

DELEGATED REPORT

PLANNING APP No: 21/00111/FUL

Date Application Valid: 15 February 2021

Proposal	Single dwellinghouse, stable and horse paddocks including Associated Infrastructure, Landscaping, Access and Parking		
Address	Site To Rear Of Gartness Cottage Bowhousebrae Road Airdrie North Lanarkshire ML6 8PS	Case Officer: Lisa Smith	
Local Plan Policies	North Lanarkshire Local Plan NBE 3 A (Assessing Development in the Green Belt and Rural Investment Area - Green Belt) DSP 2 – (Location of Development) DSP 4 (Quality of Development)		
Planning History	11/01438/FUL – Erection of Stable Block (4 Stables) – permitted 21.03.2013 19/00940/FUL-Construction of a 1.75 Storey Dwellinghouse with Garage, a Stable Block and Paddocks, Including Associated Infrastructure, Landscaping, Access and Parking -Refused		
Site Visit Date(s)	11 th May 2021 by applicant.		
Weekly List Date	25 February 2021	Weekly List Expiry Date	11 March 2021
Neighbour Notification Sent	23 February 2021	Neighbour Notification Expiry Date	16 March 2021
Advert Date	3 March 2021	Advert Expiry Date	17 March 2021

Detailed Considerations	COMMENTS
Siting	The application site is located in a green belt area with the closest settlement being Gartness due south. Immediately north and east is a small crop of individual houses which in the main are of a linear design and maximum height of one and half storey. The site is surrounded by fields with the settlements of Airdrie south and west and Chapelhall south beyond Gartness. The site would be accessed from Bowhousebrae Road.
Design and Materials	The proposed house will provide ground and first floor accommodation within a one and three quarter storey high east wing with a single storey building projecting towards the west to provide further ground floor accommodation. This will be augmented by a stable, two horse paddocks and garden ground. The highest part of the building is proposed to be 7 metres high with the highest eaves at 3.2 metres. The single storey section will measure 2.4 metres to the eaves and 5.5 metres to the ridge with a chimney sitting at 6.3 metres high from ground level. The house will cover a footprint area of 230sqm and will provide a 4 bedroom house. The external finish of the house is proposed to be a mixture of white smooth render and RAL 7016 anthracite grey standing seam wall cladding. A combination of dark grey aluminium bi-fold doors, UPVC French Doors, Juliette balcony doors, standard doors and windows are proposed. On the one and three quarter section building roof there is proposed to be two Velux windows on the west facing roof plane and one Velux plus two Velux cabrio balcony windows on the west roof plane. The roof on the single storey section will be RAL 7016 anthracite grey standing seam wall cladding while the one- and three-quarter high building roof will be Redland Saxon Slate concrete roof tile colour dark grey. The stable will measure 2.4 metres high to the eaves, 3.6 metres high to the highest point, 7.3 metres wide, 4.7 metres deep and will have two stable doors. It will be finished in Bright Oak Coloured timber cladding and wooden stable doors and Onduline black and translucent roofing sheets. Detail has been provided that buildings have been arranged into a farm steading cluster with protected courtyard, proposed buildings set back from the road and partially hidden by trees and hedges and parking hidden behind multiple natural screens.
Daylight/Sunlight	Due to the location of the proposed development this is not considered an issue in itself. However number and close proximity of trees proposed to an adjacent house to the north would raise a concern in terms of daylight/sunlight and being overbearing in terms of the requirement under the High hedge Act for neighbouring properties to have a right to the reasonable enjoyment of their property. The introduction of these trees instead of standard hedging have a

