

KEY INFORMATION

Ward The Ferry

Proposal

Proposed development of new cemetery, access and car parking area, welfare building, internal services roads, footpaths and landscaping

Address

Land to East of Drumsturdy Road
Broughty Ferry

Applicant

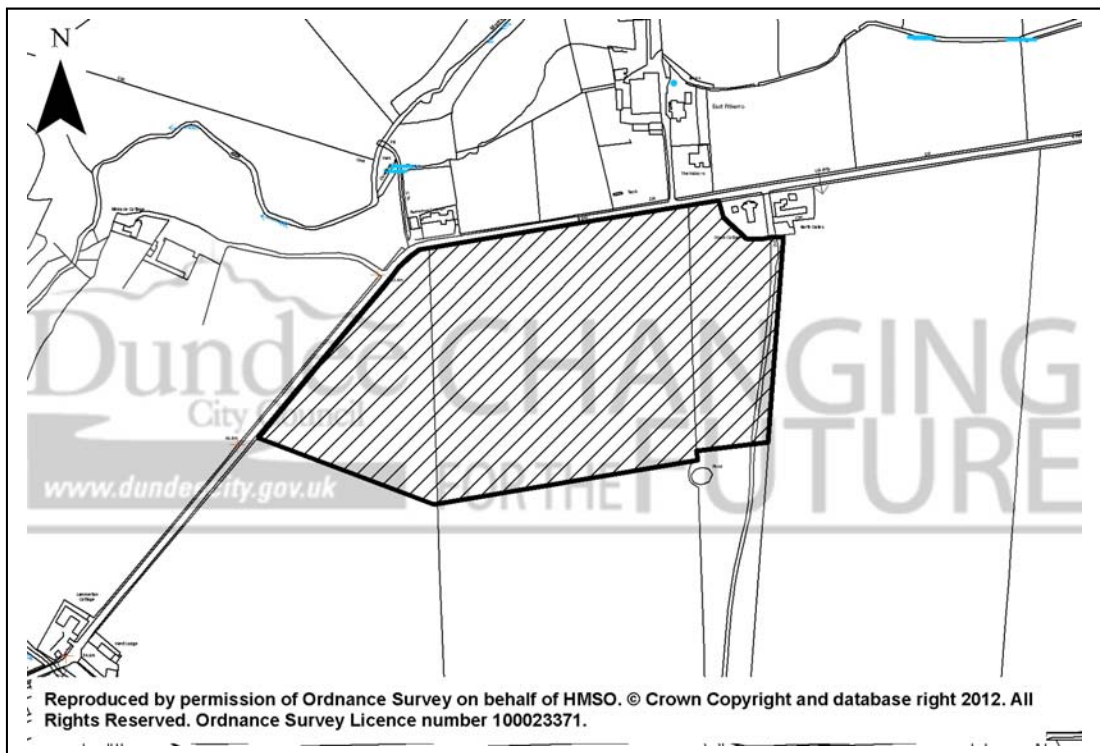
Environmental Department
Dundee City Council
353 Clepington Road
Dundee DD3 8PL

Agent

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Registered 9 Nov 2011

Case Officer Paul Macari



New Cemetery at Drumsturdy Road

The proposed development of new cemetery, access and car parking area, welfare building, internal services roads, footpaths and landscaping is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

RECOMMENDATION

There are material considerations that justify support of the proposals contrary to the requirements of the Development Plan. The concerns of the objector can be addressed by the use of planning conditions. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- This application seeks planning permission for the creation of a new cemetery, access and parking area, welfare building and the formation of internal service roads, footpaths and maintenance yard at Land to the East of Drumsturdy Road, Broughty Ferry, Dundee.
- Structure and Local Plan policies on transport, the environment, open countryside and archaeology are relevant to the determination of this application.
- 1 letter of objection was received from a local resident principally concerned about the proposed access onto Drumsturdy Road and the impact of the proposed development on road safety.
- There is sufficient justification for approving the application contrary to the Development Plan and the concerns of the objector can be addressed by planning conditions.

