

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE – 20 APRIL 2010**

Agenda Item	3.2
Report No	17/10

**09/00419/FULSU: The Highland Council  
St Duthus New Cemetery, Chapel Road, Tain**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description** : Extension to cemetery and formation of temporary haul road from Kirksheaf Road

**Recommendation - GRANT**

**Ward** : Ward 8 – Tain and Easter Ross

**Development category** : Local

**Pre-determination hearing** : None

**Reason referred to Committee:** Council development

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to extend the existing new cemetery to the east. A new wall will be built around the extension which will match that of the current cemetery. A temporary haul road running from Kirksheaf Road to the south of the site will also be constructed. This will allow construction traffic to access the site without any impact on the existing cemetery. This road will be removed once the development is complete.
- 1.2 The temporary haul road was not shown on the original drawings but amended drawings were received on 20 November 2009.

**2. SITE DESCRIPTION**

- 2.1 The site incorporates the St Duthus New Cemetery and the land immediately to the south and east. The site is bounded to the south by Kirksheaf Road and to the north by the railway line which runs parallel to Chapel Road. There is an existing gate along the eastern boundary of the cemetery which will be removed to provide access to the extension.

### 3. PLANNING HISTORY

#### 3.1 08/00263/FULSU

Erection of 9 private serviced house plots and 4 serviced semi-detached affordable units. Formation of access onto Kirksheaf Road. (As amended).

Approved 02/12/08

This planning permission relates only to the land to the south of the existing cemetery.

### 4. PUBLIC PARTICIPATION

#### 4.1 Advertised : Neighbour Notification (expiry date 30/10/09, and 18/12/09 (re-advertisement))

Representation deadline : 18 December 2009

Timeous representations : 1

Late representations : 0

#### 4.2 Material considerations raised are summarised as follows:

- The contributor was not notified despite owning part of the land to which the application relates. *[This was subsequently corrected by the applicants.]*

#### 4.3 All letters of representation can be viewed at the Area Planning Office.

### 5. CONSULTATIONS

#### 5.1 **Area Roads and Community Works Manager:** No objection

#### 5.2 **Contaminated Land :** No objection (verbal)

#### 5.3 **Environmental Health :** No response

#### 5.4 **Tain Community Council:** No response

#### 5.5 **Scottish Water:** No objection

### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

#### 6.1 **Highland Structure Plan 2001**

G2 Design for Sustainability

#### 6.2 **Ross and Cromarty East Local Plan**

Tain Settlement boundary

Town/village centre settlement policy

Tain H17 Housing – Kirksheaf Road  
(Housing site)

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

N/A

### **7.2 Highland Council Supplementary Planning Policy Guidance**

N/A

### **7.3 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

## **8. PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **8.3 Development Plan Policy Assessment**

The proposal is appropriately sited and is unlikely to have any undue impact on amenity. It is therefore considered to accord with Structure Plan policy G2. The existing cemetery is within the Tain Settlement boundary and is covered by the town/village centre policy. The proposed extension is immediately outwith the settlement boundary but is considered to be a logical expansion of the existing site.

### **8.4 Material Considerations**

The siting and layout of the proposed extension are considered to be acceptable and are unlikely to detract from the amenity of the area.

The construction of the haul road will prevent disruption in the existing cemetery during the course of the works. The road is unlikely to have any undue impact in the short term and will be removed on completion of the development.

A new wall will be built around the extension which will match the existing. This is considered to be acceptable.

In response to the concerns over landowner notification, notice was subsequently correctly served on the landowner, and the application was also re-advertised.

No other objections have been raised by consultees or third parties.

### **8.5 Other Considerations – not material**

None

## 8.6 Matters to be secured by Section 75 Agreement

None

## 9. CONCLUSION

- 9.1 The siting and layout of the proposed extension are acceptable. The proposals accord with policy and no objections have been raised by consultees or third parties. The proposals are recommended for approval subject to the conditions below.

## 10. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

**Subject to the above**, it is recommended the application be **GRANTED** subject to the following conditions:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

4. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

**Reason:** In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

5. The cemetery extension hereby approved shall not be brought into use until the haul road has been removed and the land restored to its original condition.

