



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 13 April 2018

Dear Councillor

Planning Local Review Body

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Monday, 20 November 2017

Time: 10:30

Venue: Committee Room 5, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), Walter Brogan, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

Alex Allison, John Bradley, Jackie Burns, Stephanie Callaghan, Margaret Cowie, George Greenshields, Graeme Horne, Gerard Killen, Katy Loudon, Kenny McCreary

BUSINESS

- 1 Declaration of Interests
- 2 Minutes of Previous Meeting 3 - 6

Item(s) for Decision

- | | | |
|-----------|--|----------------|
| 3 | Review of Case - EK/17/0254 - Erection of Boundary Fence (Retrospective) at 35 Millar Street, Glassford, Strathaven | 7 - 10 |
| | Report dated 1 November 2017 by the Executive Director (Finance and Corporate Resources). (Copy attached) | |
| 3a | Appendix 1 Planning Application Form | 11 - 22 |
| 3b | Appendix 2(a) Report of Handling | 23 - 30 |
| 3c | Appendix 2(b) Consultation Response | 31 - 34 |
| 3d | Appendix 3 Site Photographs and Location Plan | 35 - 42 |
| 3e | Appendix 4 Planning Decision Notice and Conditions Imposed | 43 - 48 |
| 3f | Appendix 5 Notice of Review | 49 - 56 |
| 3g | Appendix 6 Further Representations | 57 - 62 |
| 3h | Appendix 7 Applicant's further comments | 63 - 66 |

Urgent Business

- 4 Urgent Business**
Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

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PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held in Committee Room 2, Council Offices, Almada Street, Hamilton on 14 August 2017

Chair:

Councillor Alistair Fulton

Councillors Present:

Walter Brogan, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Richard Nelson, David Shearer, Jim Wardhaugh

Councillors' Apologies:

Ann Le Blond, Graham Scott

Attending:

Community and Enterprise Resources

G McCracken, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

P MacRae, Administration Officer; K Moore, Legal Adviser to the Planning Local Review Body

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 19 June 2017 were submitted for approval as a correct record.

The PLRB decided: that the minutes be approved as a correct record.

3 Review of Case - HM/16/0299 - Erection of House in Association with Established Caravan Storage Business (Planning Permission in Principle) at Greenlea Caravan Storage, Muttonhole Road, Hamilton

A report dated 7 August 2017 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application HM/16/0299 by C Taylor for the erection of a house in association with an established caravan storage business at Greenlea Caravan Storage, Muttonhole Road, Hamilton.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with responses from statutory consultees
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ a further submission from an interested party following notification of the request for the review of the case

- ♦ comments from the applicant's agent on the further submission received from the interested party

The PLRB heard:-

- ♦ the Planning Adviser on the background to the case
- ♦ the Legal Adviser on the role of the PLRB which was to consider the application anew and assess it against the relevant policies

In terms of Section 43B of the Planning etc (Scotland) Act 2006, parties could not raise any matter which was not before the planning officer who made the determination unless they could demonstrate that:-

- ♦ the matter could not have been raised before the review
- ♦ the matter was not raised before due to exceptional circumstances

In their further submission, the interested party had referred to the Caravan Storage Site Owners' Association's publication "A Guide to Secure Caravan Storage". The Legal Adviser clarified the position in relation to this information which did not form part of the original application. The PLRB concluded, therefore, that this information did not meet the above criteria and that it, or any comments on it, could not be considered by the PLRB.

The relevant drawings in relation to the review were available for inspection prior to and at the meeting of the PLRB.

On the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ♦ the information submitted by all parties with the exception of the above information which it could not consider
- ♦ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
 - ♦ Policy 3 – Green Belt and Rural Area
 - ♦ Policy GBRA11 – House Associated with Established Business (Green Belt and Rural Area Supplementary Guidance)

Following its review of the information, the PLRB concluded that there were no material planning considerations that warranted granting planning permission in principle for planning application HM/16/0299 by C Taylor for the erection of a house in association with an established caravan storage business at Greenlea Caravan Storage, Muttonhole Road, Hamilton contrary to the relevant policies.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning application HM/16/0299 by C Taylor for the erection of a house in association with an established caravan storage business (planning permission in principle) at Greenlea Caravan Storage, Muttonhole Road, Hamilton be upheld.

