

Appendix 7

Applicant's Comments on Further Representations Submitted by Interested Parties in the Course of the Notice of Review Consultation Process



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22 August 2010

Pauline MacRae
 Administration Officer
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Your Ref: PLRB/NOR/CL/10/007

Dear Pauline

E COUNCIL PURCES ION	
23 SEP 2010	
FILE REF	
FOR ATTENTION OF	Pauline MacRae
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**Notice of Review
 Planning Application CL/10/0175
 Silvermuir Road, Ravenstruther, Lanark.**

Thank you for your letter of 20 September and for the enclosures including the comments submitted by Mrs Mary McLellan as an interested party to this appeal. I note that Mrs McLellan confirms the view I had presented in my Statement of Reasons for the Notice of Review to the effect that her letter of representation on planning application Ref. CL/10/0175 had been misinterpreted by the Planning Officer and was not an objection to this proposal. It can be seen from Mrs McLellan's communication of 5 September that she is supportive of the application and considers the review proposal "could only enhance the area".

I am less certain of the status of the 'Statement of Observations' which you also forwarded with your letter of 20 September. The particular difficulty which the 'Statement of Observations' presents, is that it is not clear whether it is a 'review document'. Furthermore it contains references to other documents which did not feature in the 'Report on Handling' and therefore did not openly inform the officer's decision on Application CL/10/0175.

You will recall from our exchange of correspondence in relation to the Westsidewood Review Case, the issues associated with the introduction of 'new information' through the review process. In this instance the 'new information' has been introduced by the Planning Officer. The references in the 'Statement of Observations' to this new information all merit a response. However, you will appreciate my difficulty in framing a response without transgressing the ruling on 'new information'.

In anticipation of your response, I would suggest that the following observations should be taken into consideration by the Planning Local Review Body because of 'exceptional circumstances'. The exceptional circumstances are that it could not have been anticipated that the Appointed Person retrospectively would seek to introduce additional justification for the decision on Application CL/10/0175.

Scottish Planning Policy

The Council accepts that the Report on Handling does not contain any reference to Scottish Planning Policy (February 2010) which is a material planning consideration. The South Lanarkshire Local Plan was adopted in March 2009 and therefore does not fully reflect current national planning policy issued in February 2010. SPP is relevant in respect of three issues associated with this Review.

Firstly, the aspirations of the Scottish Government to significantly increase the rate of housebuilding in Scotland are not reflected in the Council's adopted Local Plan, and similarly are not reflected in the Report on Handling for Application CL/10/0175.

Secondly, Scottish Planning Policy advocates (para 95) the application of proportionate access standards to roads in rural areas. This relaxation is not referred to in the Report on Handling and does not appear to have been taken into consideration in the Roads and Transportation consultation response. Finally Scottish Government policy which encourages the re-use of previously developed ground is not fully reflected in the Council's decision.

Planning Appeal Ref. PPA/380/462

Reference is made in paragraph 4.1(c) of the Statement of Observations to a Reporter's support for the Council's interpretation of government policy on previously used land, as contained in a planning appeal decision at Cornsilloch Rows, Ashgill. Examination of the Reporter's decision on the Cornsilloch Rows appeal shows that the primary reason for rejecting the proposal was to safeguard the integrity of the Green Belt. Interestingly, the Reporter who had earlier examined the same proposal as part of the inquiry into objections to the Finalised South Lanarkshire Local Plan took an entirely different view and found that the environmental benefit which would be brought about by re-using this land outweighed all other considerations (extract of report attached).

Housing Land Availability

Paragraph 4.1(b) of the Council's Statement of Observations refers to a potential capacity of 1200 sites in the rural area being released through the housing land allocations of the South Lanarkshire Local Plan. No further details have been provided to verify this information and I am not in a position to challenge this figure. But I would question what this figure means and whether the effective housing capacity can be considered capable of meeting the 'generous' land supply required to satisfy government policy. By far the greater part of this 1200 site capacity will be comprised in large housing sites. Large sites which require significant up-front investment and borrowings have been the first casualties of the current recession. It is submitted that if output from these large sites is discounted from housing land availability figures, a more realistic figure would emerge and the resulting capacity would be substantially reduced.

I trust that these comments will assist the Planning Local Review Body to reach an early decision on this Review.

