

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	13 February 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0755
Planning Proposal:	Change of Use of Open Space to form Additional Garden Ground (Notice of Intention to Develop)

1 Summary Application Information

- Application Type : Notice of Intention to Develop (NID)
- Applicant : South Lanarkshire Council
- Location : 1 Sillerknowe Lane
Biggar ML12 6EW

2 Recommendation(s)

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

- (1) Grant Notice of Intention to Develop – (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application
- (2) Under the terms of the Town & Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981, the application requires to be referred to Scottish Ministers prior to the final decision being issued

3 Other Information

- ◆ Applicant's Agent: South Lanarkshire Council
 - ◆ Council Area/Ward: 06 Biggar/Symington and Black Mount
 - ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
 - Policy 8: Existing Housing – Ancillary Development
 - Policy 70: Priority Land Uses (Commercial)
- South Lanarkshire Local Plan (Finalised Draft)
- Policy RES6: Residential Land Use
 - Policy DM1: Development Management

◆ Representation(s):

- ▶ 2 Objection Letters
- ▶ 2 Comments Letters

◆ Consultation(s):

Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 The application relates to a small area of open space at land adjoining 1 Sillerknowe Lane, Biggar. The application site, extending to 0.0071 hectare, adjoins the side boundary of the existing dwellinghouse and is bounded by the junction of Sillerknowe Lane and South Back Road. There are three existing trees within the application site and small shrubs to the rear and is finished in stone chips.

2 Proposal(s)

- 2.1 The applicant seeks planning consent for the change of use of open space to form additional garden ground. The application has been submitted by the Director of Housing & Technical Services on behalf of the tenant who occupies the adjoining house.

3 Background

3.1 Local Plan Status

The site is identified as lying within an area identified as a Commercial Priority Land Use Area in the adopted Upper Clydesdale Local Plan. The proposal would therefore be assessed against Policies 8 and 70 of the Upper Clydesdale Local Plan (Adopted). The site is within a residential area of the South Lanarkshire Local Plan (Finalised Draft) where Policies RES6 and DM1 apply.

3.2 Relevant Government Advice/Policy

None.

3.3 Planning History

None.

4 Consultation(s)

- 4.1 Estates Services – have no objections to the proposal.
Response: Noted.

5 Representation(s)

- 5.1 Following neighbour notification and the advertisement of the application in the local paper, two representations were received. The grounds of objection are summarised below.

(a) **There is concern about the existing trees being removed.**

Response: If consent is granted, a condition would be attached to ensure that no trees were removed without the prior approval of the Council as Planning Authority.

(b) **The change of use would allow the tenant to hang washing out in an area which is located across from Biggar Primary School.**

Response: It is not considered that the development would have a detrimental impact on residential or visual amenity.

- (c) **The development would reduce the standard of the area by allowing bins and washing lines to be stored and used in this area.**

Response: It is not considered that the development would have a detrimental impact on residential or visual amenity.

- (d) **The tenant has been using the site to park cars in and, as a result of this, bushes have been removed.**

Response: The existing bushes are not considered to have a significant impact on the character or amenity of the area. If consent is granted, a condition would be attached to ensure that no trees were removed without the prior approval of the Council as Planning Authority.

- (e) **The area of land is at present well maintained, and may deteriorate should it be converted to additional garden ground.**

Response: It is not considered that the development would have a detrimental impact on residential or visual amenity. If consent is granted, a condition would be attached to ensure that details of any proposed walls or fences to be erected on site would be submitted to the Council as Planning Authority for written prior approval.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks planning consent for the change of use of open space to form additional garden ground at land adjoining 1 Sillerknowe Lane, Biggar. The determining issues in consideration of this application are compliance with local plan policy and impact on residential and visual amenity. The site lies within an area of mixed commercial and residential use wherein Policies 8 and 70 of the Upper Local Plan (Adopted) apply respectively. Policy 8: Existing Housing – Ancillary Development states that in predominantly residential areas there shall be a presumption against developments which would be detrimental to residential amenity. Developments ancillary to and/or compatible with the established residential character will be considered on their merits. Policy 70: Priority Land Uses states that there will be a presumption against developments which are not compatible with the priority land uses. In this case, the site is within a Commercial Priority Land Use Area which are defined as areas which contain a substantial proportion of shops and other commercial premises together with residential use.
- 6.2 The South Lanarkshire Local Plan defines the site as being within a residential area. Policy RES6: Residential Land Use states that 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 while each application will be judged on its own merits with particular consideration given to the impact on residential amenity.
- 6.3 Policy DM1: Development Management of the South Lanarkshire Local Plan (Finalised Plan) states that applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development will require to enhance the quality and appearance of the local environment.
- 6.4 The area of open space is not used as a recreational facility, and the existing planting and gravel surface is not considered an area of high quality landscaping and

does not significantly contribute to the character and amenity of the area. The inclusion of this land into the private garden ground of number 1 Sillerknowe Lane will not be detrimental to the visual amenity of the area, given the lack of high quality landscaping nor would it result in the loss of formal facilities. However, if consent is granted a condition would be attached to ensure that the existing trees were not removed without the prior written approval of the Council and that the design and location of fencing is agreed with the Council. The loss of this small area of open space is considered appropriate, given its proximity to the existing dwellinghouse and the nature of its proposed use as additional garden ground.

- 6.5 In view of the above, I consider that the proposal is an appropriate form of development for the site, and complies with local plan policy. I therefore recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity and complies with Policy 8 and 70 of the Upper Clydesdale Local Plan (Adopted) and RES6 and DM1 of the South Lanarkshire Local Plan (Finalised Draft)

Iain Urquhart
Executive Director (Enterprise Resources)
31 January 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

- ▶ Representations
 - Representation from : Robert Kerr, 3 Sillerknowe Court, Biggar
ML12 6AR, DATED 14/11/2006

 - Representation from : Enterprise Resources - Estates & Support, Montrose House
Hamilton, DATED 15/11/2006

 - Representation from : Bill & Jean Watson, Crytlands, 1 Bencryt Avenue
Biggar, DATED 16/11/2006

 - Representation from : Housing & Technical Resources, Council Offices
Area Services, South Vennel, Lanark DATED 09/11/2006

Contact for Further Information

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

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Notice of Intention to Develop (NID)

PAPER APART – APPLICATION NUMBER: CL/06/0755

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 3 That before development starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure the protection and maintenance of the existing mature trees within the site
- 3 These details have not been submitted or approved.

For information only

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