

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 JUNE 2014**

**REST GARDEN, MAIN STREET, BARRY**

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

**ABSTRACT:**

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission in principle for the erection of a dwellinghouse, application No 13/01129/PPPL, at Rest Garden, Main Street, Barry.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (Appendix 1);
- (ii) review the case submitted by the Applicant (Appendix 2); and
- (iii) consider further lodged representations by interested parties (Appendix 3).

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN**

This Report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the Appeal.

**4. FINANCIAL IMPLICATIONS**

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

**5. CONSULTATION**

In accordance with Standing Order 47(3), 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.

**Report Author: Sarah Forsyth**  
**E-Mail: LEGDEM@angus.gov.uk**

**List of Appendices:**

- Appendix 1 – Submission by Planning Authority
- Appendix 2 – Submission by Applicant
- Appendix 3 – Further Lodged Representations by Interested Parties

**APPLICATION NO. 13/01129/PPPL**  
**APPLICANT: KIRK OF SESSION OF BARRY PARISH CHURCH FOR**  
**REST GARDEN, MAIN STREET, BARRY**

**ANGUS COUNCIL'S SUBMISSION**

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**Letters of Representation (Contd)**

- AC31 Mr & Mrs A McLeish (16.01.14)
- AC32 Mr & Mrs Allan Buick (16.01.14)
- AC33 Mr A Spiers (16.01.14)
- AC34 Mr David Bell (16.01.14)
- AC35 Mr R N Bell (16.01.14)
- AC36 Mrs F Colligan (16.01.14)
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- AC40 Pamela O'Donnell (16.01.14)
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- AC43 Bernard & Evelyn Sherman (17.01.14)
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- AC45 Craig Robertson (17.01.14)
- AC46 Don Cox (17.01.14)
- AC47 Elaine Brown (17.01.14)
- AC48 Hazel S Gair (17.01.14)
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- AC51 Katie Robertson (17.01.14)
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- AC57 Mr & Mrs C Gilbert (20.01.14)
- AC58 Mr James Blackhall (20.01.14)
- AC59 Patricia Cairney (20.01.14)
- AC60 C McWilliam (07.02.14)

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**Application Drawings**

- AC61 OS Map
- AC62 Refused Drawing

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**Further Information Relevant to Assessment**

- AC63 Site Photographs
- AC64 Decision Notice

## Angus Council

<b>Application Number:</b>	13/01129/PPPL
<b>Description of Development:</b>	Planning Permission In Principle For Erection Of A Dwellinghouse
<b>Site Address:</b>	Rest Garden Main Street Barry
<b>Grid Ref:</b>	353661:734416
<b>Applicant Name:</b>	Kirk Of Session Of Barry Parish Church

## Report of Handling

### Site Description

The application site which measures 612 square metres is located to the north of Main Street at its junction with Mill Road. The application site is currently in use as an amenity space/rest garden with a semi-formal appearance with seating, connecting pathways and soft landscaping. The application site is bound to the north by a graveyard, to the east by Mill Road, to the south by Main Road and to the west by a pedestrian entrance to the graveyard. The boundaries of the application site consist of stonewalls of varying heights. The north part of the application site historically accommodated a church building with an approximate footprint of 350 square metres until it was demolished in the early 1990's.

### Proposal

The application seeks planning permission in principle for the erection of a new dwellinghouse. No details are provided showing elevations, an indicative house position or vehicular access.

The application has not been subject of variation.

### Publicity

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require a site notice to be posted.

### Planning History

None.

### Applicant's Case

No supporting statement has been submitted for the planning application by the applicant or on behalf of the applicant.

## Consultations

**Community Council** - Offered no objection but has indicated that residents are most concerned about the potential loss of what many regard to be the 'focal point' of the village. The Rest Garden has featured in the lives of the Barry community for over 100 years and is a valued, peaceful, 'green-space' amenity for residents and visitors alike. It is clear many local residents feel that future development of this site would seriously undermine the public visual amenity and established character of the village.

**Angus Council - Roads** - No objections subject to conditions

**Scottish Water** - No objections

## Representations

58 letters of representation were received. 57 objected to the proposal and 1 offered more general comments.

The main points of concern were as follows:

- Detrimental to Residential Amenity
- Loss of Open Space
- Noise Disturbance
- Unacceptable Landscape/Visual Impact
- Contrary to Development Plan
- Road Traffic/Pedestrian Safety
- Adverse Impact on Road Safety
- Surface Water Drainage Concerns
- Inadequate Sewerage Provision
- Existing Drainage System at Capacity
- Detrimentially Affects Listed Building
- Development Not Required
- Detrimentially Affects Wildlife

The relevant matters are discussed in the Assessment section of this report. However it is appropriate to deal with a number of matters at this stage as follows: -

Disruption and unacceptable noise impacts during construction works - I do not consider that the works associated with the development would merit refusal of this application. It is not uncommon for small residential developments of this scale to be undertaken in existing residential areas.

Impacts on listed buildings - the application site does not contain any listed buildings or any scheduled ancient monuments.

Impacts on wildlife - the application site is not located in an area that is subject of any ecological designation and I do not consider that the natural heritage designations in the wider area would be adversely impacted by the development.

Development of this site represents a Schedule 3 Development as defined by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 - it should be noted that the aforementioned regulations have been superseded by the 2013 Regulations however this has not altered what is considered to be a Schedule 3 Development. In relation to this matter a residential development is proposed in a predominantly residential area and such a development would not alter the character of an area of established amenity or introduce significant change into a homogeneous area therefore the proposed development is not considered to represent a Schedule 3 Development in the context of the aforementioned regulations.

## **Development Plan Policies**

### **Angus Local Plan Review 2009**

Policy S1 : Development Boundaries

Policy SC32 : Open Space Protection

### **TAYplan Strategic Development plan**

The application is not strategically significant and the policies of the TAYplan are not referenced.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

## **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The application site is not specifically allocated and lies within the Development Boundary of Barry and as such the proposal is assessed in terms of the provisions of Policy S1 criterion (a). This policy indicates proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

The application site is identified as 'Rest Garden'. Whilst historically there may have been a church building on the site, that was removed a number of years ago and the site has been used as an amenity space for the village over a period of time. It has a semi-formal

appearance with seating, connecting pathways and soft landscaping and in terms of this planning application the proposal must be considered as open space/amenity ground. The principle of the development falls to be considered against Policy SC32: Open Space Protection which indicates there is a general presumption against development of open spaces of sporting, recreational, amenity or nature conservation value for other forms of development. The proposed development is unrelated to a recreational use or activity therefore the development of the site as a housing plot would remove the open space/amenity ground. The proposal does not make provision for replacement open space and there is no evidence to suggest that there is an over provision of amenity space in the local area. It is apparent from the level of objection to the application that the potential loss of this open space is a matter of significant concern to the local community and in this respect the open space area is considered to be of value to the amenity of the area. The application site is the only meaningful open space within the village and its development for a dwellinghouse is contrary to Policy SC32 which presumes against the development of valued open spaces.

As the proposal is contrary to Policy SC32 the proposal is therefore also contrary to Policy S1 criterion (a).

In respect of the material planning matters raised in the letters of representation I note the concerns regarding road safety but I note that the Roads Service has offered no objection to the application. Issues regarding the impact of a house on the amenity of neighbours could be addressed in a subsequent application in the event that planning permission in principle was granted. In relation to flooding concerns the application site is located outwith the flood envelope of any existing watercourse. The surface water drainage arrangements for the development could be addressed through a subsequent application for approval of details if planning permission in principle was granted. Scottish Water has not objected to the proposed development but a connection to its infrastructure would not be allowed until the applicant had appropriate Scottish Water approval.

The level of objection regarding the loss of the open space is a material planning consideration. The level of objection gives some indication of the value that that local community attaches to the amenity area and this merits some weight in the determination of the application.

In conclusion the application proposes to develop an area of open space/amenity ground. The application site is an amenity space that contributes positively to the streetscene and that appears to be of some value to the residents of Barry. The development of the site for a use other than open space is not compatible with Policy SC32 of the Angus Local Plan Review which presumes against the development of open spaces of amenity value. The public opposition to the loss of this amenity open space merits some weight in the decision making process and supports the local plan presumption in favour of protection of the area. The proposal is contrary to development plan policy and there are no material considerations that would justify approval of the application contrary to the provisions of development plan policy.

## **Human Rights Implications**

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it

is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

## **Equalities Implications**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **Decision**

The application is Refused

### **Reason(s) for Decision:**

1. That the application is contrary to Policy SC32 of the Angus Local Plan Review 2009 as the proposed development would result in the loss of an area of open space that contributes positively to the streetscene and provides a usable and valuable area of amenity space for the village of Barry.
2. That the proposal would be contrary to Policy S1 criterion (a) of the Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely Policy SC32.

