony hall which has been previously approved. There is no planning requirement to demonstrate need for the development, as discussed above this is an expansion to an existing use and therefore represents significant economic benefit. There is sufficient parking on site to meet the needs of the development and it is not therefore considered over capacity.

6. **Recommendation**

Approval - Full

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 No. 53-2021-05 PA
- Drawing No. 53-2021-06 PA
- Drawing No. 53-2021-07 PA
- Drawing No. 53-2021-02 PA

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

- 3 Given the historical use of the land, a Watching Brief shall be undertaken throughout the construction phases of the development hereby approved. In the event of unexpected ground conditions being encountered at any time during construction, all site works at the position of the suspected contamination shall stop and the local planning authority and environmental protection team notified. The following minimum requirements for dealing with unexpected ground conditions being encountered during construction shall be adhered to throughout and evidence of each stage reported in writing to the local planning authority for approval:
1. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
 2. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
 3. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
 4. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
 5. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
 6. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
 7. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
 8. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
 9. A photographic record will be made of relevant observations.
 10. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: -re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or - treatment of material on site to meet compliance targets so it can be re-used; or -removal from site to a suitably licensed landfill or permitted treatment facility.
 11. A Verification Report will be produced for the work.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are

related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking

- 5 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, while each blue badge parking space shall have minimum dimensions of 3.9 metres x 6.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety

- 6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

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2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO