

Report to:	Planning Committee
Date of Meeting:	8 March 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/10/0454
Planning Proposal:	Change of Use of Open Space to Garden Ground to Be Utilised as a New Access/Driveway

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Graeme & Mrs Elizabeth Leckie
- Location : Land to rear of The Glade and adjoining Montgomery Place
Larkhall
ML9 2EZ

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 the Conditions Attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy RES6 – Residential Land Use
Policy DM1 – Development Management

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

- ◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Enterprise Resources - Estates

Land and Fleet Services (Arboriculture)

Planning Application Report

1 Application Site

- 1.1 The application site relates to a small area of open space of approximately 44 square metres (12 by 3.6 metres), located at the turning head of a residential cul-de-sac, known as The Glade, Larkhall, which provides access for approximately twenty-five dwellinghouses. At present the site forms part of a larger area of open space (980 square metres or thereby), which sits between The Glade, Montgomery Place/Hill Street and Hillcrest View.
- 1.2 The applicant's property, at 8 Montgomery Place, forms the southern boundary of the application site. Vehicular access to the property is currently from that street.
- 1.3 Two pedestrian footpaths can be found in close proximity to the application site. The first links The Glade with Hillcrest View, whilst the second links Montgomery Place with Machanhill. An electricity sub station also exists adjacent to Montgomery Place. The remaining uses surrounding the site are residential in character. A number of trees are located around the perimeter of the larger area of open space, one of which would require to be removed should the proposal be implemented.
- 1.4 The site is currently owned by the Council and the applicant has exchanged correspondence with the Council with a view to purchasing the site, should consent be granted for the application proposals.

2 Proposal(s)

- 2.1 The applicant seeks planning consent for the change of use of the site from public open space in order to use it as a new access/driveway to the rear garden. The proposal will require the removal of an existing small tree. The application form states that the proposed car access will be finished in chips, slabs or monoblock and will be screened along the edge by the existing side fence which will be relocated.
- 2.2 The applicant has submitted a letter in support of their proposal stating that historically there is a problem of anti-social behaviour which is still ongoing at the front of their property (Montgomery Place) and that they fear their two cars will be damaged. Secondly the applicant considers that turning into or out of their existing driveway can be dangerous for pedestrians and drivers because the access point is on a blind ninety degree corner with limited forward visibility. Furthermore the volume of traffic which uses Hill Street and Montgomery Place has increased dramatically. Additionally there is also persistent on street parking which restricts visibility.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located in a residential area where Policy RES6 of the South Lanarkshire Local Plan is applicable. This policy seeks to resist the loss of residential uses within these areas and to resist uses which are not compatible with such areas and would result in an unacceptable impact on residential amenity. In addition there must be no resultant loss of, or damage to, open or play spaces, trees, bushes or hedgerows which make a significant contribution to the character or amenity of the area.

3.1.2 Policy DM1 – Development Management is also relevant and provides general development management guidance. This policy requires all planning applications to take due regard to the local context and built form of the area. Proposals should take cognizance of scale, position and materials of surrounding buildings and landscape.

3.2 **Relevant Government Guidance/Advice**

3.2.1 Given the nature and scale of the proposal there is no specific guidance or advice relevant to the proposed development.

3.3 **Planning History**

3.3.1 It is noted that with regards to the area of open space at this location, planning permission was approved in October 2009 for an extension to the property at 24 The Glade, which also involved the change of use of an area of the open space (approximately 95m² in area) to allow the proposed extension to proceed. The area of the land involved was subsequently sold by the Council and the proposals successfully completed. (Application No: HM/07/0880)

4 **Consultation(s)**

4.1 **Estates:** No objections to the sale of the land.
Response: Noted.

4.2 **Roads and Transportation Services (Hamilton Area):** No objections subject to a condition that the applicant provides a dropped kerb crossing.
Response: Noted.

4.3 **Land and Fleet Services (Arboriculture):** Commented that the trees on the site are Sorbis species and are of little note. Provided a planting scheme can be agreed, there is no objection to the removal of one or both of these trees.
Response: Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken in respect of the proposal. Ten letters of representation from 6 residential properties, were received.

5.2 The grounds of objection can be summarised as follows: -

(a) **Concerns about on-street parking on The Glade, associated with the proposals restricting access to and from neighbouring properties.**

Response: It is noted that there are no parking restrictions within The Glade.

