

**APPLICANT RESPONSE TO FURTHER  
LODGED REPRESENTATIONS**



## **Duntrune Ltd**

**Application for review:** Erection of Crematorium Building and associated Parking, Access, Turning Space, Landscaping and Boundary Enclosures at Land North-East of Duntrune House, Duntrune

**Planning Application Ref:** 20/00830/FULL: DMRC-4-22

## **Response to 3<sup>rd</sup> Party Representations**

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## **1 Introduction**

- 1.1 In accordance with Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, representations have been submitted to the application by Duntrune Ltd (the Applicant) for a review of the refusal of planning permission for the Erection of Crematorium Building and Associated Parking, Access, Turning Space, Landscaping and Boundary Enclosures at Land North-East of Duntrune House, Duntrune.
- 1.2 Having considered the representations, the Applicant wishes to make the further points set out below. This response requires to be read in conjunction with the Application Statement to the Review Committee and as such, the Applicant does not propose to comment on every point made in the representations as these have already been addressed in the Application Statement.
- 1.3 For the avoidance of doubt, just because every point raised by objectors is not addressed herein this does not mean that the Applicant agrees or accepts the point, rather that this Response focuses on key issues which the Review Committee is respectfully requested to consider when making their determination.

## **2 Standard Form of Objections**

- 2.1 STOP Duntrune Crematorium (SDC) (which Mr Robertson advises is a group which comprises only 35 local residents) has run a concerted campaign of opposition to the proposal, led by Mr Robertson, one of the key objectors to the development as he lives nearby (Document D58). Mr Robertson's Facebook post (Document D59) outlines the strategy of seeking to "trounce" the number of supporters of the scheme. Despite acknowledging that it is not the volume of objections which is important, but the content thereof, Mr Robertson has submitted 3 letters of representation to the Review Committee (2 in his own name and one written by him on behalf of himself and SDC, albeit SDC does not appear to have submitted an objection to the application in its own name). Mr Robertson also submitted 10 letters of objection in his own name to the application.
- 2.2 Contrary to the claim by Mr Robertson in his latest letter of representation, there were not 722 unique objections to the original application as the majority of the objections were in standard form and simply repeated the same points of objection; points it is understood which were prepared by Mr Robertson himself. Many letters were submitted from the same households and many people submitted both hard copy and electronic objections which have been counted separately.
- 2.3 As with the original objections to the application, many of the representations submitted to the Review Committee are also in a standard form. Again, contrary to Mr Robertson's letter, there have not been over 400 objections to the review. The clerk has provided a list of 209 standard form objection letters which were received; 11 letters which used the standard template with some additional text; and 28 objections which were in non-standard form. As noted above, 3 of these objections are from Mr Robertson. Many others are from the same household which adds to the duplication.

- 2.4 Once again, the standard form letter appears to have been drafted and circulated by Mr Robertson and from Facebook posts, he appears to have personally posted signed hard copies of the standard letter through the Council's letterbox. Contrary to the claims by Mr Robertson/SDC, in the same way that a signed petition carries less weight than an objection letter, use of a standard form objection letter does reduce the weight to be attached to the objection as it is merely someone signing a letter prepared by someone else and repeating the same points.
- 2.5 The points made in the letters repeat previous objections relating to need; the sequential test; increased traffic; accessibility; and impacts on the landscape.
- 2.6 These matters are already addressed in the Application Statement to the Review Committee, however further points in response to the representations are made below.
- 2.7 The Review Committee should bear in mind that as the report of handling shows, there were no objections to the proposals on technical or policy grounds from any statutory consultee, other than Murroes and Wellbank Community Council.
- 2.8 The Committee must also bear in mind that 28 individual letters/emails of support have been submitted in response to the review. 89 individual letters of support (all non-standard) were submitted at the application stage.

### **3 Need**

- 3.1 Mr Robertson/SDC has submitted 3 documents which he relies on to support his position that there is no need for an additional crematorium in the area. When faced with Friockheim and Dundee charging the highest prices in the UK for cremations (out of 312 crematoria Friockheim charges the highest cost in the UK at £1,100 and Dundee is joint third highest at £1,070 (January 2021 figures)), he draws out quotes from the documents which on the face of them indicate that price is not a relevant factor in choosing a crematorium and claim that there will be little growth in the demand for cremations so that the addition of a new facility will simply result in redistribution of the existing demand in the Dundee/Angus area.
- 3.2 With respect, this over-simplification fails to grasp the serious issues which are covered in the various submitted reports and glosses over the fact that the industry is continuing to be scrutinised by the Competition & Markets Authority (CMA) and the Ministry of Justice because of features in the supply of crematoria services which restrict or distort competition to the detriment of people who are using funeral services and are not able to make the best choices and are vulnerable to exploitation. It should be noted that the CMA highlights that 78% of deceased are cremated, 10% more than Mr Robertson/SDC claims. The availability and operation of cremation services therefore affects a very high proportion of members of the public.
- 3.3 This is not simply about lack of capacity in existing crematoria in the area; it is about an overheated market which is punishing customers in Dundee and Angus, particularly those on lower incomes.