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	20 November 2017
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application EK/17/0254 –Erection of Boundary Fence (Retrospective)
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. Summary Application Information

Application Type:	Detailed Planning Permission
Applicant:	Stuart and Margaret Young
Proposal:	Erection of Boundary Fence (Retrospective)
Location:	35 Millar Street, Glassford, Strathaven, ML10 6TD
Council Area/Ward:	5 Avondale and Stonehouse

1.3. Reason for Requesting Review

<input type="checkbox"/> Refusal of Application	<input checked="" type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
 - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
 - (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicants have stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicants are entitled to state a preference for procedure (or combination of procedures) to be followed and have indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input checked="" type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

5.3. Copies of the following information are either attached or will be available for reference at the meeting of the Planning Local Review Body:-

- ◆ Copies of submissions from statutory consultees (**Appendix 2 (b)**)
- ◆ Relevant drawings (available for inspection within Administration Services prior to the meeting and available for reference at the meeting)

6. Notice of Review Consultation Process

6.1. A Statement of Observations from the Planning Officer on the Applicant's Notice of Review, was received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. This is listed at and attached as **Appendix 6**.

6.2 The applicants had the opportunity to comment on the further representation received. Comments from the applicants are contained in the submission attached as **Appendix 7**

Paul Manning

Executive Director (Finance and Corporate Resources)

1 November 2017

Link(s) to Council Values/Objectives

- ◆ Improve the quality of the physical environment
- ◆ Embed governance and accountability

Previous References

None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form

COMMUNITY PARTICIPATION RESOURCES
Montrose House
RECEIVED:
12 JUL 2017
Allocated to:

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying **Guidance Notes** when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename	STUART & MARGARET	Forename	
Surname	YOUNG	Surname	
Company Name		Company Name	
Building No./Name	35	Building No./Name	
Address Line 1	MILLAR STREET	Address Line 1	
Address Line 2	GLASSFORD	Address Line 2	
Town/City	STRATHAVEN	Town/City	
Postcode	ML10 6TD	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
<div style="border: 1px solid black; padding: 10px; text-align: center;"> 35 MILLAR STREET GLASSFORD STRATHAVEN </div>			
<p>NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.</p>			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
<p>NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.</p>			
<p>*Please provide a reference number of the previous application and date when permission was granted:</p>			
Reference No:		Date:	
<p>**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.</p>			

12 JUL 2017

5. Description of the Proposal

Please describe the proposal including any change of use:

RETROSPECTIVE PLANNING APPLICATION
FOR ERECTION OF BOUNDARY FENCE

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☒ No ☐

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

JUNE 2017

If yes, please explain why work has already taken place in advance of making this application

UNAWARE THAT PLANNING PERMISSION
WAS REQUIRED

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☒ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

P. HARRIS

Date:

JUNE '17

Ref No.:

—

APPLY FOR PLANNING PERMISSION

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.):

421m²

8. Existing Use

Please describe the current or most recent use:

House & Garden

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

3+

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

3+

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/alterd septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☐ No ☒

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

EXISTING

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☒

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and/or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

COMMUNITY LAND TRUST RESOURCES	
Montrose House	
RECEIVED:	
12 JUL 2017	
Allocated to:	
The Council	

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

On behalf of

Date:

10/7/17

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

12 JUL 2017

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

12 JUL 2017

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

or

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--


Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

Appendix 2(a)

3b

Report of Handling

Report dated 22 August 2017 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference No	EK/17/0254
		Date	22 August 2017

Planning proposal: Erection of boundary fence (retrospective)

Location: 35 Millar Street
Glassford
Strathaven
ML10 6TD

Application Type : Detailed Planning Application

Applicant : Stuart and Margaret Young

Location : 35 Millar Street
Glassford
Strathaven
ML10 6TD

Decision: Grant detailed planning permission (based on the conditions overleaf)

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan (adopted 2015)

Policy 4 - Development management and placemaking

Policy 6 - General urban area/settlements

NHE7 - Conservation Areas

DM2 - House extensions and alterations

Development management, placemaking and design supplementary guidance (2015)