## **Notes**

Case Officer: Ruari Kelly  
Date: 13.03.2014



## Appendix 1

### Development Plan Policies

#### Angus Local Plan Review 2009

##### Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

##### Policy SC32 : Open Space Protection

There is a general presumption against development of open spaces of sporting, recreational, amenity or nature conservation value including those shown on the Proposals Maps, for other forms of development. The loss of open space will only be considered acceptable where:

\* the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or nature conservation value or compromise its setting; or

\* replacement open space of the same type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area; or

\* it is demonstrated through an open space audit that there is an identified excess of open space provision in the local area to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.

#### TAYplan Strategic Development plan

**DEVELOPMENT BOUNDARIES**

1.29 Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. The presence of a boundary does not indicate that all areas of ground within that boundary have development potential.

**Development boundaries:**

Generally provide a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.

**Policy S1 : Development Boundaries**

**(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.**

**(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.**

**(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.**

**Public interest:** Development would have benefits for the wider community, or is justifiable in the national interest.

Proposals that are solely of

commercial benefit to the proposer would not comply with this policy.

## Open Space

2.77 One of the characteristics of the Angus towns and villages is the diversity of open spaces, including public parks, coastal links areas, school playing fields, private gardens and grounds, allotments, path networks, civic spaces and general amenity areas including areas of tree planting. These spaces and the way they link together form a network of open space within the built up area and define the layout and structure of the Angus towns and villages.

2.78 Open spaces serve a range of functions, they contribute towards the amenity and character of an area, are an important sporting, recreational and social resource, provide opportunities for wildlife and nature conservation and are valued and enjoyed for a variety of reasons. The Local Plan seeks to protect the open space network from development, which might erode the function of open spaces or the characteristics for which they are valued. This includes green corridors, which provide physical linkages to major open spaces and direct access to the countryside.

### Policy SC32 : Open Space Protection

**There is a general presumption against development of open spaces of sporting, recreational, amenity or nature conservation value including those shown on the Proposals Maps, for other forms of development. The loss of open space will only be considered acceptable where:**

- **the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or nature conservation value or compromise its setting; or**
- **replacement open space of the same type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area; or**
- **it is demonstrated through an open space audit that there is an identified excess of open space provision in the local area to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.**

### **PAN 65: Planning and Open Space**

#### **Types of Open Space: -**

**Public parks and gardens** – Areas of land normally enclosed, designed, constructed, managed and maintained as a public park or garden;

**Private gardens or grounds** -Areas of land normally enclosed and associated with a house or institution and reserved for private use;

**Amenity greenspace** -Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons i.e. road verges, or greenspace in business parks, and used for a variety of informal or social activities such as sunbathing, picnics or kickabouts;

**Playspace for children and teenagers** - Areas providing safe and accessible opportunities for children's play, usually linked to housing areas;

**Sports areas** – Large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports i.e. playing fields, golf courses, tennis courts, bowling green; areas which are generally bookable;

**Green corridors** – Routes including canals, river corridors and old railway lines, linking different areas within a town or city or part of a designated and managed network and used for walking, cycling or horse riding, or linking towns and cities to their surrounding countryside or country parks. These may link green spaces together;

**Natural/semi-natural greenspaces** – areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas;

**Other functional greenspaces** allotments, churchyards and cemeteries;

**Civic space** – squares, streets and waterfront promenades, predominantly of hard landscaping that provide a focus for pedestrian activity and make connections for people and for wildlife, where trees and planting are included.

**LeslielA**

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**From:** KellyR  
**Sent:** 16 January 2014 08:09  
**To:** LeslielA  
**Subject:** FW: APPLICATION 13/01129/PPPL - REST GARDEN BARRY  
**Attachments:** CC LETTER TO PLANNING RE BARRY REST GARDENS.pdf

Irene

Can this be recorded as a representation against the above application?

Ruari

**Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities  
- Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG. ☎ (01307) 473306**

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**From:** Jim Simpson [mailto:carnoustiecc@carnoustiecommunitycouncil.org]  
**Sent:** 15 January 2014 18:08  
**To:** KellyR  
**Subject:** APPLICATION 13/01129/PPPL - REST GARDEN BARRY

Dear Mr Kelly, attached please find letter in respect of the above application.  
Regards, Ian Simpson

# *Carnoustie Community Council*



15<sup>TH</sup> January 2014

Angus Council  
Communities  
Planning and Transport Division  
County Buildings  
Market Street  
Forfar DD8 3LG

For the attention of Ruari Kelly, Planning Officer

Dear Mr Kelly,

**Ref: 13/01129/PPPL – Planning Permission in Principle for erection of dwelling house. Rest Garden, Main Street, Barry**

We have been contacted on behalf of several Barry village residents in respect of the above application.

The residents are most concerned about the potential loss of what many regard to be the 'focal point' of the village. The Rest Garden has featured in the lives of the Barry community for over 100 years and is a valued, peaceful, 'green-space' amenity for residents and visitors alike. It is clear many local residents feel that future development of this site would seriously undermine the public visual amenity and established character of the village.

We would urge that you take this into account when considering the application.

Yours sincerely,

**Ian D Simpson**, Planning Contact.



13<sup>th</sup> February 2014

Angus Council  
Angus House Orchardbank Business Park  
Forfar  
Angus  
DD8 1AX

**SCOTTISH WATER**

Customer Connections  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Customer Support Team  
T: 0141 414 7660  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [individualconnections@scottishwater.co.uk](mailto:individualconnections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 13/01129/PPPL**  
**DEVELOPMENT: Barry Main Street**  
**OUR REFERENCE: 649072**  
**PROPOSAL: Planning Permission In Principle For Erection Of A Dwellinghouse**

**Please quote our reference in all future correspondence**

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Clatto Water Treatment Works currently has capacity to service this proposed development.

Hatton Waste Water Treatment Works currently has capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Stephen Scully**  
Customer Connections Administrator  
Tel: 0141 414 7220



24<sup>th</sup> February 2014

Angus Council  
Angus House Orchardbank Business Park  
Forfar  
Angus  
DD8 1AX

## SCOTTISH WATER

Customer Connections  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Customer Support Team  
T: 0141 414 7162  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [individualconnections@scottishwater.co.uk](mailto:individualconnections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 13/01129/PPPL**  
**DEVELOPMENT: Barry Main Street Rest Garden**  
**OUR REFERENCE: 650422**  
**PROPOSAL: Planning Permission In Principle For Erection Of A Dwellinghouse**

### **Please quote our reference in all future correspondence**

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Clatto Water Treatment Works may have capacity to service this proposed development.

Hatton Waste Water Treatment Works may have capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system may be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.



It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Lisa Main**  
Customer Connections Administrator

## LeslielA

---

**From:** Claire.Herbert@aberdeenshire.gov.uk  
**Sent:** 06 January 2014 13:32  
**To:** PLNProcessing  
**Cc:** KellyR  
**Subject:** Planning application 13/01129/PPPL - archaeology comments  
**Plan App No:** 13/01129/PPPL  
**Planning Officer:** Ruari Kelly  
**Proposal:** Planning Permission In Principle For Erection Of A Dwellinghouse  
**Address:** Rest Garden, Main Street, Barry  
**Post Code:**  
**Grid Reference:** NO 5366 3441

Having considered the above application, which lies within the historic core of Barry village, in close proximity to the archaeology site NO53SW0051, the remains of a church built on the site of a medieval church, I can advise that in this particular instance the following Condition should be applied over all groundbreaking works due to the potential for previously unrecorded archaeology to survive in this area:

### **“Watching-brief Condition (PAN 2/2011, SPP, SHEP)**

The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organization retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

### **Reason: to record items of archaeological interest.”**

Should you have any comments or queries regarding the above then please do not hesitate to contact me.

Kind regards,  
Claire

Claire Herbert

Archaeologist  
Archaeology Service  
Infrastructure Services  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

01224 665185  
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray & Angus Councils

<http://www.aberdeenshire.gov.uk/archaeology>

<http://www.aberdeenshire.gov.uk/smrpub>

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www.aberdeenshire.gov.uk

Name: ANDRÉE D.C. RITCHIE **AC6**  
Address: BEECHWOOD  
MAIN ST. BARRY  
Date: 3<sup>rd</sup> JANUARY 2014

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

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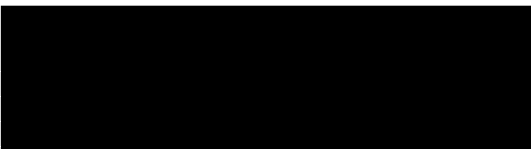
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To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: HARRY RITCHIE **AC7**

Address: BEECHWOOD  
MAIN ST. BARRY

Date: 3<sup>rd</sup> JANUARY 2014

12/12/14

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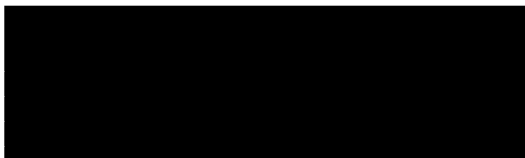
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Name: KATE HALL  
 Address: Pentland Cottage  
 Main St  
 Barry DD7 7RP  
 Date: 3/1/14

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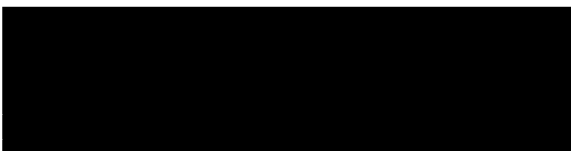
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Yours sincerely,



3/1/14

## LesliEA

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**From:** KellyR  
**Sent:** 16 January 2014 15:37  
**To:** LesliEA  
**Subject:** FW: planning application 13/01129/PPPL  
**Attachments:** Houses surrounding the Rest Garden Main Street Barry known to object to application 13\_01129\_PPPL.PNG

Irene

Can this be recorded as a further objection to the above application?

