

Application No: W 11 / 0446

Town/Parish Council: Blackdown
Case Officer: Rob Young

Registration Date: 23/03/12

Expiry Date: 18/05/12

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Sandy Lane Meeting Room, Sandy Lane, Leamington Spa

Formation of new vehicular access, path & on-site car parking to serve ancillary burial ground; change of use of part of the site fronting Leicester Lane (land hatched red) from agriculture to a use for the purposes of grounds ancillary to the place of worship; and surfacing of existing track within the land hatched red (part-retrospective application) FOR The Trustees of the Sandy Lane Meeting Rooms Trust

This application is being presented to Committee in order to request that enforcement action be taken.

SUMMARY OF REPRESENTATIONS

Parish Council: Object on the following grounds:

- detrimental to highway safety;
- the change of use would detract from the rural nature of the land;
- burials will pollute the water table;
- surfacing the track has cause unnecessary urbanisation of the area; and
- "overpowering" effect on the adjacent dwelling at "The Orchard".

Public response: 7 objections have been received, raising the following concerns:

- detrimental to highway safety;
- the access onto Leicester Lane has not been used for at least 50 years;
- the access onto Leicester Lane could be used to access the main car park on the site in the future;
- there are already 2 accesses onto Sandy Lane and therefore additional accesses are not necessary;
- detrimental to the character and appearance of the area;
- detrimental to the rural character of the Green Belt;
- the proposed access onto Sandy Lane should be relocated so that it is not directly opposite a residential driveway;
- the fencing that has been erected along the boundaries with the neighbouring dwelling at "The Orchard" gives the occupants a feeling of being in prison and a sense of enclosure;
- loss of privacy for the adjacent dwelling at "The Orchard", which would be enclosed on two sides by the extended site of the meeting room;
- the fencing that has been erected is more appropriate for an industrial estate than this rural location;
- additional risk of flooding if the land is surfaced;
- no details of lighting have been provided;
- the burial site has not been granted planning permission;

- the number of burials that have taken place exceeds the 2-3 per year that were previously indicated; and
- the site is located on a major aquifer and consequently there is a danger of pollution of water supplies due to the burials.

Environment Agency: Despite having made comments on the burial ground in the past, this particular application falls outside of our remit and therefore we have no further comments to make.

WDC Environmental Health: No objection.

WCC Highways: Initially raised no objection, but then replaced this with the following comments.

My initial response of no objection was based upon the assumption that the applicant have/had a right of access over the access fronting Leicester Lane. Judging from the fact that there would appear to be no right of access for this proposed usage, then I would object to this access being used for anything other than agricultural usage. My no objection would still stand in relation to the car park access proposed from Sandy Lane, and would ask if this access could also be used for the applicants's maintenance, providing that there was no vehicular through route onto Leicester Lane.

WCC Ecology: No objection. Recommend notes relating to bats and nesting birds.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

PLANNING HISTORY

In 1982 planning permission was granted for "Erection of meeting hall, construction of car park and access" (Ref. W81/0360).

In 2001 planning permission was granted for "Construction of additional vehicular/pedestrian access and provision of additional car parking spaces; erection of a new lamp post and re-siting of 3 no. existing lamp posts" (Ref. W00/1581).

In 2007 a Certificate of Lawfulness was issued for "Ancillary use of car park and grounds of brethren's meeting room (place of worship), Sandy Lane, Leamington Spa for private burial ground for members of the congregation" (Ref. W07/0123).

In 2009 a planning application was submitted for "Formation of driveway and path within burial ground (retrospective application)" (Ref. W09/1171). This was subsequently withdrawn.

KEY ISSUES

The Site and its Location

The application relates to part of the grounds of the Sandy Lane Meeting Room and an adjacent strip of agricultural land. The Meeting Room is a place of worship situated on the eastern side of Sandy Lane, within the Green Belt on the northern edge of Leamington. The site forms an L shape, with one arm extending back from Sandy Lane to the eastern boundary of the site (the part of the site that is within the grounds of the place of worship) and the other arm running at right angles to this to a frontage with Leicester Lane (the agricultural land). There is a gated access and gravel track running down to the Leicester Lane frontage. The Sandy Lane frontage currently comprises a wire fence and trees set behind a grass verge. Behind the frontage, the application site comprises a grassed area with a path down the centre that is fenced off from remainder of the Meeting Room site.