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

Representations: No

1.0 Application Summary

- 1.1 The applicant seeks retrospective planning consent for the erection of a boundary fence at 35 Millar Street, Glassford, near Strathaven. The application site is located within an established residential area and within the Glassford Conservation Area.
- 1.2 The erection of rear boundary fences does not generally require a planning application to be submitted. In this respect, householders benefit from permitted development rights that generally allow fences of up to 2 metres in height to be erected without applying for planning consent. An application is required in this instance as the fencing has been erected in a rear garden of a dwelling which lies within the Conservation Area. As the applicants were unaware of the need for consent, the fence has already been erected along the north-eastern, south-western and south-eastern boundaries of their rear garden and this application is therefore retrospective.
- 1.3 In terms of the adopted South Lanarkshire Local Development Plan (2015), the relevant policies to be considered in the assessment of this proposal are Policy 4 – Development management and placemaking and Policy 6 – General urban area/settlements. Policies DM2 – House extensions and alterations and NHE7 - Conservation Areas, which are contained within the Development Management, Placemaking and Design, and Natural and Historic Environment Supplementary Guidance (2015) are also applicable to this proposal.
- 1.4 The Council's Roads and Transportation Services (Development Management) were consulted as part of this retrospective application and have raised no objections

2.0 Representation(s)

- 2.1 Statutory neighbour notification was undertaken in respect of this application and no letters of representation have been received, in this instance.

3.0 Assessment and Conclusions

- 3.1 The applicants seek retrospective planning consent for the erection of a boundary fence at 35 Millar Street, Glassford, on land that they confirm falls within their ownership. The relevant policies of the adopted South Lanarkshire Local Development Plan to be considered in the assessment of this proposal are Policies 4, 6, DM2 and NHE7.
- 3.2 Following a detailed assessment of this proposal, I am content that the fence has no significant adverse impact upon residential or visual amenity in the local area. Generally, garden boundary fences of up to 2 metres in height are a common form of householder development, however, in this instance the property lies within Glassford Conservation Area, and therefore the retrospective fencing requires planning permission. The fencing is partially concealed by mature vegetation and trees along the north-eastern boundary. The other sections of fencing, which are mainly internal to the rear garden of 35 Millar Street are principally visible from the residential cul-de-sac

of Greenbank Crescent, which is accessed from Millar Street. The majority of the fence is approximately 1.8m in height, with a smaller section measuring 1.15m in height. Even at its full 1.8m height, it is considered that the fence has marginal impact in terms of the amenity of neighbouring properties or the wider Conservation Area as the fence is located to the rear of the row of traditional properties on Millar Street. Notwithstanding this however, while the fence has been finished to a high standard the applicants have treated the fencing with a red/brown timber paint which is considered to be incongruous in the Conservation Area. It is therefore considered that planning consent should be granted subject to a condition to require an alternative dark stain colour to be used as a final finish to the fence. It is my opinion that the fencing, once repainted, would not adversely impact upon visual amenity.

- 3.3 Given the above, it is considered that the proposal has no significant adverse impact upon amenity and that it complies with the relevant local development plan policies and guidance. The granting of retrospective planning consent, subject to conditions, is therefore considered justified.

4.0 Reason for decision

- 4.1 The proposal has no significant adverse impact on amenity and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6, DM2 and NHE7). There are no additional material considerations which would justify refusing to grant consent.

Delegating Officer: G Rae

Date: 24.8.17

Previous References

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 18.07.2017

Contact for further information

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

Maud McIntyre

(Tel : 01698 455043)

E-mail: maud.mcintyre@southlanarkshire.gov.uk

PAPER APART – APPLICATION NUMBER : EK/17/0254

CONDITIONS

- 1 That no consent is hereby granted for the existing colour of the stained finish to the fencing.
- 2 That within 1 month of the date of this consent the applicant shall submit samples of an alternative dark wood stain finish for consideration and approval by the Council. Thereafter, and within 3 months of the date of this consent, the applicant shall paint the fencing using the agreed woodstain colour to the satisfaction of the Council as Planning Authority.