Ruari

**Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities**  
- Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG. ☎ (01307) 473306

---

**From:** KATE PEARCE [mailto:k.pearce@virgin.net]  
**Sent:** 16 January 2014 14:15  
**To:** KellyR  
**Subject:** Re: planning application 13/01129/PPPL

Hi Ruari,

Thanks for taking the time to speak to me yesterday, it was really helpful. I'm sending you a small image that I've drawn up which I'd like you (if possible) to add into the report which you are going to submit. I think it's important that the the decision makers can see clearly how unwanted a planning approval (even just an 'in principle' one) is by the properties surrounding the site.

I have a few more letters of objection here, which I will be delivering to the planning office tomorrow.

yours, with thanks,

Kate Hall  
Pentland Cottage  
Main St  
Barry  
DD7 7RP

2 Barry Cottages

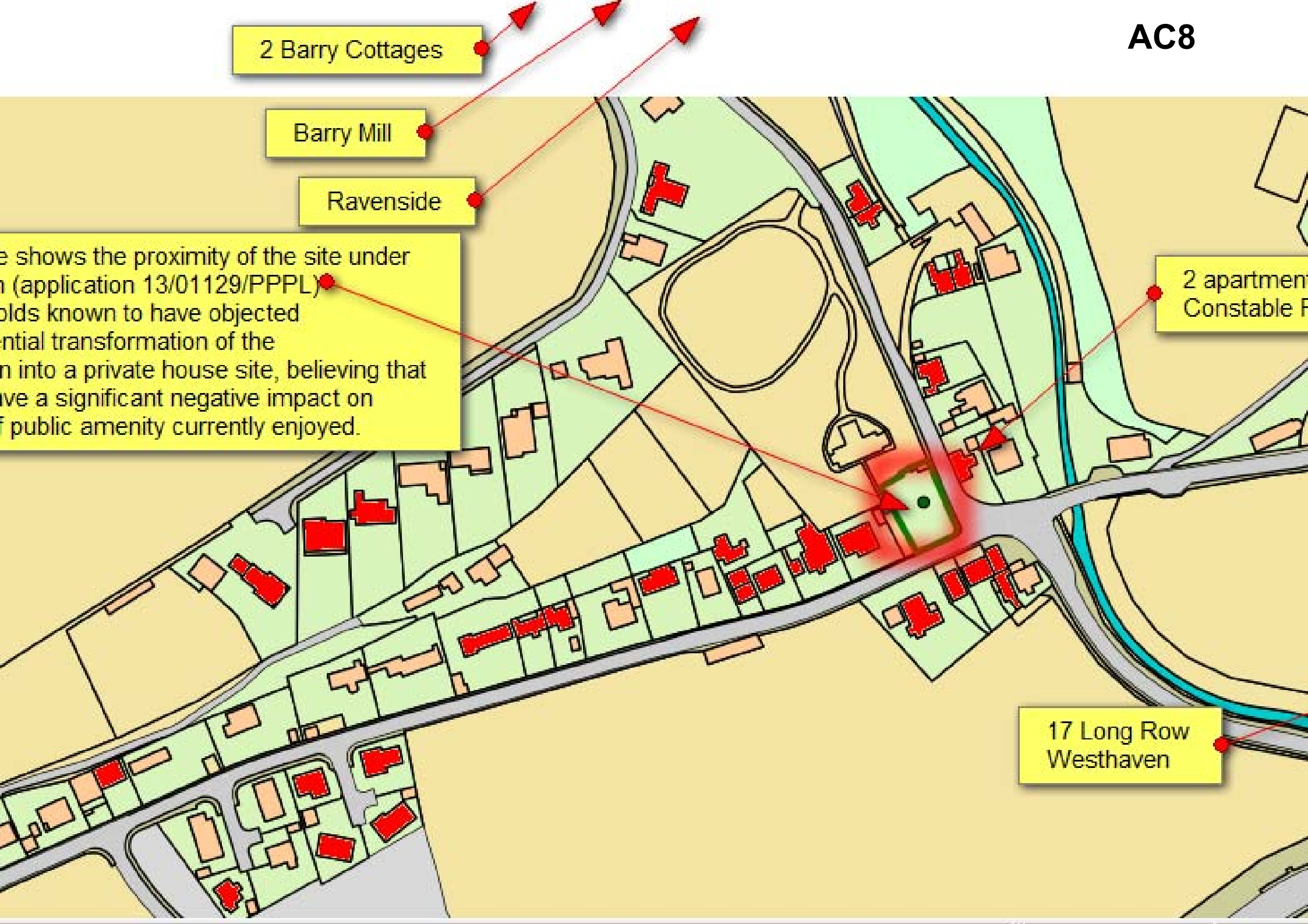
Barry Mill

Ravenside

The map shows the proximity of the site under consideration (application 13/01129/PPPL) to properties known to have objected to the potential transformation of the site into a private house site, believing that this would have a significant negative impact on the public amenity currently enjoyed.

2 apartments  
Constable Farm

17 Long Row  
Westhaven





Recorded

AC9

'Denheath'

Main Street

Barry

Carnoustie

DD7 7RP

30<sup>th</sup> December 2013

03 JAN 2014  
HWLW

Dear Sir

**Objection to Planning Application Reference – 13/01129/PPPL**

I wish to object to the above planning application for the following reasons:

1. My home is immediately adjacent to the proposed development and I would be extremely concerned with regards to the construction work involved – not the inconvenience of it. Although one of our cars is kept within our garage, the other cars are parked in our driveway. These vehicles would be at risk of being damaged as well as probably being permanently filthy. In addition my driveway, garden, windows etc, would also be permanently filthy.
2. Noise would also be a concern. My husband does shift work and has to sleep during the day whilst on night shift. Sleeping for him would, therefore, be impossible.
3. I was of the understanding that there is a problem with drainage in Main Street, Barry and that any additional property would only add to the problems. In heavy rainstorms the water literally pours down that area and seems to struggle to drain away.
4. The proposed sight is a rest garden which is now beautifully kept and building a dwelling house would completely ruin the visual appearance of the of area.
5. I would also be concerned with the length of time the construction work would take. I know of properties that have taken YEARS to complete which in turn become nothing more than a 'nuisance' and an 'eyesore'.

I hope that my objections are taken fully into consideration as I feel my family would be most badly affected being immediately adjacent to the proposed development. I am quite sure that NO-ONE would want this type of construction going on 'next door'.

Yours faithfully



Laura Webb (Mrs)

Name: **MIKE HALL AC10**  
Address: **ROSLAND COTTAGE,**  
**MAIN STREET, BARRY**  
Date: **DD7 7RP**  
**3/1/2014**

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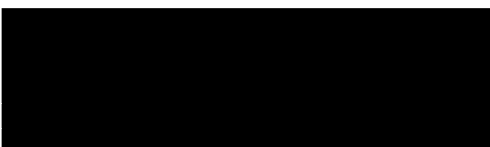
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Yours sincerely,



Name: ALEX. ROLLO AC11

Address: OLD BARRY POST OFFICE  
MAIN STREET Tully Neighbourhood

Date: BARRY  
4th JAN. 2014

IL/KW

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Yours sincerely,



Melanie Costello  
Name: OLD BARRY Post Office  
Address: MAIN ST. TAISH N. PHOENIX  
BARRY, CAMAROSTIE DD77RP  
Date: JANUARY 4th 2014

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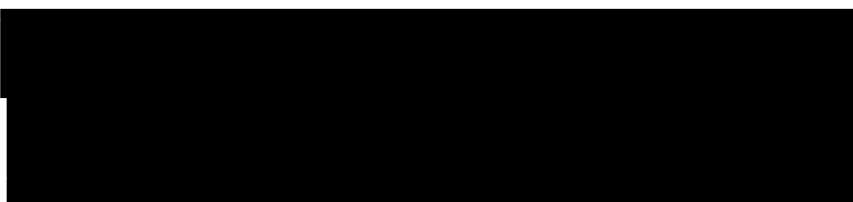
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Name: IAIN HAY

Address: SOLE VIEW

MAIN ST.