DESCRIPTION OF PROPOSAL

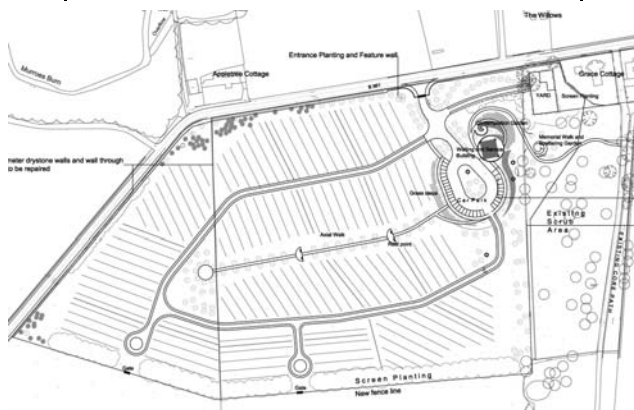
This application seeks planning permission for the creation of a new cemetery, access and parking area, welfare building and the formation of internal service, roads, footpaths and maintenance yard at Land to the East of Drumsturdy Road, Broughty Ferry, Dundee.

The proposal involves the development of 9.6ha of land to form a new cemetery. The cemetery will be accessed from Drumsturdy Road through a new purpose built vehicle access. The vehicle access will lead to a turning area adjacent to which parking spaces, drop off and collection facilities, a welfare building and access to internal roads and footpaths will be located.

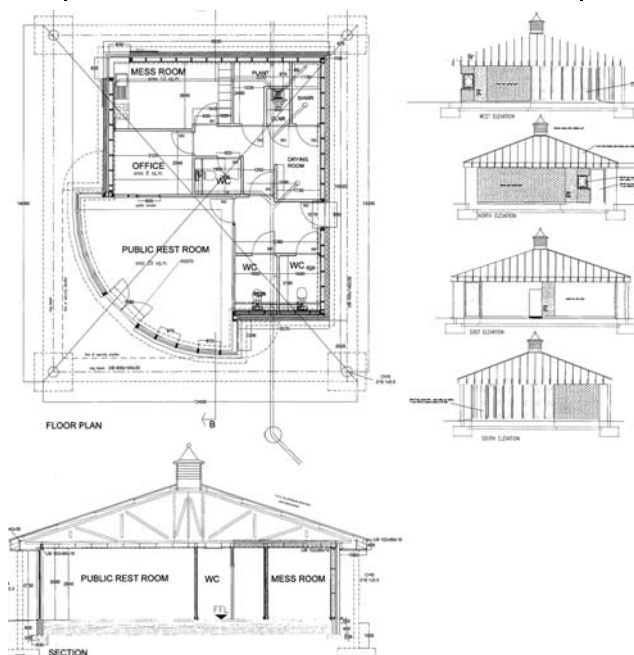
To the east of the parking area and welfare facilities an internal road will lead to a maintenance yard located in the north eastern corner of the site. Internal paths will provide access to a proposed contemplation garden, memorial garden and wall located to the east of the turning area. The internal footpaths will also provide access to Core Path 23A which follows the eastern boundary through the application site from Drumsturdy Road. The proposals also involve works to upgrade Core Path 23A and the aspirational core path between Core Paths 23A and 37 to the south of the application site.

Structure planting totalling an area of 3.7ha will be installed around the application site along the northern, eastern, southern and western boundaries. This will leave an area to the west of the turning area of 4.3ha specifically for burials. The layout of the cemetery has been designed to follow the topography of the application site with rows of plots serviced by a 2-way access road which will project west from the parking and turning area. The access road and cemetery will be constructed in 4 phases as required. Each phase of the road will terminate with a temporary turning head until the 4th phase of the cemetery is developed and the internal access road forms a loop road serving the burial plots. The proposed loop road will project from the western side

of the parking and turning area serving each phase of the proposed cemetery before adjoining the southern side of the parking and turning area.



The proposed cemetery will be landscaped in accordance with a landscape masterplan which involves the retention and restoration of existing landscape features such as the stone walls bounding the application site to the north, east and west and the field walls that run through the site separating Phase 2 from Phases 1 and 4 of the proposed cemetery. A new deer proof fence will form the southern



boundary of the application site and will reinforce the stone walls forming the northern, eastern and western boundaries of the site. There will be gates in the fence that will allow access to the application site from the south. The gates will provide access to Phases 2, 3 and 4 of the proposed cemetery which will continue to be used for agricultural purposes until demand requires that they are developed as part of the new cemetery.

The proposed welfare building will be of a contemporary design with a hipped roof finished in standing seam steel cladding. The building will have stone and wet dash rendered walls with the main entrance in the south western corner of the building formed from curved glass. The building will be split into 2 sections. A public section will comprise of a rest room, 2 public WC's while the private section will comprise of an office, mess room, drying room, plant room and WC.