**Reason:** In the interests of amenity and for the avoidance of doubt.

6. For the avoidance of doubt, with effect from the date of this permission, no trees within the site shall be lopped, topped, felled or otherwise damaged unless otherwise approved in writing by the Planning Authority.

**Reason:** In order to ensure the protection of existing trees within the site.

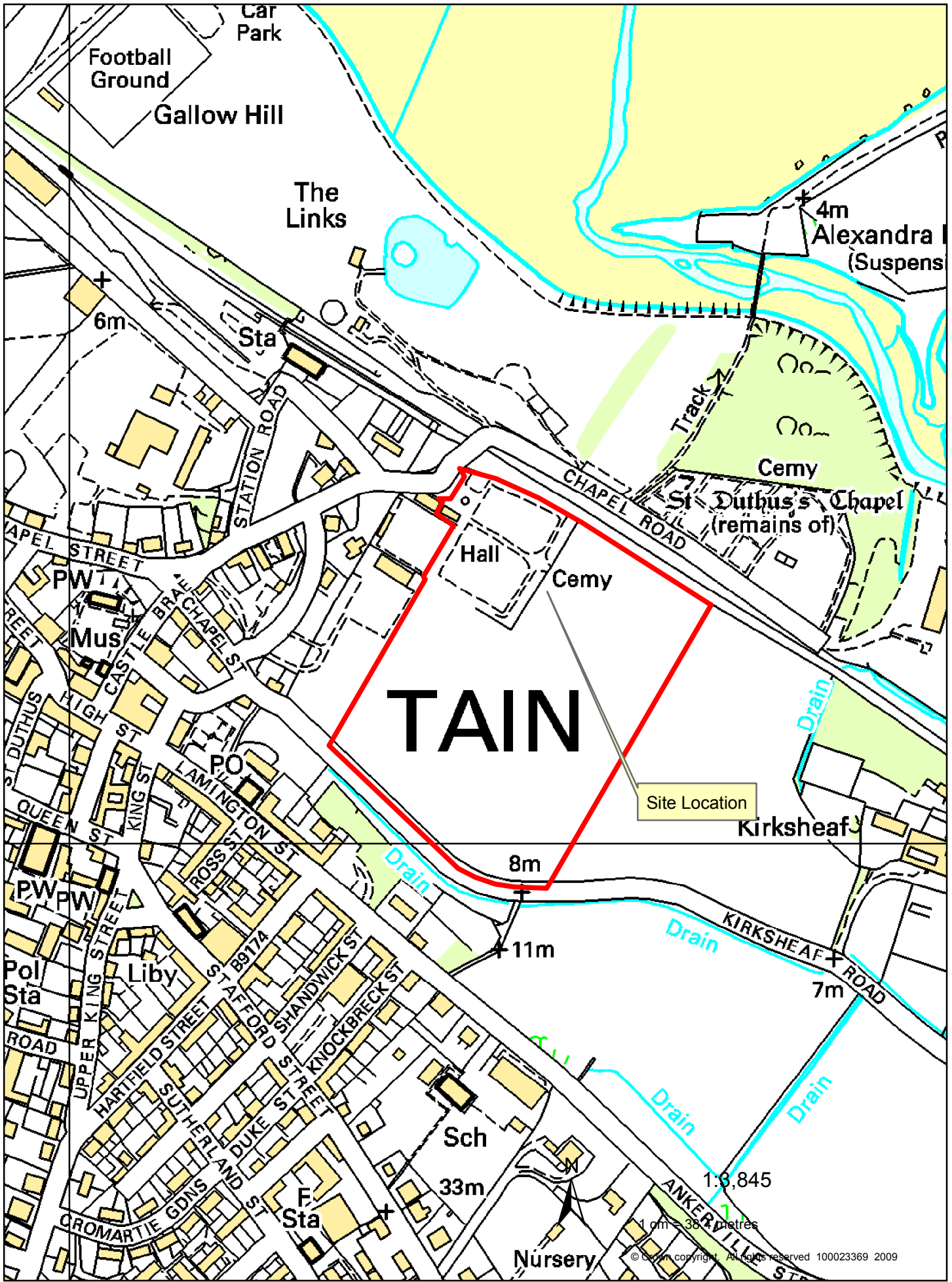
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager Caithness, Sutherland and Easter Ross