- 3.4 It is not correct to say that price is not a relevant factor. What the CMA research shows is that there is a lack of pricing information available to customers and in a time of emotional vulnerability, there are a number of factors which conspire against their ability to exercise choice. The CMA highlights weak competitive constraints in the market and significant barriers to entry by new crematoria preventing increased competition and thus perpetuating the problem.
- 3.5 The CMA concluded that the market for crematoria services is not functioning well and that the lack of effective competition has resulted in prices being higher than would be expected in a well-functioning market. Price rises have been well in excess of general inflation and they believe that these price increases are costing customers in the region of **£400** per funeral more than would be the case in a well-functioning market. In the current economic climate with a cost of living crisis, that is a huge additional cost.
- 3.6 Looking more locally, the Funeral Poverty in Dundee report which was submitted by Mr Robertson/SDC highlights the monopoly position which crematoria hold and advises that users of cremation services in Dundee can pay a premium of up to **£600** for the same cremation service and that these costs are a driver of funeral poverty in the city. It points out that there "*are few alternative options to local use of crematoria.....as the distance to alternative venues is relatively high.*" Lower income households are therefore reliant on bodies such as Funeral Link to try to negotiate lower cost funeral options for them.
- 3.7 This report focuses on Dundee. Cremation prices at Friockheim, the only crematorium in Angus, are even higher. This would suggest that lower income households in Angus are even more disadvantaged by the lack of competition.
- 3.8 These reports all underline that without intervention, including the approval of new crematoria, the market will continue to be distorted and it is those with lower incomes who will continue to suffer most, at a time when they are most vulnerable.
- 3.9 Granting consent for the Applicant's proposals would be a positive intervention by the Review Committee which would have a knock-on benefit for both Angus and Dundee constituents through increasing choice, proximity and availability of alternative cremation services. Contrary to Mr Robertson/SDC's claims, all of the reports show that these factors would result in reduced prices for customers and would help to address funeral poverty in the area. That is a material consideration which ought to carry considerable weight with the Review Committee and the wider community which they represent.
- 3.10 Finally, Mr Robertson/SDC has suggested that the Applicant will only be providing a partial cremation service offering. This is fundamentally incorrect. There is no such thing as a partial cremation service. All cremations must be carried out in full accordance with relevant cremation regulations.

- 3.11 Interment of ashes is not part of a cremation service. Families and loved ones can choose to scatter ashes anywhere, including within the proposed memorial garden at Duntrune. Ashes can be interred at the nearby CairnBrae Natural Burial Ground at Gagie Home Farm, Duntrune or at other burial grounds/cemeteries.

#### **4 Sequential test**

- 4.1 The planning officer did not identify any concerns with the sequential test which was carried out by the Applicant (Document D28) and the application has not been refused on the grounds that there are sequentially preferable sites available. As the report of handling notes (Document D2), contrary to SDC/Mr Robertson's claim, the Applicant did consider greenfield sites within settlement boundaries as well as brownfield sites.
- 4.2 Neither the Council nor the objectors have identified any sequentially preferable sites which could accommodate the proposed development having regard to the legal requirements for such a test (Document D53). In these circumstances, there is no basis for concluding that there has been a failure on the Applicant's part to carry out an appropriate sequential test.

#### **5 Increased traffic and Accessibility**

- 5.1 Mr Robertson/SDC has submitted a letter from DBA which bears to summarise the objectors' key observations on the traffic arising from the development and the site's accessibility. Much of this has been covered previously. Further transport related points are made by Mr Robertson/SDC.
- 5.2 DBA have criticised the extent of the road network which has been assessed by the Applicant's transport consultants. Contrary to DBA's claims, roads to the west of the development have been assessed within the transport assessment report. This showed traffic flows routed via the U315 to the C6 north and west junction as agreed with Angus Council Roads Department.
- 5.3 In terms of traffic generation, and the claim that the estimated traffic volumes are incorrect, the traffic distribution and threshold assessment figures were agreed with both Angus Council and Dundee City Council Roads Department and have been accepted by them. Even using the objectors' proposed 5 services per day, using the agreed average projected attendance of 70 people per service and an occupancy of 3 people per vehicle would result in around 115 vehicles accessing the development or 230 total vehicle movements and not 400 as claimed by the objectors or indeed the thousands of vehicles which were suggested by banners erected by Mr Robertson/SDC around the countryside. The transport assessment showed that the peak hour increase in traffic on the B978 Kellas Road as a result of the development would be 3.3%.
- 5.4 Mr Robertson/SDC provides information on traffic accidents on the approach roads which conflicts with the information provided by their transport consultant. It is claimed that there have been 6 serious car accidents in 33 days, however DBA refer to 3 incidents in the last 3 years, all of which were slight. Serious incidents relate to incidents where people require medical treatment. If there were the number

of accidents on the existing road network which the objectors claim have occurred in such a short space of time, then the Council as Roads Authority should be taking immediate action to address the safety on the existing road network, irrespective of the proposed development.

- 5.5 The Applicant has suggested that the existing speed limit on the road could be reduced. DBA on behalf of the objectors has opposed the suggestion, which is perhaps surprising given the claims of such a high number of accidents. Despite the guidance note referred to by DBA, it is common practice for speed limits to be reduced as part of an attempt to solve safety concerns given the typical land ownership constraints that limit the possibility of large scale road realignment to overcome historical road layout issues.
- 5.6 On the B978 stretch of road in question there is an unusually short stretch of national speed limit from the Dundee City boundary to south of the C4 south junction with the B978 where a short length of 40mph speed limit is provided before again reducing to a 30mph limit for the restricted visibility junction with the C4 north junction with the B978 and then continuing as a 30mph through Kellas. It would appear that the 30mph zone has been extended to include the C4 north junction to overcome an existing safety issue (along with use of a STOP junction) by the local authority as the means to mitigate concerns as they do not control the land to make amendments to the road layout or improve visibility splays at this location.
- 5.7 It should be noted that if a speed limit reduction cannot be agreed, other traffic calming measures can be promoted such as vehicle activated traffic signs to encourage speed reduction. These measures would benefit existing road users.
- 5.8 DBA has criticised the introduction of proposed passing places. Mr Robertson/SDC criticises an alleged lack of provision of passing places. Once again, the objectors' transport evidence is conflicting.
- 5.9 DBA's comments are misleading as the varying road widths shown are at locations where existing road widths are identified which has been used to determine where new passing places were required. All new passing places (5No) proposed are shown as 5.5m wide which is the local authority standard for a rural road passing place and the detail was agreed with Angus Council Roads Department. The new passing places will also aid existing agricultural traffic to pass more safely. The site frontage along its entirety is being widened to 5.5m.
- 5.10 Existing road widths on the U315 west of the site up to and including the C6 north and C6 west junction have been shown within the transport assessment drawings, with the typical road width along this stretch of road generally above 5.5m hence the reason that no additional passing places were identified as being required to the west of the development. Junction visibility splays at the C6north/C6 west T-junction were also clearly identified on the transport assessment drawings and were accepted by the local Roads Department.



