

Report

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Report to:	Planning Committee
Date of Meeting:	24 May 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/11/0104
Planning Proposal:	Change of Use from Public Open Space to Form Additional Garden Ground, Erection of 2m Boundary Fence and Formation of Access and Parking Area

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Edgar Thomas & June Webb
- Location : 1 Ash Grove
Law
ML8 5JP

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission subject to conditions overleaf.

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES 6 : Residential Land Use

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

- ◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

Planning Application Report

1 Application Site

- 1.1 The application relates to a 3.7m wide grassed strip of land adjacent to 1 Ash Grove, in Law. It is bounded to the north by open field/stob and wire fence and farmland; to the east by the public road and parking court, to the south by a public footpath and to the west by the gable of applicant's property. The land is currently in Council ownership.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the change of use of this small strip of Council owned land to the side of their terraced dwellinghouse at Ash Grove, Law to form additional garden ground and formation of an access and parking area. Consent is also sought for the erection of 2 metre high boundary fencing to enclose the land.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is identified as being situated within a designated residential land use area in the adopted South Lanarkshire Local Plan. Policy RES 6 – Residential Land Use states that the council will resist any development that will be detrimental to the amenity of residential areas. Protection of the quality of life of residents and the character of residential areas is important. There must be no resultant loss of open or play spaces which make a significant contribution to the character or amenity of the area.

4 Consultation(s)

- 4.1 Roads and Transportation Services (Clydesdale Area Manager) – raise no objection to the proposal but advise that the applicant will require to apply to the Service for permission to lower the kerb at this location to facilitate the creation of a driveway to the rear of the property. Furthermore, the existing lighting column in the vicinity of the proposed gates will have to be relocated at the applicant's expense.
Response: Noted. The applicant will be advised of the Roads and Transportation Services' requirements if the proposal is granted planning permission.

5 Representation(s)

- 5.1 Following neighbour notification of adjoining properties and advertisement in the local press due to the non-notification of neighbours, no representations were received.

6 Assessment and Conclusions

- 6.1 Planning permission is sought for the change of use of a small rectangular area of land to the side of a terraced dwellinghouse at Ash Grove, Law. This land constitutes part of the public open space associated with the terraced dwellinghouses in the area. The determining issues in consideration of this application are compliance with local plan policy and impact on the amenity of the area.

- 6.2 The presumption against the loss of open space as stated in Policy RES 6 of the local plan is aimed primarily at the development of areas of active open space and those

that, through their existing character in terms of planting and contribution to the amenity of the area, represent high quality informal amenity space. In this case, the area of land subject to the change of use is situated to the side of the existing end terraced house and comprises a grassed area with no planting or boundary treatment. The inclusion of this land into the private garden ground of number 1 Ash Grove will not be detrimental to the visual amenity of the area, given the lack of planting, nor would it result in the loss of formal facilities. Whilst the erection of 2 metre high fencing along a road frontage would not normally be considered favourably, there is limited scope for repetition of this type of development within this section of streetscape. Furthermore, the potentially oppressive impact of this form of boundary treatment is offset by the relatively open nature of the adjoining land as a result of the public road/parking court. The erection of 2 metre high fencing around this area of ground would therefore not have a significantly adverse impact on the amenity area. The Council's Roads and Transportation Services have been consulted on the proposed development but they raise no objections to the proposal.

