

Planning Development Management Committee

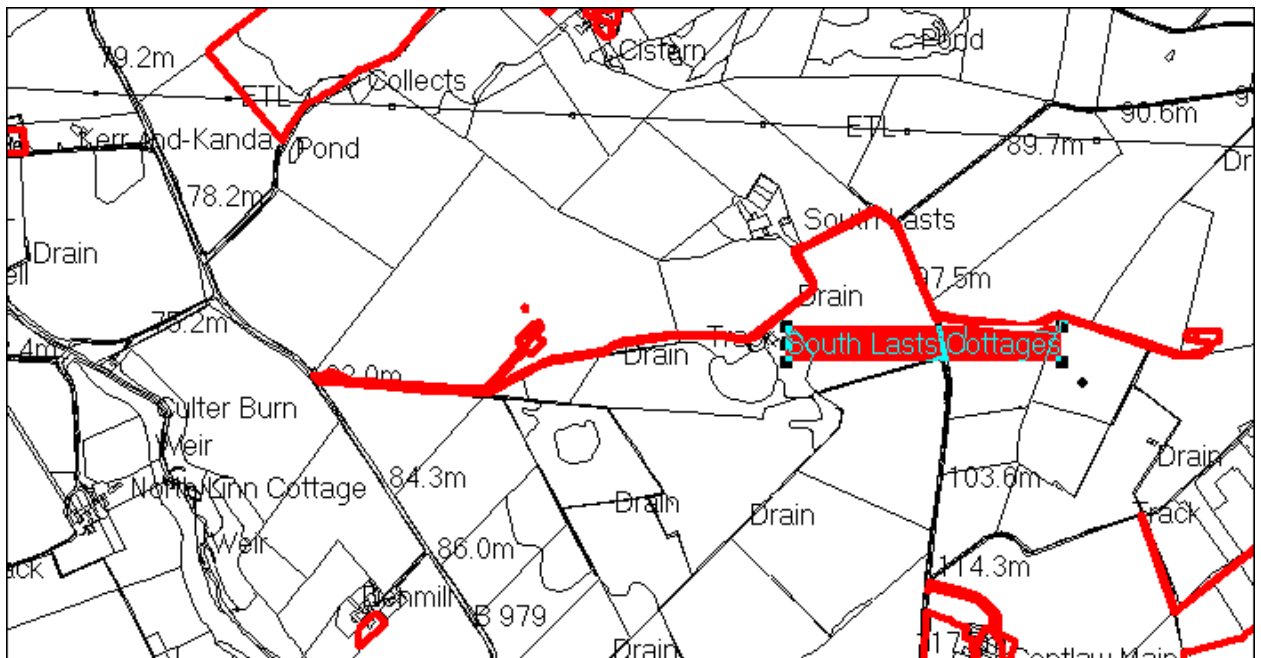
SOUTH LASTS FARM, CONTLAW ROAD,
MILLTIMBER

FORMATION OF ACCESS TRACK
ASSOCIATED WITH PLANNING APPLICATION
(REF 12/0166).

For: G & B Renewables Ltd

**Application Type : Detailed Planning
Permission**
Application Ref. : P131865
Application Date: 10/01/2014
Officer : Robert Forbes
**Ward : Lower Deeside (M Boulton/A Malone/M
Malik)**

**Advert : Can't notify
neighbour(s)**
Advertised on: 22/01/2014
Committee Date: 20 March 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

This site comprises farmland and part of an existing access road located in open countryside about 2.5km north of Peterculter and 4 km south-west of Kingswells. Beans Hill lies approximately 1km to the east of the farm buildings, at a maximum elevation of 137m. South Lasts Farm site is currently accessed by a tarred private road, approximately 3m wide, leading north from the junction with the public road (Contlaw Road). The farm contains no rights of way or recreational paths. It is relatively devoid of natural vegetation or landscape features of special interest and is used as arable farmland and improved grassland. The field boundaries are generally defined by fencing / low drystone dykes. An area of mature / amenity deciduous woodland is located to the south of South Lasts Cottages and is designated as a Local Nature Conservation Site.