Date: BARRY  
4.1.14

13/01129/PPPL  
DR IAIN HAY  
ILKW

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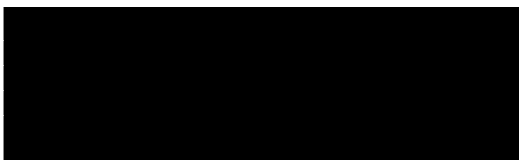
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Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: MAUREEN H. AC14  
Address: SOLE VIEW MAIN ST  
BARRY  
Date: 7.1.2014

IL/KW

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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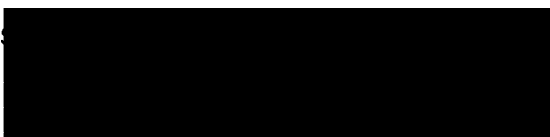
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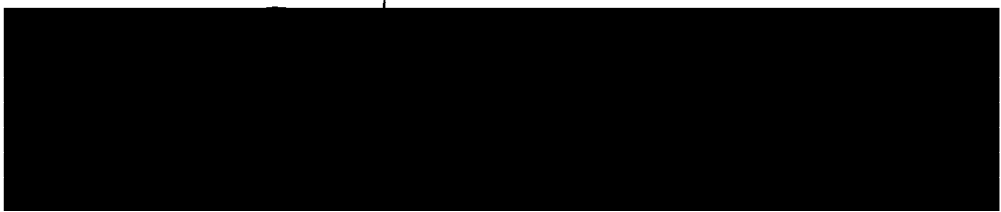
IL/kw

Dear service manager

We would like to object to the proposed planning application  
reference 13/01129/pppl for several reasons

- 1/ the council has stated in the past that new connections to the sewer is a problem due to age and over capacity .
- 2/ flooding is already a huge problem without adding to it
- 3/ Road safety and access is another major problem .As it is on the busiest junction in the area and could cause a new danger. To pedestrians,cyclists and our beloved horses.
- 4/This would have an extreme impact on our rest garden.Users to whom this pleasant area has as we believe the plaque on the old hall said donated to the people of barry for the people of barry
- 5/The impact on neighbouring households. We stay rural in our village and don't want housing on our rest garden .As it is felt tha it would set a precedent around our village of building on every space and piece of grass. Leaving us short of our green community areas

Yours



I CONSTABLE PLACE  
 BARRY  
 CARNOUSTIE  
 DD7 7RQ

## Comments for Planning Application 13/01129/PPPL

### Application Summary

Application Number: 13/01129/PPPL

Address: Rest Garden Main Street Barry

Proposal: Planning Permission In Principle For Erection Of A Dwellinghouse

Case Officer: Ruari Kelly

### Customer Details

Name: Mr Bruce Lawson

Address: Constable Place Mill Road, Barry, Angus DD7 7RQ

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I believe any contractor would not limit the building of only 1 dwelling on this site if planning is granted.

The site is on a busy junction and an entrance/parking would add to unease for local residents and traffic.

Tayside Roads Dept has in the past had building extensions refused because of parking and entrance restrictions.

The Barry Kirk of session has seen fit to realise revenue from the sale of this site which many villagers regard the village green which I strongly object to as no alternative has been sought for the use of this land.

yours sincerely

Bruce A Lawson



Name: A. VENABLE **AC17**  
Address: 1A KNOWLES LOAN  
BARRY  
Date: 10/1/14

Dear Service Manager,

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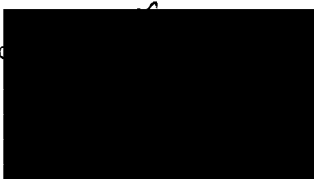
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Yours sincerely,

Signed



Name: Aimee Variables  
Address: 1A Knowles Loan  
DD7 7RF

AC18

Date: 9/1/14

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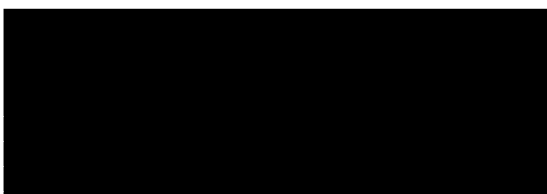
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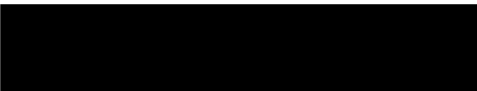
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Yours sincerely,

  
B Scammell  
Woodhaven  
Mill Rd  
Barry

Name: Carol Venables  
Address: 1a Knowes Loan  
Barry  
Date: 9/1/14

**AC20**

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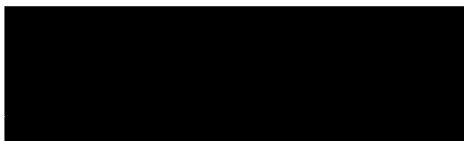
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IL/KW

Name: CATHERINE E.M. **AC21**  
Address: 6 KNOWES LEAN,  
MILL ROAD,  
BARRY, DD7 7RF  
Date: January 10<sup>th</sup> 2014

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Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

Signed:



12/12/14

David V Jones  
6 Knowes Loan  
Barry  
Carnoustie  
DD7 7RF



The Service Manager  
Angus Council  
Communities  
Planning & place  
County Buildings  
Forfar  
DD8 3LG

10/01/2014

Reference application number 13/01129/pppl

Dear Sir

I wish to register my objection to the above planning application for the planning in principle for a dwelling house at the bottom of Mill Rd in Barry village.

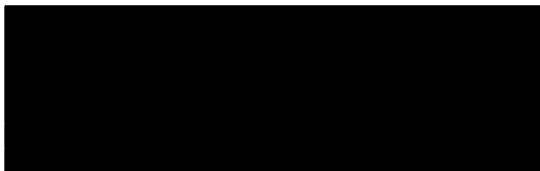
Firstly I support the many objections to this development already submitted and I would hope you understand their relevance and reject this application at its outset.

The points regarding loss of amenity, flooding, considerable over supply of housing and derelict properties are all valid. The main issue in my objection is that this site has been the focal point of the village since before the town of Carnoustie even existed and has significant emotional and historic value. Everyone is aware that it is an attractive sight which makes it very desirable and profitable as a dwelling but if you allow it to be built on the village of Barry will become nothing more than a postcode.

It is possible to build and create attractive buildings and gardens but you can not build history and tradition, it has to be earned.

Please do not allow the cultural centre, no matter how small and insignificant to non residents of Barry Village, to be turned into another unwanted development.

Yours sincerely



David V Jones  
Resident of Barry Village

Name: DENNIS MITCHELL **AC23**

Address: DENSHA VILLA  
MAINS STREET, BARRY

Date: 9/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

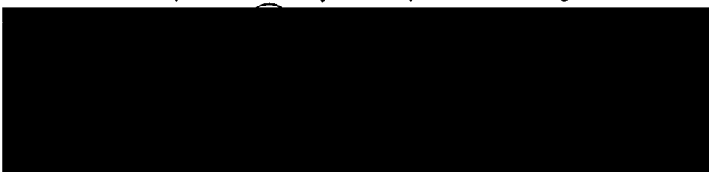
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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.



Address: 17 Lona Row  
 WEST LANE  
 CARNOSTON DD7 6BE

Date: 8/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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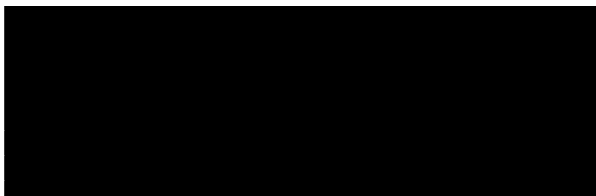
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Yours sincerely,

Signed:





Name: *Eric Peters* **AC25**  
Address: *2 Barry Road, Barry, DD7 7RP*  
*17.26 RS Barry SS775Q*  
Date: *12/01/14*

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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Address:

Date:

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Yours sincerely,



I SCAMMELL  
Woodhaven  
Mill Road  
Barry

Name: JAMES S BROWN

Address: THE RACKS  
BARRY, DD7 7RP

Date: 12th January 2014.

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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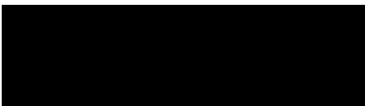
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Yours sincerely,



Name: MATHLEEN C. AC28

Address: Widdeloe  
Main St Barry

Date: 5/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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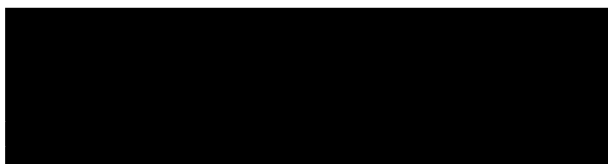
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Yours sincerely,

Signed:



Name: LISA SPEIRS  
 Address: THE ROWANS  
 MAIN STREET  
 BARRY  
 Date: 10/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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There also appears to be an inaccuracy in the application form. In Section 16 the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development does come under this, because section 8 of those regulations state that it covers development which would (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area'. Any development of this site would certainly do both.