(b) **Concerns over impact on the visual amenity and loss of open space being in contravention to the South Lanarkshire Local Plan policies.**

Response: In terms of the loss of amenity, the applicants seek permission to utilise approximately 44m² (5%) of a larger site (980m²) for access purposes. It is considered that this would still allow for a satisfactory level of open space within the area. Through Policy RES 6 the Council seeks to oppose the loss of areas of open space which make a significant contribution to the amenity of an area. In this particular situation it is considered that the overall area of open space does not make a 'significant' contribution to the character or amenity of the area. In addition as a large proportion of the original site will remain, the proposals are therefore considered to be in accordance with the aims of local plan policy.

- (c) **Concerns that the removal of the tree may result in damage to adjoining properties and impact on the attractiveness of the area/carbon footprint.**

Response: It has been alleged that the tree to be removed has caused damage to adjacent pavement and boundary wall. However this is unconfirmed. Any potential damage to the pavement or neighbouring properties would be a civil issue and does not constitute a material planning consideration in the assessment of this planning application. In relation to the impact on amenity it is noted that the Council's Arboricultural Officer, who was consulted on this application, has offered no objection to the tree's removal, subject to a replacement planting scheme.

- (d) **Concerns over the content of the application form, in terms of parking provision and access.**

Response: With regards to part 8 of the submitted application form, the applicant originally stated that they were not proposing any changes to public paths, rights of way or affecting public rights of access. However in their supporting letter that they have submitted, they now realise that dropping the kerb is in fact a change. In addition they originally put zero spaces on the application form because the application site has no parking due to the fact it has grass and a tree on it. This is correct as the application site outlined in red is only the area proposed to be used for access purposes and it does not include the existing residential curtilage.

- (e) **Concerns about the need for the proposal as the applicant has a drive at the front of their house and there is provision for 6 existing car parking spaces within the site.**

Response: The applicants have advised that they seek consent due the occurrence of anti-social behaviour to the front of their property, due to the proximity of the public footpath, and the desire to make their vehicle more secure.

- (f) **Increased traffic on the roads and less pavement for people to walk on resulting in increased risk to pedestrians.**

Response: Noted. It is a common feature for dropped kerb accesses to driveways across public footways and therefore it is considered that its introduction at this location would have no significant impact in terms of public safety.

- (g) **Concerns over the proximity of the proposed access to the existing turning head.**

Response: It is noted that Roads and Transportation Services have no objections to the proposal in this regard.

- (h) **Concerns over the timescales for representations to be submitted.**

Response: The application was submitted in September 2010 and therefore anyone with an interest in this planning application has had a significantly longer period of time to comment in comparison to the statutory time period (i.e. 21 days) to make representations.

- (i) **Concerns over the extent of neighbour notifications undertaken.**

Response: Neighbour notification was carried out by the Council in accordance with the statutory requirements in that all adjoining land owners within 20 metres of the site boundary were formally notified.

- (j) **Concerns that the proposals are contrary to the original planning consent for the development of Meadows Estate.**

Response: Whilst the application site forms part of the open plan for the original estate any applications must be assessed on their individual merits and against the development plan and all other material considerations. In this respect it is

considered that the proposed change of use will still allow for a satisfactory level of open space within the area and will not raise any significant issues in respect of the conditions of the original planning consent for the Meadows Estate.

- (k) **Sufficient parking exists within the existing residential curtilage.**
Response: The applicant is entitled to submit a planning application for a new access/driveway irrespective of the existing parking provision for their dwellinghouse. In addition it is not unknown for houses to have vehicular access to the rear of their property sometimes from a different street than their postal address.
- (l) **Concerns that the Council has not obtained the best financial value for the site.**
Response: This is not a material planning consideration.
- (m) **Concerns over the scale of land lost.**
Response: The size of site proposed for change of use is small compared to the overall area of open space.
- (n) **Concerns over land ownership in that the land title boundaries extend to the middle of the road.**
Response: This is a civil issue and does not constitute a material planning consideration in the assessment of this application. Furthermore, the road has been adopted for public use and there are no restrictions which prohibit vehicles from The Glade.
- (o) **Concerns over vandalism to open space through the creation of an unauthorized pedestrian gate to their property.**
Response: The issue of vandalism is not a material planning consideration and the installation of a gate would not have required planning consent, in this instance.
- (p) **Concerns over loss of greenbelt.**
Response: The application site is zoned as Residential in the South Lanarkshire Local Plan and therefore the proposal will not result in the loss of any greenbelt.
- (q) **Proposal could result in increased crime/antisocial behaviour by providing a new access/through route.**
Response: The issue of crime and antisocial behaviour does not constitute a material planning consideration in the assessment of this application and should not therefore unduly influence the determination of the application.
- (r) **That should consent be granted, the crossover of the public footpath should be in red tarmac to match existing**
Response: Noted. The formation of a vehicular crossover will require consent from Roads and Transportation services which will address this issue.