REASONS

- 1.1 The colour of the retrospective fence is unacceptable.
- 1.2 In the interests of amenity and to safeguard the character of the Conservation Area

INFORMATIVES

- 1 This decision relates to drawing numbers: Young/2017/01A; Young/2017/02; Young/2017/03; Young/2017/04; Young/2017/05.
- 2 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 3 The person carrying out the development must give advance notice in writing to the planning authority of the date when it intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 4 As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 5 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that

period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

Appendix 2(b)

3c

Consultation Responses

- ◆ Response dated 18 July 20017 by Roads Development Management Team

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES
OBSERVATIONS ON PLANNING APPLICATION**

Planning Application No: EK/17/0254	Dated: 18/07/17	Received: 18/07/17
Applicant: Stuart and Margaret Young		Contact: Craig Lattimer
Proposed : Erection of boundary fence (retrospective)		Ext: 5288
Location: 35 Millar Street Glassford Strathaven ML10 6TD		Planner: Evelyn-Ann Wilson
Type of Consent: Full	No of drg(s) submitted: 5	

Proposals Acceptable?	Y or N	Item ref	Comments
1. EXISTING ROADS		1	This service would offer no objections to this application as it will have no impact on the public road network.
(a) General Impact of Development	Y		
(b) Type of Connection(s) (road junction/footway crossing)			
(c) Location(s) of Connection(s)			
(d) Sightlines ()			
(e) Pedestrian Provision			
2. NEW ROADS			
(a) Width(s) ()			
(b) Layout (horizontal/vertical alignment)			
(c) Junction Details (locations/radii/sightlines)			
(d) Turning Facilities (circles/hammerheads)			
(e) Pedestrian Provision			
(f) Provision for PU Services			
3. SERVICING & CAR PARKING			
(a) Servicing Arrangements/Driveways			
(b) Car Parking Provision ()			
(C) Layout of Parking Bays/Garages			
4. RECOMMENDATION			
(a) No Objections			
(b) No Objections Subject to Conditions			
(c) Refuse			
(d) Defer Decision			
(e) SOID to advise			

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required
(iv) Dropped Kerb (S56)*	Not Required

* Relevant Section of the Roads (Scotland) Act 1984

Signed: _____
Engineering Manager

Date: _____

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES**

**OBSERVATIONS ON PLANNING APPLICATION
CONTINUATION SHEET**

Planning Application No:---/--/----

Dated:

Contact:

