

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	18/05/23
Planning Manager / Team Leader authorisation:	AN	22/05/23
Planning Technician final checks and despatch:	CC	23.05.2023

Application: 23/00150/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Woodland Burials

Address: Oakfield Wood Burial Ground Ash Street Wrabness

Development: Proposed change of use of existing agricultural land to a wild flower wildlife meadow burial site and woodland burial site.

1. Town / Parish Council

Wrabness Parish Council Wrabness Parish Council have no objection to this application.

2. Consultation Responses

Environment Agency
09.05.2023
(Comments following
receipt of assessment)

Thank you for your re-consultation we have reviewed the additional information and have no objection to the plans as proposed.

Ground Water

We have reviewed the comprehensive Tier 1 Risk Assessment and we concur with the findings that the extension is unlikely to cause an impact to the environment or existing groundwater fed surface water features. We have no further concerns from that perspective.

Our remit is to consider impact to groundwater of which there is no risk at this site. However, we would like to add an informative comment, that when cemeteries are located directly on impermeable strata, in this case London Clay, the surface may on occasion become very boggy. Some consideration of this issue should be made, relatives of deceased family and friends find it extremely distressing, believing loved ones are washed away in the case of ash burials and also that the standing surface water contains contaminants.

We trust you find this information useful.

Tree & Landscape Officer
17.02.2023

The application site is currently in agricultural use. There are a few early mature Oak trees in a row, running from north to south, that subdivide the field at an approximately central point.

The retention and long-term viability of the trees are not compromised by the development proposal and the applicant has stated, on the planning application form, that all existing trees are to be retained.

In terms of the impact of the proposed change of use of the land on the countryside it is considered that the creation of an additional wildflower meadow or further tree planting would not degrade or otherwise adversely affect the local landscape character.

Environment Agency
03.03.2023
(Initial comments)

It is not clear from the information submitted in support of the application to what extent the land will be meadow and where the tree planting will take place. This may not be a significant issue in the determination of the application as both the creation of a wildflower meadow or an additional area of woodland would not cause harm to the local landscape character

Thank you for your consultation we have reviewed the plans as proposed and we are raising a holding objection on the grounds of lack of information for Contaminated Land. We have no objection to this planning application on the grounds of Flood Risk, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Land Contamination

We do not appear to have been consulted on this cemetery extension and have not been provided with any information regarding the suitability of the site for burial or estimated numbers of burials per year etc. 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.

For cemetery extensions we require a basic Tier 1, risk screening assessment. Details can be found online at:

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

Protecting groundwater from human burials - GOV.UK (www.gov.uk)

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 the EA 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).

Without this basic information we automatically object to any application.

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 woodland and wildflower meadow burial site, which is classified as a 'less vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to

pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA).

Key Points:

- The Environment Agency would usually object where a planning application has not undertaken a site-specific flood risk assessment. In this instance we have concluded that a site-specific flood risk assessment won't change our consultation comments that we detail below. Hence in this instance we have not objected on this point.
- An Emergency Flood Plan has not been submitted with this application. We would highly recommend that one is submitted so that you can determine its adequacy to ensure the safety of the visitors to the site.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note, are:

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change. The two fields at the Northern part of the site (wildflower meadow burial site) are in Flood Zone 1 now and in the future. The field at the south-west part of the site (woodland burial site) is in Flood Zone 3a.
- The site does benefit from the presence of defences. The defences have an effective crest level of 3.49m AOD which is below 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is at actual risk of flooding in this event.
- The site level is 3.18m AOD at the south-west part and therefore flood depths on site are 1.97m in the 0.5% (1 in 200) annual probability flood event including climate change.
- 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.
- It appears that this proposal does have a safe means of access in the event of flooding from the south-west part of the site to an area wholly outside the floodplain up to a 0.5% (1 in 200) annual probability including climate change flood event. A Flood Evacuation Plan has not yet been proposed, but we would recommend one is produced.
- Compensatory storage is not required.

Residual Risk

- Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 1.98 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2.34 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment 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.

- A Flood Evacuation Plan has not yet been proposed, but we would recommend one is produced.

Other advice: Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

We trust you find this advice useful.

Suffolk Coast and Heaths
Area of Outstanding
Natural Beauty
10.05.2023

Thank you for consulting the AONB team on the above change of use planning application at Oakwood Burial Ground Wrabness.

The proposed change from agricultural land to wild-flower and woodland burial sites will not alter the character of the area in any major way. The current green undeveloped character of the area will not be eroded by this proposal. The scheme will not negatively impact on the landscape and scenic qualities of this part of the Suffolk Coast & Heaths AONB and has the potential to deliver ecological enhancements which is supported.

As the scheme helps to conserve and enhance the natural beauty of the AONB at Wrabness, where the scheme is being proposed, it is considered to meet the objective of paragraph 176 of the National Planning Policy Framework, Policy PPL 3 in the adopted Tendring Local Plan (Section 2) and objectives L1 and L3 in the Suffolk Coast & Heaths AONB Management Plan 2018-2023.

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
21/01863/FUL	Proposed link detached chapel of rest.	Approved	14.04.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

HP4 Safeguarded Local Greenspace

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

Essex Design Guide

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

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. To the south-eastern corner is a car park in relation to the burial ground. The area of land subject of this application is a large parcel laid to grass.

