

Report

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Report to:	Planning Committee
Date of Meeting:	31 October 2006
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0640
Planning Proposal:	Change of Use from Amenity Ground to Garden Ground and Erection of Fence

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs James Scroggie
- Location : Tigh Na Coille
74 Pentland Crescent
Larkhall

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Condition Listed)

2.2 Other Actions/Notes

The Planning Committee have delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 53 Larkhall West
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 – Residential Areas – General
Policy RES2 – New Housing Sites
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 west of 74 Pentland Crescent, Larkhall and was formerly an area of amenity open space. The site, approximately 460m², was an un-maintained, water-logged and 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. The applicant has extended his garden ground at 74 Pentland Crescent to incorporate the application site.

3 Background

3.1 Local Plan Status

- 3.1.1 The site is affected by Policy RES2 – New Housing Sites and by Policy RES1 – Residential Areas – General of the adopted Hamilton District Local Plan. Policy RES1 seeks to resist any developments detrimental to the amenity of the residential 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 An outline planning application (HN/94/557) for a residential development over the site was withdrawn by the applicant in October 1994. The detailed planning application for the residential development was approved in May 1996 (HN/95/0316). No further applications have been made with regard to this particular application site however similar proposals have been approved in recent years (HM/05/0324, HM/02/0668, HM/02/0667 and HM/02/0614).

4 Consultation(s)

- 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, within an established residential area of Larkhall. 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 RES2 – New Housing Sites within the adopted Hamilton District Local Plan. The site has since been developed into a residential area however and Policy RES1 – Residential Areas – General of the Hamilton District Local Plan is now relevant. Policy RES1 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, due to its size and accessibility from public areas, will not represent the loss of a significant area of amenity ground within Larkhall. The extension of the garden ground to include this area has improved the residential amenity of the area and therefore a departure from the Development Plan, in this instance, can be supported. Furthermore, planning permission for numerous proposals of similar nature and location has been approved in recent years.
- 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:
- A departure from the development plan can be justified as 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 or woodland area.
 - Many similar proposals have also received planning permission in the past for the extensions of garden ground in this area.

7 Reasons for Decision

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

Iain Urquhart
Executive Director (Enterprise Resources)

11 October 2006

Previous References

- ◆ HM/05/0324
- ◆ HM/02/0668
- ◆ HM/02/0667
- ◆ HM/02/0614
- ◆ HN/94/0557
- ◆ HN/95/0316

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/06/0640

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