Item Ref	Comments

Appendix 3

3d

Site photographs and location plan



Photograph A



Photograph B

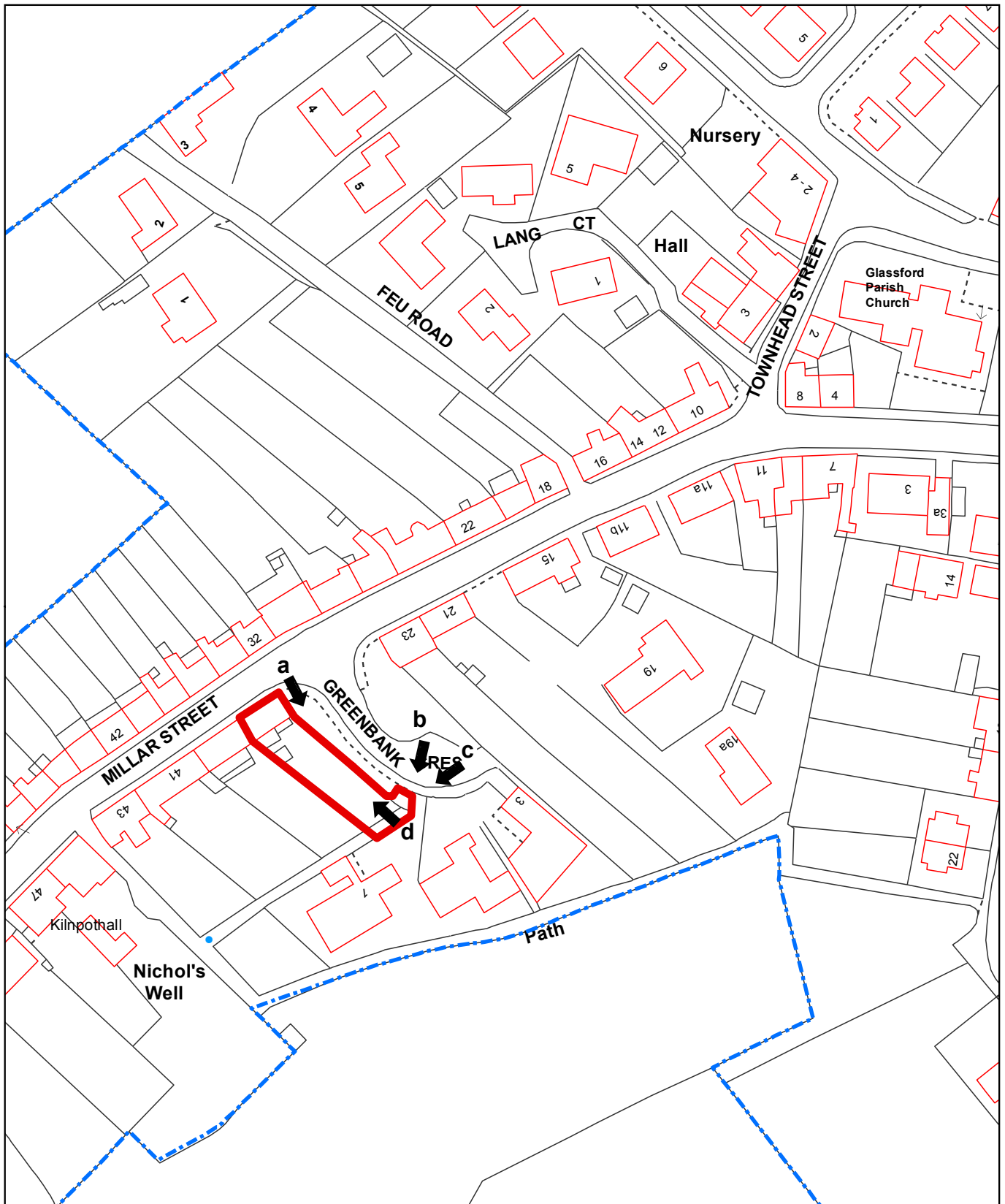


Photograph C



Photograph D

Planning Review PLRB/NOR/EK/17/0254
35 Millar Street, Glassford



This map indicates from where photographs were taken



Application site

Photograph viewpoints



Scale: 1:1,250

Date:

© Crown copyright and
database rights 2017.
Ordnance Survey
100020730



Appendix 4

3e

Planning Decision Notice and conditions imposed



Town and Country Planning (Scotland) Act 1997

To : **Stuart and Margaret Young** Per :
35 Millar Street
Glassford
Strathaven
ML10 6TD

With reference to your application dated 10 July 2017 for Conditional Planning Permission under the above mentioned Act :

Description of Proposed Development :

Erection of boundary fence (retrospective)

Site Location :

35 Millar Street
Glassford
Strathaven
ML10 6TD

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

GRANT CONDITIONAL PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, subject to any condition(s) listed overleaf in the paper apart. Any condition(s) are imposed by the Council for the reasons detailed.

Date: 25/08/17

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

CONDITIONS

- 1 That no consent is hereby granted for the existing colour of the stained finish to the fencing.
- 2 That within 1 month of the date of this consent the applicant shall submit samples of an alternative dark wood stain finish for consideration and approval by the Council. Thereafter, and within 3 months of the date of this consent, the applicant shall paint the fencing using the agreed woodstain colour to the satisfaction of the Council as Planning Authority.

REASONS

- 1.1 The colour of the retrospective fence is unacceptable.
- 2.1 In the interests of amenity and to safeguard the character of the Conservation Area

REASON(S) FOR DECISION

- 1 The proposal has no significant adverse impact on amenity and the character of the Conservation Area, and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6, NHE7 and DM2). There are no additional material considerations which would justify refusing to grant consent.

