

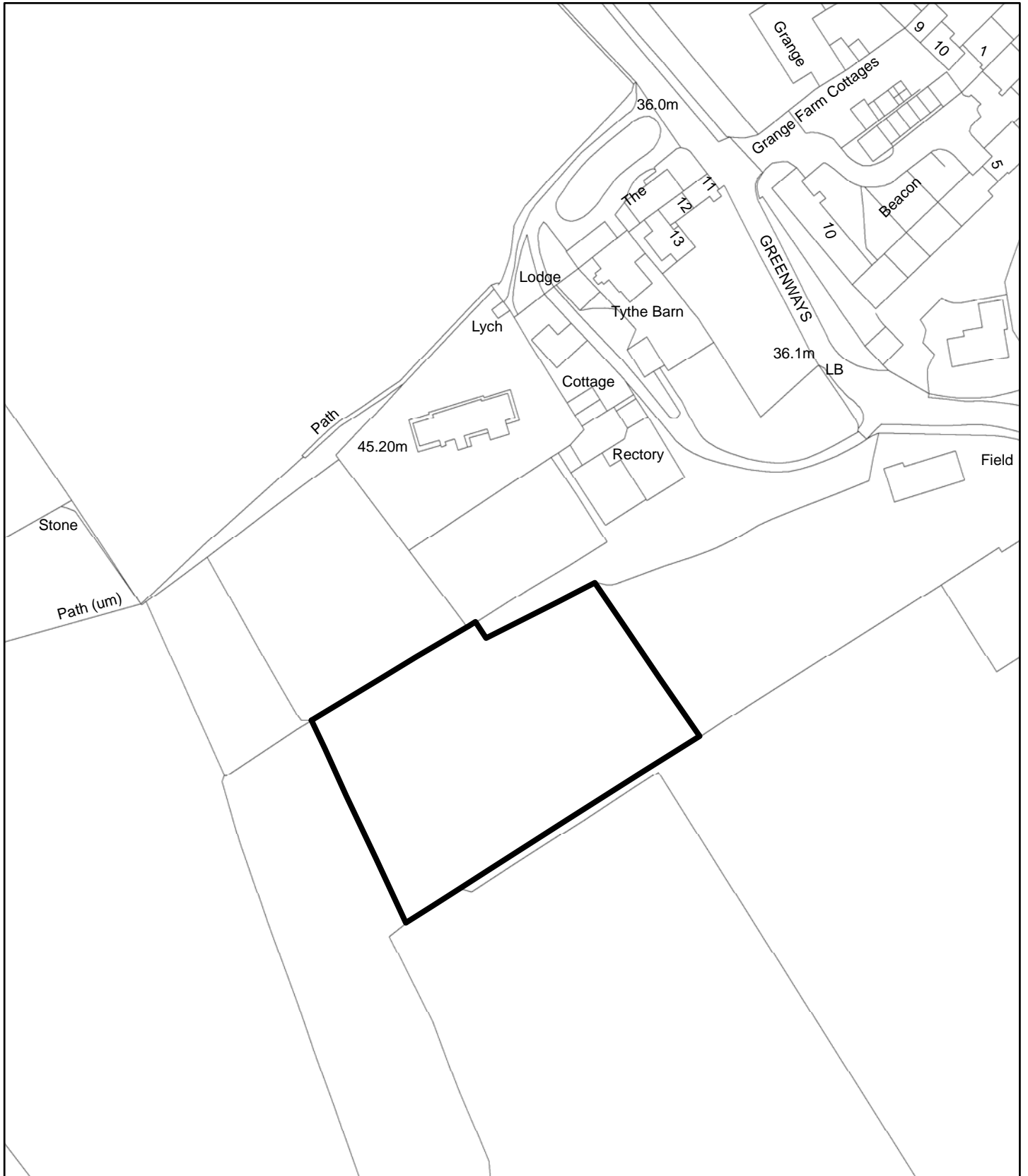
ITEM C

St Wulfran's Church, Greenways, Ovingdean

BH2013/04102
Full planning

23 APRIL 2014

BH2013/04102 St. Wulfran's Church, Greenways, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 23 APRIL 2014

