

Planning Development Management Committee

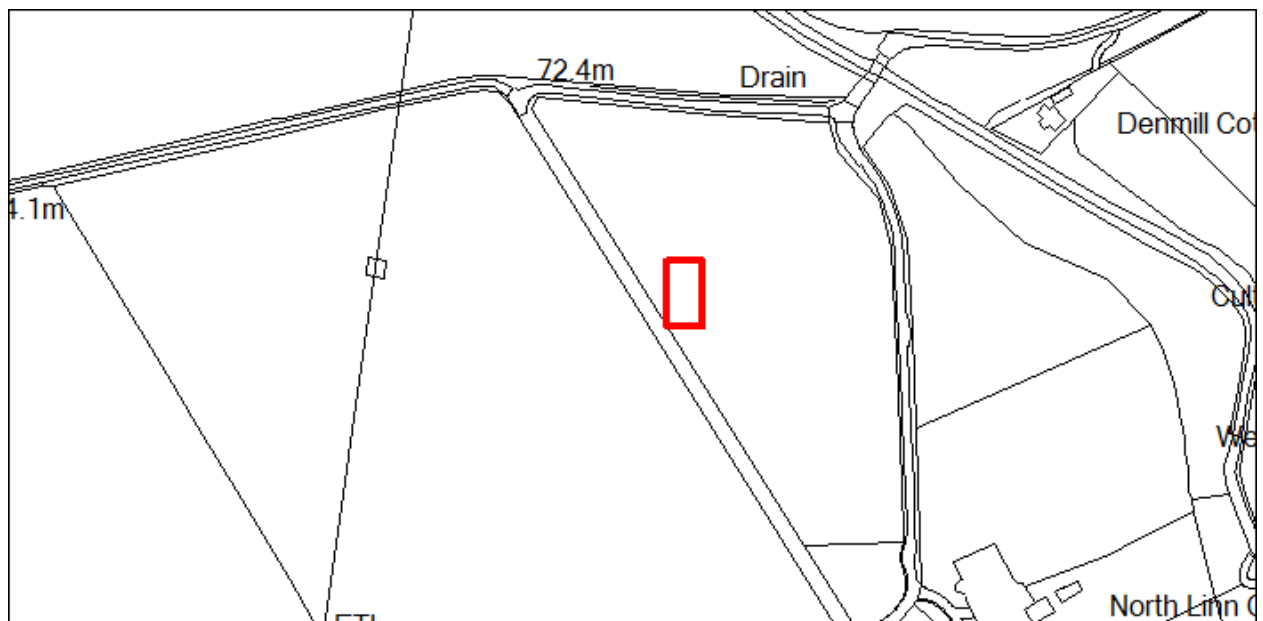
NORTH LINN (LAND AT), PETERCULTER

ERECTION OF AGRICULTURAL BUILDING ON
AGRICULTURAL LAND.

For: Mr Lee Elrick

Application Type : Detailed Planning Permission
Application Ref. : P160571
Application Date: 05/05/2016
Officer: Dineke Brasier
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)
Advertised on: 25/05/2016
Committee Date: 14/07/2016
Community Council : Comments



RECOMMENDATION: Refuse

DESCRIPTION

The site is a field located in the green belt to the north of Peterculter. It slopes up towards the north and west. The site is accessed via a single lane private track that connects the residential properties at North Linn to the south with the B979 Westhill to Peterculter road to the east.

RELEVANT HISTORY

Applications P160261 and P150664 were both agricultural notifications for the erection of an agricultural building on land at North Linn, Peterculter. In both instances, it was concluded that the building would not qualify for permitted development rights under part 6 of the Town and Country Planning (General Development Order) (Scotland) 1992 Class 6 Part 18 as there was no proven agricultural need for the building or agricultural use of the site.

