

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	22 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/11/0121
Planning Proposal:	Change of Use of Public Open Space to Private Garden Ground

1. Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr and Mrs C Revie
- Location : 34 Royal Drive
Hamilton
ML3 7DU

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 Area Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Cullen Lochhead & Brown
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy ENV 2 – Green Network
Policy RES 6 – Residential Land Use
Policy DM 1 – Development Management

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

- ◆ Consultation(s):
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Planning Application Report

1 Application Site

- 1.1 The application site extends to 226 square metres or thereby and forms part of a predominately wooded area to the rear of 34 Royal Drive, Hamilton, which is located in the Barncluith Area of the town. This is a predominately residential area which is situated close to the town centre. The land which is the subject of this application is currently owned by South Lanarkshire Council.

2 Proposal(s)

- 2.1 The proposal itself relates to the change of use of amenity public open space to private garden ground. The site is located on the periphery of a large area of woodland. The applicant has advised that no trees will be affected by this proposal.

3 Background

3.1 Local Plan Status

- 3.1.1 The relevant policies in terms of the assessment of this application are Policies ENV 2 - Local Green Network, RES 6 – Residential Land Use and DM 1 – Development Management. The content of these policies and how they relate to this proposal are assessed in detail in section 6 of this report.

4 Consultation(s)

- 4.1 Estates Service – No objection
Response - Noted

5. Representation(s)

- 5.1 The application was advertised in the Hamilton Advertiser and appropriate neighbour notification was undertaken. No letters of objection have been received.

6 Assessment and Conclusions

- 6.1 The application relates to the change of use of public open space to private garden ground. The site is within an established residential area of Hamilton and adjoins a small wooded valley with a burn which runs through the urban area. The main determining factors in assessing this application relate to the proposals ability to comply with local plan policy and the impact on the amenity of the surrounding area and properties.
- 6.2 Policy RES 6 – Residential Land Use opposes the loss of houses to other uses and generally resists development which will be detrimental to the amenity of the area. The area of ground proposed to be taken into the curtilage of 34 Royal Drive, Hamilton involves the loss of an area of shrub and grassland on the periphery of a larger area of woodland. It is considered that the use of a condition which protects the adjoining trees will ensure that the surrounding woodland will not be affected by this proposal. The public have no direct ready access to this area and its loss in terms of its amenity value and public accessibility/use is considered not to be significant and therefore raises no issues in terms of this policy.
- 6.3 This area of ground is also located within an area of land covered by Policy ENV 2 – Local Green Network - which seeks to resist development which would adversely affect the connectivity value of areas of green space within the local green network in terms of their biodiversity, access or amenity value. In this case the proposed area sought for private use is small in size and will not represent the loss of a significant

area of amenity ground, for public or biodiversity value. The proposed change in use of the ground therefore raises no issues in terms of this policy.

- 6.4 In relation to matters of detail in respect of Policy DM 1 – Development Management further details will require to be submitted in respect of any proposed boundary treatment which will require the prior approval of the Council as Planning Authority. The submission of these further details will ensure that the proposal takes account of the local context and built form and complies with this policy.

7 Reasons for Decision

- 7.1 Given the above assessment it is considered that this proposal accords with the policies of the adopted South Lanarkshire Local Plan, particularly Policies ENV 2 – Local Green Network, RES 6 – Residential Land Use and DM 1 – Development Management.

Colin McDowall
Executive Director (Enterprise Resources)

8 June 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification letter dated 29 March 2011
- ▶ Press Advertisement, Hamilton Advertiser, 7 April 2011

▶ Consultations

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08/04/2011

Contact for Further Information

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

Mary McGonigle, Planning Officer, Brandon Gate, Hamilton
Ext 3550, (Tel :01698 453550)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0121

CONDITIONS

- 1 This decision relates to drawing numbers:47-2259 A
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change 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.
- 4 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

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
- 4 To ensure the protection and maintenance of the existing mature trees within the site.

For information only

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