

Full Planning Application 08/04283/FUL
at
Land To The Rear Of
4 Plewlandcroft
South Queensferry

**Development Management Sub-Committee
of the Planning Committee**

8 April 2009

Supplementary Report

This application was previously considered by Committee on **8 April 2009**.

An addendum is included at the end of Section 3 of this report.

1 **Purpose of report**

To consider application 08/04283/FUL, submitted by Mr + Mrs Reid. The application is for: **Change of use from public amenity ground to private garden ground and erection of fence (retrospective)**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The site consists of a detached property on Plewlandcroft plus an area of open space to the rear which has been incorporated into its private garden. The garden is enclosed following the erection of a 1.7 metre timber fence. Prior to its inclusion within the rear garden space, the land was an area of public landscaping adjacent to an area of communal parking. The site was previously heavily vegetated with overgrown bushes. This vegetation has now been cleared.

The site is adjacent to the boundary of the Queensferry Conservation Area.

This property is located within the Queensferry Conservation Area.

Site History

1216/87/24 Application for the erection of 34 houses granted.

Description of the Proposal

The proposal is retrospective and involves a change of use of approximately 76 square metres of public amenity ground behind 4 Plewlandcroft and the erection of a new boundary fence to enclose the new garden. The rear boundary fence is a 1.7 metre high timber fence. The area of ground has a rectangular shape and will extend the rear garden of 4 Plewlandcroft by approximately 6 metres.

SUPPORTING STATEMENT

The applicant has submitted a supporting statement which covers the following issues;

- relevant policies;
- land ownership;
- amenity;
- parking;
- landscaping.

This document is available to view on the Planning and building Standards Portal.

3 Officer's Assessment and Recommendations

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the change of use from public to private open space is acceptable.
- b) the proposal is detrimental to the visual amenity of the area.
- c) the proposal adversely affects residential amenity;
- d) there are any transport concerns.

a) The area of land was designated as one of a few areas of public amenity space when the Plewlandcroft estate was first developed. At the time of application, the report to Committee regarded the proposed open space as fragmented with little purpose.

RWELP policy E51 states that the loss of an area of open space will only be permitted where there is no detrimental impact in terms of recreational, amenity or nature conservation value. The small, enclosed character of the site restricted the recreational function of the land but the established vegetation, although of little nature conservation value, did contribute to the visual amenity of the estate. The vegetation was removed by the applicant, and with the removal of the trees the space lost most of its amenity value. Without the vegetation, the area of land serves little public function and therefore in principle the change of use is acceptable.

b) The new 1.7 metre timber fence encloses the land as part of the private garden of 4 Plewlandcroft. This is 6 metres south east of the original fence and comes right up to the boundary and adjacent to an area of car parking. Although leading to a footpath running north out of the estate, the site is away from the estate entrance, and is set back from the road and between a stone wall and fence of a neighbouring property. The site does not have a prominent location and has always been enclosed, in this context the site made little contribution to the open character of the estate and therefore the erection of the new fence has not had an adverse impact.

c) The erection of the fence will not adversely overshadow adjacent properties nor will it be directly overlooked by neighbouring dwelling houses.

d) Despite the erection of the boundary fence the adjacent car parking spaces maintain an acceptable depth of 6 metres. There are no other transport concerns.

In conclusion, the loss of public amenity space to private garden ground will not have a detrimental impact in terms of recreational, amenity, or nature conservation value. The erection of a new timber fence will not detract from the character of the surrounding area.

It is recommended that the Committee approves this application.

Addendum

The application was considered at the Development Management Sub-Committee on 8 April 2009. The Committee sought further details of the original planning permission regarding use of the land and evidence as to its current ownership.

The land is identified as recreational public open space on the approved design layout of the original application. A condition was attached when granting planning permission that requested a detailed landscaping scheme to be submitted showing full details of planting for all open space areas. This was to be approved in writing by the Director of Planning. The approved landscaping was to be maintained for a period of three years by the applicant. There is no record in the planning file of the submitted landscaping scheme. A letter of representation from a neighbouring property states that following the three year period all properties in Plewlandcroft were jointly liable for maintenance.

A copy of the land disposition dated 21 July 2008 is included within the applicant's supporting statement. The applicant has also provided documentation confirming that the title is currently undergoing registration at the Land Register and has been allocated the title number WLN42515. It is recommended that the Committee approves this application.



John Bury
Head of Planning

Contact/tel	Ian Tame on 0131 529 6133
Ward affected	A01 - Almond (NEW)
Local Plan	Rural West Edinburgh Local Plan
Statutory Development Plan Provision	Residential
Date registered	8 January 2009
Drawing numbers/ Scheme	1-2 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail david.emerson@edinburgh.gov.uk or henry.scullion@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: Land To The Rear Of
 4 Plewlandcroft
 South Queensferry

Proposal: Change of use from public amenity ground to private garden ground and erection of fence (retrospective)

Reference No: 08/04283/FUL

Consultations, Representations and Planning Policy

Consultations

Queensferry and District Community Council

I am writing on behalf of Queensferry & District Community Council to lodge an objection to the above planning proposal.

