

	<h1>Report</h1>	Agenda Item <h1>7</h1>
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Report to:	Planning Committee
Date of Meeting:	10 October 2006
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0521
Planning Proposal:	Change of Use from Amenity Ground to Garden Ground and Erection of Fence (Retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Alan Robb
- Location : Land adjacent to
11 Gemmell Way
Stonehouse

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

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Mono Consultants Ltd
- ◆ Council Area/Ward: 55 Stonehouse
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 – Residential Areas – General
South Lanarkshire Local Plan
Policy RES6 - Residential Land Use Policy

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

- ◆ Consultation(s):
None

Planning Application Report

1 Application Site

- 1.1 The application site is located to the north of 11 Gemmell Way, Stonehouse and was formerly an area of amenity open space associated with the wider residential area. The site, approximately 226m², was an un-maintained, overgrown area of open space incorporating a number of small shrubs/bushes.

2 Proposal

- 2.1 This retrospective planning application is for the change of use of open space to garden ground and for the erection a 1.8m high fence. The applicant has extended his garden ground at 11 Gemmell Way to incorporate a large part of the application site however a number of shrubs have been planted outwith the fenced area to provide a landscaped edge to Vicars Road and the footpath between Gemmell Way/Vicars Road.
- 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.

3.2 Relevant Government Advice

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

3.3 Site History

- 3.3.1 The original planning application for the erection of 140 dwellinghouses was approved in September 1986 (HN/86/0180).

4 Consultations

- 4.1 No consultations were required to be undertaken during the determination of this application.

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. During this period no letters of representation were received.

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 1.8m fence, within an established residential area of Stonehouse. 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 Policy RES6 of the South Lanarkshire Local Plan (Finalised) 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 and erection of a fence 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 Stonehouse. Furthermore the site was an unmaintained area of open space which was overgrown and subject to an accumulation of rubbish. The extension of the garden ground to include this area, erection of a fence and planting at the perimeter has improved the residential amenity of the area and therefore a departure from the Development Plan, in this instance, can 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 area.
 - ? The area of land in question was overgrown and un-maintained. The proposed scheme is considered to be an improvement to the visual appearance of the area.

7 Reasons for Decision

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

Iain Urquhart
Executive Director (Enterprise Resources)

27 September 2006

Previous References

- ◆ HN/86/0180

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations: None
- ▶ Representations: None

Contact for Further Information

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

Donald Wilkins, Planning Officer, Brandon Gate, Hamilton
Ext 3513 (Tel: 01698 453513)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/06/0521

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.

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.

For information only

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