NOTES TO APPLICANT

APPLICATION NUMBER: [EK/17/0254](#)

Important

The following notes do not form a statutory part of this Decision Notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

- 1 This decision relates to drawing numbers: [Young/2017/01A](#); [Young/2017/02](#); [Young/2017/03](#); [Young/2017/04](#); [Young/2017/05](#).
- 2 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 3 The person carrying out the development must give advance notice in writing to the planning authority of the date when it intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 4 As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 5 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

Appendix 5

3f

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr and Mrs Young



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100065896-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Margaret"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="Young"/>	Address 1 (Street): *	<input type="text" value="Millar Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Glassford"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Strathaven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="ML10 6TD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

35 Millar Street

Address 2:

Glassford

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Strathaven

Post Code:

ML10 6TD

Please identify/describe the location of the site or sites

Northing

646950

Easting

272445

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of Boundary Fence (Retrospective)

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? * <input type="checkbox"/> Refusal Notice. <input checked="" type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.							
<h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> We wish a review of the conditions imposed on the granting of the planning permission in relation to the colour of fence being unacceptable and not in keeping with the conservation area. Reasons for request are that we believe we are being discriminated against as application was made retrospectively and that there are buildings and fences with similar paint colour within the conservation area already and our fence is in keeping with these. Letter attached which provides further information </div>							
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 							
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>							
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters) <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> - Letter outlining reason for review of decision </div>							
<h3>Application Details</h3> <p>Please provide details of the application and decision.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">What is the application reference number? *</td> <td style="border: 1px solid black; padding: 5px;">EK/17/0254</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">10/07/2017</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">25/08/2017</td> </tr> </table>		What is the application reference number? *	EK/17/0254	What date was the application submitted to the planning authority? *	10/07/2017	What date was the decision issued by the planning authority? *	25/08/2017
What is the application reference number? *	EK/17/0254						
What date was the application submitted to the planning authority? *	10/07/2017						
What date was the decision issued by the planning authority? *	25/08/2017						

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

An inspection of the area and the other properties and buildings in the conservation area of Glassford mentioned in my further information statement to see that the colour of fence is in keeping with what is already in the area.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Margaret Young

Declaration Date: 11/09/2017

35 Millar Street
Glassford
Strathaven
ML10 6TD

Dear Sir/Madam

Erection of boundary fence (retrospective) – Notice of Review
35 Millar Street, Glassford, Strathaven ML10 6TD
Application No: EK/17/0254

I wish to appeal against the conditions placed on the planning permission for the above application.

The application was retrospective for a fence because we had been told by a planning officer dealing with a previous application that the rear garden was not in the conservation area but applied after it was brought to our attention that permission was required for this work. We painted the fence Red Cedar as soon as it was erected to preserve the wood. Our huts in the garden have been painted that colour for the past 12 years with no complaint even although they were visible from the street prior to the adjacent trees over growing. Also there were no objections or comments made regarding the application.

The condition states that this colour is not in keeping with the conservation area and is unacceptable and states this must be changed within 3 months. I wish to appeal against this condition being implemented as it would appear that we are being discriminated against. If we had known to apply prior to the fence being erected, to my knowledge there would be no condition regarding colour being placed on the decision. If however this was the case I would welcome proof that any other fencing applications within south Lanarkshire conservation areas had this condition attached. Also the village hall within the conservation area of Glassford which belongs to the council has the wooden facings and soffit area painted in the same colour. The church railings are also painted a very similar colour. Although not on the conservation area, one of the properties adjacent in Geenenbank Crescent which is very visible in the conservation area is painted terracotta, therefore it could be argued that my fence is in keeping with what is already in the area.

Yours faithfully

Margaret Young

Proposal Details

Proposal Name	100065896
Proposal Description	Erection of Rear Fence (Retrospective)
Address	35 Millar Street, Glassford, Strathaven,
	ML10 6TD
Local Authority	South Lanarkshire Council
Application Online Reference	100065896-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Review of decision letter	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Appendix 6

3g

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review

STATEMENT OF OBSERVATIONS

Planning Application No EK/17/0254

Erection of Boundary Fence (Retrospective)

35 Millar Street, Glassford

1 Planning Background

1.0 A planning application (Planning Ref No: EK/17/0254) was submitted by Mr & Mrs Young to South Lanarkshire Council on 12 July 2017 seeking detailed planning permission for the erection of a garden boundary fence within the rear garden of 35 Millar Street, Glassford. The fencing had been erected without planning permission. This was brought to the Council's attention by a local resident who wrote to the Planning Service, concerned about the appearance of the fence, which is located within the Glassford Conservation Area. The Council's Monitoring & Enforcement Officer for the area contacted Mr & Mrs Young and requested that a retrospective planning application be lodged for determination. After due consideration of this application, in terms of the Local Development Plan and all other material planning considerations, the planning application was approved subject to conditions under delegated powers on 25 August 2017. The report of handling dated 22 August 2017 explains the decision and the reason for imposing the conditions listed in the decision notice.