Yours sincerely

Neil Gainford MRTP1

Enc:

Session:	Hamilton Area	Participation Format:	Inquiry Session & Written Submission
Issue:	3. Ashgill and Shawsburn		
Inquiry Reporter:	David Russell		
Objector(s):	Objection ref(s):		
Ian Henderson	1356		
Muriel Walker	1228		
Scottish Natural Heritage	1811		

Provisions of the Local Plan:

3.1 The following policy of the South Lanarkshire Local Plan (Finalised) is relevant to the objections listed above:

- Policy STRAT3 – The Green Belt and Urban Settlements in The Green Belt

Summary of objection(s):

3.2 **1356** - This is a brownfield site with no agricultural function. It comprises the cleared site of the rows of housing associated with a former brickworks at Cornsilloch, together with the associated bing. While it is identified as part of the green belt, this should not preclude its development for housing, as priority is to be given to brownfield sites to accommodate new residential development.

3.3 At the close of the inquiry, it was argued that the site should be allocated for housing development and that a restriction to low density housing for ten units would be acceptable. A clear site boundary could be identified, with a safe new vehicular access provided from the A71 to the east of the existing access; with additional pedestrian access from the right of way link at Ashgillhead. The visual impact of the development would be acceptable as, in the key view from across the Clyde valley, it would be seen against the backdrop of the existing buildings in Ashgillhead and/or Shawsburn.

3.4 A significant amenity improvement could be secured in conjunction with the housing development through a proposal designed and supported by the Central Scotland Forest Trust for native tree planting on the bing to create a native woodland linking it along the corridor of Stewart's Gill down to the Clyde Valley, together with associated access improvements along the public right of way from Ashgillhead, in accordance with the South Lanarkshire Biodiversity Action Plan. This accords with the policy supporting the regeneration of derelict land and the creation of walkways for public use/enjoyment.

3.5 **1228** - Objects to the exclusion from the local plan of a site at Tinto View Road, Ashgill (consultative draft local plan ref HMP150).

- There is demand for private residential development in Ashgill.
- The site is capable of contributing to the effective housing supply in the Hamilton Housing Market Area.
- Development for residential purposes would not prejudice the overall objectives of green belt policy.
- Development of the site for residential purposes would not lead to a coalescence of settlements in the area nor would it adversely affect the landscape setting of Ashgill.
- Paragraph 16 of SPP21 provides an opportunity for the planning authority to consider allocating sites such as the objection site for development purposes where they no longer contribute to the long term integrity of the green belt or make any significant contribution for the purposes for which the green belt was established.

- SPP3 : Planning For Housing acknowledges (Paragraph 44) that meeting housing demand through extensions to existing towns and villages has a number of advantages. Servicing costs can be reduced and new housing may benefit smaller communities by helping to sustain local schools, shops and services.
- It is considered that the objection site is capable of providing flexibility in terms of the housing land supply targets at an acceptable location on the western side of Ashgill without prejudice to green belt objectives.

3.6 **1811** – Scottish Natural Heritage argues that the objection site at north-east edge of Shawsburn lies within the Area of Great Landscape Value, and that the Greenbelt Landscape Assessment identifies it as being a landscape unit which should be retained for its beauty, historic and cultural continuity or social/recreational value.

Summary of Council's response:

3.7 **1356** - The site at Cornsilloch is remote from the settlement and would not form a natural extension to Ashgill. There is no policy support for developing brownfield sites in the green belt. National policies continue to support robust green belt boundaries, and this proposal would represent either a breach of the settlement pattern or an isolated development within the green belt. The environmental improvement of this bing is not identified as a priority by the council.

3.8 The site was assessed as a pressure for change site, but scored poorly against the assessment matrix. Other examples of housing developments in the countryside quoted at the inquiry are not relevant, either because they are not within a green belt, or because there is no policy support for "lowland crofting" in South Lanarkshire. If the objection is supported, the site should remain in the green belt, with a site specific policy permitting a small element of housing.

3.9 **1228** - The site at Tinto View Road, Ashgill is remote from the settlement boundaries of Ashgill and Shawsburn.

3.10 **1811** - The Council considers that the north-eastern boundary of the settlement of Shawsburn should be expanded to provide a more appropriate and robust landscape edge, and this would fit within the overall settlement pattern. It is part of a larger field and there are boundary hedges and trees along Ashgillhead Road on its southern boundary, and along the dismantled railway to the east. The modification has been made to incorporate part of a pressure for change site, following discussion with the landowner.

