
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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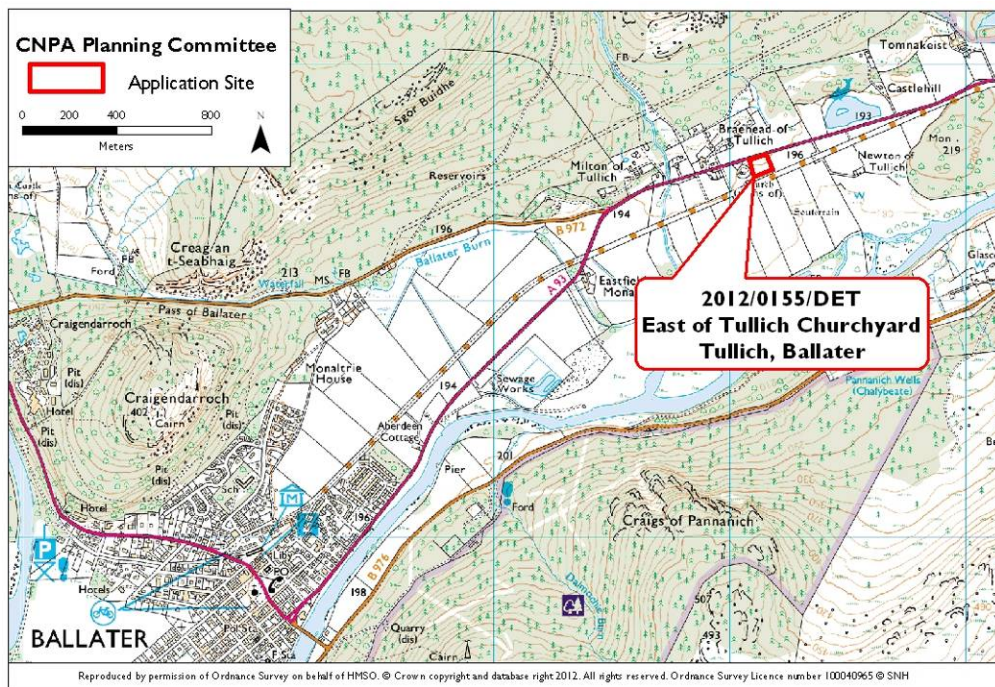
DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE ERECTION OF A SHELTER TO HOUSE SYMBOL STONES ON LAND EAST OF TULLICH CHURCHYARD, TULLICH, BALLATER

REFERENCE: 2012/0155/DET

APPLICANT: ABERDEENSHIRE COUNCIL, LANDSCAPE SERVICES

DATE CALLED-IN: 25 MAY 2012

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 339124 797575

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the erection of a shelter to house symbol stones on land which is intended to become part of an extension to the existing cemetery at Tullich, which is located to the north east of Ballater, adjacent to the A93 road. The application has been submitted by Aberdeenshire Council's Landscape Services division, which is responsible for cemeteries. The extension to the cemetery was the subject of a recent planning application which the CNPA approved.¹ The cemetery extension would be developed in the agricultural field adjacent to the existing cemetery, and the shelter proposed in this current planning application would be located in the south western corner.
2. Although proposed in this current separate application, the shelter in conjunction with other detailed landscaping plans which were part of the previously mentioned cemetery extension application. The area surrounding the proposed shelter would have a combination of grass and soft landscaping, as well as a seating area. The proposed shelter would consist of an oak frame, covered with a cedar shingle roof, which would also include a polycarbonate skylight. The curved 'walls' of the structure would be created by a hedge – yew or cyprus are the specified species.