PROPOSAL

Planning permission is sought for the construction of what the applicant describes as an agricultural building. The building would be located close to the west boundary of the field, and would measure approximately 24m by 12.5 and would have a ridge height of 7m. The building would be entirely open plan and would contain one large door measuring roughly 5m in height by 4.5m wide and a normal sized personnel door. The building would be constructed of green coloured profiled steel cladding and would have light grey fibre cement roofing.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160571>

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 Culter Community Council objected to the scheme and eight timeous letters of objection were received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) - No observations

Community Council – Objection, based on the following matters:

1. Proposal would erode the character of the Green Space Network due to its proximity to the Culter Burn and would be contrary to ADLP policy NE1 (Green Space Network)
2. Due to the small size of the livestock and feed that could be provided on the fields, the building would never be economical. The building should therefore not be considered as a credible 'agricultural building'. None of

- the exceptions in policy NE2 (Green Belt) applies, and the proposal would therefore be contrary to this policy.
3. No Drainage Impact Assessment has been provided. Especially the risk of foul drainage from animals is not assessed. There is contradictory information on drainage within the application. Proposal would therefore be contrary to NE6 (Drainage and Flooding)
 4. No assessment has been made of the impact of the proposal on the River Dee Special Area of Conservation (SAC), of which the Culter Burn forms part. Proposal is therefore contrary to policy NE8 (Natural Heritage);
 5. Proposal would not enhance natural heritage as it would affect residential neighbours, the local nature conservation site of Culter Burn, a public footpath running past North Linn to the burn and the view from the B979 road;
 6. The agricultural building would be closer than 400m to residential dwellings and therefore contravenes The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity (Scottish Executive, 2005);
 7. Inconsistencies and errors in application with regards to site size, ownership of track, use of neighbouring land and availability of services;
 8. Design statement sets out that the building needs to be close to the existing track, whereas on the site plan it is shown on the other side of the field.

REPRESENTATIONS

Eight timeous letters of objection have been received. The objections raised relate to the following matters –

1. Adverse impact on residential amenity if the proposed building were to be used for housing livestock (smells). Government guidance recommends a separation distance between buildings housing livestock and residential dwellings of at least 400m. In this case, the nearest properties are less than 200m away from the proposed building. No environmental health assessment or wind survey have been included.
2. No details have been provided with regards to the potential for environmental pollution (slurry/soiled bedding);
3. The track is a tarmacked private road. Concerns are raised with regards to damage to this road if it were to be used by agricultural machinery on a regular basis. The existing, historic, entrance in the north east corner of the field would be more appropriate;
4. Due to the size of the building, not a lot of land would be left for agricultural purposes and it appears not to be suitable for the housing of cattle/ sheep.
5. The size and massing of the building appears to be out of proportion for the amount of land available to be farmed.
6. Leuchar/ Culter Burn is an important corridor for wildlife. Concerns that the proposal would result in contamination of the burn;
7. Adverse impact on residential amenity due to noise and light pollution as disturbance could take place at any time, including early morning and late at night.

8. The building would appear on the skyline when viewed from Denmill Cottage, and would be the only building to intrude on the countryside.
9. The site is not bounded on agricultural land on all sides, as adjoining land is owned and used as such by residential properties on south east, east and south.
10. The building would be contrary to green belt policy as it would not be within the boundary of existing development, nor would it be ancillary to an existing activity, nor would its design be of the highest quality;
11. The view of the landscape towards the Culter Burn, the Local Nature Conservation Site and Baads Moss would be significantly damaged;
12. Access to services and utilities is contested;
13. No permission was requested for the installation of a field gate and hardstanding in the eastern boundary of the field;
14. The proposed development does not respect the local context, especially the scale and proportions of surrounding buildings, and use of the surrounding buildings
15. Neighbour notifications were undertaken incorrectly;
16. Proposal would have an adverse impact on the Green Space Network;
17. No details are provided of car parking spaces;
18. Concerns the site might be used as Travellers Site or to store cars rather than as agricultural land;
19. Proposed building would result in a devaluation of surrounding properties.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy – Paragraphs 49-52

Aberdeen Local Development Plan

NE2 – Green Belt

NE6 – Flooding and Drainage

T2 – Managing the Transport Impact of Development

D1 – Architecture and Placemaking

Proposed Aberdeen Local Development Plan

NE2 – Green Belt

NE6 – Flooding, Drainage and Water Quality

D1 – Quality Placemaking by Design

T2 – Managing the Transport Impact of Development

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.

