

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 13 JUNE 2023**

**LAND NORTH EAST OF DUNTRUNE HOUSE, DUNTRUNE - CONDITIONS**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

This Report sets out proposed conditions for planning application No. 20/00830/FULL following on from the decision of the Development Management Review Committee, at its meeting on 14 March 2023, to grant planning permission for erection of crematorium building and associated parking, access, turning space, landscaping and boundary enclosures, application No 20/00830/FULL, at Land North East of Duntrune House, Duntrune.

**1. RECOMMENDATIONS**

It is recommended that the Committee consider the proposed conditions as set out in the Appendix to this Report, including the options detailed at Conditions 6-10 and determine to approve or amend if necessary.

**2. ALIGNMENT TO THE ANGUS COUNCIL PLAN**

This report contributes to the following outcomes contained within the Angus Council Plan:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. CURRENT POSITION**

At its meeting on 8 November 2022, the Development Management Review Committee considered an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of crematorium building and associated parking, access, turning space, landscaping and boundary enclosures, application No 20/00830/FULL, at Land North East of Duntrune House, Duntrune (Report 369/22 to the Development Management Review Committee refers). The Committee agreed to hold a site visit and to reconvene after the site visit to consider the application further.

On 30 January 2023, the Committee visited the site and reconvened on 31 January 2023 to discuss the application further. Following further consideration, the Committee agreed that further procedure was required by means of written submissions and requested the planning authority to provide a statement on National Planning Framework 4, in particular Policies 1, 13 and 29 in respect of the proposed development. The Committee thereafter met on 14 March 2023 to consider the further information. Having considered all of the information relative to the Notice of Review, the decision of the Review Committee was to uphold the appeal and grant planning permission subject to conditions. Having consulted with the Service Leader – Planning and Sustainable Growth, proposed conditions are detailed in the Appendix to this Report.

**4. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations in the Report.

**5. HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report to approve the conditions for application No 20/00830/FULL, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in relation to this appeal, it is considered that any actual or apprehended infringement of such Convention Rights, is

justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **6. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

## **7. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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### **List of Appendices**

**Appendix – Proposed Conditions in respect of planning application No 20/00830/FULL**

**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 - CONDITIONS**

**PLANNING APPLICATION NO 20/00830/FULL**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

*Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.*

2. That, prior to the commencement of development, full details shall be provided of the proposed external lighting. Thereafter, the exterior of the building and its grounds shall be lit only in accordance with the approved details.

*Reason: In the interests of amenity.*

3. That, prior to the commencement of development, full details shall be provided to demonstrate how access to the remaining agricultural ground to the north shall be provided and maintained.

*Reason: In order avoid development that could adversely affect reasonable access to neighbouring agricultural ground.*

4. That notwithstanding the details on the approved plans, no works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained (or removed) and relevant protection measures for such;
- b) Existing and proposed finished ground levels and finished floor levels relative to a fixed datum;
- c) The location of new trees, shrubs, hedges, and grassed areas;
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- e) The location, design and materials of all hard landscaping works including walls, fences, gates, and street furniture including lighting;
- f) A programme for the implementation, completion, and subsequent management of the proposed landscaping. For the avoidance of doubt, the approved landscaping shall be completed prior to the opening of the building for cremations and the development shall be maintained in accordance with the approved details thereafter.
- g) All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

*Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.*

5. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed site access with the C4 Monifieth – Kingennie – Duntrune road giving a minimum sight distance of 120 metres in each direction at a point 4.5 metres from the nearside channel line of the C4 Monifieth – Kingennie – Duntrune road.

*Reason: To enable drivers of vehicles leaving the junction to have a clear view over a length of road sufficient to allow safe exit.*

**6. (option1 – if required)**

That prior to the commencement of development, a visibility splay shall be provided at the junction of the U315 West of Westhall (C4 – B978) with the B978 Broughty Ferry – Wellbank – Draffin road giving a minimum sight distance of 160 metres in a southerly direction at a point 4.5 metres and a minimum sight distance of 160m in a northerly direction at a point 2.2 metres from the nearside channel line of the B978 Broughty Ferry – Wellbank – Draffin road.

*Reason: To enable drivers of vehicles leaving the junction to have a clear view over a length of road sufficient to allow safe exit.*

**7. (option 2 – if required)**

That prior to the commencement of development, a visibility splay shall be provided at the junction of the U315 West of Westhall (C4 – B978) with the B978 Broughty Ferry – Wellbank – Draffin road giving a minimum sight distance of 120 metres in a southerly direction at a point 4.5 metres and a minimum sight distance of 120 metres in a northerly direction at a point 2.4 metres from the nearside channel line of the B978 Broughty Ferry – Wellbank – Draffin road.