<u>No:</u>	BH2013/04102	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Wulfran's Church Greenways Ovingdean		
<u>Proposal:</u>	Change of use from agricultural land (Sui Generis) to burial ground (D1).		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	03 January 2014
<u>Con Area:</u>	Ovingdean	<u>Expiry Date:</u>	28 February 2014
<u>Listed Building Grade:</u>	Adjoining Grade I Listed Church		
<u>Agent:</u>	Smiths-Gore, Exchange House, Petworth GU28 0BF		
<u>Applicant:</u>	Ewart Wooldridge, St Wulfran's Church, 21 Longhill Road, Brighton BN2 7BF		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 St Wulfran's Church is a Grade I Listed building with associated graveyard to the western side of Greenways. The application relates specifically to a parcel of land (approximately 3500sqm in area) adjoined to the southern side of the existing graveyard to the south of the church. The proposed land is currently classed as Grade 3 agricultural land. The land is identified as countryside within the Brighton & Hove Local Plan. The South Downs National Park adjoins the site to the west. There is also an area of woodland to the west designated as a Site of Nature Conservation Importance. The land is sited within the Ovingdean Conservation Area.

3 RELEVANT HISTORY

BH2013/02115 - Change of use from agricultural land (Sui Generis) to burial ground (D1). Withdrawn by the applicant on 3 September 2013.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from agricultural land (Sui Generis) to burial ground (D1).

5 PUBLICITY & CONSULTATIONS

External

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- 5.1 **Neighbours:** 37 letters of representation have been received (see *Appendix A for addresses*) and a petition (38 signatures) objecting to the application for the following reasons;
- Harm to the appearance and character of the Grade I Listed Church and surrounding Conservation Area,
 - Potential for increased road traffic through village,
 - Potential for the site to be used as a “municipal graveyard” serving people outside of the immediate area,
 - Loss of an “ancient meadow”,
 - Potential ground water contamination,
 - Concerns over new vehicular access and car-parking on the site,
 - Harm to the amenity of adjoining residents in regards to potential noise and disturbance, loss of privacy and harm to the visual amenity currently enjoyed by the adjoining occupiers,
 - The site is excessive in scale,
 - Potential loss of flora and fauna,
 - Omission of mitigation measures outlined to protect local residents,
 - Omission of a Heritage Statement and Ecology Report.
- 5.2 **33** letters of representation have been received (see *Appendix A for addresses*) supporting the application for the following reasons;
- The graveyard is necessary to safeguard burial space for future generations,
 - The proposal could enhance the setting of the church and the wider surrounding area,
 - The proposal would have minimal impact upon adjoining residents,
 - Proposal would bring potential nature and ecology benefits,
 - Would create a public amenity space that could be used by the local community,
 - The proposal would relieve pressure on municipal burial grounds.
- 5.3 **English Heritage:** No objection. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.4 **Environment Agency:** No objection. The site at St Wulfran's Church is located above the Newhaven Chalk Formation which is designated a principal aquifer. As the site is situated within close proximity to the Source Protection Zone for the Balsdean Public Water Supply, we would place priority on protecting groundwater in this area. However, we would have no objection to the burial ground extension. The proposed number of burials is not set to exceed 10 per year, and thus should not pose a significant risk to the underlying aquifer.
- 5.5 **County Archaeologist:** No objection. The site has been subject to archaeological evaluation excavation to understand archaeological potential and the significance of any remains identified. The work has shown that most of the site is of low archaeological potential, but with below ground remains of a Roman enclosure ditch identified along the north-western edge of the field. This area has

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been scoped out of the proposed burial area to preserve the remains in-situ. In light of this it is not believed that any archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

5.6 Brighton & Hove Archaeological Society: Comment.

Ovingdean is an area rich in archaeological and historical remains. Field walking around Ovingdean has produced finds from the Neolithic, Iron Age and Roman periods. The field to the north of St Wulfran's Church contains the remains of a 13th century medieval farmstead and possible manor house and an enclosure possibly dated to the Roman period lies in fields to the south of the Church.

5.7 The Brighton & Hove Archaeological Society recommends that the County Archaeologist is consulted.

5.8 **South Downs National Park: No objection.** The SDNPA has reviewed the plans and the potential for impact upon the landscape character of the SDNP and has no comments to make.