The proposed parking area will comprise of 32 parking bays with an additional 45 informal vehicle parking spaces created by the internal access road serving Phase 1 of the proposed cemetery. The number of informal car parking spaces within the application site will increase as each phase of the cemetery and internal loop road is developed.

As the area of the application site exceeds 2 hectares the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community and incorporate the findings into the proposed development. This is evidenced in the Pre-application Consultation Report submitted as part of this application. In addition to the pre-application consultation report, the applicant has also submitted a detailed design and access statement, transport statement, land assessment, walkover study, hydrological risk assessment and archaeological statement.

The proposal does not undermine the core land use and environmental strategies of the Development Plan or the viability of Dundee as a regional centre. In this respect the application is not considered to be significantly contrary to the Development Plan.

In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be

reported to the Council's Development Management Committee.

SITE DESCRIPTION

The application site is located on the southern side of Drumsturdy Road to the west of Grace Cottage and east of West Lodge. The site will be accessed from Drumsturdy Road and is bound to the north, east and west by stone walls. The existing site forms 2 fields with the east most section of the site forming an area of scrub land. There are existing field walls which run through the application site from north to south. Core Path 23A follows the eastern boundary of the application site.

The application site is zoned by the Dundee Local Plan Review 2005 as an area of open countryside.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

The Guiding Principles of the Structure Plan promote sustainable development including the integration of land use and transport and giving priority to previously developed sites.

Transport Policy 4 seeks to ensure that development takes place in the most accessible locations and has safe, convenient and attractive facilities for pedestrian, cycle and public transport access.

Environmental Resources Policy 7 states that development that would result in the loss of prime agricultural land will not normally be permitted except where such land is identified as essential for implementation of the Structure Plan strategy.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 55 relates to urban design and stipulates that for all new developments the Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features. In addition Policy 55 requires new

developments in their design to be safe and accessible to all.

Policy 64 protects scheduled ancient monuments and sites and contains a presumption against development that might adversely affect such features or their settings. Policy 65 requires developments affecting archaeological sites to provide information on the archaeological value of the site and the impact of the development on the archaeological resource.

Policy 71 relates to future cemetery provision and states that the Council will investigate the provision of new burial land to the east of the city in the period beyond 2011. Sites are required to satisfy criteria set out as follows:

- land with limited development value in the east of Dundee;
- land that is capable of being made available within the necessary timeframe;
- land with reasonable public transport access ; and
- land that is not environmentally and aesthetically sensitive to the proposed use as a burial site.



Policy 72 Trees and Urban Woodland requires new development to have regard to existing healthy mature trees and encourages their retention.

Policy 74 prohibits new development in the countryside unless the proposed development will be located in an existing building group, the proposal involves the restoration of an existing building worthy of retention or the proposed development is supported by an agricultural justification.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme".

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks

to reduce the dominance of the private car and promote the use of alternative modes.

Tayplan Strategic Development Plan

The Strategic Development Plan for the Tayplan area is under preparation and currently at the Proposed Plan stage. The Proposed Plan has been out for consultation and the period for making representations to it is now complete. On completion of the consideration of the representations the Proposed Plan will be sent to Scottish Ministers for approval. The Strategic Development Plan sets out the long term spatial strategy, vision, policies and proposals to guide development in the Tayplan area for the next 20 years. When approved by Scottish Ministers the Tayplan Strategic Development Plan will replace the Dundee & Angus Structure Plan 2001-2016. The Proposed Plan maintains the general thrust and direction of the Policies contained within the current Development Plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

There are no statutory planning policies or guidance notes relevant to the determination of this application.

Non Statutory Statements of Council Policy

Scottish Planning Policy 2010.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no planning history of relevance to this application.

PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure as stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. This application

was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.

1 valid letter of objection has been received from a neighbouring resident concerned about road safety due to the location of the proposed vehicular access, the use of deer proof fencing and the location of proposed landscaping.

The letter of objection also contained concerns that are not material planning considerations such as loss of view.

Members will already have had access to copies of the objection letter and the issues raised are discussed in the "Observations" section below.

CONSULTATIONS

Historic Scotland has no objections to the proposed cemetery development as the form of the proposed development and the location of the application site will not impact on the character or setting of the scheduled monuments North Gates, 100m to the north east of the application site and Cairn Greg 430m to the south east of the application site.