The community council objects to this land being lost as public amenity ground. We would expect that planning permission to build these homes was subject to the provision of open space for said amenity use and that the permission was granted subject to these conditions being met. The change of use to private garden would infringe a principle rule of the granting of the original application.

This application is contrary to policy E51 in the Rural West Edinburgh Local Plan which states that "Public and private open space of recreational, amenity or nature conservation value should be retained. There is a clear need to retain open space in and around the area for amenity value as it serves the principle function by enhancing the surrounding area as defined in the planning guidelines. This land also falls within the conservation area where open space is valuable in amenity terms and an important feature of this location.

The Community Council is very concerned and finds it unacceptable that yet again another retrospective application has been lodged for acquiring amenity open space belonging to the community and that the applicants has no legal rights to take control of this land as they will never own it.

I would urge you to reject this application and instruct the applicant to remove the fence and return it too amenity open space.

The Community council seeks to have this application referred to the planning committee for consideration as it is contrary to the local plan and should not be a

delegated decision. We also ask that we should be allowed to make representation to the planning committee prior to any decision being taken.

Representations

The proposal was advertised on 16.01.2009 in the Edinburgh Evening News. Two letters of representation were received, including one from a ward Councillor.

The material points of objection are:

- a. Issues of principle, taken account of in assessment a.:
 - loss of open space
 - affect on public amenity
- b. Affect on adjacent parking spaces, taken account of in assessment d.:

Other points raised are not material.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site is within a settlement boundary of the Rural West Edinburgh Local Plan.

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

Policy E43 says that alterations and extensions to existing buildings, where acceptable in principle, should be subservient and relate carefully to the original building.

Policy E51 seeks to retain public and private open space of recreational, amenity or nature conservation value.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

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Conditions/Reasons associated with the Recommendation

Recommendation

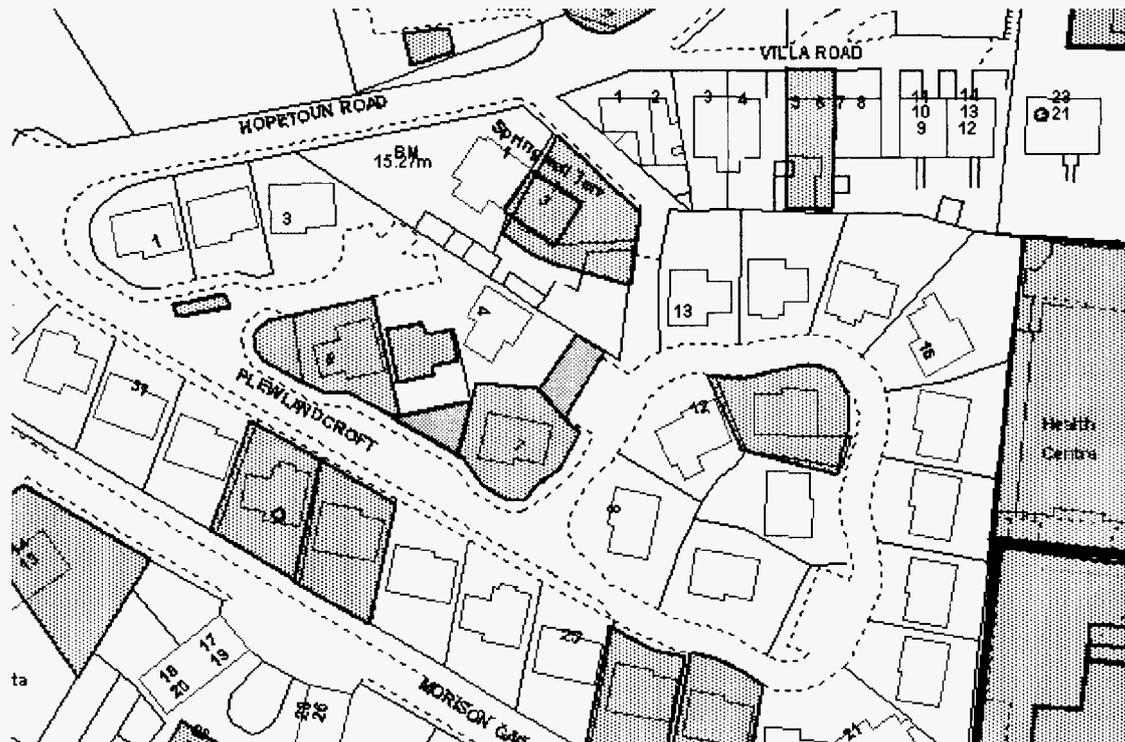
It is recommended that this application be **GRANTED**

End

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Location Plan

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