- 6.3 I am satisfied that the proposal complies with local plan policy and I therefore consider that planning permission be granted, subject to a condition requiring approval of details of boundary treatment.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity and complies with Policy RES 6 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

5 May 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Roads and Transportation Services (Clydesdale Area Manager)

04/05/2011

- ▶ Representations - None

Contact for Further Information

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

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Detailed Planning Application

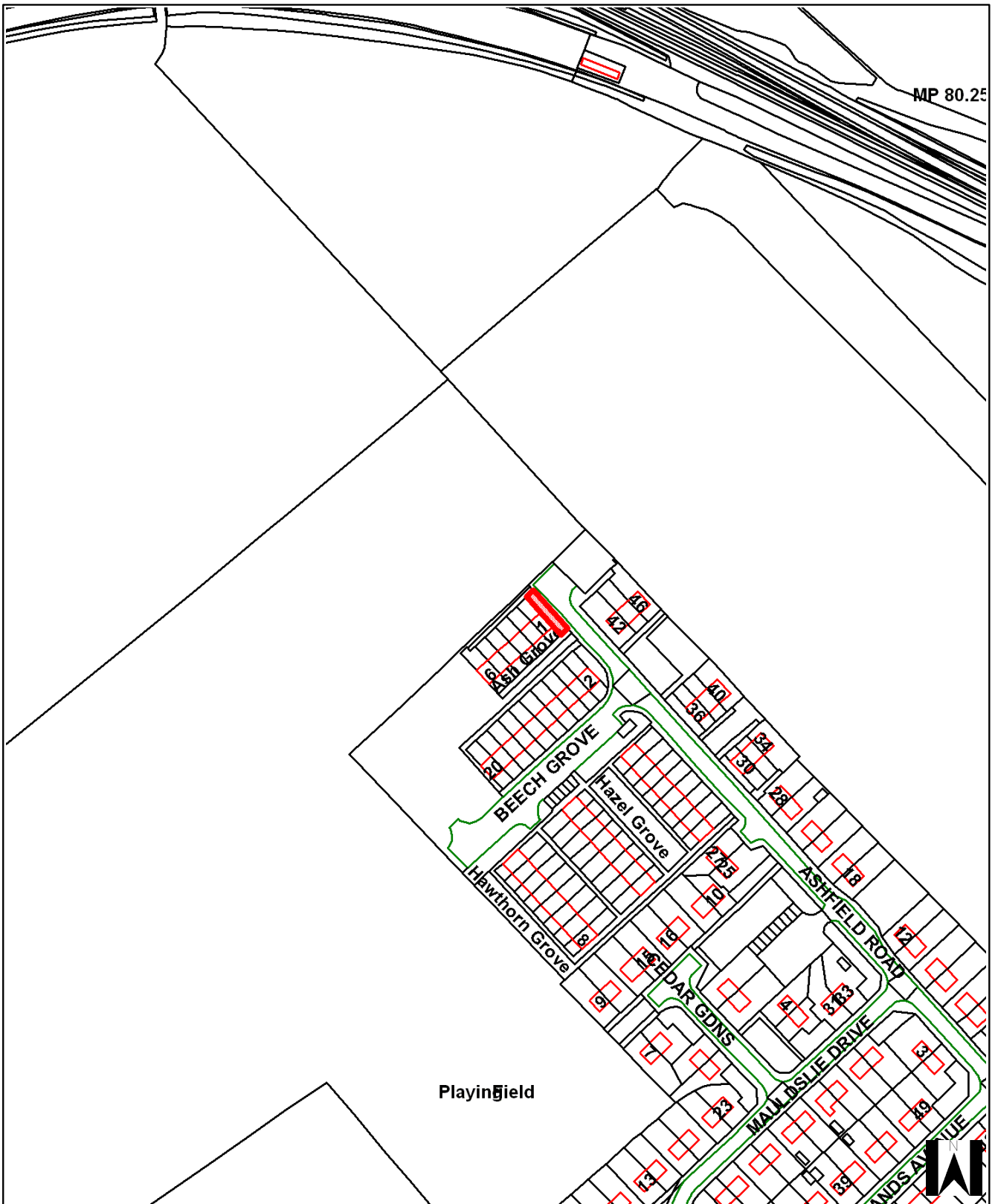
PAPER APART – APPLICATION NUMBER : CL/11/0104

CONDITIONS

- 1 This decision relates to drawing numbers: 13 - 2154 and 1 Site Plan.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 These details have not been submitted or approved.



For information only

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