- 5.11 The crash map data indicates there has only been 1 reported incident within the last 3 years within the area of the road network where road widths and visibility splays were reviewed as part of the transport assessment and this was a minor incident involving a single vehicle.
- 5.12 Visibility splays and the Council's changing position thereon are dealt with at length in the Application Statement. Mr Robertson/SDC claims that the C4/B978 junction, in particular, has extremely poor visibility. The available visibility splay is the reason why this junction is a STOP rather than Give Way junction, which the objectors fail to mention.
- 5.13 It is proposed to provide signage to direct traffic to/from the crematorium via the U315/B978 junction rather than the C4/B978 junction.
- 5.14 The bus services and the proposals to increase/improve services to serve the development have been dealt with fully in the Application Statement.

## **6 Landscape Impact**

- 6.1 Mr Robertson has submitted a photograph which he claims demonstrates that the site is "*quite prominent on the local skyline*" and that the development will become a beacon of light in the local rural landscape. There is no information given on the camera lens used or how far away the site is. As such, it is impossible to use this image to demonstrate what the naked eye will see from that viewpoint.
- 6.2 What the photograph clearly shows is that the trees on Duntrune Hill form the skyline. The land immediately below this band of trees does not form part of the application site. The site plan for the development shows that the application site forms the lower slope of the hill. The top part of the site which is visible in the photograph will remain undeveloped. The planning officer in the Report of Handling (Document D2) describes the development as "*back clothed by landform and woodland which would help it integrate into the landscape*".
- 6.3 The site plans shows that the proposed building will be on the lower part of the field, close to the existing woodland to the west and the site section drawing shows that it will be cut into the hill. The existing trees along the site frontage, which can be seen in the photograph will be supplemented by new tree and hedge planting, providing additional screening for the building.
- 6.4 Low level lighting is proposed within the car park area.
- 6.5 The planning officer concluded that "*The scale of the proposed building and use of recessive external finishes would also reduce the prominence of the building in views from areas to the south. The new landscaping proposed would also assist with this over time. It is considered that the siting and design of the proposed development would not give rise to any significant design or landscape issues and planning conditions could be attached to secure appropriate external finishes on the building and appropriate new landscaping.*"

6.6 The Council has not refused the application on a breach of landscape or design policies and it is submitted that despite Mr Robertson/SDC's claims, there is no evidence to support a refusal on those grounds.

## **7 Additional points**

7.1 With regard to the letter from Murroes and Wellbank Community Council, given that this is not a major development, there was no requirement to hold a public consultation event or indeed to engage with the Community Council in any form. However, several attempts were made by the Applicant's agent to make arrangements to try to address any questions the Community Council may have had on the proposals. It was made clear that the Applicant would attend a meeting to address Community Council queries.

7.2 On each occasion the meeting was cancelled by the Community Council as it considered that what the Applicant proposed was unacceptable; notwithstanding that there was no obligation on the Applicant to meet with the Community Council at all.

7.3 Mr Robertson/SDC refers to two crematoria, one approved by Fife Council at Brewsterwells, near St Andrews, and one approved by Aberdeenshire Council at Baldarroch, near Crathes as examples of recent approvals for crematoria.

7.4 Documents D61 and D62 are images from Google maps which show that like the Applicant's proposed crematorium, both facilities are located within the countryside, remote from any settlement.

7.5 The report of handling for the St Andrews facility (Document D63) shows that it was determined against the background of the previous TAYPlan Strategic Development Plan policies. These policies are now embedded in the current TAYPlan against which the Applicant's proposals require to be considered. It can be seen that the Local Development Plan policies are also similar.

7.6 Fife Council concluded that a crematorium was a specialist individual proposal which would serve the North-East Fife community (not the Dundee nor South Angus communities) and was not considered to constitute a typical everyday community/recreational use. Fife Council also agreed that the need for a countryside location in this area had been justified given the nature of the development and the requirement to reduce travel times to existing cremation facilities.

7.7 It is submitted that the same approach and justification having regard to the relevant planning policies also support granting consent for the Applicant's proposals.

7.8 It should also be noted that at neither Brewsterwells nor Baldarroch is there the ability for mourners to walk from any nearby settlements nor is there public transport which passes the crematoria. Neither developer/operator has had to provide or extend public transport services to their development nor provide private transport arrangements.

## **8 Documents**

8.1 In response to the third party representations, the Applicant seeks to lodge the following additional documents:

- D58 Facebook post from Ian Robertson outlining objection campaign
- D59 Facebook post from Ian Robertson
- D60 Facebook post from Ian Robertson with standard letter of objection
- D61 Google Map of Brewsterwells Crematorium
- D62 Google Map of Baldarroch Crematorium
- D63 Report of Handling on Brewsterwells Crematorium

## **9 Conclusion**

9.1 The Applicant would respectfully request that the Review Committee considers the information within this response alongside the Application for Review Statement and the information submitted in support of the application.

9.2 When considered against all relevant development plan policies, the Applicant submits that it has been demonstrated that the proposal conforms to policy. In summary, it has been shown that:

- 9.2.1 the prices of cremation services in Dundee and Angus are the highest in the UK and up to £600 more per cremation than would be the case if there was more competition;
- 9.2.2 the planning system has been identified as one of the blockers to new entrants to the market which would help increase competition;
- 9.2.3 consenting the proposed development will help address funeral poverty in the area and as such will have economic and societal benefits for the Angus community;
- 9.2.4 the use is not suitable for a town or edge of centre location;
- 9.2.5 there are no sequentially preferable sites available;
- 9.2.6 the application site is accessible by a variety of modes of transport appropriate to the scale of the development; and
- 9.2.7 there are no technical objections to the application. The development will have no detrimental impacts on the natural, built or cultural environment nor on the landscape nor residential amenity.

- 9.3 Since the proposal accords with all relevant development plan policies it benefits from a legal presumption in favour of granting consent for the development. If the Committee considers that there is a breach of any of the development plan policies, it is submitted that there are material considerations in favour of granting consent contrary to any perceived breach, especially having regard to the community benefits that having an additional crematorium in the area would bring, through the reduction in travel time and the introduction of competition (in line with national and local reports on addressing concerns about the operation of the cremation services market and funeral poverty).
- 9.4 In these circumstances, the Applicant respectfully requests that the officer's refusal of planning permission for the development is quashed and permission is granted for this much needed development.