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

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with local plan policy and any impact on the surrounding residential environment.

- 6.2 In terms of local plan policy, the application site is located within a residential area covered by Policy RES6 of the South Lanarkshire Local Plan. In this respect, as the proposal is to provide access to a residential development, it is considered that the principle of the proposed development is acceptable. It would not be detrimental to the area or to the quality and appearance of the local environment and is therefore in accordance with this local plan designation. Indeed vehicular driveways are a common feature of residential areas.
- 6.3 The area of open space the applicant seeks to change the use of is approximately 44m² and forms part of a larger area approximately 980m² in size. This area of open space, being at the edge of the larger area, is not as attractive for active recreational purposes than the central area. The loss of site from the larger area of open space would leave an area of approximately 935m² in size, (approximately 95% of the original area) and it is considered that this would still allow for a satisfactory level of open space within the area for local residents to use and enjoy.
- 6.4 It is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact given the large area of open space that would remain. In addition the loss of the small area of open space would have no material impact on the amenity of the residential area. In this respect the proposal can be integrated within the existing garden without any adverse impact in terms of the existing pattern of development. It is noted that a previous consent for the change of use close to the site was deemed acceptable in planning terms and has now been successfully incorporated into a residential curtilage, without detriment to the overall amenity of the area.
- 6.5 As detailed above, it is considered that the proposal will have no significant adverse impact on the character and amenity of the area and is in accordance with Policy DM1.
- 6.6 With regard to the objectors' concerns detailed above in section 5, it is considered that the proposal is in accordance with local plan policy and would not be detrimental to the residential amenity of the area. In addition, none of the consultees, including Roads and Transportation Services, have any objections.
- 6.7 Given the above, I would recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on the amenity of the area and complies with Policies RES 6 and DM1 of the South Lanarkshire Local Plan. In addition the proposals raise no road safety issues.

Colin McDowall
Executive Director (Enterprise Resources)

21 February 2011

Previous References

- ◆ HM/07/0880

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification letter dated 21 September 2010
- ▶ Applicant's supporting letter dated 5 January 2011

▶ Consultations

Roads and Transportation Services (Hamilton Area)	11/10/2010
Land and Fleet Services (Arboriculture)	01/11/2010

▶ Representations

- Representation from : Miss G Blackwood, 6 The Acres, Larkhall, ML9 2JB, DATED 15/10/2010
- Representation from : Moira Simpson, 1 Lansbury Terrace, Larkhall, ML9 2RS, DATED 11/10/2010 and 15/11/2010
- Representation from : Anne Mitchell - Lay, 6 Montgomery Place, Larkhall, ML9 2EZ, DATED 01/11/2010
- Representation from : Mrs Eleanor Andersen, 22 The Glade, Larkhall, ML9 2JA, DATED 13/10/2010 and 29/10/2010
- Representation from : Mr Alan Watson, 23 The Glade, Larkhall, ML9 2JA, DATED 12/10/2010
- Representation from : J McKinney, 8 The Glade, Larkhall, ML9 2JA, DATED 26/11/2010, 26/11/2010 and 29/11/2010

Contact for Further Information

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

Murray Reid, Planning Officer, Brandon Gate, Hamilton
 Ext 3521 (Tel: 01698 453521)
 E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/10/0454

CONDITIONS

- 1 This decision relates to drawing number:
52_2279
- 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. The area of land subject to this application shall only be used for access purposes unless otherwise agreed in writing with the Council as Planning Authority.

- 3 That before development starts, details of the proposed planting/landscaping along the northern boundary, including height, width and planting ratio shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed prior to the development hereby approved being brought into use.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used for the proposed driveway shall be submitted to and approved by the Council as Planning Authority.
- 5 That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 6 That the use of the vehicular access/hardstanding hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity, including the storage of any building equipment/plant shall be carried out in or from the access/hardstanding.

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 In the interests of the visual amenity of the area.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interest of public safety
- 6 To retain effective planning control and safeguard the amenity of the area.

For information only



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