I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

SCANNED  
 15 JAN 2014

Name: MRS KERRINE STEWART

Address: THE ROADS  
BARRY

Date: 10/01/14

RECEIVED  
14 JAN 2014

Dear Service Manager,

HL/KW

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP, (application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

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I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



May I also add, that my family have connections with Barry cemetery historically and familial connections with family burials within grounds at Barry cemetery. Barry has indeed been bypassed in more ways than one. Any development within this area would be criminal. M L

Name: MR MRS A McLEISH AC31  
Address: ROYSTON GRANGE  
MAIN ST BARRY  
Date: 5/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden, mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a massive impact on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of and across the junction, and I feel certain that this could cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway onto the property because of the site's boundaries onto the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the hill and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on the system.


Also, I believe that the application form is incorrect. In Section 16 of the Planning Application Form the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development would come under this, namely section 8 of those regulations which state (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area' as any development of this site would certainly do both.

I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing to be developed in Barry.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation of this well-loved and often-used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

  
Ps. On a personal basis our garage and paths round the house have been flooded 4 times last year. The roads left. told us that the drains in Barry are too old to cope with flash flooding.

MSU Mac Name: ALLAN BOTCHER **AC32**  
Address: 1 CONSTABLE PEACE  
BARRY  
Date: BY CARNOUSTIE  
5/1/2014

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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There also appears to be an inaccuracy in the application form. In Section 16 the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development does come under this, because section 8 of those regulations state that it covers development which would (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area'. Any development of this site would certainly do both.

I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

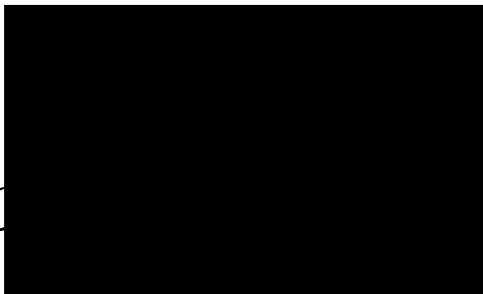
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To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

Signed:





SCANNED

14 JAN 2014

AC33

Name: MR A SPEARS

Address: THE FOWNS

MAIN ST

Date: BARRY

10 01 14

RL/KW

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

Signed:



SCANNED

14

Name: MR. DAVID BELL

Address: LOWER MILL, BARRY  
BY CARNOUSTIE, DD7 7RP.

Date: 5/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

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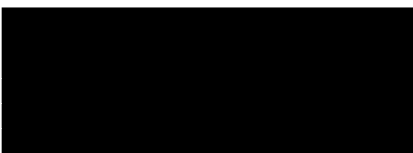
I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: MR. R. N. BELL  
Address: LOWER MILL  
BARRY. DD7 7RP.  
Date: 5/1/14.

Dear Service Manager,

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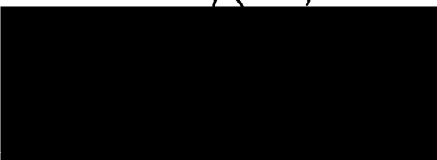
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Name: Mrs F Colligan  
Braefoot House  
Main Street  
Barry  
Address: CARNOUSTIE  
DD7 7RP



Date: 3-01-2014

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

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I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

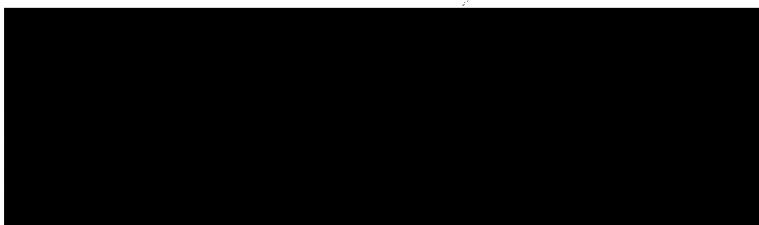
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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

Signed:



**AG37**

Name: MRS FRANCES BELL  
Address: LOWER MILL,  
MAIN STREET,  
BARRY. DD7 7RP.  
Date: 5/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit: it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

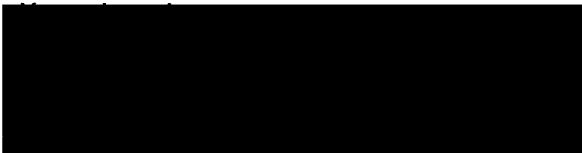
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To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.



Name: MR. NIGEL KING AC38  
Address: 2 BARRY COTTAGES  
GRANGE of BARRY  
DD7 7RS  
Date: 14-1-14.

16 JAN 2014  
HLW

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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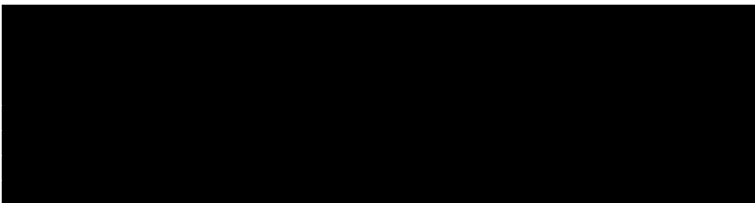
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Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Address:

Date:

AC39  
LAPROWS FARM  
7, KNOWES LOAN  
BARRY  
9/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/D1129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden, mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a massive impact on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of and across the junction, and I feel certain that this could cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway onto the property because of the site's boundaries onto the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the hill and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on the system.

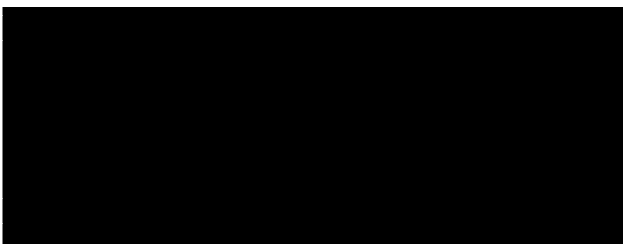
Also, I believe that the application form is incorrect. In Section 16 of the Planning Application Form the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development would come under this, namely section 8 of those regulations which state (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area' as any development of this site would certainly do both.

I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing to be developed in Barry.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and often-used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.



AC40

Name: PAMELA O'DONNELL

Address: INGLENEUK,  
BARRY,

Date: CARNUSTIE.

DD7 7RP

12th January 2014.

12/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

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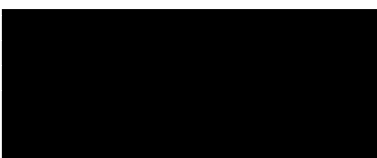
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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

Signed:



PLANNING  
12 JAN 2014





Name: Peter Ellis **AC41**  
Address: Barry Mill Cottage  
Barry  
Date: Carnoustie, DD7 7RP  
4/01/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

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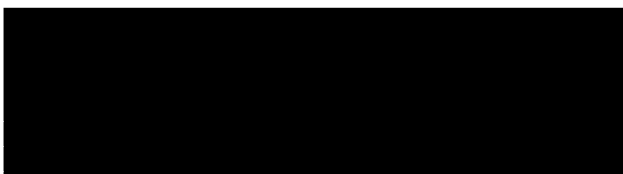
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Yours sincerely,



Name: ROSSLYNNE FORBES **AC42**

Address: ROSEMOUNT COTTAGE  
MAIN STREET  
BARRY DD7 7RP

Date: 4/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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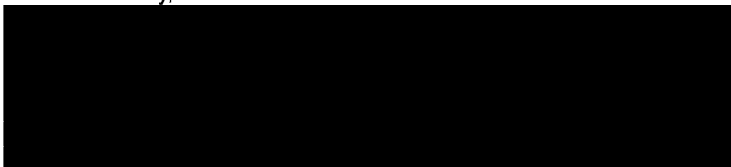
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Yours sincerely,



Name: BERNARD + EUGENIA AG43 SHERMAN

Address: FIR TREES MAIN ST  
BARRY

Date: 10-1-14-

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

There also appears to be an inaccuracy in the application form. In Section 16 the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development does come under this, because section 8 of those regulations state that it covers development which would (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area'. Any development of this site would certainly do both.