	high probability of creating a tall hedge and this are considered to be detrimental to this house's residential amenity.
Boundary Treatment	The boundary treatment is a combination of hedges and fencing synonymous with the rural location of the site. The applicant proposes a new native hedge line (hawthorn or blackthorn) to accommodate visibility splay which will be augmented with tree planting at the boundary and within the site.
Privacy	Due to the location of the proposed buildings this is not considered an issue.
Adjacent Levels	The site is sloped slightly to the north east.
Landscaping (including garden ground)	The site will provide adequate gardening ground.
Access, Parking & Turning	The site is accessed via Bowhousebrae road with a 3.6 metres wide and 10 metre deep paved access with gates set back by 10.085 metres access A turning area and three parking spaces are proposed within the site.
Site Constraints	The site is located within a high risk Coal Zone with pollution control considerations and is located within the Green Belt.
Consultation Responses	<p>Pollution control have raised the need for potential ground contamination investigations and the identification of remediation in that respect which can be covered by a before site start condition. Points raised about lighting, construction noise and nuisance can be informative notes.</p> <p>Scottish Water has no objection and have provided advice notes including the need for private treatment works due to lack of Scottish Water infrastructure and this information has been provided to the applicant.</p> <p>Coal Authority have no objection subject to a before any site works start condition for site investigations to establish risks and/or mitigation in respect of coal legacy at the site.</p> <p>Greenspace have provided advice around no impact on a neighbouring Site of Importance for nature Conservation the replacement of an existing mature hawthorn hedgerow adjacent to Bowhousebrae Road, breeding birds with no access issues recorded.</p> <p>Roads and Transportation has stated the application should be refused for the for the following reasons:</p> <ul style="list-style-type: none"> - Access to site and from site will be vi a de - restricted length of road which is substandard in terms of width, horizontal and vertical alignment with no footpath. Concerns raised about stopping and turning manoeuvres by slow moving horse boxes at the site. - Site proximity to Gartness with no footway could lead to pedestrians walking the road to the detriment of pedestrians and road users. - Visibility play of 2.4m x 90m to the left and 2.4 x 120 m to the right for the site access to Bowhousebrae Road should be provided within the boundary of the public road or within land under the control of the applicant. - A stopping site distance of 90m should be provided on the northbound approach to the site access as opposed to the maximum achievable which appears to be 75 metres but could reduce further based on full vertical alignment information. <p>Roads have also commented that for parking there should be 3 spaces for the proposed dwelling, one for each stable (if commercial), turning facilities to allow vehicles to exit the site in forward gear, private access to be 5 metre wide over the first 15 metres (3 metres proposed), access gates to be set back 10 metres, and access to be paved for first 10 metres, drainage facilities to stop surface water discharging on to the road and access into the site should be formed by a vehicular crossing as opposed to a radius entry as proposed.</p>
Representations	<p>Five representations have been made with two from the same address and have made the following points:</p> <ol style="list-style-type: none"> 1. Commentary on previous permissions in the nearby area. 2.Greenbelt location and previous application already refused and 11/01438/FUL restricted stable use . 3. National Speed limit road with increased vehicle movements post housing development at Moffat Mills and future development of the hospital; 4. Existing access to site is several metres north than shown taking it closer to a blind bend and thus increasing risk of an accident. 5. SPG 07 states removal of hedges, widening of access or formation of new ones should be avoided and is considered inappropriate. 6. Location of proposed house in relation to road differs from neighbouring properties, will look out of place, will be built on higher ground to look down on neighbouring properties, proposal to build trees will block out sunlight to a

	<p>property.</p> <p>7. There is an issue with drainage on the site which gathers and runs through a neighbouring property causing flooding on the Bowhousebrae Road. Concerns also raised by a neighbouring dwelling in relation to an existing well within their land.</p> <p>8. Concerns raised about overflow of septic tank and sewage issues that could occur at neighbouring dwellings.</p> <p>9. View would be lost.</p> <p>10. Detrimental to wildlife.</p>
Any Other Material Considerations	<p>Green Belt supplementary planning guidance (SPG 07). North Lanarkshire Council Local Development Plan Modified Proposed Plan</p> <p>The Report of Examination was published on 24 May 2021 by the Scottish Government's Planning and Environmental Appeals Division (DPEA), following submission of the Modified Proposed Plan and supporting documentation to the Scottish Ministers on 21 July 2020. The council is currently analysing the proposed modifications identified in the Report of Examination and will prepare an Adoption Plan and associated documentation for publication in due course.</p> <p>Relevant policies under the North Lanarkshire Council Local Development Plan Modified Proposed Plan include:</p> <p>Greenbelt Policy PP4 and policy AD4 which would reflect and replace current Green Belt policy NBE3A(above)</p>