The application site wraps around a dwelling at "The Orchard" to the south and west of the site. There are further dwellings on the opposite side of Sandy Lane and Leicester Lane. North Leamington School is also situated on the opposite side of Sandy Lane.

Details of the Development

The application proposes the following development:

- formation of a new vehicular access, path & on-site car parking to serve the ancillary burial ground;
- change of use of part of the site fronting Leicester Lane (land hatched red) from agriculture to a use for the purposes of grounds ancillary to the place of worship; and
- surfacing of the existing track within the land hatched red.

The resurfacing of the track to Leicester Lane has already been carried out and therefore this is a part-retrospective application.

Assessment

Before listing the main issues, it would be helpful to clarify that certain matters raised by neighbours cannot be considered in the assessment of the current proposals. Neighbours have raised concerns about a number of issues that relate to the use of the land for burials. However, the Council have previously determined that the use of the grounds of the place of worship for the burial of members of the congregation does not require planning permission and a Certificate of Lawfulness has been issued to confirm this. The Council's Enforcement team have also investigated the current frequency of burials and this has been confirmed to be within the established lawful use and does not require any further planning permission. Consequently any issues relating to the principle of the use of the established grounds of the place of worship for burials are not relevant to the consideration of the current application.

The main issues relevant to the consideration of the current application are as follows:

- the impact on the openness and rural character of the Green Belt;
- highway safety; and
- the impact on the living conditions of neighbouring dwellings.

Impact on the openness and rural character of the Green Belt

The strip of land fronting Leicester Lane is outside of the established grounds of the place of worship. Therefore the lawful use of this land currently remains agricultural. A change of use to form an extension to the grounds of the place of worship is likely to result in a more urbanised appearance for this land, as is already evident in the hard surface that has been laid without the benefit of planning permission. The place of worship already has extensive grounds and there is no reason to permit this to be extended into further agricultural land. The applicants have not given any reason for why the grounds of the place of worship need to be extended into this land. Therefore it is considered that the proposed change of use would detract from the rural character of the Green Belt due to the urbanising effect that it would have on this land.

The hard surface that has been laid on the track from Leicester Lane amounts to a substantial engineering operation on a previously undeveloped piece of agricultural land. These works have had a seriously urbanising effect on a piece of land that was formerly very rural in character. This has caused unacceptable harm to the rural character of the Green Belt. The applicant states that the hard surface that has been laid relates to the surfacing of an existing track. However, this does not justify such a significant encroachment into Green Belt land. In any case, the works cover a significantly larger area of the site than the informal track that existing previously, including a substantial turning area on the site frontage. No compelling reason has been given for this extent of works. The track does not appear to serve any particular purpose given that the place of worship already has 2 accesses onto Sandy Lane with a third proposed as part of the current application.

With regard to the proposed car park on the Sandy Lane frontage of the burial ground, Paragraph 89 of the National Planning Policy Framework states that the provision of appropriate facilities for cemeteries does not constitute inappropriate development within the Green Belt as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The visual impact of this part of the proposals would also be more limited because this part of the site already forms part of the grounds of the place of worship. The grounds of the place of worship contain substantial areas of car parking. Furthermore, this additional car park is required to meet the operational needs of the site and the applicants. The place of worship is occupied by Brethren and the principles that they follow are such that only Brethren are entitled to access the burial ground via the existing Meeting Room. Therefore a separate access arrangement is required to allow for occasional visits by non-Brethren. For these reasons it is considered that this part of the development would represent appropriate development that would not cause unacceptable harm to the openness and rural character of the Green Belt.

The pathway down the centre of the burial ground represents a minor feature in the context of the layout of the grounds as a whole. This forms an integral part of the lawful use of this part of the site as a burial ground and consequently there are no grounds for refusing permission for this part of the proposals.

Concerns have been raised about the fences that have been erected around the site. However, these were permitted development and did not require planning permission. Therefore the fences do not form part of the current planning application.