SEPA has no objection to the proposed cemetery development.

Scottish Water has no objection to the proposed cemetery development.

Angus Council has no objection to the proposed cemetery development providing the provision of sufficient sightlines is incorporated into the design of the new junction between the application site and Drumsturdy Road.

The Council's archaeological advisors Rathmell Archaeology Ltd has confirmed that the proposals will not adversely impact on existing archaeological remains within and adjacent to the application site.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

Dundee and Angus Structure Plan 2001-2016

Transport Policy 4 seeks to ensure that development takes place in the most accessible locations and has safe, convenient and attractive facilities for pedestrian, cycle and public transport access.

Bus services on Drumsturdy Road are infrequent and the site is a considerable distance from bus routes on Arbroath Road to the south and Baldovie Road to the west. As part of the Transportation Statement the applicants highlight that at present the proposed cemetery is located no less than 1800m from the nearest bus stops that are frequently serviced by bus routes travelling through out the City. In this respect the application site at present is not well served by public transport.

The cemetery will be accessible from Core Path 23A with persons visiting the cemetery from the west of the City also gaining access to the cemetery from Core Path 37. To ensure that there is sufficient pedestrian and cyclist access to the proposed cemetery the applicants are committed to upgrading Core Path 23A and the identified aspirational core path that links Core Paths 23A and 37. This will be controlled by condition should the Committee be minded to grant planning permission.

The cemetery will have 32 dedicated parking spaces with an additional 45 informal parking spaces created by the internal access road forming part of Phase 1 of the cemetery development. As each phase of the cemetery is developed and the internal access road extended the number of informal parking spaces will increase.

Although the applicants have reiterated through the Transport Statement that they are committed to enhancing public transport links to the proposed cemetery and will continue to negotiate with the City's bus operators to achieve improved servicing of the application site the proposals conflict with the requirements of Transport Policy 4.

Environmental Resources Policy 7 states that development that would result in the loss of prime agricultural land will not normally be permitted except where such land is identified as

essential for implementation of the Structure Plan strategy.

The application site comprises prime agricultural land which has not been identified as being essential for the implementation of the Structure Plan strategy. The proposal is therefore contrary to the requirements of Environmental Policy 7.

The proposed cemetery development is contrary to the requirements of the Dundee and Angus Structure Plan 2001 - 2016.

Dundee Local Plan Review 2005

Policy 55 is supportive of new developments that create new public places and points of interest which incorporate architectural and landscape features and that are safe and accessible to all.

The proposed cemetery will maintain the rural character of the area surrounding the application site through the retention and repair of the existing boundary walls, the topographic undulations of the existing fields and the planting of native species of trees and shrubs. The proposed landscaping will enhance the environmental quality of the application site and will screen the cemetery from neighbouring properties while maintaining the use of the site as "greenspace". In addition, the repair and retention of the northern boundary wall and the supplementing of this boundary with dense tree planting will maintain the existing Drumsturdy Road streetscape.

The layout of the cemetery and the proposed works to upgrade Core Path 23A and the aspirational core path between Core Paths 37 and 23A to the south of the application site will enhance the connectivity of the site with Broughty Ferry to the south and Dundee to the west. Core Path 23A and the aspirational core path linking Core Paths 23A and 37 will be brought up to an adoptable standard. Consequently the proposed cemetery will be accessible to pedestrians and cyclists. Although the site is not well served by public transport, the applicants are committed to improving public transport links between the proposed Cemetery and the rest of the City. The application site will be readily accessible by private car.

The Design and Access statement demonstrates clearly that the

requirements of PAN 78 (Inclusive Design) and The British Standards Design of Buildings and Approaches to Meet the Needs of Disabled People (BS 8300:2009) have been incorporated into the design and layout of the proposed cemetery development.

The proposed welfare building is of a modern design and will be finished in materials that are sympathetic to the surrounding rural environment.

The proposals satisfy the requirements of Policy 55. However, to ensure that the operational cemetery does not impact upon the character of the surrounding area, the works to the boundary walls and time scales for works to the aspirational core path will be controlled by condition should Members be minded to grant planning permission.

Policy 64 protects scheduled ancient monuments and sites and contains a presumption against development that might adversely affect such features or their settings and Policy 65 requires developments affecting archaeological sites to provide information on the archaeological value of the site and the impact of the development on the archaeological resource.