5.9 **County Ecologist: No objection.** In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environmental and Rural Communities Act 2006 and the NPPF.

Internal:

5.10 **Environmental Health: No comment.**

5.11 **Heritage: No objection.** The proposal is to extend the current burial ground into a field to the southwest of the existing. The Church is the main landmark in the village, and is important to its historic development and current character. A burial use provides a complementary setting for the Church. The principle of the proposal is therefore acceptable in Heritage terms. The existing trees, flint walls and green and open character is important to the character of the Conservation Area (and setting of the listed buildings), and should be maintained. The proposal includes retention of the flint walls, grassed paths and areas left for grassland and wildflowers. This is an appropriate approach.

5.12 **Mitigations and Conditions:**

Further details will be required of the proposed gates. This could be submitted with the application or by condition. The existing flint walls should be repaired and consolidated where necessary as part of the proposal.

5.13 **Planning Policy: No objection:** The proposal seeks to extend the burial ground of a listed Church on the south western edge of Ovingdean. The site lies within the urban fringe, just outside the built up area, within the Ovingdean Conservation Area, adjacent the National Park and also an allotment. The Church and existing burial ground are features that are in keeping with this rural location and are considered to make a positive contribution to the Conservation Area. It is therefore considered the proposed use is justified in this countryside location

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which is adjacent the existing burial ground (surrounding the Church it serves) and will enable the needs of the community to be met.

- 5.14 The site lies adjacent to and within the setting of the National Park so care should be taken to ensure the proposal conserves and enhances the visual and landscape quality and character of the National Park. Regard to the provision of biodiversity enhancements should also be given.
- 5.15 **Sustainable Transport:** No objection. The Highway Authority does not wish to object to this proposal to extend the size of the graveyard onto agricultural land due to there being no proposed increase in burials from the existing 10 burials on average per year. Vehicular access to the site appears not to be changing from the existing. The Highway Authority does request however that cycle parking is considered near to the entrance of the church to accord to Parking Standards SPG04. This can be secured by condition.
In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.16 **Arboriculture:** No objection. This is open, agricultural land and there are a few mature trees on the boundary of the site and one or two juveniles in the middle of the site.
- 5.17 The Arboricultural Section is pleased to note that no trees will be removed to facilitate the development.
- 5.18 We would advise that any graves are placed outside the Root Protection Zone of the mature trees on site. The depth required for burial may lead to damage or loss of structural roots (these are the ones that hold the tree up) and this may jeopardise the structural integrity of the tree, keeping the required distance from the tree should prevent this from happening.
- 5.19 The proposed species list for the new mixed hedge is appropriate for this location, however, further information will be required on planting sizes, planting methods, numbers etc. The request for this information should be embodied in a landscaping condition.
- 5.20 Overall, the Arboricultural Section has no objection to the proposals in this application.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant 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 of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
NC3	Local Nature Reserves (LNRs)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of a conservation area and,
HE12	Scheduled ancient monuments and other important archaeological sites.

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of the proposal upon the appearance and character of the site, the adjacent Listed Building, the Ovingdean Conservation Area and the South Downs National Park. In addition, the impacts upon the amenity of local residents must be assessed as well as ecology, archaeology and transport issues.

Principle of development:

8.2 The site is situated outside the built up area boundary in designated countryside within the Ovingdean Conservation Area. The land is designated as an agricultural use (sui generis), although it is not currently being farmed. The western and southern boundaries of the site adjoin the designated South Downs National Park boundary.

8.3 The proposal seeks permission for change of use of land from agricultural land to a graveyard for burials. The applicant has stated that the existing church graveyard is running close to capacity and additional arrangements for burial areas are a priority. The proposed site would form an extension of the existing graveyard. Policy NC6 states;

8.4 *Development in the countryside / Downland states that development will not be permitted outside the built up area boundary as defined on the Proposals Map. Exceptions will only be made where there will be no significant adverse impact on the countryside / downland and at least one of the following criteria apply:*