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 the adopted Local Plan 2013-2033. The nearest settlement is Wrabness, approximately 800m to the east. The site also falls within a Coastal Protection Area and the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB). Adjacent to the north and west of the site is Flood Zones 2 and 3, however the site itself falls outside.

Site History

In March 2019 under reference 18/01818/FUL, planning permission was previously granted for the change of use of land directly adjacent to the south from agricultural to an extension of the existing burial ground. In addition, the permission granted consent for the erection of a ceremony hall located to the south-eastern corner of the site, adjacent to the west of the existing car park, measuring 8.5m height, 21m width and 17m depth.

Following this, in April 2022 planning permission was then granted for a detached chapel of rest that would connect to the previously approved ceremony hall.

Description of Proposal

This application seeks planning permission for the change of use of the existing agricultural land to a wild flower wildlife meadow burial site and woodland burial site.

Assessment

1. Principle of Development

Adopted Policy HP4 seeks to protect safeguarded open spaces from development. While the application site is not specifically referred to within the Policy, cemeteries and church yards are considered to provide a degree of open amenity space for community use. The proposal intends to expand the level of land available for use as a wild flower and woodland burial site to cater for the sites future expansion. In line with this, the proposal to extend the existing burial ground is acceptable in principle subject to the detailed consideration below.

2. Impact to Area of Outstanding Natural Beauty

Paragraph 176 of the NPPF (2021) states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection. The scale and extent of development within such a designated area should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts to the designated area.

Adopted Policy PPL3 confirms the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. In addition, Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings, including any relevant AONB Management Plan objectives.

The application site is located within the Suffolk Coast and Heaths AONB. Accordingly, the AONB team have been consulted, and have confirmed the following:

"The proposed change from agricultural land to wild-flower and woodland burial sites will not alter the character of the area in any major way. The current green undeveloped character of the area will not be eroded by this proposal. The scheme will not negatively impact on the landscape and scenic qualities of this part of the Suffolk Coast & Heaths AONB and has the potential to deliver ecological enhancements which is supported.

As the scheme helps to conserve and enhance the natural beauty of the AONB at Wrabness, where the scheme is being proposed, it is considered to meet the objective of paragraph 176 of the National Planning Policy Framework, Policy PPL 3 in the adopted Tendring Local Plan (Section 2) and objectives L1 and L3 in the Suffolk Coast & Heaths AONB Management Plan 2018-2023."

Taking the above comments into consideration, Officers raise no objections in relation to the impact to the Area of Outstanding Natural Beauty.

3. Impact to Coastal Protection Belt

Adopted Policy PPL2 of the Tendring District Local Plan 2013-2033 seeks to protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional or operational requirement to be located there. Where development does have a compelling functional or operational requirement to be there, its design should respond appropriately to the landscape and historic character of its context and applicants will be required to demonstrate that any development proposals will be safe over their planned lifetime.

The application site falls within a Coastal Protection Belt. However, on this occasion Officers acknowledge that the works involved do not include significant physical alterations and will therefore result in a neutral impact to the undeveloped coastline. In any case, there is a compelling functional requirement for the expansion of the cemetery as the site expands in time.

4. Tree and Landscape Impacts

The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

"The application site is currently in agricultural use. There are a few early mature Oak trees in a row, running from north to south, that subdivide the field at an approximately central point.

The retention and long-term viability of the trees are not compromised by the development proposal and the applicant has stated, on the planning application form, that all existing trees are to be retained.

In terms of the impact of the proposed change of use of the land on the countryside it is considered that the creation of an additional wildflower meadow or further tree planting would not degrade or otherwise adversely affect the local landscape character.

It is not clear from the information submitted in support of the application to what extent the land will be meadow and where the tree planting will take place. This may not be a significant issue in the determination of the application as both the creation of a wildflower meadow or an additional area of woodland would not cause harm to the local landscape character."

Considering the comments provided above, it is clear that the proposal will bear no impacts to existing trees and will not result in any harmful impacts to the areas rural landscape, and as such Officers raise no objections.

5. Impact to Neighbours

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The site is within a rural location, however that notwithstanding there are properties located to the north and south-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.

6. 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, which is a requirement for cemetery extensions. Accordingly, the agent for the application has submitted a Tier 1 Groundwater Pollution Risk Assessment, which concludes that the potential for significant contamination from either the current site usage or the proposed extension to the burial site is low, and that the site is suitable for the proposed use. Following this the Environment Agency has removed its objection, stating they concur with the assessments' findings that the cemetery extension is low risk.

Other Considerations

Wrabness Parish Council have no objections.

There have been no other letters of representation received.

Conclusion

While the site is not specifically referred to within Policy HP4, the principle of extending a cemetery is acceptable in principle. Given the low level nature of the proposals, with no significant physical alterations, the Council's Tree and Landscapes Officer as well as the AONB team offer no objections. In addition, following the submission of a Tier 1 Groundwater Pollution Risk Assessment, the Environment Agency raise no objections. Therefore, the proposal is considered to comply with local and national planning policies and is recommended for approval.

6. Recommendation

Approval.

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Documents titled 'Site Location Plan', 'Proposed Site Plan' and 'Phase I Geoenvironmental & Tier 1 Groundwater Pollution Risk Assessment'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly,

this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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.