<p>Report</p> <p><u>The Proposal</u></p> <p>Single dwellinghouse, stable and horse paddocks including associated Infrastructure, Landscaping, Access and Parking.</p> <p><u>Assessment</u></p> <p>Under Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal raises no strategic issues and requires to be assessed against local plan policies NBE 3A, DSP 2, DSP3 and DSP 4. SPG 07 Assessing Development in the green belt is also a material consideration.</p> <p>NBE 3A Assessing Development in the Green Belt sets out types of acceptable green belt development with relevant criteria in this instance detailed under NBE 3A2 and NBE 3A3. Whilst some of the information relating to housing is out of date in terms of occupancy agreements, this policy remains relevant in terms of a house requiring to be in association with a deemed viable green belt business for 18 months for a temporary house and 3 years for a permanent house.</p> <p>DSP 2 Location of Development sets out that new development may be granted in the green belt if it can be demonstrated that clearly defined urban and rural boundaries are maintained and additional locational criteria set out in the relevant Supplementary Planning Guidance Assessing Development in the Green Belt (SPG 07) are met.</p> <p>DSP 4 Quality of Development looks for development to be of a high standard which enhances landscape features, integrates into an existing area, provides access to public transport systems and access which is safe for pedestrians, cyclists, vehicle movements and safety for all road users. Development proposals should seek to demonstrate and justify for a location, siting, layout, form, scale, height and massing and also avoid harm to neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through overlooking, loss of privacy, amenity, overshadowing or disturbance.</p> <p>SPG 07 provides detailed advice and guidance relating to development in the green belt. Guidance is provided about landscape setting, site features, key design requirements and materials and examples of appropriate dwelling forms. This document refers to Scottish Planning Policy (SPP) which was updated in 2020 and sets out that the green belt directs development to the most appropriate locations, supports regeneration and protects and enhances the character, landscape setting and identity of a settlement.</p>

Supporting Information submitted by the applicant

Design Statement

- Site has an existing access with site seen as being within a cluster of existing buildings.
- Proposed house consists of two barn like structures, to replicate the traditional scale and massing of cottage based clusters. It will be no higher than 1.5 metres, with pitched narrow width roofs, flush gables, white render finish, dark non-reflective roof materials to reduce perceived mass of the building, simple robust design and detailing for windows, doors and openings.
- The proposed development will enhance the rural character of the location and integrate into the landscape with adjacent stable and layout organised like a steading with a courtyard and parking which will be screened by multiple layers of natural screening in the forms of trees, shrubs and hedging. The design includes access considerations for an elderly parent.
- Proposed development does not reduce openness of the area and hard ground surfaces within site to be permeable.
- Biodiversity improved by planting native shrubs and trees with any hedging lost replaced outwith the visibility splay with ecology survey undertaken to ensure no loss of bio-diversity.
- Enhanced insulation, use of sustainable energy through primary heat source being an air source or ground heat pump.
- Greenbelt precedents presented.
- Information gathered by applicant recorded average speed of traffic at the site to be 30 mph with the 85th percentile at 34 mph with visibility splays met with re-alignment of existing hedges and trees.

Traffic Solutions Ltd access appraisal

- Site is currently accessed by a gated field for an existing stable and for agricultural purposes.
- Generally car usage will be for a residential property of approximately 2-3 in and out trips per day with minimal impacts on the existing local network.
- No history of road accidents at the location.
- Visibility splay for the site assessed looking at type of road, accident history and traffic surveys (two undertaken May - June 2019). Based on information gathered traffic consultant states an appropriate design speed for the site at 30mph with an SSD of 90m and visibility splays of 90 m to the south and 93 metre to the north. It is asserted that realignment of an existing hedge at the site could realise these visibility splays.