Brodie LLP

Solicitors, Aberdeen

AGENT FOR THE APPLICANT

19 May 2022

Done

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New activity

Join

**Ian Robertson**

Admin 3 h ·



Hi all

Thought it was a good moment for an update.

**Headlines: the interested party's 14 day appeal response period has now ended, the appellant's 14 day final response period will start at the end of the month and it looks like it will be July at the earliest before the appeal is reviewed by the local review board (the Development Management Review Committee (DMRC))**

**Detail:**

1) In the last 14 days we have:

- visited 300 local homes, direct messaged a further 200 local residents and continually pestered (apologies for that) you all asking everyone to submit a summary appeal response letter
- as a result of which at least **435 appeal response letters** have been submitted to AC which is a great achievement and exactly what our planning consultant recommended (thank you to everyone who submitted one)
- designed, procured and put on display 5 new campaign banners which will remain in place until after the appeal has been decided
- organised the production and submission of a 16 page detailed response letter written by our planning consultant





Done

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planning committee

- organised the production and submission of a 4 page summary roads response letter written by our transportation consultant
- I have also submitted a further 10 page dissection of the appeal
- posted hard copies of the 225 signed summary appeal response letters, the detailed appeal response submission and my further submission through AC HQ's letterbox (please see photo)
- raised £2005 (after fees) from the online fundraiser

2) AC will now pass all the appeal submission documents onto the appellant by the end of this month

3) the appellant will then have 14 days to review these and submit his final appeal statement (by mid April)

4) campaigning for local elections takes place from now until election day on 5th May for all 28 local councillor positions at AC

5) first full meeting of the new 28 councillors takes place on 26th May (understand that the sub-committee make up will be decided at this meeting incl that of the 13 member Development Standards Committee (DSC) which is the main planning committee)

6) first meeting of the new DSC on 21st June (understand that the 5 members of the DMRC are a subset of the DSC and that the 5 DMRC members will be decided at this meeting). FYI - the DMRC is not a standing committee and only meets when there is an appeal to be reviewed.

7) post 21st June - DMRC meetings will be scheduled as





[Done](#)

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7) post 21st June - DMRC meetings will be scheduled as needed and committee begins work on reviewing the appeals in their pipeline. No clarity as yet on when the crem appeal will be heard.

**Next Step for us:**

1) Determine how to leverage the forthcoming local elections as a vehicle to keep pushing our case (more details on this to follow)

Thanks again for all your support during this phase of activity - we simply couldn't have achieved what we have without you.

Thanks and regards

Ian



**Ian Robertson**

Admin 6 h ·

Hi all

The first milestone - that's **100 summary appeal response letters** lodged so many thanks for that.

However, a few statistics:

Total number of objections lodged last time: 722

No. of members of this fb group: 514

No. of objections lodged last time by members of this fb group : 255

No. of summary appeal response letters already lodged by members of this fb group : 55 (out of the 100)

No. of previous objectors in this group who could still lodge a summary appeal response letter: **200**

If you are one of these 200 people, **please could you lodge a summary appeal response letter before 25th March?**

Details of how to do this in the 'Featured/Announcements' section at the top of the group's page.

Every appeal response letter does count and helps demonstrate to the councillors reviewing this appeal that the vast majority of people who have chosen to express an opinion on this proposal are against it.

Thank you

Ian



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PS - we are currently 'doorstepping' 230 (out of the 467 non-fb group previous objectors) who live the closest to the proposed site, so once these appeal response letters are scanned and submitted to AC, the proportion coming from that group will also increase. So, between them and this fb group we should be able to get significantly more appeal response letters lodged before the deadline and as before, absolutely trounce the number of supporters drummed up by the landowner.

 12

6 comments

 Like

 Comment

 Send



Write a comment...



**Ian Robertson**



Admin 1 d · 

Currently at 69 confirmed appeal responses submitted - thank you very much to those people. If you have yet to submit yours, please can you do so asap?

Details of how to do this in the 'Featured/Announcements' section at the top of the group's page.

Thank you!



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Done

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Hi all

In the next post you will find the template summary appeal response letter and details of where to submit your version of it.

These details will also be in the 'Featured' section at the top of the group's page to aid finding them quickly.

Please feel free to customise the letter as you wish, encourage your family and friends to do likewise and ensure it is **submitted by 23rd March 2022**.

This really is the last push, so please can you all help ensure that the review body comprising 5 local councillors know exactly what we think of this proposal!

Thanks

Ian

**STOP Duntrune Crematorium**

**Planning refused - but appeal lodged!  
We need you to OBJECT AGAIN -**

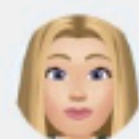
find out how you can help

**STOP THE CREM**

facebook

[tinyurl.com/stopcrem](https://tinyurl.com/stopcrem) Like Comment

Write a comment...



**From:**

Name:

Address:

Date:

**To:**

Ms S Forsyth

Communities Officer

Angus House

Orchardbank Business Park

Forfar DD8 1AE

Dear Ms Forsyth

**Re: Review of Planning Application Ref: 20/00830/FULL – DMRC-4-2 (Alternative ref 22/00004/REFUSE)  
Erection of Crematorium Building and associated Parking, Access, Turning Space, Landscaping and  
Boundary Enclosures at Land North East of Duntrune House, Duntrune**