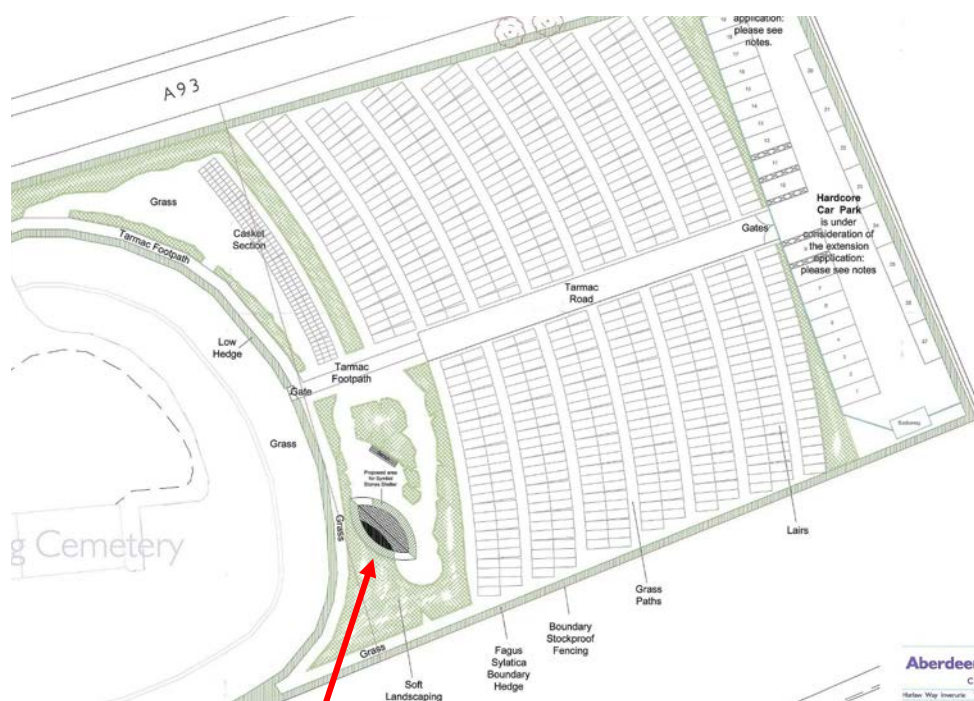


Fig. 2 : Proposed shelter in the south western area of cemetery extension

3. A small seating area, consisting of an oak bench is proposed to be set against one 'wall' of the shelter and an information board is also proposed within this area. The collection of shelter stones would be set in gravel on the opposite

¹ The planning application was determined at the meeting of 22nd June 2012. A decision notice has not yet been issued, due to the applicants wishing to engage in negotiations with SEPA regarding potential compliance with a number of conditions stipulated by SEPA.

side of the shelter, below the position of the skylight. The shelter stones are currently in storage, having undergone conservation works.

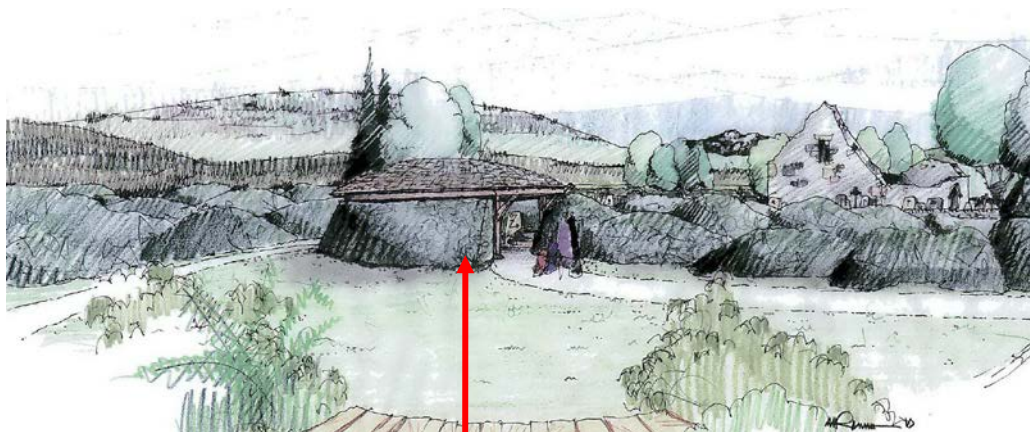


Fig. 3 : proposed shelter

DEVELOPMENT PLAN CONTEXT

National policy

4. **Scottish Planning Policy² (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
5. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the "aim is to achieve the right development in the right place."
6. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

² February 2010

7. Rural development : The aim is to enable development in all rural areas which supports sustainable communities whilst protecting and enhancing environmental quality. Planning authorities are encouraged to support and promote opportunities for environmental enhancement in rural areas. Para. 97 focuses on prime agricultural land, advising that this is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need.
8. Historic Environment : The historic environment is recognised as being a key part of Scotland's cultural heritage. Development management decisions are noted as one of the ways in which planning authorities can assist in safeguarding historic assets. The historic environment includes ancient monuments, archaeological sites and landscape and also comprises both statutory and non statutory designations.
9. **Scottish Planning Policy** includes a specific section on 'Scheduled Monuments and Designed Wrecks.' It clarifies that scheduled monuments are archaeological sites, buildings or structures of national or international importance and that "the purpose of scheduling is to secure the long term legal protection of the monument in the national interest, in situ, and as far as possible in its existing state and within an appropriate setting." It is advised in para. 118 that development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.
10. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
11. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan 2012 - 2017

12. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic

context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

Structure Plan Policy

North East Scotland Together, Aberdeen and Aberdeenshire Structure Plan 2001- 2016

13. The Structure Plan's vision is the development of a sustainable community. Achieving this is based firmly on the principles of
 - responsible management of natural, built and community resources;
 - fairness in allocation of these resources between competing demands; and
 - the need to benefit both existing and future generations.
14. In a section entitled 'Living in the North East' reference is made to community services. It is noted in para. 3.22 that community services take many forms and their distribution, the quality of services, and the level of access varies throughout the North East and impacts on the structure plan aim of connecting communities.
15. 'Looking after the North East' sets out the structure plan policies which provide a framework for the natural, built and cultural aspects of the environment. The approach taken is to give special protection to international, national and locally designated sites of environmental importance and to foster the natural and built heritage as a whole. Policy 20 concerns Built Heritage and Archaeology, stating that the built heritage will be conserved and promoted as a valuable non-renewable resource.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

16. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
17. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;

- Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
18. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
20. Policy 8 – Archaeology : There will be a presumption in favour of preserving in situ Scheduled Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting.
21. Policy 11 – The Local and Wider Cultural Heritage of the Park : there will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local wider or cultural historic significance, or its setting.
22. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

Supplementary Planning Guidance

23. In addition to the adoption of the Cairngorms National Park Local Plan (2010), a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

24. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance

this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment.

25. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

CONSULTATIONS

26. **Historic Scotland** : The consultation response states that the proposed stone shelter is in the vicinity of a scheduled monument.³ It is noted that the purpose of the shelter is to create a protective environment around the symbol stones, in order to secure their long-term future. Historic Scotland also confirm that the symbol stones are currently in storage having undergone conservation works. The consultation response notes that the proposed shelter is sensitive to the setting of the church and does not raise issues of national significance. Historic Scotland raises no objection to the development proposal.
27. **Aberdeenshire Council Archaeology Service** : Having taken into consideration “the nature of the proposal and its specific aim of providing a permanent structure to house, protect and allow public access to the Pictish and Early Christian carved stones” the Archaeology Service confirm that there is no comment to make.
28. **Ballater and Crathie Community Council** : The response from Ballater and Crathie Community Council puts forward a number of points and raises a number of queries. It is noted that “historically, all seems to be well.” However, the content of the proposed information boards is queried, as is the nature of the outer walls of the shelter, with the Community Council wondering if they are ‘see through.’ Other queries are also raised, including whether or not the stones could be touched once positioned within the shelter, and if there is a closing time for the shelter.⁴ The Community Council also query why the shelter has been designed as a ‘boat shape.’
29. *Applicant response* : The queries raised in the Community Council consultation response were put to the applicant and the following information was received.
- A decision has not yet been made on the final detail of the proposed information board, although it is “intended to be an oak wood frame sealed board / laminate finish.” The final detail on the content of the board has not yet been decided, but it is intended to be a history of the kirk and each stone will be detailed and numbered. A discussion

³ Scheduled monument index no. 86 - Tullich church, burial ground and symbol stones.

⁴ The application form indicates a ‘start time’ of 7.30am and a ‘finish time’ of 4pm.

between Historic Scotland and the applicant is to take place on this matter;

- The 'walls' of the shelter will include a rough sawn larch fence on the inside, as a temporary measure to protect and allow the hedge time to establish;
- The times referred to in the application form refer to the working hours of staff who may be at the cemetery. The shelter will be accessible at all times, and there are no gates or doors to impede entry;
- The symbol stones will be anchored by small secured bronze claws. They will not be covered and will be touchable;
- The 'boat shape' design is intended to depict a mix of native iron age housing and a form of Viking longhouse, or blackhouse design which is well known in the Western Isles.