1.1 The conditions imposed were as follows:

1) That no consent is hereby granted for the existing colour of the stained finish to the fencing.

Reason: The colour of the retrospective fence is unacceptable.

2) That within 1 month of the date of this consent the applicant shall submit samples of an alternative dark wood stain finish for consideration and approval by the Council. Thereafter, and within 3 months of the date of this consent, the applicant shall paint the fencing using the agreed woodstain colour to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to safeguard the character of the Conservation Area

2 Assessment against the development plan and other relevant policies

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 The development plan in this instance comprises the South Lanarkshire Local Development Plan (adopted 2015) and the associated Supplementary Guidance documents. The site is identified as being located within the residential settlement where Policy 6 – Development Management and Placemaking applies. This policy as well as Policy 4 - Development Management & Placemaking and DM2 – House Extensions, resists development that will have significant adverse amenity impacts

on the local community in terms of matters such as location, scale, design and materials. In addition, as the site lies within the conservation area Policy NHE7-Conservation Areas is also relevant. This policy states that development within a conservation area should preserve and enhance its character with the design, materials, scale and siting of any development being appropriate to the character of the conservation area.

- 2.3 Following a detailed assessment of this development, the Planning Service was content that the fence had no significant adverse impact upon residential or visual amenity in the local area. Generally, garden boundary fences of up to 2 metres in height are a common form of householder development, however, in this instance the property lies within Glassford Conservation Area, and therefore the retrospective fencing required planning permission. While the fencing is partially concealed by mature vegetation and trees along the north-eastern boundary, the other sections of fencing, which are mainly internal to the rear garden of 35 Millar Street are visible from the residential cul-de-sac of Greenbank Crescent, which is accessed from Millar Street. The majority of the fence is approximately 1.8m in height, with a smaller section measuring 1.15m in height. It was considered that the fence has marginal impact in terms of the amenity of neighbouring properties or the wider Conservation Area as the fence is located to the rear of the row of traditional properties on Millar Street. Notwithstanding this however, while the fence had been finished to an acceptable standard the applicants had treated the fencing with a cedar red timber paint which was considered to be incongruous in the Conservation Area. It was therefore considered that planning consent should be granted subject to a condition to require an alternative dark stain colour to be used as a final finish to the fence. It was the opinion of the Planning Service that the fencing, once repainted, would not adversely impact upon visual amenity, and in particular would not adversely affect the character of the conservation area.

3 Observations on appellant's 'Notice of Review'

- 3.1 The appellant has submitted a statement to support their review. The grounds are summarised below:
- a) **Appellant was advised that the rear garden was not in the conservation area. The application was retrospective for a fence because they were advised by a planning officer dealing with a previous application that the rear garden was not in the conservation area but applied after it was brought to their attention that permission was required for this work. Response:** It is unfortunate that this information appears to have been given to the appellant. However, the fencing does lie within the conservation area and as it was brought to the Council's attention, the Council were required to request the appellants to regularise the matter by applying for planning permission retrospectively. As previously stated, the principle of the fencing is acceptable, however it was considered that the painted finish should be changed to a more appropriate colour, hence the imposition of the conditions

- b) **The red cedar colour was chosen to blend in with the appellant's garden huts which are painted in the same shade.**

Response: The boundary fencing is significantly visible, whereas the existing huts are internal to the garden and therefore are not as visible. It is considered that the extent of the fencing in this colour is unacceptable within the conservation area and affects the character of the conservation area. A more appropriate dark stain would improve the appearance of the fence which has been erected.

