

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 07/01478/COU

Planning Hierarchy: Local Development

Applicant: Operational Services – Argyll and Bute Council

Proposal: Extension to existing Burial Ground

Site Address: Pennyfuir Burial Ground, Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Extension of existing burial ground
 - Formation of new vehicular access
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

No history relevant to this particular site.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 24/08/07 advising Trunk Roads Authority to advise on proposal.

Trunk Roads Authority

Report dated 04/05/10 advising no objection subject to conditions being imposed.

Public Protection Unit

Memo dated 14/09/07 advising no objection.

West of Scotland Archaeology Service

Letter dated 15/08/08 advising prior archaeological evaluation of the site to be undertaken. E-mail dated 16/03/11 raising no objection subject to a condition requiring the implementation of a programme of archaeological works drawn up in consultation with West of Scotland Archaeology Service.

Scottish Environment Protection Agency

Letter dated 24/09/08 advising no objection.

(E) PUBLICITY:

The proposal was advertised in terms of previous Section 34 Bad Neighbour and Article 9 Vacant Land procedures, closing date 30/08/07.

(F) REPRESENTATIONS:

No representations were received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|-------------------------------------|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|-------------------------------------|----|

-
- | | | |
|-----|--|----|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|-----|--|----|

-
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements

STRAT DC 9 – Historic Environment and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 17 – Impact on Sites of Archaeological Importance

LP BAD 1 – Bad Neighbour Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

LP COM 1 – Community Facility Development

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP),2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
------------	---	-----------

(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
------------	--	-----------

(M)	Has a sustainability check list been submitted:	No
------------	--	-----------

(N)	Does the Council have an interest in the site:	Yes
------------	---	------------

The application has been made by Argyll and Bute Council for land within their ownership.

(O) Requirement for a hearing (PAN41 or other): **No**

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for extension of the existing Pennyfuir Burial Ground, Oban in a northerly direction together with the formation of a new vehicular access from the A85 Trunk Road.

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the Countryside Around Settlement Zone within which Policy STRAT DC 2 of the approved Argyll and Bute Structure Plan gives encouragement to development which accords with the settlement plan for the area on an appropriate small scale infill, rounding-off, redevelopment and change of use development. This policy further states that in special cases, a locational need or exceptional circumstance may justify a development.

The proposal also requires to be assessed for compliance with other relevant local plan policies which are detailed in Appendix A of this report.

It is considered that the proposal can be justified on the basis of locational need given its proximity to the existing long established burial ground.

The development is sufficiently removed from residential property so as not to give rise to adverse residential amenity considerations.

(Q) Is the proposal consistent with the Development Plan: **Yes**

(R) Reasons why planning permission should be granted

It is considered that the proposed site is acceptable for use as an extension to the existing burial ground together with the formation of a new vehicular access and car parking area and it is not considered that it will have any significant adverse impact on the wider landscape.

The proposal accords with Policy STRAT DC 2 and STRAT DC 9 of the approved Argyll and Bute Structure Plan and Policies LP BAD 1, LP COM 1, LP ENV 1, LP ENV 17, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 21/03/11
Reviewing Officer: Ross McLaughlin Date: 28/03/11

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 07/01478/COU

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site until the vehicular access has been constructed in accordance with the amended drawing numbers PC-001, PC-002 and PC-003 and the method of construction approved in writing with the Planning Authority in consultation with the Trunk Roads Authority, prior to the cemetery extension coming into operation. The new access will require to meet the requirements of a Road Safety Audit as detailed in the Design Manual for Roads and Bridges.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

3. No development shall commence on site until the forward visibility, Safe Stopping Distance, shall be provided either side of the new access in accordance with the Design Manual for Roads and Bridges, TD9/93.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

4. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on this site, and to allow any action required for the protection, preservation or recording of such remains to occur.

5. No development shall commence until full details, in plan form, of the store and poly tunnel have been submitted and approved in writing by the Planning Authority.

Reason: In the interests of visual amenity

6. No development shall commence on site until details of the 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:

- i) existing and finished ground levels in relation to an identified fixed datum
- ii) existing landscaping features and vegetation to be retained
- iii) location and design, including materials, of walls, fences and gates

- iv) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- v) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping

7. The development shall be implemented in accordance with the details specified on the application form dated 27/07/07 and the approved drawing reference numbers:

Plan 1 of 4 (Location Plan at scale of 1:10000)
Plan 2 of 4 (Drawing Number PC-001)
Plan 3 of 4 (Drawing Number PC-002)
Plan 4 of 4 (Drawing Number PC-003)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The Trunk Roads Authority has advised that this planning permission does not carry with it the right to carry out works within the trunk road boundary. Accordingly it will be necessary to consult with them on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved. You are advised to contact them direct on 0141 272 7388 to discuss this matter further.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01478/COU

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the Countryside Around Settlement Zone within which Policy STRAT DC 2 of the approved Argyll and Bute Structure Plan gives encouragement to development which accords with the settlement plan for the area on an appropriate small scale infill, rounding-off, redevelopment and change of use development sites. This policy further states that in special cases, a locational need or exceptional circumstance may justify a development.

The proposal will also involve the formation of a new vehicular access and car parking area together with the erection of a small store and polytunnel. It is not considered that the proposal will have a detrimental impact on the landscape since the only buildings proposed are very small scale and will not be readily visible from the A85 Trunk Road, the main public viewpoint to the site. The proposed lairs will have little impact on the landscape in that it would remain a largely open site.