- a) *the proposal is specifically identified as a site allocation elsewhere in this Plan, the siting of which is shown and complies with the Proposals Map;*
- b) *a countryside location can be justified, - for example, proposals are reasonably necessary for the efficient operation of farms, horticulture or forestry including the diversification of activities on existing farm units which do not prejudice the agricultural use;*
- c) *in appropriate cases and where enhancements to the countryside / downland will result, proposals for quiet informal recreation e.g. walking, horse riding and cycling; or*
- d) *proposals for the change of use of existing buildings which are in keeping with their surroundings and are of a sound and permanent construction.*

8.5 *Where development is permitted, it will be required to be unobtrusive and must respect the form, scale and character of the landscape. For example, through careful siting, design and use of materials. New buildings should be sited adjacent to existing buildings or building groups, rather than isolated in the landscape. Proposals should have no adverse effects on, and where appropriate enhance and expand, nature conservation features. Proposals will not be*

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permitted if they result in a level of light pollution, noise, traffic or activity which is out of keeping with its countryside location.

- 8.6 In addition to this, any development must adhere to policy NC7 which states that proposals must conserve or enhance the visual landscape quality of the adjoining South Downs National Park.
- 8.7 The principle of the use of the land as a graveyard is not considered to have a significant adverse impact on the countryside / Downland. It is considered to accord with exception b) in policy NC6 as the countryside location can be justified. The proposal would result in the extension of the existing graveyard and is considered to be an appropriate use for the site.
- 8.8 In order to ensure compliance with criterion a) of NC7 the development would be required to conserve the visual and landscape quality and character of the South Downs National Park. Details would be required to be provided for proposed boundary treatments and landscaping. Subject to these details being acceptable it is not considered that the proposed use as a graveyard is likely to have any significant detrimental impact upon the National Park.
- 8.9 The area of land is Grade 3 agricultural land (good and moderate quality). Agricultural land is not specifically protected within the B&HCC Local Plan. The National Planning Policy states that
- 8.10 *Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. (Paragraph 112).*
- 8.11 Classification ranges from 1 (excellent) to 5 (very poor). This proposal is not considered to represent significant development in terms of the NPPF.

Visual Impact:

- 8.12 Burials are proposed to commence adjacent to the western boundary of the site and then progress eastwards over time. The lower, eastern end of the site, adjacent to the residential gardens is to be set aside as a natural meadow with grassland and wild flowers and will not be used for burials. All flint walls are to be retained with suitable hedging planted where walls are absent. All paths are proposed to be grassed. It is not considered that the proposal will result in any significant harm to the appearance or character of the site, the setting of the Grade I Listed Church or the wider Conservation Area. The proposed use of the site as an extended graveyard is acceptable in heritage terms complimenting the existing listed church and grounds and would preserve the appearance and character of the conservation area. By leaving the lower section of the site as natural meadow it will provide visual relief from the graveyard from views from the east and ensure that the area in use as a graveyard is appropriately scaled. The Heritage Team and English Heritage have no objection to the proposal.

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- 8.13 No details of the proposed gate to provide access from the existing church graveyard have been submitted. Details can be required by condition.

Impact on Amenity:

- 8.14 It is not considered the proposal would result in any significant harm to the residential amenity of adjoining occupiers. The Supplementary Planning Statement submitted states that the burial policy will remain unchanged from present. This policy allows for burials of Ovingdean residents and those from elsewhere that have strong links with the church. There is not envisaged to be any increase in the average annual amount of burials, which over the last 20 years has averaged less than ten a year. The proposed use would not result in any significantly increased noise or disturbance to adjoining properties. The adjacent properties are set well away from the proposed consecrated area of the site and screened by hedging.
- 8.15 There have been a number of objections outlining concerns that a significant increase in annual burials could result in increased vehicular traffic through the village, resulting in noise and disturbance, highway safety issues and increased parking pressure. Whilst the applicant has outlined that they do not envisage any increase in burials it is not considered that an increased numbers of burials would likely result in such harm to amenity that would warrant refusal of the application on these grounds.
- 8.16 The Environment Agency is satisfied that the proposal will not result in any harmful ground water contamination.

Sustainable Transport:

- 8.17 The Sustainable Transport Team is satisfied that there will not be any significant increase in burials and as such the transport impacts will remain as existing. There is not considered to be any intensification of the use of the church and as such a condition requiring secure cycle parking is not considered necessary in this instance.

Ecology:

- 8.18 The County Ecologist has no objection to the proposal. Details of specific planting and nature enhancements can be secured by condition.