RELEVANT HISTORY

Conditional planning permission for erection of a wind turbine at South Lasts Farm was granted in 2012 (ref. 120166) and is currently being implemented on higher land approximately 750m to the east of South Lasts farmstead on the west flank of Beans Hill.

A subsequent planning application for erection of an additional wind turbine on land to the north of the site within the same farm unit has been submitted and awaits determination (ref. 131859).

PROPOSAL

Detailed planning permission is sought for the formation of an access track on existing farmland. The track would extend from the B979 to connect with the existing farm track about 660m to the east. Local widening of the existing tarred farm track to 4m is also proposed. Other than the junction with the B979, which would be tarred, the new track would be unsurfaced. Associated drainage, fencing and landscaping measures are also proposed.

The proposal has been amended to include mitigatory planting measures which have been requested in order to provide a degree of softening of the track and in order to integrate it with its landscape setting and to ensure ecological protection / enhancement measures.

Supporting Documents

All drawings and the supporting documents relating to this application, including ecology report, construction method statement and traffic route management plan can be viewed on the Council's website at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131865>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the local community council have objected. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection subject to conditions regarding surfacing of the junction of the proposed access road, safeguarding of proposed visibility splays and surface water drainage;

Environmental Health – No objection;

Enterprise, Planning & Infrastructure (Flooding) - No objection;

Education, Culture & Sport (Archaeology) – Request a condition to allow archaeological investigation;

Shell UK – No objection;

BP – No objection. Advise the applicant to contact them to ensure pipeline protection is ensured.

Community Council – Object on the basis of public road safety concerns relating to the use of the B979 access.

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

The key priority of the Scottish Government is sustainable economic growth. Paragraphs 159 and 163 of SPP regarding green belts are relevant and state that:-

“The purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:-

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

Certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include development associated with agriculture... and essential infrastructure such as ...electricity grid connections. “

Aberdeen Local Development Plan

Policy NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.
 - b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists

Policy R8 - Renewable and Low Carbon Energy Developments

The development of renewable and low carbon energy schemes is supported and applications will be supported in principle if proposals:

1. Do not cause significant harm to the local environment, including landscape character and the character and appearance of listed buildings and conservation areas.
2. Do not negatively impact on air quality.
3. Do not negatively impact on tourism.
4. Do not have a significant adverse impact on the amenity of dwelling houses.

Policy D1 - Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D3 - Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 - Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Further guidance is available in our Supplementary Guidance: Landscape Strategy Part 2 – Landscape Guidelines.

Policy NE6 - Flooding and Drainage

Surface water drainage associated with development must:

1. be the most appropriate available in terms of SUDS; and
2. avoid flooding and pollution both during and after construction.

Policy NE8 - Natural Heritage

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. These are International Designations, National Designations, Local Designations and European Protected Species and Species protected under the Wildlife and Countryside Act 1981.

In all cases of development at any location: -

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance (including those identified in the UK and Local Biodiversity Action Plans) exists on the site.
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse affect on site integrity, except in situations of overriding public interest.
4. Natural heritage beyond the confines of designated sites should be protected and enhanced.
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken.
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats.
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea. Supplementary Guidance will be developed on buffer strips.

