

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>21 November 2006</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/06/0601
Planning Proposal:	Change of Use from Amenity Ground to Garden Ground, and the Erection of A Fence and Shed

### 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Eddie Halliday
- Location : 84 Myers Crescent  
Uddingston

### 2 Recommendation(s)

#### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to the following conditions)

#### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) As the proposal constitutes Development Contrary to the Development Plan and objections have been received, a hearing may be required prior to the application being determined.

### 3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 40 Uddingston South/Bothwell
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy RES1 – Residential Areas – General  
Policy DC1 – Development Control General  
**South Lanarkshire Local Plan**  
Policy RES6 - Residential Land Use Policy  
Policy DM1 – Development Management

- ◆ Representation(s):
  - ▶ 3 Objection Letters

- ◆ Consultation(s):  
Roads and Transportation Services (Hamilton Area)

# Planning Application Report

## 1 Application Site

- 1.1 The application site is located to the north of 84 Myers Crescent, Uddingston and was formerly an area of amenity open space associated with the wider residential area. The site, approximately 126m<sup>2</sup>, was sold by the Council to the applicant for the use as an area of garden ground.

## 2 Proposal(s)

- 2.1 This retrospective planning application is for the change of use of open space to garden ground and for the erection of a 1.8m high fence and 2m high shed. The applicant has extended his garden ground at 84 Myers Crescent, Uddingston to incorporate the application site.
- 2.2 This development came to the attention of the Planning Service as a result of an inquiry from the local member who had received several complaints from neighbours. Following a site inspection, the Planning Service requested a retrospective planning application be submitted.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The site is affected by Policy RES1 – Residential Areas – General of the adopted Hamilton District Local Plan. This policy seeks to resist any developments detrimental to the amenity of these areas and to maintain and improve open spaces within housing areas for both amenity and active recreation. The policy further adds that there is a presumption against the development of such open space for housing or other purposes.
- 3.1.2 The site is also affected by Policy RES6 of the South Lanarkshire Local Plan (Finalised) which states that within these areas, the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas.
- 3.1.3 Policy DC1 of the Hamilton District Local Plan should also be considered when assessing this application. Policy DC1 requires all planning applications to take due regard to the local context and built form of the area. Proposals should take cognisance of scale, position and materials of surrounding buildings and landscape.
- 3.1.4 Policy DM1 of the South Lanarkshire Local Plan (Finalised) notes that proposals should have respect to the character of dwellings and the wider area in terms of their scale, design and materials. Proposals should not dominate or overwhelm the existing dwelling or neighbouring dwellings and should not adversely affect neighbouring properties in terms of privacy, sunlight or daylight.

### 3.2 Relevant Government Advice

- 3.2.1 There is no government advice relevant to this application.

### 3.3 Site History

- 3.3.1 No planning applications have been submitted to the Council with relation to this site.

#### 4 Consultation(s)

- 4.1 **Roads and Transportation Services (Hamilton Area)** – responded to the consultation request by noting that the proposed fence will not effect any sight lines and they therefore raised no objections to the proposed development.

**Response:** Noted

#### 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised as Development Potentially Contrary to the Development Plan in the local press. Three letters of representation were received.

- 5.2 The grounds of objection are summarised as follows: -

(a) **The appearance of the fence.**

**Response:** The surrounding residential area currently contains existing fences of a similar height to the proposed fence. Although it is acknowledged that these fences do not run along the frontage of the street, it does set a precedent within the area for fences of this height. In terms of the colour of the fence, Condition 3 attached to the prospective consent will ensure the fence is treated to an appropriate colour to assist integrate into the locality. I am satisfied that the appearance of the fence is appropriate for the locality and adheres to local plan policies.

(b) **Road safety and turning of large vehicles.**

**Response:** Roads and Transportation Service were consulted with regards to this application and raised no objections to the proposal.

(c) **The removal of two relatively mature trees.**

**Response:** These trees were not protected by a Tree Preservation Order and the applicant did not therefore require the Councils permission to remove them. The trees were located on land owned by the applicant. The removal of the trees should not therefore be taken into consideration when determining this planning application.

(d) **The area is relatively open plan and the 6ft high fence will detract from the amenity of the area.**

**Response:** As stated above, the fence is considered to be of an appropriate design and construction for the area and is not therefore considered to create a negative visual impact on the surrounding area. No restrictions have been placed on the estate to maintain an open plan appearance.

(e) **The removal of a fire hydrant to allow construction of the fence**

**Response:** The applicant has removed the water hydrant sign from his property to facilitate the construction of his fence. This is not a material planning consideration and should therefore be not be a determining factor in the decision of this application.

(f) **Reduced visibility for motorists.**

**Response:** Roads and Transportation Service were consulted with regards to this application. No objections were raised and it was noted that the proposed fence does not effect any site lines.

- (g) **The proposal reduces off-street car parking, due to access required to the site.**

**Response:** The dropped kerb will reduce the on street car parking available on the street as access is required to the rear of No. 84 Myers Crescent. The dropped kerb access does however allow the applicant to park 2/3 cars off the street, therefore reducing the on-street parking requirements in the area. I am satisfied that the proposal will improve the car parking facilities within the area.

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 This application relates to the change of use of amenity ground to garden ground and the erection of a 6ft high fence and 6.5ft high shed, within an established residential area of Uddingston. The main determining factors in assessing the application relate to its ability to comply with local plan policy and the impact upon the amenity of surrounding area and properties.
- 6.2 In terms of policy, the site is located within an area of land designated by RES1 – Residential Areas within the adopted Hamilton District Local Plan. Policy RES1 – Residential Areas - General, seeks to resist any developments detrimental to the amenity of these areas. Policy RES1 goes on to state that there will be a presumption against the development of open space for housing or other purposes. It is considered, therefore, that this application represents a departure from the Hamilton District Local Plan.
- 6.3 However, Policy RES6 of the South Lanarkshire Local Plan (Finalised) does not contain a specific presumption against the loss of open space. Policy RES6 opposes the loss of houses to other uses and will resist uses which will be detrimental to the amenity of the area. Following an assessment of the proposal against Policy RES6 the proposed change of use is considered to be acceptable.
- 6.4 It is considered that the application site is small in size and will not represent the loss of a significant area of amenity ground within Uddingston. The extension of the garden ground to include this area, erection of a fence at the perimeter has is not considered to have had a detrimental impact on the residential amenity and a departure from the Development Plan, in this instance, can therefore be supported.
- 6.5 Given the above, I would raise no objections to the proposal and recommend that planning permission be granted. A departure from the development plan can be justified for the following reasons:
- the area of land that forms the application site is zoned by RES1 and RES6 and is of a scale and position that its conversion to garden ground would have a minimal impact upon the adjoining residential.
  - The proposed fence and shed represents an acceptable form of development for the residential location.

## **7 Reasons for Decision**

- 7.1 For the reasons set out in paragraph 6.5 above.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**13 November 2006**

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations:
  - Roads and Transportation Services (Hamilton Area) dated 28/08/06
- ▶ Representations
  - Representation from : William Davis, 72 Myers Crescent, Uddingston, G71 7NJ, DATED 17/08/2006
  - Representation from : Mrs Janet C Hunter, 39 Myers Crescent, Uddingston, G71 7NJ, DATED 21/08/2006
  - Representation from : Anne Baillie, 33 Myers Crescent, Uddingston, G71 7NJ, DATED 26/09/2006

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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## Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/06/0601

### **CONDITIONS**

- 1 That the use hereby permitted shall be instituted within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 The external colour of the fence shall be stained dark brown to the satisfaction of the Council as Planning Authority.

### **REASONS**

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.

For information only

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