Archaeology:

- 8.19 Local Plan policy HE12 relates to the protection of important archaeological sites. The site is situated within an archaeologically sensitive location. The site has been investigated with a number of exploration trenches dug throughout the site and an Archaeological Report submitted. The work has shown that most of the site is of low archaeological potential, but with below ground remains of a Roman enclosure ditch identified along the north-western edge of the field. This area has been scoped out of the proposed burial area to preserve the remains in-situ. The County Archaeologist is satisfied with the works outlined in the report. A condition will be added to ensure that there will be no burials in the area of the identified enclosure ditch.

9 CONCLUSION

- 9.1 The proposed graveyard would not result in any significant harm to the appearance or character of the open countryside, the adjoining South Downs National Park, the Listed Church or the wider Conservation Area. The proposal is not considered to result in any significant detrimental impact to the amenity of neighbouring occupiers. The proposal is in accordance with local and national planning policy.

10 EQUALITIES

None.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	1021537/01	B	3 December 2013
Graveyard Extension	1021537/01	D	3 December 2013

- 3) The area marked “Non-consecrated – Archaeology” on the approved drawing, 1021537/01 Revision D shall not be used for burials and shall remain free from development. **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and to comply with policy HE12 of the Brighton & Hove Local Plan
- 4) The area marked “Non-consecrated Section” on the approved drawing, 1021537/01 Revision D shall not be used for burials and shall remain free from development. **Reason:** To ensure a satisfactory appearance to the development and to the site, protect the amenity of neighbouring occupiers and comply with policies HE1, HE6, NC6, NC7 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 5) No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment),

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schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15, QD16 and QD17 of the Brighton & Hove Local Plan.

- 6) No development shall take place until full details of the proposed gate to the southern boundary of the existing graveyard boundary, as shown on the approved drawing 1021537/01 Revision D including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE1 and HE6 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed graveyard would not result in any significant harm to the appearance or character of the open countryside, the adjoining South Downs National Park, the Listed Church or the wider Conservation Area. The proposal is not considered to result in any significant detrimental impact to the amenity of neighbouring occupiers. The proposal is in accordance with local and national planning policy.
3. The applicant is advised that listed building consent should be sought for the replacement gate to the southern boundary of the existing church graveyard.

Appendix A

Letters of representation in support of the application

House Name /Number	Street
21	Ainsworth Avenue
28	Ainsworth Avenue
40	Ainsworth Avenue
42	Ainsworth Avenue
68 (x2)	Ainsworth Avenue
23 (x2)	Ainsworth Close
97	Crescent Drive South
Woodside (x4)	Falmer Road
2	Longhill Road
1	Meadow Vale
23	Ovingdean Close
The Nook	Ovingdean Road
Threeways	Ovingdean Road
2, Byre Cottages (x2)	Ovingdean Road
6	Station Road, Clackmannanshire
1	The Ridings
12	The Ridings
9	The Vale
14	The Vale
57 (x2)	Wanderdown Road
8	Wanderdown Way
8	Wilkinson Close

In addition to the above, 4 separate representations of support have been received from undisclosed addresses.

In total **33** letters of representation in support of the application.

Letters of representation objecting to the application

House Name /Number	Street
5 (x3)	Ainsworth Avenue
17 (x2)	Ainsworth Avenue
24	Ainsworth Avenue
43	Ainsworth Avenue
55	Ainsworth Avenue
15	Ainsworth Close
17	Ainsworth Close
22	Ainsworth Close
9	Compton Avenue
64	Greenways
Field End (x2)	Greenways
9 Grange Farm Cottages	Greenways
13 Grange Farm Cottages	Greenways

Rectory Lodge (x3)	Greenways
Tythe Barn (x2)	Greenways
9	Longhill Road
23	Longhill Road
124	Longhill Road
130A	Longhill Road
The Hames (x2)	Ovingdean Road
28	The Rotyngs
6	Wanderdown Drive
7 (x2)	Wanderdown Road
61	Wanderdown Road
17	Wanderdown Way
1	Woodland Walk

In addition to the above, 2 separate representations of objection have been received from undisclosed addresses.

In total **37** letters of representation objecting to the application.