Ecological Assessment - assessed the site as a grass field with poor ecology value, with a habitat not suitable for breeding birds, badger or any other protected species.

Response to Roads comments from applicant

- There will be minimal increase in car trips and stable will be private and not commercial with ponies permanently occupying the site and are unlikely to be transported anywhere.
- Pedestrian activity will be minimal and footways are not present for existing nearby dwelling. As such this requirement for proposed dwelling is disproportionate.
- Road to north is 100m to the sharp bend with vehicles accelerating up a hill from a standing start and will be visible within the 90 m stopping distance.
- Visibility to the south will be subject to discussion with land owner to discuss reduction in height of existing hedges/greenery.
- Stopping site distance (SSD) of 90 metres from the north difficult to achieve with 80mph regarded as the achievable maximum.
- Existing access proposed for use and no history of accidents at the site, 5m wide driveway for low level of vehicle access is not considered appropriate and gate to site altered to be 10 metres from the road.
- Bay provided at front of site to allow delivery vehicles to stop without entering the site. This design is used extensively across rural Scotland on narrow roads such as the application site.
- TRL661 report – Manual for Streets calculation sets out that a visibility splay of 80 metres would apply to the site and challenge made to Roads regarding their comments about information used around the Design Manual for Roads and Bridges (DMRB – UK Standard) published in 2019 with visibility distances taken from (SSD) distances as described in CD123. Reference also made to the MTS Access appraisal prepared in June 2019 and Designing Streets (published by Transport Scotland) used to state that 2.4 m distance back from the edge of the road being more appropriate at the application site.

Consultation Responses

Issues raised by Pollution Control and the Coal Authority can be addressed by planning conditions. Scottish water comments have been provided to the applicant. Requirements around breeding birds raised by greenspace can be subject of a planning informative with the relocation of hedges controlled by plans submitted.

Roads and Transportation have requested that the application be refused on a number of grounds and these will be explored in more detail in the summary below.

Five representations have been made with two from the same address and the council's response to these are detailed below:

1. This proposal has been assessed on its own merits.
2. The location designation, a previous refusal and the nature/restriction of the previous permission for existing stables are noted.
3. The council's roads and transportation service have assessed the road and provided a detailed response.
4. Location of existing access has been noted and included in roads and transportation comments.
5. Requirements of SPG 07 are noted.
6. Location of proposed house has been assessed and detailed in this report. Overlooking is not considered an issue due to the distance of the proposed house to the nearest neighbour. However, concerns about the detrimental impact of proposed screening at the north boundary of the site is accepted and has been stated as a concern.
7. Drainage can be resolved as part of a planning condition.
8. Requirements for septic tanks can be resolved as part of planning condition, is a requirement of any building warrant and of separate permissions regulated by SEPA.
9. The view of a neighbouring house is not a material planning consideration.
10. An ecology report has been assessed and agreed by greenspace colleagues with no detrimental impacts to wildlife identified.

Summary

The proposed house with stables is contrary to Local Plan policy NBE 3A in that it is not associated with a deemed viable green belt business or use. It is a stand-alone dwelling with a domestic stable.

A series of greenbelt precedents have been provided to justify the proposal made and whilst this information is acknowledged, this assessment is concerned with this development as it relates to this location, Local Plan policy and other material considerations at this time. Therefore, the merits of past permissions will not be examined or justified within this assessment.

The proposed development would not be within a cluster of related buildings and has been assessed as being at the edge of a linear grouping of one to one and half storey high unrelated existing houses. It could be argued that the proposed development would change the current linear group nature of these houses and result in a relatively small distance between the proposed development's south boundary and Gartness, compromising the role of the greenbelt in preventing coalescence between settlements. This issue would be contrary to NBE 3A, DSP 2, DSP 4 and SPG 07.