The proposal also requires to be assessed for compliance with other relevant local plan policies which are detailed below.

It is considered that the proposal can be justified on the basis of locational need given its proximity to the existing long established burial ground.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for change of use of an area of agricultural ground to form an extension to the existing Pennyfuir Burial Ground situated on the outskirts of Oban.

Additional cemetery capacity is needed within the Oban area as the existing cemetery is nearing capacity.

The application site is situated to the north of the existing burial ground and shows the extension to be undertaken in two phases, phase 1 is to the north with phase 2 to the east.

Policy LP ENV 19, Development Setting, Layout and Design, requires consideration of the implications of the proposal for the natural, human and built environment. It is considered that this is a low key development which will have little impact on the surrounding landscape given its proximity to the existing burial ground and as such is considered consistent with this policy.

Policy LP COM 1, Community Facility Development, establishes a presumption in favour of new or improved community facilities, provided that they respect the landscape character and amenity of the surrounding area, that they are readily accessible by public transport where available, cycling and on foot and are located close to where people live. It is considered that the proposal will not have a significant adverse impact on the

landscape character and amenity of the surrounding area given the existing situation. The site is on the main Oban to Dunbeg bus route and is also easily accessible for pedestrians and cyclists. It is considered that the burial ground is located close enough to the settlements to be accessed in either of these ways whilst being a sufficient distance as not to cause any amenity issues which may otherwise arise. Accordingly the proposal is considered consistent with the policy.

The proposal has been advertised as a potential 'bad neighbour' development and as such requires to be assessed against Policy LP BAD 1. This policy states a number of criteria which must be met before permission can be granted.

The first point relates to unacceptable adverse effects on the amenity of neighbouring residents. Whilst there are three residential properties in close proximity to the burial ground, they are situated nearest to the existing long established burial ground and it is not considered that the extension to the north will have any significant adverse impact on their existing levels of amenity.

The second point relates to appropriate measures to reduce the impact on amenity and it is considered that landscaping and screening would reduce what little impact the proposal may have.

The third criteria requires that there has been no significant objections from transport, amenity or public service provision. Transport matters have been resolved during the processing of the application and no other objections have been received.

The fourth relates to technical standard with regards to roads issues and again these issues have been agreed with the Trunk Roads Authority.

The final criteria states that the proposal should not conflict with any other Structure Plan or Local Plan policy which it does not.

SEPA was consulted on the proposed development. There was ongoing correspondence between themselves and the applicant and in their final response they advised that they were satisfied that the proposal meets with the requirements associated with new burial grounds.

In this regard it is considered that the proposal satisfies the requirements of Policies LP ENV 19, LP COM 1 and LP BAD 1.

C. Built Environment

Structure Plan Policy DC 9, Historic Environment and Development Control, states that protection, conservation, enhancement and positive management of the historic environment is promoted. Development that damages or undermines the historic architectural or cultural qualities of the historic environment will be resisted, particularly if it would affect a Scheduled Ancient Monument or its setting, other recognised architectural site of national or regional importance, listed building or its setting, conservation area or historic garden and designed landscape.

Policy LP ENV 17, Development Impact on Sites of Archaeological Importance, states that there is a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute.

The site has been identified as an area which has the potential to raise substantive archaeological issues. Accordingly, they were consulted on the proposal and advised that the area proposed as Phase 2 represents a very obvious feature in the landscape at the head of Lochan Dubh, and as such, may have been an attractive focus for past settlement and has the potential to produce buried archaeological deposits.

Accordingly, due to the way in which cemeteries develop, ground disturbance associated with their operation takes place in a piecemeal fashion over a number of years, meaning that there is no practicable way of carrying out archaeological evaluation after consent has been issued. On this basis they advised that a prior archaeological evaluation of the site should be undertaken prior to permission being issued.

This initial evaluation has now been undertaken and the results submitted to West of Scotland Archaeology.

The evaluation indicated the survival of archaeological material in at least two areas of the site, in the form of a cobble-filled pit present to the east of the mound and an area of burning to the south of the lochan. The cobble-filled pit was only half excavated during the evaluation, but it looks very similar in form to features identified during other work at Dunstaffnage and which produced burials. Burnt bone was also found in the area adjacent to the lochan, and this has subsequently been identified as human. Given that the evaluation has identified the presence of potentially-significant archaeological material on the site, West of Scotland Archaeology Service confirmed that there will be a need for a further phase of work if the development is to progress. This can be adequately controlled by means of a suspensive planning condition, which will maintain a mechanism for ensuring the completion of a phase of mitigation fieldwork.

In this regard, subject to an appropriate condition, it is not considered that the proposal will have an adverse impact on the archaeologically sensitive area and is consistent with the criteria set out in Policies STRAT DC 9 and LP ENV 17 which seek to ensure that developments do not have an adverse impact on the character of the built environment.

D. Road Network, Parking and Associated Transport Matters.

The application proposes a new vehicular access taken from the A85 Trunk Road at the northern extremity of the extension together with the formation of a parking area.

The Trunk Roads Authority initially objected to this proposal on road safety grounds.

However, ongoing discussions have taken place between the Trunk Roads Authority, Strathclyde Police and the applicant in an attempt to resolve the road safety issues.

As a result of these discussions, revised drawings for the vehicular access and parking area were submitted in April 2010. The Trunk Roads Authority was consulted on the revised proposals and in May 2010 confirmed that they had no objection subject to the imposition of conditions regarding the construction of the access and provision of visibility splays.

In this regard it is considered that the proposal complies with Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the site.