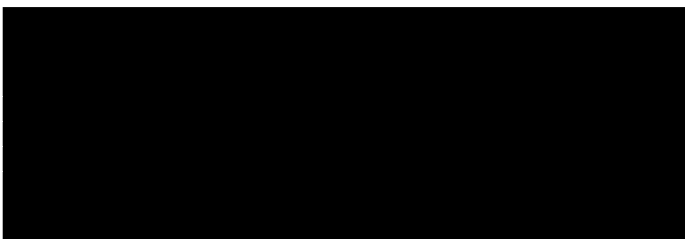
I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



AC44

Address: Thistledeae, Main St  
Barry DD7 7RP

Date: 5/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden, mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a massive impact on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of and across the junction, and I feel certain that this could cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway onto the property because of the site's boundaries onto the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the the hill and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on the system.

Also, I believe that the application form is incorrect. In Section 16 of the Planning Application Form the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development would come under this, namely section 8 of those regulations which state (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area' as any development of this site would certainly do both.

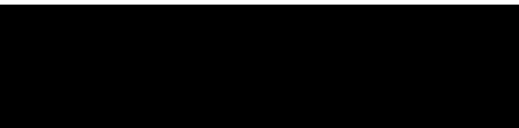
I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing to be developed in Barry.

Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is clearly no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and often-used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: CRAIG ROBERTSON **AC45**

Address: ASIBANK  
MAIN STREET  
BARRY

Date: 7.1.14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit: it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

There also appears to be an inaccuracy in the application form. In Section 16 the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development does come under this, because section 8 of those regulations state that it covers development which would (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area'. Any development of this site would certainly do both.

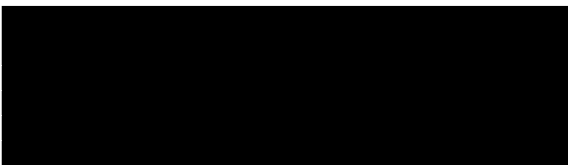
I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: **Don Cox** **AC46**  
Address: **WEST COTT**  
**MAIN STR.**  
**BARRY**  
Date: **10.01.14**

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

There also appears to be an inaccuracy in the application form. In Section 16 the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development does come under this, because section 8 of those regulations state that it covers development which would (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area'. Any development of this site would certainly do both.

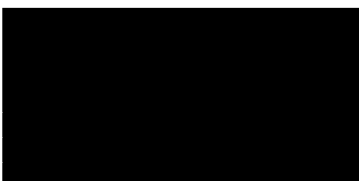
I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: *Steve Brown* **AC47**  
Address: *The Rocks*  
*Main Street*  
*Barry, Carmarthen,*  
Date: *12/1/14* *DD7 7RP*

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

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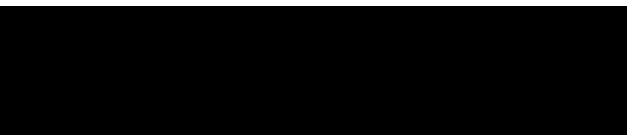
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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: HAZEL S. GAC48

Address: ROWAN COTTAGE,  
MAIN ST. BARRY

Date: 4 - 1 - 2014

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

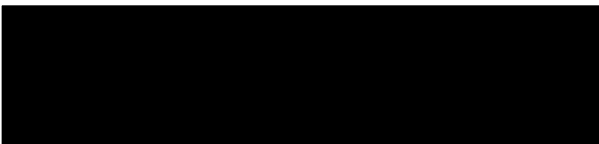
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I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

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Name: *THE COX* **AC49**  
Address: *WEST COXTON MAIN ST. BARRY*

Date: *9.1.2014*

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

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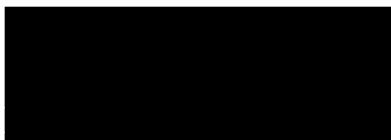
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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

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Yours sincerely,



Name: JANE ROBERTS **AC50**

Address: ASIBAU  
MAIN STREET  
BARRY

Date: 7.1.14.

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

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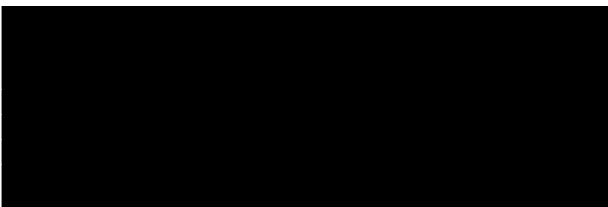
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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



**AC51**

Name: KATIE ROBERTSON  
Address: ASHBANK  
MAIN STREET  
BARRY  
Date: 7.1.14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

The area earmarked for development has been the central community site in Barry for over one hundred years, and its loss would have a deep negative impact on the entire village. The position of the plot, at the crossroads in the middle of Barry, is very high profile and obvious to anyone walking, riding or driving through the village. It is, effectively, our village green. Nowadays, no new development would be allowed to be built without something similar. To change it into just another house plot would have a hugely detrimental effect on the visual appearance and balance of Barry village.

Any building on the site would inevitably restrict the view of (and across) the junction, and I feel certain that this would cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway for the property because of the way the site's boundaries sit relative to the junction.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,

S  


Name: MARY Beck **AC52**  
Address: SMITHY COTTAGE,  
MAIN STREET,  
BARRY  
Date: 09.01.2014

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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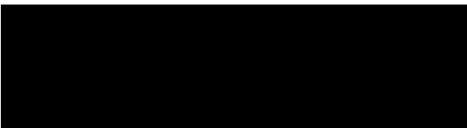
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Name: Mr A Buick and Mrs A Buick

Address: THE ASPENS

Main Street

Date: Barry

11/1/14

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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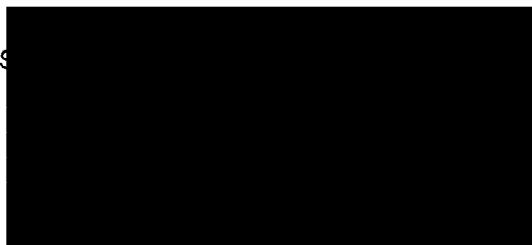
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Yours sincerely,



Name: *RORY ROBERTSON* **AC54**

Address: *ASUBANK  
MAIN ST  
BARRY*

Date: *7.1.14*

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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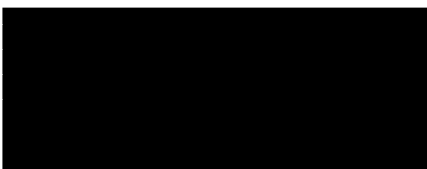
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Yours sincerely,

Signed:



AC55

Name: Jane Britten  
Address: 1 Briny Brae Cottage  
Mill Road DD7 7SQ  
Date: 12-1-2014

IKW

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.



Signed:

I also feel you will be putting the wildlife at risk as this is a place where they come to each year. Its lovely to have this on our door step.



Ravenhill AC56  
MILL ROAD  
BARRY

Address:

Date: 12/1/14

IKLW

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden, mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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Any building on the site would inevitably restrict the view of and across the junction, and I feel certain that this could cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway onto the property because of the site's boundaries onto the junction.

As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the the hill and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on the system.

Also, I believe that the application form is incorrect. In Section 16 of the Planning Application Form the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development would come under this, namely section 8 of those regulations which state (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area' as any development of this site would certainly do both.

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Yours sincerely,

Signed: 

12/01/2014

Ravenhill  
BARRY

Name: Mr & Mrs. C. GILBERT **AC57**  
Address: 5 KNOWES LOAN  
BARRY, BY CARNOUSTIE  
DD7 7RF  
Date: 14/1/14

Dear Service Manager, 14/KW

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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As it stands, the rest garden has a hidden benefit; it provides good drainage for rainfall run off from the land and cemetery up hill from it. The council must already be aware that properties on the other side of the Mill Road are prone to flooding caused by run off from the hill. I am concerned that placing a building on this site, complete with hard standing for parking spaces and driveway (as deduced from sections 9 and 13 of the application form) would reduce the drainage capability of the site and significantly increase the amount of water running down on to Main St (which is a main bus route) and in to the properties on the other side of the road. Also, Section 10 of the application form indicates that the proposed new housing would tap into existing drainage, which would put further strain on an already stretched system.

There also appears to be an inaccuracy in the application form. In Section 16 the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development does come under this, because section 8 of those regulations state that it covers development which would (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area'. Any development of this site would certainly do both.

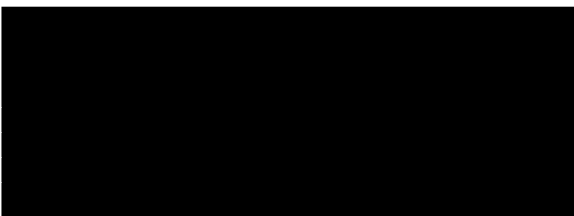
I also believe that developing this garden site into housing when there are other derelict buildings nearby is not in accordance with either TAYplan's Strategic Development Plan 2012-2032 or Angus Council's Local Plan Review. These both state clearly (and often) that reusing previously developed land and buildings (particularly listed buildings) make the most efficient and effective use of land and that developing land within principal settlements is preferable to developing land outside of them. I suggest that these principles apply to our situation and would like to point out that there is no mention at all of any requirement for housing of any kind to be developed in Barry.