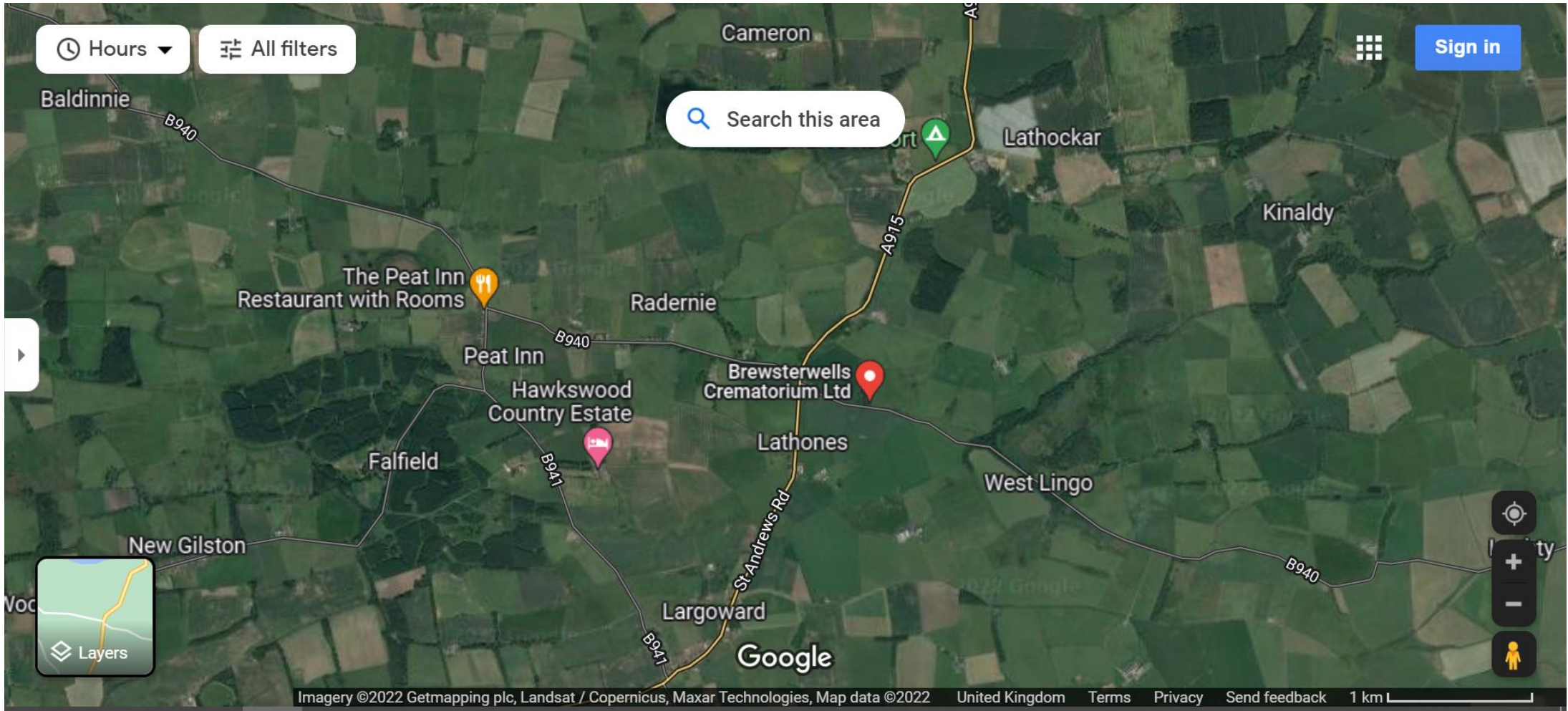
I refer to the abovementioned application for review received by Angus Council on the 1st March 2022 and for which I received formal notification of on the 11<sup>th</sup> March 2022. I fully support the refusal of the application for the reasons set out in the refusal notice dated the 24<sup>th</sup> January 2022 and take this opportunity to re-confirm my objection to the proposal, on the following grounds:

- There is no need for the proposed crematorium, both existing facilities at Dundee and Friockheim having capacity if required, and
- The required sequential approach has not been undertaken properly which should have included sites within Dundee, and
- The development site is not and cannot be made accessible by a variety of modes of transport, resulting in increased reliance on the car, for this significant traffic generating community use, and
- The development is wholly inappropriate and incongruous within this rural area and will have a detrimental impact on the rural landscape resulting the suburbanisation of the countryside, and
- The proposed development which will attract a significant level of traffic onto the substandard local rural roads, will lead to very real road traffic safety issues

For the above reasons I consider that the proposal does not comply with Scottish Planning Policy, TAYplan Policy 1 Location Priorities, Policy 2 Shaping Better Quality Places, and Policies DS1: Development Boundaries and Priorities, DS2: Accessible Development, DS3: Design Quality and Placemaking, and TC8 Community Facilities, of the Angus Local Development Plan 2016. Nothing the appellant has submitted provides sufficient justification to set aside the policies. Therefore, I would request in the strongest possible terms that the Review currently under consideration is dismissed and planning consent is refused.

Yours sincerely.







**DEVELOPMENT MANAGEMENT**  
**REPORT OF HANDLING – DELEGATED**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 12/04853/FULL**

**SITE ADDRESS:** 100 ACRE WOOD BREWSTERWELLS COTTAGES  
LATHOCKAR  
**PROPOSAL :** ERECTION OF CREMATORIUM  
**APPLICANT:** NEWMAINS DUNCAN AVENUE ARBORATH  
**WARD NO:** East Neuk And Landward  
**CASE OFFICER:** Alison Arthur  
**DATE REGISTERED:** 06/12/2012  
**DATE OF INSPECTION:** 11/01/2013  
**DATE OF REPORT** 14/02/2013

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Planning Act the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

**1.0 BACKGROUND**

1.1 The planning application site is an area of agricultural ground extending to approximately 1.95 hectares. The site is located to the north of the B940, approximately 6 kilometres south of St Andrews linking the site with Cupar and the East Neuk villages. In addition, the A915 St Andrews to Leven road is located to the west of the site. The site is set back from the public road behind mature hedgerow and tree planting to the south, existing mature woodland to the west and agricultural land to the north and east. The site slopes downward generally from the north west to south east. The site is bounded by agricultural fencing and Beech hedging. The applicant has carried out extensive tree planting within the site and around its boundaries. The site lies within an area designated as countryside but not a Special Landscape Area as designated within the Adopted St Andrews and East Fife Local Plan (2012). The nearest 3rd



party residential dwellings are located approximately 500-600 metres to the west, north, north-west and south west of the site.