*Reason: To enable drivers of vehicles leaving the junction to have a clear view over a length of road sufficient to allow safe exit.*

**8. (should option 2 be required)**

No development in association with this permission shall take place unless a Speed Limit Order has been approved for promotion that provides for a reduction in the national speed limit to 40mph on the B978 Kellas Road (Broughty Ferry to Wellbank to Draffin road) between the existing restricted speed limits at Poplar Drive, Ballumbie and Kellas.

*Reason: To support the reduction in visibility requirements (as per Condition 6/7 above).*

**9. (if required)**

That visibility splays shall be provided at the junction of the C4 Monifieth to Kingennie to Duntrune road with the U315 West of Westhall (C4 – B978) road giving a minimum sight distance of 160 metres in each direction at a point 2.4 metres from the nearest channel line on the U315 West of Westhall (C4 – B978) road.

*Reason: To enable drivers of vehicles leaving the junction to have a clear view over a length of road sufficient to allow safe exit.*

**10. (if required)**

The building hereby approved shall not be brought into use unless a Travel Plan has been submitted to and approved in writing by the Planning Authority. This shall include details of a proposed new bus stop to be installed at the entrance to the development and/or the mechanisms by which private electric transportation will be made available for those attending cremations which would collect attendees from the existing bus routes/stops to the west or east as required. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

*Reason: To encourage a more sustainable means of travel to and from the proposed development.*

11. That, within the above visibility splay/s nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.

*Reason: To enable drivers of vehicles leaving the junctions to have a clear view over a length of road sufficient to allow safe exit.*

12. That, prior to the commencement of development, further details of the proposed scheme of improvements to the public roads, shown on drawing numbers A/190889/901 Revision 1; 902 Revision 1, 903 Revision 1, 904, 905 & 906 shall be submitted for the consideration of the planning authority. The scheme of improvement shall include full construction details, material specifications and road sign designs. The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the public roads shall thereafter be completed prior to the commencement of any other work associated with this planning permission.

*Reason: To provide a safe and suitable standard of access, to maintain the free flow of traffic on the roads leading to the site and to prevent extraordinary damage being caused to the nearby public roads.*

13. That, details of the proposed scheme for the provision of directional road signs at the junctions of the C4 Monifieth to Kingennie to Duntrune road and U315 West of Westhall (C4 – B978) with the B978 Broughty Ferry to Wellbank to Draffin road shall be submitted for the consideration of the planning authority. The scheme for directional road signs shall include full construction details, material specifications and road sign designs. The development shall not commence until the planning authority has agreed the scheme in writing. The scheme shall thereafter be completed prior to the opening of the building for cremations.

*Reason: To direct traffic to the site via an approved route.*

14. That, the proposed gully on the site access nearest to the public road, shown on drawing no. 920 Revision 1, shall not connect to Soakaway 2 but shall outfall to Soakaway 1 or another suitably formed soakaway beyond the proposed extents of the public road.

*Reason: To prevent the flow of surface water from within the site being carried onto or into the public road drainage system.*

15. Noise from any fixed plant associated with this development shall not give rise to a noise level assessed within any dwelling or noise sensitive building with windows partially open for ventilation, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and noise Rating Curve 20 at all other times.

*Reason: In the interests of residential amenity.*

Informative:

Improvements to the public roads must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the Angus Council website for the purpose.

*Reason: To maintain the integrity and condition of the public road.*

The reason(s) for the foregoing decision by the Council are as follows:

It is considered that crematoriums require an appropriate and sensitive setting and it is unlikely that this type of development would be near a town centre or edge of centre location. Angus is a rural area and that it would be difficult for any location within Angus to be served well by public transport. Further, many of the roads junctions were not all of modern standard, however, it is considered that with suitable signage and mitigation they would be of a satisfactory standard having agreed that funeral traffic would mostly be outwith any rush hour traffic and would therefore not increase the volume of traffic in the area significantly. There are no significant amenity, design or landscape issues and the additional planting would enhance biodiversity within the site. In addition, there are no policies within National Planning Framework 4 that specifically consider applications for this type of essential development, the very high cost of cremation within the Angus and surrounding areas, the approval of similar developments within rural locations, economic benefits and there are no technical objections from statutory consultees.