- c) **No objections were received in respect of the planning application.**

Response: Statutory neighbour notification was undertaken by the Council and it is correct that no objections were received to the planning application. Notwithstanding this, the Planning Service, having considered the application on its own merits concluded that the location, height and style of the fence were acceptable, but the colour should be altered to improve the overall appearance and to preserve the character of the conservation area. Therefore the use of conditions in this instance was considered an appropriate measure.

- d) **If Planning Permission had been sought prior to erecting the fence, no such condition would have been attached.**

Response: Planning conditions were imposed to control the appearance of the erected fence. If the Planning Service had been given the opportunity to fully consider the proposed fence through the submission of a planning application, prior to the works being carried out, it is likely that dialogue between the planning officer and the applicants would have taken place to agree the colour and finish of the fence. It would have been dependent upon the outcome of such discussion, together with the amount of information supplied on the drawings, whether or not it would have been considered necessary to control any aspect of the development through the imposition of conditions.

- e) **Similarly coloured soffits and wooden facings exist within the conservation area, for example the village hall, and the church railings are painted a very similar colour.**

Response: Each application is considered on its own merits and is assessed against the current adopted local development plan policies and the associated supplementary guidance. Other local examples may be historical or may be less obtrusive or may be outwith the conservation area. As stated above, the principle of the fencing was acceptable and the planning permission was issued. However, it is considered that in this instance, the visual appearance of the fencing could be improved if it is painted a dark stain. This would help preserve the character of the conservation area at this location.

- f) **A dwelling within Greenbank Crescent is painted terracotta. Arguably, the red cedar painted fence is in keeping with this property.**

Response: The dwellings within Greenbank Crescent lie outwith the conservation area. The fact is that the appellant's property falls within the conservation area and therefore stricter policies apply with regard to development management. In this instance it is considered that the fencing

should be painted a dark stain as currently it is a bright cedar red which detracts from the appearance of the conservation area.

4 Conclusions

- 4.1 In summary, while it is accepted that the fencing has no significant adverse impact upon amenity and that it generally complies with the relevant local development plan policies and guidance, it is considered that the granting of planning consent subject to conditions to require an alternative dark stain colour to be used as a final finish to the fence, was an appropriate measure and the correct decision. It is the opinion of the Planning Service that the fencing, once repainted, would not adversely impact upon visual amenity and would preserve the character of Glassford Conservation Area. The granting of retrospective planning consent was therefore considered justified.

The Planning Authority therefore respectfully requests that the Review Body dismiss the appeal to remove the conditions imposed on the planning consent.

Appendix 7

3h

**Applicant's Comments on Further Representations
Submitted by Interested Parties in the Course of the
Notice of Review Consultation Process**

From: Margaret Young]
Sent: 30 October 2017 12:16
To: MacRae, Pauline <Pauline.MacRae@southlanarkshire.gcsx.gov.uk>; Planning LRB
<PlanningLRB@southlanarkshire.gov.uk>
Cc:
Subject: Re: PLRB

**Erection of Boundary Fence (Retrospective) 35 Millar Street, Glassford, Strathaven ML10 6TD
Planning Application No EK/17/0254 2**

I refer to the letter dated 9 October in connection with the above. I would like to comment on the representations as follows.

Section e) response states that each application is considered on its own merits which I agree is fair policy, however the comments go on to state that other local examples given in the appeal may be historical or may be less obtrusive or outwith the conservation area. If the other examples are historical surely this would set a precedence for other considerations within the area as the colour of the fence would then be in keeping with preserving the character of Glassford Conservation Area. In relation to being obtrusive, the fence in question is located in Greenbank Crescent, well screened from view by overgrown trees in Greenbank Crescent and not easily viewed by passers-by on Millar Street. Greenback Crescent is a cul de sac which gets minimum traffic due to not being a through route. The individuals residing in Greenbank Crescent were all given the opportunity to make comment on the application and no comments were received which suggests they have no concerns regarding the finish of the fence. The properties mentioned in the appeal being the church and public hall are in contrast extremely visible within the conservation area being located directly on Millar Street, Jackson Street and Townhead Street which are the main routes within the village and visible to all who enter into Glassford village.

I respectfully request that this information is taken into consideration by the Review Body when considering our appeal in relation to the conditions imposed on the planning consent.

Yours faithfully

Margaret and Stuart Young