Author: Lisa MacKenzie

Background Papers: Documents referred to in report and in case file 09/00419/FULSU

Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Plan



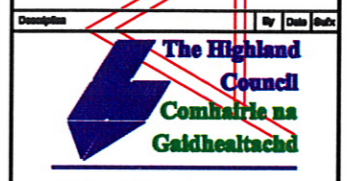
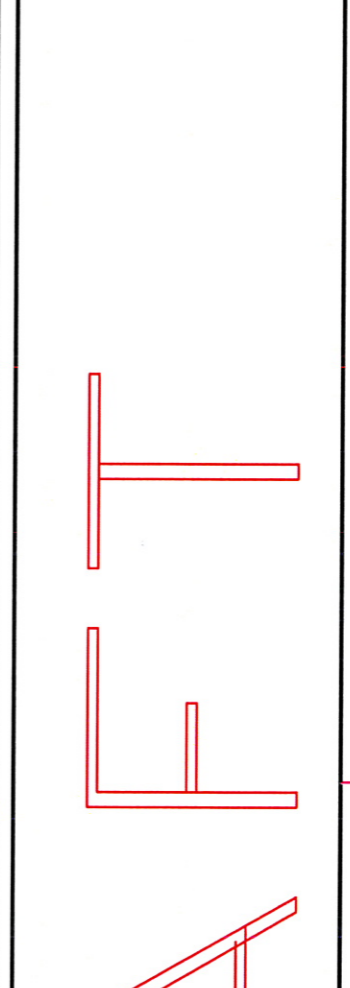
09/00419/FULSU  
 Extension to cemetery and formation of temporary haul road  
 from Kirksheaf Road at Saint Duthus Cemetery, Chapel Road, Tain.