1.2 Planning permission is sought for the erection of a contemporary style crematorium which would have a built footprint of 513 square metres in addition to a detached shelter building with a built footprint of 140 square meters. The proposed single storey building would incorporate a natural slate pitched roof, and would be finished in natural stone on the front elevation with a render finish on the side and rear elevations. The proposed building would be orientated towards the site entrance on the B940 with extensive glazing proposed on the eastern elevation looking towards open countryside views. In addition, an area of formal garden ground would be located to the front of the crematorium building with a memorial garden to the east including an external shelter and a pond. The crematorium chimney would be located on the rear roof section and would be finished in render with natural stone and lead coping. The site would include an internal one way road and would provide 66 off street parking spaces as well as space for 2 coaches. It is proposed that services would take place primarily during the week between 9am and 5pm with some services on a Saturday. The average number of services would be approximately 3 a day. The site would be bound by a post and wire fence.

1.3 The applicants agent has submitted a design statement and planning justification for the proposals within a countryside location.

1.4 04/04181/EOPP - Outline permission for 6 holiday cottages, owner's home, formation of pond, access roads and other ancillary accommodation (approved at committee August 2005).

Planning application 08/03165/EOPP for the renewal of an earlier outline planning permission (04/04181/EOPP) for 6 holiday cottages, owner's home, formation of pond, access roads and other ancillary accommodation was approved under the Scheme of Delegation on 23 December 2008.

Planning application 08/02378/EFULL - proposed to vary conditions imposed on planning application references 04/04181/EOPP and 08/03165/EOPP - approved at committee in April 2009, decision issued 10 November 2009 once a S75 Agreement had been concluded.

Planning application 12/04497/FULL - variation of conditions to extend the time period for commencement for 08/02378/EFULL approved under the Scheme of Delegation on 12th December 2012.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:-

- Principle of Development
- Design/Visual Impact on SPA
- Impact on Natural Heritage/Trees
- Residential Amenity
- Road Safety
- Contaminated Land
- Drainage

## 2.2 Principle of Development

2.2.1 Policy 1 of the Approved TAYplan Strategic Development Plan (2012) advises that, in adherence with the sequential approach, development should, in the first instance, take place within settlements. However TAYplan also states that Local Development Plans may also provide for some development in rural areas if it genuinely contributes to the objectives of TAYplan and meets specific local needs or supports regeneration of the local economy. .

2.2.2 Policy E1 of the Adopted St Andrews and East Fife Local Plan (2012) states that development will only be permitted where it meets with a range of detailed policies, including Policy E15: Development in the Countryside. This policy states that development will only be supported in the countryside in certain specified circumstances, including that a proposed development, if not supported by the main policy direction towards rural land based businesses, can demonstrate a proven need for a countryside location.

2.2.3 Policy C1 of the Adopted Local Plan states that the development of community facilities will be supported where they will satisfy an identified demand for the facility and meet other criteria, including that they are easily accessible and compatible with neighbouring uses. This policy is based on the sequential approach and although it specifically refers to town centre and edge of town locations it allows for others location in terms of demonstrating demand for the facility. It also highlights that local authority finances are not able to support the need for all required facilities and that private enterprise is encouraged. However, this is a specialist individual proposal and although it would serve the North East Fife community it is not considered to constitute a typical everyday community/recreational use therefore a justification in terms of a proven need for a countryside location as described in Policy E15 of the Adopted Local Plan would be the main determining factor in the consideration of whether the principle of development of a crematorium at this location is acceptable in this instance.

2.2.4 The applicants agent has submitted a design statement and planning justification for the proposals within a countryside location. The agent has highlighted that the proposal requires a peaceful setting at least 200 metres from the nearest residential dwellinghouse to meet current legislation. In addition the applicant has identified a need for a crematorium in this part of Fife as the nearest crematoria are located at Dundee, Kirkcaldy and Perth. They have consulted with funeral directors within the surrounding area who have advised that travelling to these locations from St Andrews and the East Neuk Villages can take over an hour which is unacceptable. The applicants agent states that the proposed site is discretely positioned within a natural hollow yet has good road access to the main settlements within this part of Fife. In addition they highlight that building a crematorium in this general area would not be suited to a settlement or edge of settlement location, primarily as the travelling distances from other settlements in the area would be unduly compromised. Taking into account the submitted planning statement as detailed and the relevant provisions of the Development Plan, it is considered that the proposed development is fully justified in this countryside location and is considered acceptable as long there would be no significant adverse impacts upon residential amenity, the built or natural environment or road safety. The proposal is therefore, on balance, considered acceptable in principle. The overall acceptability of such a development must also meet a number of other specific criteria and these are considered in detail below.



## 2.3 Design/Visual Impact

2.3.1 Policy E15 of the Adopted Local Plan states that development in the countryside must be of a scale and nature that is compatible with its surrounding uses and would result in an overall enhancement of the landscape and environmental quality of the area and Policy E4 requires new development to make a positive contribution to its immediate environment in terms of the quality of the development.

2.3.2 In this instance it is considered that the proposed building, which would be set back from the public road behind a mature hedgerow and tree planting, sited amongst existing woodland in a natural hollow within the rolling topography of the landscape, along with the simple, traditionally influenced modern design and use of high quality traditional finishing materials (natural stone, painted render, timber and slate), would minimise the visual appearance within this rural setting and would render it almost completely out of site from the surrounding countryside. As such it is considered that the proposed development would meet the relevant terms of the Development Plan in this regard and would not have a significant impact on the surrounding rural location.

## 2.4 Impact on Natural Heritage

2.4.1 SPP (Landscape and Natural Heritage), advises planning authorities to take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species. Policies E21, E22 and E23 of the Adopted Local Plan relate to the protection of local wildlife and biodiversity. The site is not designated for any specific nature or ecology related purpose and therefore the element of the policies that apply here are the parts relating to the protection of valuable wildlife habitats and/or any protected species.

2.4.2 In this case, to create the site entrance some hedgerow and trees will need to be removed from the southern boundary. Fife Councils Natural Heritage officer has no objections to the proposal but recommends that new compensatory planting, particularly trees and hedgerow planting, should be of native species of native provenance. A suitable condition to ensure that full details of compensatory planting is submitted prior to development commencing has been included. As such, it is considered that the proposed development will have no adverse impact on the natural heritage of the local area.