Historic Scotland and the Council's archaeological advisors have concluded that the proposals will not adversely affect the scheduled ancient monuments to the east and south east of the application site.

The proposed cemetery development lies adjacent to a significant archaeological and historical landscape. Within the design stages of the proposed development an intrusive archaeological evaluation was undertaken to determine the scale and significance of any archaeological remains within the application site. Only one significant archaeological site was identified, a possible corn drying kiln. The layout of the proposed cemetery will ensure that the kiln is preserved in situ. The Council's archaeological advisors do not anticipate that the proposed cemetery will adversely impact on the identified archaeological remains within the application site.

It is considered that satisfactory provision has been made for the protection of archaeology on and adjacent to the site in terms of Policies 64 and 65 of the Plan.

Policy 71 relates to future cemetery provision and states that the Council will investigate the provision of new burial land to the east of the city in the period beyond 2011. Sites are required to satisfy criteria set out as follows:

- a land with limited development value in the east of Dundee;
- b land that is capable of being made available within the necessary timeframe;
- c land with reasonable public transport access; and
- d land that is not environmentally and aesthetically sensitive to the proposed use as a burial site.

It is considered that the proposed development of a cemetery at this location complies with Criteria a, c and d of Policy 71. The site and adjoining land is not allocated for development and the strategy in the Structure and Local Plans supports development to the west of Dundee and not at this location. The site is available for development as a cemetery within a reasonable timeframe and the land is environmentally and aesthetically sensitive to the proposed use as a burial site.

The proposals are contrary to Policy 71 as the application site is not reasonably accessible by public transport.

Policy 72 Trees and Urban Woodland requires new development to have regard to existing healthy mature trees and encourages their retention. The proposals are satisfactory in this regard and these matters can be dealt with by planning condition should Members be minded to approve the application.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme". The roads serving the proposed cemetery will drain into a soak-away and areas of hard standing will be drained using permeable surfacing. This method of drainage will allow surface water to filter through to the water table. The proposed drainage strategy will therefore provide the necessary treatment for suspended contaminants while minimising any potential flood risk generated by surface water from roads, hard standings and buildings.

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access

by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks to reduce the dominance of the private car and promote the use of alternative modes. Although the applicants are committed to enhancing public transport links with the cemetery by increasing the frequency of bus services to the cemetery, the application site is not well served by public transport. The proposals make satisfactory provision for access by pedestrians and cyclists. Therefore, the proposals satisfy the requirements of Policies 81 and 82 but contravene Policy 83.

Policy 74 prohibits new development in the countryside unless the proposed development will be located in an existing building group, the proposal involves the restoration of an existing building worthy of retention or the proposed development is supported by an agricultural justification. The proposed development does not fall within any of the development types permissible by Policy 74. It is therefore concluded that the proposals do not comply with Policy 74 of the adopted Local Plan.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan as the proposals contravene Transportation Policy 4 and Environmental Policy 7 of the Dundee and Angus Structure Plan 2001 - 2016 and Policies 71, 74 and 83 of the Dundee Local Plan Review 2005.

Other Material Considerations

The other material considerations to be taken into account are as follows:

A - Justification for an exception to the Development Plan

For some time the Council has been searching for new cemetery provision to the east of the city. In February 2004 a joint report was submitted to the Environment Committee by the Directors of the Environment and City Development Departments outlining the significant pressure for future cemetery provision. In May 2005 the Council's Environment Committee remitted the Directors of the Environment and City Development

Departments to investigate the potential for additional cemetery provision on land to the north of the city at Middleton Woods and land to the east of the city on the north side of the A92 Arbroath Road. Since then it has not been possible for the Council to identify a suitable site.

Although the site chosen is remote from existing public transport routes, it is difficult to envisage how a site for a new cemetery development could be in a very accessible location. The amount of land required and the requirement for a greenfield location means that other potential sites would suffer from a similar lack of accessibility. It is considered that in these circumstances the site is as accessible as possible given the constraints involved and the applicant has committed to undertake works that will improve accessibility to the site for cyclists and pedestrians. In addition the applicant has agreed to maintain negotiations with the City's bus service providers to enhance public transport links between the city and the application site.