Principle of the development:

The site is located in the green belt, where, according to policy NE2 (Green Belt) only development essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal would be permitted. The applicant has stated that the proposed building would be used as an agricultural building, and could accommodate agricultural machinery, livestock, feed stuffs and bedding. The machinery would be general purpose agricultural machinery such as tractor, trailer, digger and various smaller pieces of agricultural tools and equipment.

The fields are currently not in agricultural use and are generally unused. The proposal would therefore not be in relation to an existing agricultural holding or enterprise. The applicant has supplied information setting out that he is in the process of setting up an agricultural unit, but this information is very limited and does not provide sufficient detail to satisfy the test that the development would be essential for agriculture on the site. In addition, there are concerns that the size of the building would be disproportionate in relation to the limited agricultural activities that could take place on a holding with an overall size of 2.55ha and would consist of the field in which the proposed building would be located and the field immediate to the east on the other side of the track.

As there are no existing activities on the site, none of the exception policies would apply. The principle of the proposed development is therefore not acceptable due to its location on an undeveloped field within the green belt.

As part of the matters raised in the letters of objection, comments were made in relation to exception policy 1. For completeness, the proposal is therefore tested against this exception policy below:

Exception policy 1 sets out that: 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.

There are currently no activities or existing buildings on the site, and therefore, as set out above, it can be considered that this exception policy is not relevant. However, even if it were accepted that exception policy 1 would apply, then the proposal would not comply with 1(b), 1(c) and 1(d).

With regards, to 1(b), the proposed building measuring 24m by 12.5m by a height of 7m could not be considered small-scale in the context of the surrounding area. The immediate surrounding area has an undeveloped rural character with the only development being the residential properties of the converted steadings and farm house at North Linn to the south and Denmill Cottage to the east.

With regards to 1(c), there is currently no activity on the fields. The introduction of this building would therefore significantly increase activity, which would be contrary to this part of the policy.

With regards to 1(d), again there is no existing activity or existing buildings on the site. The proposal would therefore not be ancillary to existing.

Taking account of the above, the principle of the construction of a large agricultural building on this green belt site is not accepted.

Impact on the character and appearance of the surrounding area:

The site and the surrounding area have a rural character, with the only development being the residential dwellings at Denmill Cottage, North Linn Cottage, North Linn Farmhouse and the converted North Linn steadings. All of those dwellings have a traditional character and over time have become part of the landscape. The site rises from the track in a westerly and northerly direction, and the building would be located on a higher part of the field. The building would be surrounded by a large area of hardstanding that would further increase the built up appearance of the site. No access track from the field gate to the building is shown. The proposed building and the accompanying hardstanding, due to its scale, massing and design are considered to have an adverse impact on the openness and visual amenity of the landscape in this location.

Impact on residential amenity of surrounding properties:

The nearest properties would be at a distance of 160m to 200m from the site of the proposed building. Letters of objections have raised concerns in relation to noise, light pollution and smells. Additional information supplied by the agent sets out that the proposed building is intended to be used for keeping sheep. It is not considered that keeping sheep in a building at a distance of over 150m would be likely to result in an adverse impact on residential amenity due to smells.

The proposal is likely to result in an increase of activity along the farm track and the two associated fields. However, the entrance to these fields are midway along the farm track and well away from the properties at North Linn. These are therefore unlikely to experience any disturbance due to an increase in noise. The additional traffic will pass Denmill Cottage, and could result in some disturbance to this property. However, taking account of the proposed small level of activity, this is unlikely to result in such a large increase in traffic that the residents of this dwelling would experience a significant adverse impact to their residential amenity.

No information on lighting has been provided with the application. However, again due to the proposed small level of activity and the distance between the proposed building and the existing residential properties, this is unlikely to have such a significant impact on the residential amenities of neighbouring properties that it would warrant a reason for refusal in itself. However, some impact can be expected, and it would therefore be prudent that, if Committee were minded to approve the application, a condition would be attached requesting submission of details of lighting.

Impact on local highway conditions, especially in relation to access:

The site is accessed via a private track that runs between the complex of residential dwellings at North Linn and the B979 Westhill-Peterculter road. There

is an existing gate into the field and a turning area has been provided in front of this gate. As such, the proposal would not have an adverse impact on local highway conditions.