Policy NE9 – Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Core Paths are shown on the Proposals Map. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan Policy Compliance

The site lies within the green belt. Key objectives of this policy are maintenance of landscape character and provision of access to open space. Policy NE2 allows for development associated with existing activities subject to certain criteria. As regards these criteria, it is clear that the proposal is associated with the existing activity on the site, although it is required as a result of the approved wind turbine development. It satisfies the relevant criteria regarding being within the boundary of and being ancillary to the existing activity, and it would not significantly increase the intensity of agricultural activity there. As there is no definition in the local plan of what constitutes small scale development in the context of local green belt policy, this is essentially a matter of judgement. The improvement works to the existing track and the relatively short length of new track are considered to be small scale development given that they would occupy a small percentage of the farming unit and result in no increase in building footprint or external yardspace. The proposed new track would not adversely affect any existing core paths and would provide a new route for recreational access to Beans Hill. It therefore accords with the objectives of local plan policies NE2 and NE9. A condition is proposed in order to ensure that the proposed gate is installed to ensure appropriate recreational access and in order to minimise the use of the track by motor vehicles unrelated to the farm, in accordance with the expectations of local plan policies D3 and NE9. Conditions are also suggested in order to ensure implementation of the proposed ecological protection drainage and planting measures in accordance with the expectation of local plan policies NE6, NE8, D1 and D6 and with SPP. As the proposal would facilitate the erection of an approved wind turbine within the farming unit, it accords with the objectives of policy R8, which encourages wind energy development in principle, and there is no conflict with the relevant criteria.

Road / Public Safety Matters

Given that this proposal is not for the erection of a wind turbine, the concerns of the Community Council regarding the generation of exceptional loads on lorries along the B979 associated with the installation of the approved turbine are only indirectly relevant to this application.

Any traffic impact issues associated with the erection of the approved turbine can be addressed by the traffic route management plan which the Council's roads officers have accepted in relation to the approved wind turbine. It is noted that the proposed access and improvement works are required as the geometry / configuration of the existing track does not permit its use by exceptional loads. The current application seeks to provide suitable alternative access in order to construct the turbine tower. The Community Council note that the B979 carries a high a volume of heavy lorries and has a poor accident history. Whilst this may be the case, the proposal does not, in itself, result in a significant intensification of existing traffic flow on the local network. Other than construction traffic, motor vehicle movement would primarily be associated with the existing use of the farm. The Council's Roads Officers have no objection to the proposed access / track on safety grounds.

It is noted that the pipeline owners have no objection to the proposed track (which crosses their underground pipelines near to the B979). The detailed technical construction of the bridging points is a matter to be agreed between the relevant parties and does not require to be subject of condition.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions, the proposal is considered to comply with the development plan policies NE2 – Green Belt, NE6 - Flooding and Drainage, NE8 - Natural Heritage, NE9 – Access and Informal Recreation, D1 - Architecture and Placemaking, D3 - Sustainable and Active Travel, D6 – Landscape, R8 - Renewable and Low Carbon Energy Developments and Scottish Planning Policy regarding green belt and does not result in any significant road / public safety impact.

CONDITIONS

It is recommended that approval is granted subject to the following conditions:-

(1) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be used unless the drainage has been installed in complete accordance with the said scheme.

For the avoidance of doubt, no surface water should drain onto the public road - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained without risk to public road safety.

(3) that all planting, seeding and fencing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(4) No development shall take place pursuant to this planning permission unless the approved construction method statement (dated 19/12/13) and the temporary ecological protection measures shown on drawing 108-025 have been implemented in full for the duration of works on the site - in order to prevent potential water pollution and ensure ecological protection.

(5) The track hereby approved shall not be used unless the proposed motor vehicle restriction gates have been installed in accordance with the approved details, or such other details as may be subsequently approved, and include provision for pedestrian / cycle / equestrian access - in the interest of road safety(minimisation of motor traffic movement at the junction with the B979) and provision of legitimate non motorised countryside access.

(6) The access road hereby approved shall not be used unless the first 20m of its length (as measured from the B979 junction) have been surfaced with bitmac, or other suitable bound surface, and the required visibility splays are maintained as shown on drawing no. SCT2114/P/JA/01 revA of the drawings hereby approved, or such other detailed drawing as may be approved - in the interest of public safety.

Dr Margaret Bochel

Head of Planning and Sustainable Development.