REPRESENTATIONS

30. No representations have been received in relation to the development proposal.

APPRAISAL

Principle

31. A cemetery is already in existence, and the CNPA resolved to grant planning permission for an extension to the cemetery on this land at their recent planning committee meeting. The proposal for the extension included landscaping details and also indicated that a shelter would be proposed in the south western corner of the extension site, in a new planning application. In accepting the principle of the cemetery expansion into the agricultural field, there was also an acceptance of various landscape elements. The current proposal is therefore the detailed expression of one of those landscape elements. There is no planning policy relating directly to the development of cemeteries. However, in considering it in the context of policies relating to rural development and landscape, the proposal is acceptable. The erection of a shelter within the cemetery extension is acceptable and has the potential to enhance the landscape strategy for the site.

Location

32. The proposed location of the shelter in the south western area of the cemetery extension is acceptable. The existing ground levels gradually fall from road level towards the rear of the site at the base of the former railway line embankment i.e. from north to south. As such the shelter is proposed in the lowest lying area of the site and in a location which will minimise its visibility from the surrounding area. Although the new structure would be located in relatively close proximity to the church ruins within the existing cemetery complex, it would not adversely impact on the setting of the scheduled monument. This has been corroborated by the comments of Historic Scotland in its consultation response.

Design

33. The limited scale and the curved shape of the shelter, together with the natural and sustainable materials proposed (oak frame, cedar roof shingles, hedgerow walls) are appropriate to the proposed setting. The overall design approach and the choice of materials will assist in creating a structure which will blend in with the wider landscaping strategy that would be undertaken in conjunction with the development of the cemetery extension. The design would deliver a structure which avoids the potentially prominent and hard lines of a more conventional engineered shelter and in addition to blending with its surroundings, it would deliver the important function of providing protection for the symbol stones, whilst also providing a sheltered space for visitors to the cemetery to reflect and experience their surroundings. The proposed shelter is considered to accord with Policy 6 (Landscape) of the CNP Local Plan and it has the potential to complement and enhance the landscape character of this particular location. Due to the fact that it would provide protection for the collection of symbol stones, whilst also providing the general public with an opportunity to view the stones, it can also be considered to comply with Policy 8 (Archaeology) and Policy 11 (The Local and Wider Cultural Heritage of the Park) of the Local Plan.

Conclusion

34. In conclusion, the proposal to erect a shelter to house symbol stones within the area of the intended new cemetery extension at Tullich, is acceptable. It accords with planning policy, and also respects the cultural heritage and traditions of the existing cemetery. The new shelter would be a key part of the landscape elements associated with the new cemetery extension. While it is not envisaged that the development would proceed in isolation from the cemetery extension, it is recommended that a condition would be included in the event of the granting of planning permission to link its development to the cemetery extension.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

35. The proposed development is in close proximity to recorded sites and a Scheduled Ancient Monument. The proposed shelter would not adversely impact on the cultural heritage attributes. It would also facilitate the display of a number of symbol stones whilst providing an element of protection for the stones. The proposal would therefore assist in conserving and enhancing the natural heritage of the area.

Promote Sustainable Use of Natural Resources

36. A range of natural and sustainable materials are proposed in the construction of the shelter. The development would make a positive contribution to this aim.

Promote Understanding and Enjoyment of the Area

37. The erection of a shelter would provide visitors to the cemetery with an opportunity to view the culturally important symbol stones. The information board proposed within the shelter would also be of assistance in furthering the general public's understanding of the facility. The new development would also provide a shelter for visitors to the cemetery, including a covered seating area, which may be of benefit to visitors wishing to reflect and contemplate the surroundings.

Promote Sustainable Economic and Social Development of the Area

38. The proposed development would be of limited relevance to this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT planning permission for the erection of a shelter to house symbol stones on land to the east of Tullich Churchyard, Ballater, subject to the following conditions :

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

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc. Scotland Act 2006.

2. The development shall only be undertaken in conjunction with the development of the cemetery extension permitted under CNPA ref. no. 2012/0086/DET.

Reason : In the interests of orderly development and to ensure that the shelter is not developed in isolation.

3. Prior to the commencement of development, detailed specifications (materials and dimensions) of the information board within the shelter shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The information board shall thereafter be erected in accordance with the agreed details.

Reason : In the interests of orderly development and to ensure that the information board assists the general public's understanding of the area.

4. Prior to the commencement of development, a contoured site plan showing existing ground levels and finished floor levels and path levels on the approaches to the shelter shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority

Reason: to ensure that the development assimilates into the surroundings and to ensure that there is adequate accessibility for all user groups.

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11 July 2012

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.