Highway safety

The Highway Authority have objected to the proposed change of use and alterations to the access onto Leicester Lane on highway safety grounds. In the past the access appears to have only been used infrequently for agricultural purposes. The proposed change of use and the improvements to the surfacing of the track are likely to result in an intensification in the use of the access. The access is substandard in terms of visibility and it is not possible to achieve the required visibility splays because this would require land outside of the applicant's ownership. Furthermore, there would not appear to be any overriding need for this access given the existing and proposed accesses onto Sandy Lane. Therefore, it is considered that the proposed change of use and alterations to the access onto Leicester Lane would be detrimental to highway safety.

The Highway Authority have not objected to the proposed access onto Sandy Lane. Therefore, this aspect of the proposals is considered to be acceptable from a highway safety point of view.

Impact on the living conditions of neighbouring dwellings

Concerns have been raised about the impact on the adjacent dwelling at "The Orchard". The proposed change of use of the strip of land fronting Leicester Lane would extend the grounds of the place of worship around two sides of that property and consequently the concerns about an increased sense of enclosure can be appreciated. However, the fences that have been installed around the site are permitted development and do not require planning permission. These would remain in place even if planning permission were to be refused for the proposed change of use. Therefore, the actual change of use is unlikely to result in any additional harm to the living conditions of "The Orchard". The grounds of places of worship commonly adjoin residential properties and such a relationship is not normally considered to be unacceptable in planning terms.

With regard to the proposed parking area on the Sandy Lane frontage, this would be of limited size, with space for only 3 cars. Furthermore this would be situated within the established grounds of the place of worship and is only likely to be used on an infrequent basis. Therefore, this part of the proposals would not cause undue harm to the living conditions of neighbouring dwellings.

A neighbour has also requested that the proposed access onto Sandy Lane be relocated so that it would not directly face the driveway of the dwelling opposite. However, there are no planning grounds for requiring such a change. The new access has been deemed to be acceptable on highway safety grounds and the proposed position of the access would not cause demonstrable harm to the living conditions of the dwelling opposite.

Other matters

The new access onto Sandy Lane would require the removal of a number of trees. However, these are all small trees that do not individually make a significant contribution to the character and appearance of the area. If the proposals had been considered to be acceptable in all other respects and this had been a recommendation to grant planning permission, a condition could have been imposed to require suitable replacement planting.

RECOMMENDATION

1. REFUSE, for the reasons listed below.
2. AUTHORISE ENFORCEMENT ACTION to ensure the cessation of the unauthorised use of the land hatched red on the application site plan as a place of worship and to require the removal of all parts of the hard surface from this land and the restoration of the land to its condition before the breach took place, with a compliance period of TWO months.

REFUSAL REASONS

- 1 The site is situated within the Green Belt. The hard surface that has been laid on the track from Leicester Lane amounts to a substantial engineering operation on a previously undeveloped piece of agricultural land. These works have had a seriously urbanising effect on a piece of land that was formerly very rural in character. In the opinion of the District Planning Authority this has caused unacceptable harm to the rural character of the Green Belt. The proposed change of use would have a further urbanising effect on this land.

The place of worship already has substantial grounds and 2 separate accesses onto Sandy Lane with a third access proposed as part of the current application. Consequently there are no compelling grounds for allowing the further encroachment into the Green Belt that has resulted from the alterations to the Leicester Lane access and that will result from the proposed change of use. The applicant has failed to demonstrate very special circumstances for permitting this inappropriate development within the Green Belt.

The proposals would therefore be contrary to the National Planning Policy Framework.

- 2 The proposed change of use and the improvements to the surfacing of the access track from Leicester Lane are likely to result in an intensification in the use of this access. The access is substandard in terms of visibility and it is not possible to achieve the required visibility splays because this would require land outside of the applicant's ownership. Furthermore, there would not appear to be any overriding need for this access given the existing and proposed accesses onto Sandy Lane. Therefore, in the opinion of the District Planning Authority, the proposed change of use and alterations to the access onto Leicester Lane would be detrimental to highway safety.

The proposals are therefore considered to be contrary to Policy DP6 of

the Warwick District Local Plan.