## 2.5 Residential Amenity

2.5.1 Policy E4 of the Adopted Local Plan is applicable to this proposal and advises that new development should secure a good standard of residential amenity.

2.5.2 In this instance, the proposed scheme is considered acceptable and wholly compatible with its surrounds, which are predominantly open countryside in nature with scattered residential properties within the area. Fife Councils Public Protection officers were consulted and have no comments to make regarding the proposal. In addition SEPA have been consulted as the relevant authority for emission control; they have no objections in terms of odour pollution. Furthermore, the proposal has been designed, scaled and positioned so that it would not raise any adverse residential amenity issues. The nearest dwellings are between 500 and 600 metres from the site and due to the nature of the business as a crematorium it is not anticipated that there would be any noise disturbance or any significant impact on the existing levels of amenity experienced by these properties.

## 2.6 Road Safety

2.6.1 Policy C1 of the Adopted Local Plan states that development of community and leisure facilities will be supported where the proposal is easily accessible

2.6.2 Policy T2 of the Adopted Local Plan advises that car parking requirements, turning areas, visibility splays and other detailed road matters should meet the design standards adopted by Fife Council.

2.6.3 Transport Planning and Development Management have no objections to the proposed crematorium subject to standard conditions relating to the construction of the access bellmouth, the formation of a turning area, the maintenance of appropriate visibility splays and the provision of wheel cleaning facilities.

## 2.7 Contaminated Land

2.7.1 The Adopted Local Plan Policy E6 advises that where development proposals involve sites where the presence of contamination is suspected the developer will be required to submit details of the site investigations and likely mitigating measures necessary to make the site suitable for its proposed end use.

2.7.2 Fife Councils contaminated Land specialists were consulted and have confirmed that due to the former limestone mining and former refuse tip activities within the vicinity of the site it is advised that Fife Council should be notified if any unexpected materials/conditions such as made-ground, gassing, odours, asbestos, hydrocarbon staining or other apparent contamination are encountered during the development work. An appropriate draft condition has been included.

## 2.8 Drainage

2.8.1 Policies I3, I4, and I5 of the Adopted Local Plan advise that developments should not place unacceptable demands on public infrastructure including drainage systems, developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Under the Water Environment (Controlled Activities) (Scotland) Act 2005 as amended, it is a general requirement for new developments with surface water drainage systems discharging to the water environment that such discharges will pass through SUDS as all reasonable steps must be taken to ensure protection of the water environment. To ensure that this is undertaken it is considered necessary to impose a condition ensuring this is adhered to. Consideration should also be given to the guidance contained within the Council's advice note on flooding and drainage.

2.8.2 Fife Councils Infrastructure specialist has been consulted and has noted that there have been no recorded incidents of flooding on the site. Scottish Water have confirmed that the water network may be able to supply the new development however it may be necessary for the developer to fund some works to the existing infrastructure to enable connection for the proposed development. SEPA were consulted and originally objected to the proposal on the grounds that there was inadequate information regarding foul drainage from the development. Following a site meeting the applicant has submitted modified drainage discharge details. SEPA has now withdrawn their objection as they are satisfied that the revised scheme meets the

required regulations. SEPA also note that a SUDs scheme would be required for the site and that further details are required. A suitable condition to ensure the submission of the finalised SUDs scheme prior to works commencing on site has therefore been included.

## CONSULTATIONS

Scottish Water	No objection
Scottish Environment Protection Agency	No objection subject to a condition to ensure the provision of SUDs details
Scottish Natural Heritage	No comments
EP+PS - Contaminated Land	No objection subject to condition to ensure that Fife Council is contacted should evidence of contamination becomes apparent.
Structural Services (Harbours, Flood And Coast)	No objection subject to SUDs details being provided
Transportation	No objection subject to standard conditions
EP+PS - Public And Environmental Protection	No objection
Transportation And Environmental Services - Operations Team	No comments received

## REPRESENTATIONS

Two letters of objection have been received on grounds of

- countryside location not industrial
- not for an extension to an existing business
- potential for odour pollution

Issues relating to the principle of a crematorium development at the site have been discussed within the report. Issues relating to odour control would be covered under separate legislation and would be monitored by SEPA. SEPA have raised no objection in terms of emission odour, therefore it is not anticipated that there would be any significant impact on residential amenity within the area.

## CONCLUSIONS

The proposal is considered acceptable in meeting the relevant policy provisions of the Development Plan with regards community and leisure facilities. The proposal would be compatible with surrounding land uses, would not have a significant impact on residential amenity within the area, is acceptable in terms of scale, design and finish, would not detrimentally affect the landscape character of the rural area and would not have a material impact upon the existing local road network.

**RECOMMENDATION**

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The presence of any previously suspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority within one week. At this stage a comprehensive contaminated land investigation shall be carried out if requested by the planning authority.

Reason: To ensure all contamination within the site is dealt with.

2. BEFORE ANY WORK STARTS ON SITE, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by this Planning Authority.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

3. BEFORE ANY WORKS START ON SITE, a scheme of compensatory planting indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality and for the promotion of biodiversity.

4. PRIOR TO WORK COMMENCING ON SITE, details of the proposed measures for the management of surface water run-off from the site shall be submitted for the PRIOR WRITTEN APPROVAL OF THE PLANNING AUTHORITY. Such measures shall be designed in accordance with the Sustainable Urban Drainage Systems Approach as detailed in the CIRIA Manual "Sustainable Urban Drainage Systems Manual for Scotland and Northern Ireland". This shall include a drainage strategy (as advocated on page 13 of PAN 61), and not reduce the volume of the existing flood plain. Temporary measures such as the provision of silt traps or downstream defenders must be provided to deal with surface water runoff during the construction and prior to the operation of the final SUDS solution.

Reason: To ensure that adequate SUDS facilities are provided on site.

5. Prior to the crematorium becoming operational; the access bellmouth from the public road shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. A minimum throat width of 6 metres with 9 metre radius kerb shall be provided and constructed in accordance with the current Fife Council Transportation Development Guidelines for a length of 15 metres from the adjoining road channel line.

Reason: In the interests of road safety; to ensure adequate construction of the new junction.