Further to that, the 2011 census reveals that DD7 7RP (the postcode area which any new property would be in) has a population of 124 people in 50 households. At an average occupancy of just 2.48 people per household, Barry is clearly not overcrowded and there are plenty of properties already on the market nearby ( a search of the 'Zoopla.co.uk' website on the 2<sup>nd</sup> Jan 2014 shows 22 available properties within a 5 mile radius of DD7 7RP). There is simply no need for extra housing here. Particularly not at the expense of our rest garden.

Finally, I believe that there may be restrictions about the use of the site outlined in the deeds of the property and urge you to check these before processing the application any further.

To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Name: Mr James Blackhall  
Whitelums Cottage  
Main Street  
Barry  
Address: Camoustie Angus  
DD7 7RP

AC58

Date: 14-1-14

ILKW

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden; mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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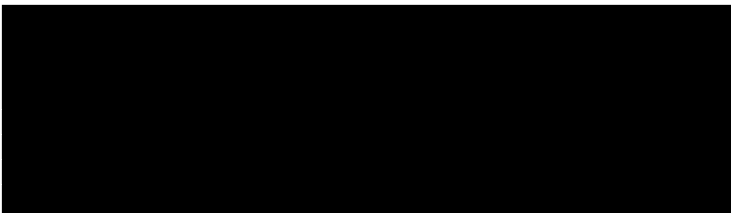
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To allow the transformation this well-loved and frequently used amenity, which has been provided by the church for the benefit of the parish of Barry, into a private housing site is unthinkable. Please do the right thing for our community.

Yours sincerely,



Address: **RAVENSHIDE**  
**MILL ROAD**  
**BARRY**

Date: **12/1/14**

**IL/KCJ**

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

The garden is enjoyed on a daily basis by members of the community and visitors alike; people of all ages, families, family historians, geocachers, and dog walkers are all seen making good use of the garden. It also serves as place of peaceful contemplation and rest for people after they have visited the graves of friends and relations. Some community volunteers have been helping to maintain and improve the garden, mowing, weeding and planting. It is a valued and irreplaceable community amenity.

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Any building on the site would inevitably restrict the view of and across the junction, and I feel certain that this could cause serious road traffic problems, particularly since the roads that meet here have become increasingly popular with pedestrians, horse riders, cyclists, runners, joggers and dog walkers since the creation of the nearby bypass. I also believe that it would be impossible to create a safe driveway onto the property because of the site's boundaries onto the junction.

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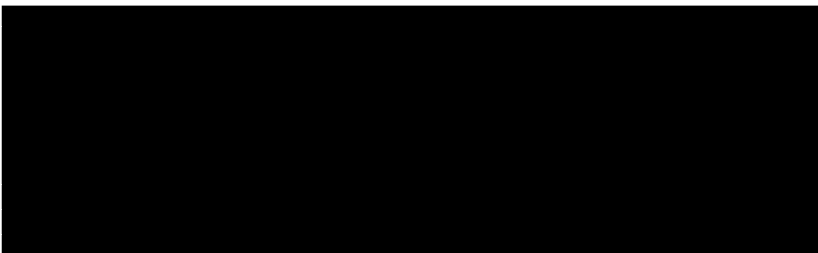
Also, I believe that the application form is incorrect. In Section 16 of the Planning Application Form the applicant states that the development is not a class of building listed in Schedule 3 of the Town and County Planning (Development Management Procedures) (Scotland) Regulations 2008. However, I believe that this development would come under this, namely section 8 of those regulations which state (section b) 'alter the character of an area of established amenity' and (section e) 'introduce significant change into a homogeneous area' as any development of this site would certainly do both.

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IL/KW  
RECEIVED  
Ack 5/2/14 RK  
05 FEB 2014  
IAL

Name: Mr William **AC60**  
Address: Fernilee  
Barry Main St.  
Date: 2/2/2014

Dear Service Manager,

I wish to object to the proposed development at the Rest Garden, Main St, Barry, DD7 7RP (planning application reference 13/01129/PPPL) and ask that you reject the application totally.

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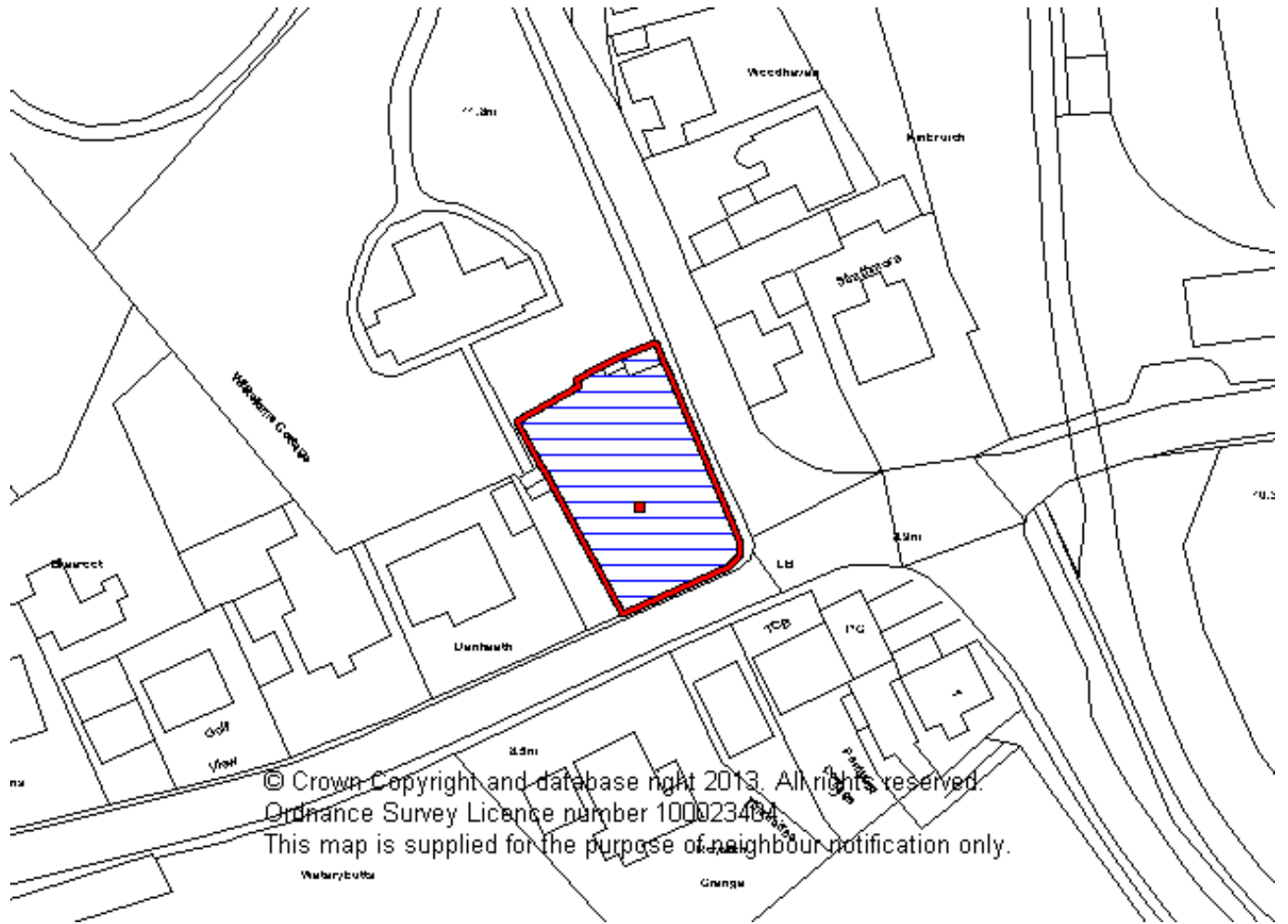
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Yours sincerely,

Signed: 

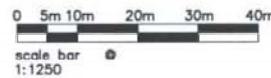
Sorry for delay in  
returning





Ordnance Survey (c) Crown Copyright 2013. All rights reserved. Licence number 100020449  
OS Plan abstracted from Promap

**LOCATION PLAN**  
scale 1:1250.



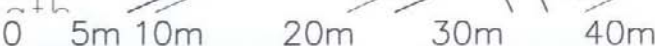
**TREE SURVEY ON SITE: -**

1. Beech or similar deciduous tree.  
7500mm high: 3000mm canopy:  
girth @ 1500mm: - 570mm dia.
2. Birch or similar deciduous tree.  
14000mm high: 5000mm canopy:  
girth @ 1500mm: - 630mm dia.  
split into two sets of two trunks.
3. Sitka Spruce or similar conifer:  
4000mm high: 2000mm canopy:  
girth @ 1500mm: - 150mm dia.