The proposed development is of a nature that cannot be accommodated other than on a greenfield site. It should be noted that the use of the application site as a cemetery will maintain the greenfield use of the application site and is therefore also considered to be an environmentally sustainable use of the land. There is no evidence that the loss of this land would have a harmful impact on agricultural interests.

b. Views of the objector

1 valid letter of objection has been received from a neighbouring resident concerned about road safety due to the location of the proposed vehicular access, the use of deer proof fencing and the location of proposed landscaping.

The proposed junction between the application site and Drumsturdy Road has been designed in accordance with the Council's 'Dundee - Streets Ahead' document and will benefit from visibility splays of 9m x 180m to the west and 9m x 136m to the east. To achieve these visibility splays the applicant proposes to re-align the stone boundary wall to the east and west of the proposed junction and remove some existing trees and shrubs.

The objector is concerned that the areas of proposed landscaping will impact upon visibility of drivers accessing and exiting neighbouring properties to the east of the application site. The proposed junction and landscaping proposals have been designed so as not to impact on neighbouring properties. However, to ensure that the proposed landscaping does not impact on road safety this matter can be controlled by condition should Members be minded to grant planning permission.

The objectors have raised concern that the use of deer proof fencing will create a road safety hazard as deer attempting to cross from the northern side to the southern side of Drumsturdy Road will not be able to access the application site and will therefore attempt to cross the road back on to the northern side or travel along Drumsturdy Road until a suitable point of access to the southern side is found.

Although SNH did not require to be formally consulted on this application, they have suggested that to prevent deer from crossing Drumsturdy Road and creating a road safety hazard, a gap between the northern boundary wall and the proposed landscaping of 2-3m will create a fallow area where deer can graze without creating a road safety hazard. This matter will be addressed by condition should Members be minded to grant planning permission.

C - Views of Consultees

Angus Council has no objection to the proposed cemetery development providing sufficient sightlines are incorporated into the design of the new junction between the application site and Drumsturdy Road. The Council's Road Engineers have confirmed that they are satisfied that the proposed junction design serving the new cemetery will be afforded sufficient visibility splays to allow vehicles to safely exit the application site. The concerns of Angus Council are therefore addressed.

D - Tayplan Strategic Development Plan

The proposed Strategic Development Plan is focused on delivering sustainable economic growth for the area through shaping better quality places and responding to climate

change, as set out in the vision. The policies and proposals contained within the Plan set out the spatial strategy over the next 20 years of where development should and should not go and how new development should be achieved. The Policies and Proposals set out in the Proposed Plan are in line with the Scottish Planning Policy and maintain the general approach to development contained within the current Development Plan.

E - Scottish Planning Policy 2010

The Scottish Planning Policy stipulates that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for an infrastructure development, where no other suitable site is available.

The Scottish Planning Policy also stipulates that development proposals should be compatible with the fabric, setting and character of the historic environment which includes archaeology and ancient monuments.

In this instance the proposed development is considered to adhere to the guidance contained within the Scottish Planning Policy 2010.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the Development Plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposed development by virtue of design and layout will not adversely impact on the surrounding open countryside. The proposed welfare building is of a modern design finished in materials that are sympathetic to the surrounding environment.

CONCLUSION

The proposals contravene Transportation Policy 4 and Environmental Policy 7 of the Dundee and Angus Structure Plan 2001 -2016 and Policies 71, 74 and 83 of the Dundee Local Plan Review 2005. However, there are material considerations that justify support of the proposals contrary to the requirements of the Development Plan.

The concerns of the objector can be addressed by the use of planning conditions. Accordingly it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 Prior to the commencement of work on site, details of the position and form of the re-aligned stone wall along the northern boundary of the application site shall be submitted to the Council for written approval. Thereafter, the works to the boundary wall will be completed in accordance with the details approved by this condition.
- 2 Details of the existing trees on the site to be retained and the method of protecting these trees during construction work shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. The trees to be protected shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.
- 3 Prior to the cemetery hereby approved becoming operational, the works to upgrade Core Path 23A and the aspirational core path between Core Paths 37 and 23A shall be completed.
- 4 Prior to the commencement of work on site, details of the proposed road-side landscaping and deer proof fencing along the northern boundary of the application site shall be submitted to the Council for written approval. Thereafter, the landscaping works and deer proof fencing along the northern

boundary of the application site will be implemented in strict accordance with the details approved by this condition.

Reasons

- 1 In the interests of road safety and visual amenity
- 2 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 3 In the interests of enhancing the accessibility of the proposed cemetery.
- 4 In the interests of safeguarding road safety.