Reporter's conclusions:

3.11 **1356** - There is an absence of explicit policy guidance either at national level, or in the structure plan, on how to treat proposals to develop brownfield sites in the green belt. In its glossary, the structure plan states only that a brownfield site should not be presumed suitable for development, especially in the green belt or other countryside areas. However, Scottish Planning Policy 3: 'Planning and Housing' does suggest that there is a need to adjust some aspects of policy on housing in the countryside, and refers to some areas in the Central Belt having suffered environmental damage from past industries, and that well designed housing can help in their rehabilitation and renewal.

3.12 More recently, Scottish Planning Policy 15 'Planning for Rural Development' emphasises the positive role of rural development and, in relation to green belt areas, indicates that planning policies will have to enable development in some areas previously considered unsuitable, and more development opportunities should be identified which are appropriate in scale, kind and location. It makes specific reference to sites, such as brickworks, which are no longer required for their original purpose, where conversion to residential use would bring about a net environmental benefit.

3.13 Here, the objection site is in the green belt, but is fundamentally brownfield in nature despite the presence of some vegetation. Having previously accommodated housing associated with the former brickworks, the ground is not suitable for agricultural purposes. The adjacent Comsilloch Bing was associated with the brickworks and a former colliery, and it is not included in the council's own list of priority sites for environmental improvement. I consider that the scheme proposed in conjunction with the Central Scotland Forest Trust for the planting, environmental improvement, and access provision, represents a significant benefit to the quality and role of the green belt in this area, which could be secured in conjunction with an enabling residential development on the objection site. Satisfactory vehicular access to the A71 and pedestrian access to Ashgill and Shawsburn could be achieved. Although the development would be close to the ridge-line when viewed from the west across the Clyde Valley, it would be seen against an extensive backdrop of mature deciduous trees, and its impact would also be mitigated in longer views by its proximity to the buildings of Shawsburn which stand on slightly higher ground to the rear of the trees.

3.14 While the site did score poorly in the assessment matrix used by the council to prioritise all "Pressure for Change" sites, this took no account of the brownfield nature of the site, or of the important environmental and amenity improvements which could be secured in conjunction with the development. I consider that, in this case, these factors justify a modification to the local plan to enable a comprehensive development package to be secured.

3.15 While any development of a brownfield site situated in the countryside or green belt would appear anomalous, I consider that the most appropriate means of securing the above objectives is to identify the site of the former housing rows as a site under Policy RES2, and include it in Appendix 1 with an indicative total of 10 houses and a note to confirm that the development is to be undertaken in conjunction with the rehabilitation of the adjacent bing and associated access improvements. The site should remain within the green belt and Area of Great Landscape Value, to assist in securing a sympathetic development.

3.16 **1228** - The green belt currently separates Ashgill and Shawsburn, and the appeal site at Tinto View Road lies well outwith the boundary of both. Although a small housing development could be achieved here, the narrow private road is far from ideal and I find no basis of support in the terms of green belt policy, and no exceptional circumstances associated with this site or its proposed development which would justify its allocation for housing development under Policy RES2.

3.17 **1811** - I consider that the proposed extension to the settlement boundary on the north-east side of Shawsburn would be unlikely to have any significant adverse effect either on the green belt or on the Area of Great Landscape Value, and Scottish Natural Heritage has not drawn to my attention any evidence to substantiate its concerns or to demonstrate that a satisfactory settlement boundary could not be achieved. Given that there are housing development sites directly to the west and south, I am satisfied both that any potential development would be unlikely to appear as an intrusive extension into the countryside and that a robust settlement boundary could be established.

3.18 It is apparent from the council's submission that the additional area is intended to be a development site, extending the existing housing development site to the west, which is identified in the Shawsburn settlement map as site 155. It is therefore appropriate that the indicative capacity of that site, as shown in Appendix 1 is increased to reflect this modification, and that it should be listed in the appendix as being within Shawsburn rather than, as at present, within Ashgill.

Recommendations:

3.19 I recommend that the plan should be modified to incorporate a housing development proposal under Policy RES2 on the site of the former housing at Cornsilloch Rows, and that Appendix 1 should also be modified to include the site, with an indicative capacity of 10 houses, together with a note confirming that the development is to be undertaken in conjunction with the environmental improvement of the adjacent Cornsilloch Bing and enhanced access provision.

3.20 I recommend that the settlement map for Shawsburn be modified to extend housing development site 155 to cover the additional area shown in the council's suggested modification No. 11 as an extension to the settlement. Appendix 1 should be modified to show site 155 as being located in Shawsburn, with an increased indicative capacity to reflect the increased size of the site. Consequential modifications should also be made to the boundaries of the settlement, green belt and Area of Great Landscape Value.