# Refused



OS Plan abstracted from Promap



scale bar @  
1:500

**SITE PLAN**  
scale 1:500.

**James R Culloch**

Chartered Architect

**The Design Studio**

95 Dundee Street, Carnoustie DD7 7EW

Tel: 01241 858153 Fax: 01241 858154

e-mail: jim@jrcarchitect.co.uk

PROJECT

Barry Parish Church,  
Rest Garden,  
Main Street,  
Barry.

SCALE  
1:1250 & 1:500.

DATE  
October 2013.

DRW NO.  
0464/01.

REVISION

















**ANGUS COUNCIL****TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (SCOTLAND)  
REGULATIONS 2013****PLANNING PERMISSION IN PRINCIPLE REFUSAL  
REFERENCE 13/01129/PPPL**

To **Kirk Of Session Of Barry Parish Church  
c/o James R Culloch  
The Design Studio  
95 Dundee Street  
Carnoustie  
Angus  
DD7 7EW**

With reference to your application dated 23 December 2013 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning Permission In Principle For Erection Of A Dwellinghouse at Rest Garden Main Street Barry for Kirk Of Session Of Barry Parish Church**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

- 1 That the application is contrary to Policy SC32 of the Angus Local Plan Review 2009 as the proposed development would result in the loss of an area of open space that contributes positively to the streetscene and provides a usable and valuable area of amenity space for the village of Barry.
- 2 That the proposal would be contrary to Policy S1 criterion (a) of the Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely Policy SC32.

The application has not been subject of variation.

Dated this **21 March 2014**

Iain Mitchell  
Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG



**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**REST GARDEN, MAIN STREET, BARRY**

**APPLICATION NO 13/01129/PPPL**

**APPLICANT'S SUBMISSION**

**ITEM 1.** Notice of Review Form

**NOTICE OF REVIEW**

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	KIRK SESSION OF BARRY	Ref No.	N/A
Forename	PARISH CHURCH C/O	Forename	JAMES
Surname	REV MIKE GOSS	Surname	CULLOCH
Company Name		Company Name	JR CULLOCH CHART. ARCH.
Building No./Name	44	Building No./Name	THE DESIGN STUDIO
Address Line 1	TERRACE ROAD	Address Line 1	95 DUNDEE STREET
Address Line 2		Address Line 2	
Town/City	CARNOUSTIE	Town/City	CARNOUSTIE
Postcode	DD7 7AR	Postcode	DD7 7EW
Telephone		Telephone	01241 858153
Mobile		Mobile	07801325521
Fax	N/A	Fax	01241 858154
Email		Email	jim@jrcarchitect.co.uk
3. Application Details			
Planning authority	ANGUS COUNCIL		
Planning authority's application reference number	13/01129/PPPL		
Site address	REST GARDEN, MAIN STREET, BARRY, CARNOUSTIE DD7 7RP.		
Description of proposed development	PLANNING PERMISSION IN PRINCIPLE TO ERECT A DWELLINGHOUSE		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

**4. Nature of Application**

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

**5. Reasons for seeking review**

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

**7. Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NONE

### 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE KIRK SESSION OF BARRY CHURCH HAVE ALWAYS OWNED THIS SITE AND STILL RETAIN A BUILDING ON IT.  
IT IS REFUTED THAT IT IS PUBLIC OPEN SPACE AND THEREFORE CANNOT BE CONSIDERED UNDER POLICY SC32 OF THE LOCAL PLAN REVIEW 2009.  
THIS AREA OF LAND IS IN NO WAY AN AMENITY SPACE FOR THE COMMUNITY OF BARRY AND NEVER HAS BEEN.  
INITIALLY THIS APPLICATION WAS HALTED, AS ANGUS COUNCIL BELIEVED THEY OWNED THIS AREA OF GROUND. WHEN THIS WAS DISPUTED AND PROVEN TO BE INCORRECT, THEIR WAS NO APOLOGY FROM ANGUS COUNCIL AND THE APPLICATION WAS DELAYED AS A RESULT.

IN CONCLUSION, THIS AREA OF GROUND IS AND ALWAYS HAS BEEN IN THE OWNERSHIP OF THE KIRK SESSION OF BARRY PARISH CHURCH AND THE FRONT OF THE SITE HAS BEEN LANDSCAPED AND MAINTAINED TO KEEP IT LOOKING TIDY. HOWEVER, OTHER PRESSURES ON FINANCES ARE MAKING THIS SITE INCREASINGLY DIFFICULT TO MAINTAIN. CERTAIN BARRY RESIDENTS THINK THIS SITE BELONGS EXCLUSIVELY TO THEM, TO USE FOR AMENITY PURPOSES. HOWEVER, THIS SITUATION BEARS NO RELATION TO THE TRUTH OR REALITY. I WOULD SUBMIT THAT THIS PROPOSED DEVELOPMENT IS NOT CONTRARY TO POLICY S1 CRITERION (A) OF THE ANGUS LOCAL PLAN REVIEW AND IT DOES NOT CONTRAVENE POLICY SC32.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

**9. List of Documents and Evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

NONE

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**10. Checklist**

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**DECLARATION**

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

## **APPENDIX 3**

### **FURTHER LODGED REPRESENTATIONS**

21/04/14

RE: Planning application 13/01129/PPPL, Rest Garden, Barry.

Dear Ms Forsyth,

Thank you for the opportunity to submit further comments on this application.

I would simply like to re-iterate my original points and add:

I wholeheartedly agree with the findings of the original committee decision, which concluded that to lose the garden as a public amenity space would be a contrary to Policy SC32 of the Angus Local Plan review.

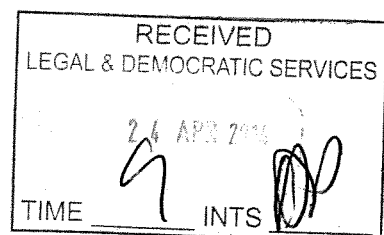
I would like to draw your attention to the number of objections received regarding the application, which I think clearly demonstrates the depth of feeling and fondness, throughout our small community, towards the garden. Indeed, the garden has been a valued part of the community for so long that, until the application was lodged, many locals believed the garden was gifted to (and owned by) 'the people of Barry'.

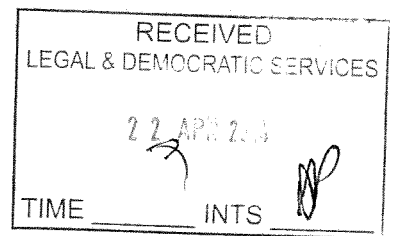
The impact that the loss of the garden as a public amenity would have on Barry is significant. There are no other suitable sites in the area that could be considered as an alternative or replacement. The site, on the crossroads at the centre of the village, has always been and continues to be, the perfect spot for 'bumping into' neighbours and visitors alike. Its loss would be a severe blow to the community atmosphere that the residents of Barry enjoy and contribute to.

I hope that the review committee returns the correct decision once again.

Many thanks,  
Kate Hall,  
Pentland Cottage,  
Main St,  
Barry,  
DD7 7RP

21/4/14





10<sup>th</sup> April 2014,

Re: Planning Application 13/01129/PPPL, Rest Garden, Barry.

Dear Ms. Forsyth,

Following the application for a review of the decision I would like to add some further comments as objections to the proposal.

As you are aware, objections have been made on a number of different points, but my final thoughts on this are as follows.

In light of recent decisions to allow a large development of housing in Monifieth and the current proposals by D.J. Laing for a new housing estate at Upper Victoria, Carnoustie, I feel that there really is no requirement or need for a house to be built on this small and precious piece of land.

I personally think it unlikely that any new build on this site would be 'in keeping' with the feel of the village of Barry as it now stands, and would be detrimental to the ambience of the adjacent historical grave-yard.

There is a strong local connection to this garden, and whilst it may belong to the Church, and the Church committee feel they can do as they wish with it, it is still considered by many to be a garden to be enjoyed and used by the people of Barry.

If this Review again refuses the application then it is hoped that the Church will allow the community to buy the land and keep it forever as an asset to the village.

This much-loved garden is the only area of communal ground within the village, and it would be irrevocable loss were the application to be passed.

Yours Truly,

Mike Hall,  
Pentland Cottage,  
Main Street,  
Barry,  
DD7 7RP



## ForsythSL

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**From:**  
**Sent:** 21 April 2014 15:51  
**To:** ForsythSL  
**Subject:** Planning permission

Dear Ms Forsyth,

Following the application 13/01129/PPPL Rest Garden Barry I would like to add a further comment as objection to the proposal.

Our house at Royston Grange Barry has been flooded twice in the last 12 months, I think you would be failing in your judgment if you were to approve planning permission, as the drainage is not suitable for the present amount of houses. Until the drainage system is totally upgraded this problem can only get worse

Kind Regards,

Mr A McLeish