Mr C Stewart  
 The Highland Council  
 Drummuie  
 Golspie

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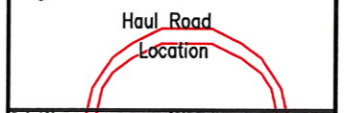
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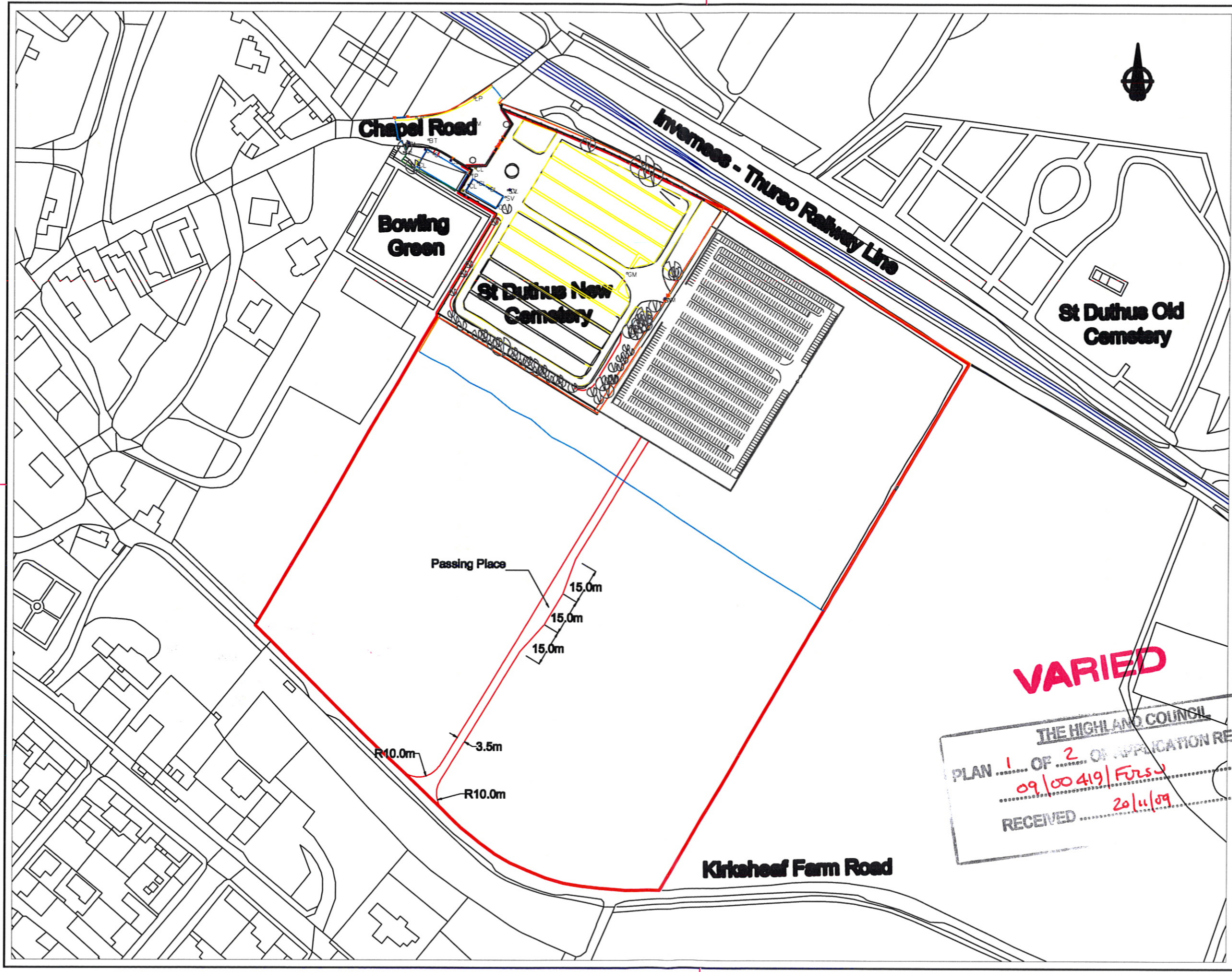


TDC Director: Neil Gillies  
Area Manager: Campbell Stewart  
Council Offices  
Glenelg  
KW10 6TJ  
Tel: 01408 630000  
Fax: 01408 630001

Project Title: Tain St. Duthus New Cemetery Extension



Scale of Plan: 1:1500	Grid File Name: Haul Road.dwg
Drawn: JS	Date: Nov 09
Checked:	Date:
Job No: 110000000	Planning No: PA02



**VARIED**

THE HIGHLAND COUNCIL  
PLAN 1 OF 2 OF APPLICATION REFERENCE  
09/00419/FURS  
RECEIVED 20/11/09

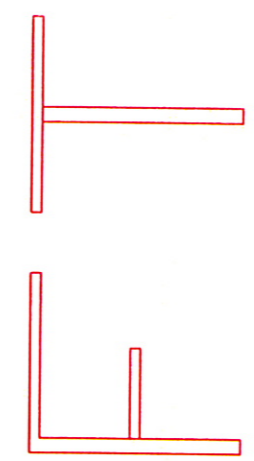
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**NOTES**