Further concerns in relation to DSP 4 are detailed below:

It stated that a courtyard is created in the layout design proposed and it is assessed that this would not be the case. An internal courtyard is created by buildings facing into one another to provide a natural built screen formed by at least three sides of buildings or alternatively two building sides where a third screen is provided by buildings facing a rear or not prominent boundary treated with natural or traditional rural boundary treatments. In contrast the house proposed is an offset design where multiple layers of natural screen are proposed by trees and hedging and this does not meet appropriate designs detailed in SPG 07 or allow it to integrate into the surrounding area.

An unintended consequence of natural screens proposed is that the number and close proximity of trees proposed to an adjacent house to the north would raise a concern in terms of daylight/sunlight and being overbearing in terms of the requirement under the high hedge act for neighbouring properties to have a right to the reasonable enjoyment of their property. The introduction of these trees instead of standard hedging which currently exists at the site would have a high probability of creating a tall hedge and be detrimental to this house's residential amenity. It would also change the boundaries of the site and in itself change the relationship of the site within the landscape by introducing a suburban regimented planned landscaping as opposed to natural hedge boundaries or random trees synonymous in countryside locations.

The highest building height of approximately 7 metres reads as a one and three quarter storey high as opposed to the maximum a one and half storey stated and is not considered sympathetic to reflect nearby neighbouring properties and the surrounding area and could be a landscape feature itself with balcony Velux roof windows and a Juliette balcony located at a gable. These features combined with a higher roof and the offset layout design are more closely related to a suburban design than a rural one.

External finish materials which meet those detailed in SPG 07 are acknowledged as is the proposals confirmed and speculative in terms of insulation and renewable energy. However, these features do not outweigh or mitigate other concerns detailed about the proposal.

The site has no footpath to its frontage and the applicant's statement about existing houses not having this

feature is noted. However, these are existing houses and this proposal would add a further house without this requirement in times where road and safety requirements have changed over time to address busier roads and prevent/minimise opportunities for accidents. There is also a need as stated in Local Plan Policy DSP 4 to create developments that provide safe access for pedestrians, cyclists, the disabled which is not solely reliant on the use of the car and where access to public transport is provided.

Roads comments are relevant, and points raised about visibility, stopping sight distances are noted as is comments from the applicant's transport contractor that required alignment of hedges to the north are within the applicant's ownership to realise visibility to the north. Comments about visibility to the south are more vague with no confirmation that the required visibility to the south would be met but that the applicant would seek to improve visibility to the south subject to discussion with a land owner with no certainty that this could be achieved and then maintained. The layby proposed for deliveries that would not enter the site is a concern as is a driveway that would not allow vehicles to pass possibly without being reliant to the area nearest the road and hampered by access gates. On this basis it is not considered that a safe access for the site and other roads users could be achieved by the scheme proposed.

Based on the points raised in this report, it is considered that the proposed development is unacceptable in the Green Belt and in particular is contrary to policies NBE 3A, DSP 2, DSP 4 and SPG 07. In addition, in terms of Section 25, there are no material considerations that indicate that the conclusions of the assessment against the development plan should be set aside.

Date **20 August 2021**

Reasoned Justification

The proposed development fails to meet the criteria set out in the relevant policies contained within the North Lanarkshire Local Development Plan. The proposed development does not comply with acceptable development types within the Green Belt and is unacceptable in principle and would set an undesirable precedent for the further erosion of the Green Belt. In addition, key requirements and criteria of DSP 2, DSP 4 and SPG 07 have not been met.

Recommendation: Refuse for the Following Reasons:

1. That the proposed development is contrary to Policies NBE 3 A, DSP 2 and Supplementary Guidance "Assessing Development in the Green Belt," (SPG 07) as it constitutes inappropriate development within the Green Belt, does not provide sufficient justification that suggests that the development plan should not prevail and would set an undesirable precedent for the further erosion of the Green Belt.
2. That the proposed development is contrary to Policy DSP 4 as it fails to meet key design and roads related criteria in that the access proposed is not satisfactory in terms of road safety, and the house and plot design fails to integrate suitably in the location