A number of letters of objection raise the issue of maintenance and deterioration of this private track caused by an increase in usage by agricultural machinery. This is a civil matter and is not further discussed as part of this application.

In addition, the lack of car parking provision was raised by a letter of objection. It is considered that there is sufficient space near the building for cars to be parked without causing undue obstruction to other cars using the private track.

Flooding, drainage and water quality:

The proposal is accompanied by a ground assessment and surface water disposal recommendation report. This report has been assessed by the Council's Flooding Team, who did not raise any issues.

Letters of objection raised the issue of potential pollution of the Culter Burn, which at its nearest point runs at a distance of approximate 125m to the east of the proposed building. Due to the distance between the building and the burn, and the fact that the Flooding section did not raise any concerns, it is considered that the proposal complies with all requirements as set out in policy NE6 (Flooding and Drainage).

Impact on natural heritage:

The Culter Burn is a Local Nature Conservation Site (LNCS). As set out above, this burn runs at a distance of over 100m from the site of the proposed building. The construction of the building is therefore unlikely to have any adverse impact on this Local Nature Conservation Site.

Other Matters Raised by the Community Council and in Letters of Objection:

1. Proposal would erode the character of the Green Space Network: The site is not located in the Green Space Network and policy NE1 (Green Space Network) is therefore not relevant.
3. The risk of foul drainage from animals is not assessed: The proposal is accompanied by a Drainage Statement, which has been assessed by the Council's Flooding Team. No concerns were raised by the Council's Environmental Health Services with respect to this application.
5. Proposed would affect views from the B979 road, a public footpath and residential properties: Within planning legislation there is no right to a view from private properties. The impact of the proposal on public views and on the character and visual amenity of this part of the Green Belt has been assessed in detail above.
7. Inconsistencies and errors in application with regards to site size, ownership of track, use of neighbouring land and availability of services: The overall size of the site has been confirmed by the agent as 2.55ha. Access to services and utilities and the ownership of the track are civil

matters. The report of handling has taken into consideration the proximity of residential uses.

8. Design statement sets out that the building needs to be close to the existing track, whereas on the site plan it is shown on the other side of the field. The correct location of the building is that shown on the plans as submitted as part of the application.

13. No permission was requested for the installation of a field gate and hardstanding in the eastern boundary of the field. This is a civil matter and not considered as part of this planning application.

15. Neighbour notifications were undertaken incorrectly: The application has been publicised and advertised in the Citizen in accordance with current planning legislation.

18. Concerns the site might be used as Travellers Site or to store cars rather than as agricultural land; There is no evidence that the building would be used for either of these purposes. Any application is assessed on its own merits and concerns with regards to potential future uses of a site is not a valid planning consideration.

19. Proposed building would result in a devaluation of surrounding properties: The value of properties is not a material planning consideration.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this case, assessment of the proposal against the policies listed above (NE2 (Green Belt), NE6 (Flooding, Drainage and Water Quality), D1 (Quality Placemaking by Design) and T2 (Managing the Transport Impacts of Development) would not have resulted in a different outcome.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. There are currently no existing agricultural activities on the site, and the proposed building would therefore not be essential for agriculture in this location. Insufficient evidence has been provided to demonstrate that the building would serve a viable agricultural business based around the two fields within ownership of the applicant. In addition, the proposal would not comply with any of the exception policies as set out in both policy NE2 (Green Belt) of the Aberdeen Local Development Plan and policy NE2 (Green Belt) of the Proposed Aberdeen Local Development Plan. As such, the principle of the proposed development is not accepted and would have an adverse impact on the openness and visual amenity of the Green Belt in this location.
2. Due to its position on the higher part of the field, its scale, massing and design and the amount of hardstanding surrounding the building, the proposal is considered to have an adverse impact on the character, appearance and visual amenity of the surrounding area, especially when taking account of its position within the Green Belt. The proposal would therefore fail to comply with the requirements as set out in policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan and policy D1 (Quality Placemaking by Design) of the Proposed Aberdeen Local Development Plan.