**FRONT FACE OF PLINTHS**

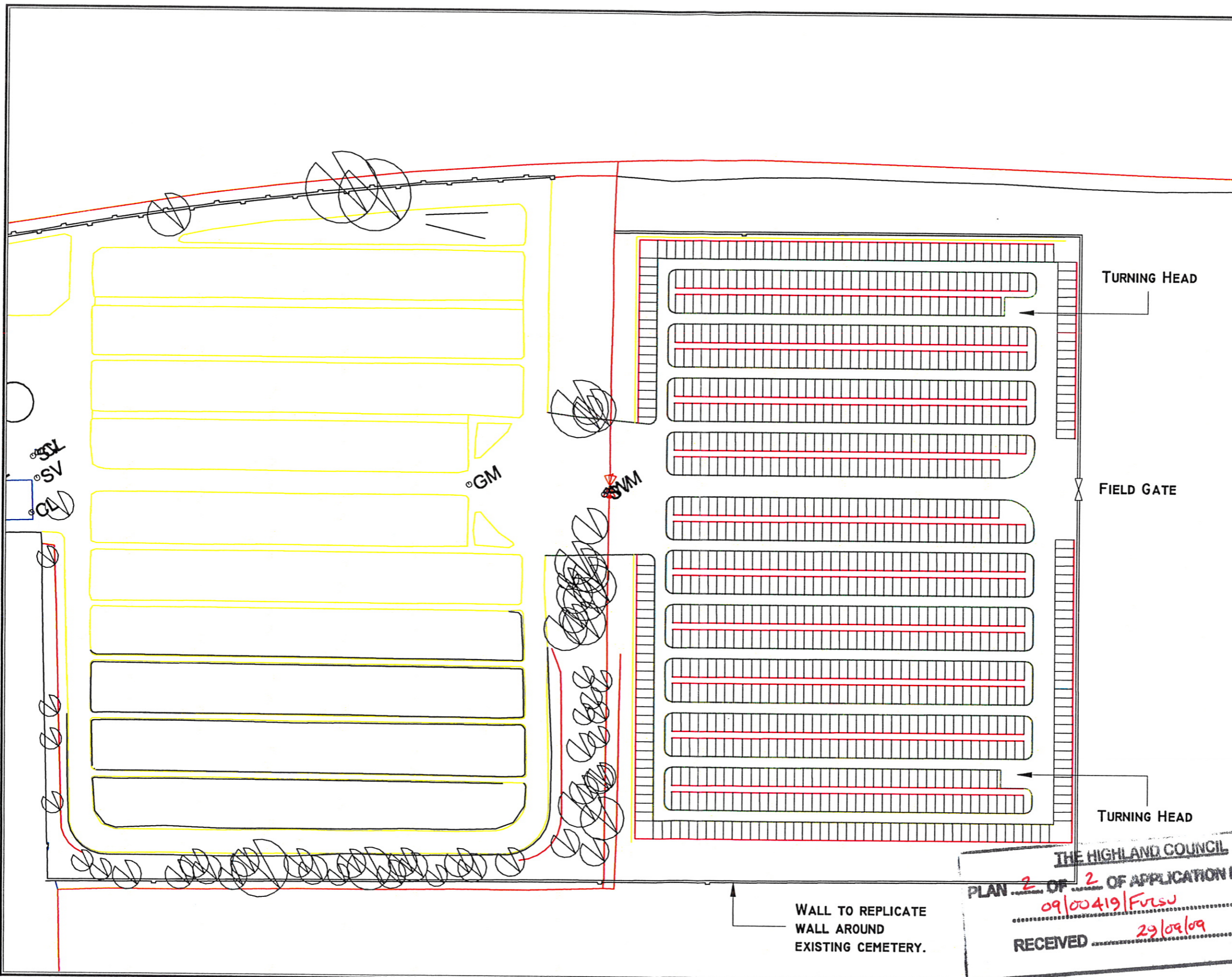
**LAYERS**



TEC SERVICES DIRECTOR : NEIL GALLAGHER  
 AREA MANAGER - CAMPBELL STEWART  
 COUNCIL BUILDINGS  
 DUNDEE  
 KW10 0TA  
 Tel: 01408 630000  
 Fax: 01408 630041

New Tain St Duthus  
 Burial Ground  
 Proposed Extension

Author	Checked	Drawn	Scale	Sheet No.
			1:250	001
Project	Client	Date	Drawn	Checked
New Tain St Duthus Burial Ground Proposed Extension		25/08/09		



WALL TO REPLICATE  
 WALL AROUND  
 EXISTING CEMETERY.

**THE HIGHLAND COUNCIL**

PLAN 2 OF 2 OF APPLICATION REFERENCE  
 09/00419/FULSU

RECEIVED 29/09/09