6. Prior to the operation of the crematorium; there shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest size of vehicle expected to visit or be used by users of the premises, the turning area shall be formed outwith the parking areas.

Reason: In the interests of road safety; to ensure that vehicles can exit the site in a forward gear.

7. Prior to the crematorium becoming operational; visibility splays of 9m x 210m shall be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, all in accordance with the current Fife Council Transportation Development Guidelines.

Reason: In the interests of road safety; to ensure adequate visibility at the junction with the public road.

8. Adequate wheel cleaning facilities approved by this Planning Authority shall be provided and maintained throughout the construction of the proposed crematorium.

Reason: In the interests of road safety; so that no mud, debris or other deleterious material is carried by vehicles onto the public roads.

<b>STATUTORY POLICIES, GUIDANCE &amp; BACKGROUND PAPERS</b>
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Development Plan  
Approved TAYplan (2012)  
Adopted St Andrews and East Fife Local Plan (2012)

REPORT OF HANDLING - DELEGATED

APPLICATION REF: 12/04853/FULL

ADDRESS: 100 ACRE WOOD BREWSTERWELLS COTTAGES LATHOCKAR

CASE OFFICER: ALISON ARTHUR

DRAFT DECISION  REASON \_\_\_\_\_

FINAL DECISION

AUDIT	SIGNATURE		DATE	
<p><b>1. Case Officer</b></p> <p><input type="checkbox"/> Plans ticked in uniform</p> <p><input type="checkbox"/> Added Value entered</p> <p><input type="checkbox"/> 1 set of plans sorted (paper submissions)</p> <p>If applicable: -</p> <p><input type="checkbox"/> Check if Neighbour Notification has expired</p> <p><input type="checkbox"/> Check if Publication Dates have expired</p> <p><input type="checkbox"/> Refund Required (CLP's from Gateway)</p> <p><input type="checkbox"/> PD Rights Removed Added</p> <p><input type="checkbox"/> Legal Agreement</p> <p>(Y to be entered in Recommendation)</p> <p><input type="checkbox"/> Temp Permission Expiry Date Entered</p>				
	<b>SIGNATURE</b>	<b>INITIALS</b>	<b>DATE</b>	
<p><b>2. Lead Officer/Service Manager</b></p> <p><input type="checkbox"/> Quality Check</p> <p><input type="checkbox"/> Report Signed Off</p>				
<p><b>3. Resources</b></p> <p><input type="checkbox"/> Pass file to Technicians Decision basket</p> <p><input type="checkbox"/> Quality Check Conditions/Reasons</p> <p><input type="checkbox"/> Print Decision Notice</p> <p><input type="checkbox"/> Upload Report to Idox</p> <p><input type="checkbox"/> Change Decision Notice to public in Idox</p> <p><input type="checkbox"/> Mail Decision Notice</p>				

**From:** [Elaine Farquharson-Black \(Brodies Solicitors\)](#)  
**To:** [Sarah Forsyth](#); [Courtney Summers \(Brodies Solicitors\)](#)  
**Subject:** RE: Application for Review - Land North East of Duntrune House, Duntrune [BRO-D.FID5645426]  
**Date:** 13 June 2022 14:19:12  
**Attachments:** [image001.png](#)

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**CONFIDENTIAL MESSAGE - INTENDED RECIPIENT ONLY**

Sarah, thank you for forwarding further third party representations. As you note, these mainly consist of the standard letter shared previously. I note that of the 12 additional letters, 3 are from the same household (Craighill Farm).

Having reviewed the representations, they do not raise any material new issues and in the interests of avoiding unnecessary repetition for the Committee, the Applicant would refer the Committee to the Appeal Statement and Response to third party representations which have already been submitted and highlight once again that contrary to the claims of the third parties, the Council's Roads' officers have confirmed that "*As a result of the low traffic impact on the surrounding road network and the proposed mitigating improvements to existing roads and visibility splays.....there is no significant cause to object to the planning application by reason of traffic impacts.*" (Document D35). The officers are satisfied that there is capacity within the existing road network to accommodate the limited traffic which will be generated by the proposed development. Given that the increase in traffic at peak times is only circa 3%, it is submitted that there will not be the tailbacks, delays or conflict with agricultural vehicles/machinery or detrimental impacts on farming operations which are alleged by the neighbouring farmer.

I look forward to confirmation in due course of the date when the application will be reviewed by the Committee.

Regards

Elaine

Elaine Farquharson-Black | Partner | Brodies LLP Solicitors | [brodies.com](http://brodies.com)

T +44(0) 1224 392 251 M [REDACTED]



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**From:** Sarah Forsyth <ForsythSL@angus.gov.uk>  
**Sent:** 09 June 2022 16:33  
**To:** Courtney Summers (Brodies Solicitors) <courtney.summers@brodies.com>  
**Subject:** Application for Review - Land North East of Duntrune House, Duntrune  
**Importance:** High

Dear Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Erection of Crematorium Building and Associated Parking, Access, Turning Space, Landscaping and Boundary Enclosures at Land North East of Duntrune House, Duntrune – Duntrune Ltd**  
**Application No 20/00830/FULL - DMRC-4-22**

I refer to the above application for review and to previous correspondence.

The application for review is currently being prepared for submission to the

Review Committee, a date for which will be agreed with the appointed members in due course. This matter will be considered at a meeting of the Development Standards Committee on 21 June.

During the preparation of the papers for submission it has been brought to my attention that third party representations were omitted from my email forwarded to you on 5 May. Please find these attached. You will note that these mainly consist of the standard letter as shared previously.

You have the right to make comment on the representation and, should you wish to do so, you have 14 days from the date of receipt of this correspondence to make any such representation which should be sent directly to me.

Please accept my sincere apologies for the omission. Due to the file type I have copied these over into word documents.

Should you wish to discuss this further, please do not hesitate to contact me.

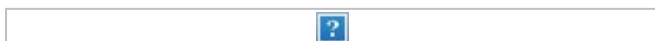
Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)  
| [www.angus.gov.uk](http://www.angus.gov.uk)  
Work pattern: Mon, Tues (am) & Thurs

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