

PLANNING APPLICATION REF. 19/00440/FULL

**DESCRIPTION OF DEVELOPMENT:
APPLICATION TO ERECT A 2M TIMBER FENCE ALONG THE NORTH
WEST SITE BOUNDARY BETWEEN THE MILLER HOMES DEVELOPMENT
AND THE EXISTING PROPERTIES WITHIN 'THE STABLES'**

AT

ASHLUDIE HOSPITAL VICTORIA STREET MONIFIETH

REPRESENTATIONS

Comments for Planning Application 19/00440/FULL

Application Summary

Application Number: 19/00440/FULL

Address: Ashludie Hospital Victoria Street Monifieth

Proposal: Application to Erect a 2m Timber Fence along the North West Site Boundary between the Miller Homes Development and the Existing Properties within 'The Stables'

Case Officer: Murray Agnew

Customer Details

Name: Mr Leonard Malloy

Address: Pavillion House, 4 The Stables, Park View Monifieth, Dundee DD5 4GB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object in the strongest possible terms to the application by Miller Homes to overturn Planning Condition 1(e) ie to replace the agreed High Screen Wall (which is basically a double layer of tied 102mm facing brick including a 50mm cavity) with a High Screen Fence (which is a double layer of 20mm slats nailed together).

Bearing in mind the reason that the condition was imposed (in August 2015) this proposed fence cannot possibly replicate the appearance and effectiveness of the mandated wall. Following the Planning Meeting of 25th August 2015, the Planning Committee agreed that the residents of The Stables should be afforded some of the privacy, peace and quiet, and general amenity previously enjoyed. The condition imposed and agreed by Miller Homes should under no circumstances be overturned.

There is a long history of communication since August 2015 (verbal, written, site meetings) involving residents, neighbours, Planning Officials, Councillors, Contractors, Miller Homes staff etc regarding 'The Wall' and at NO time have Miller Homes said that it couldn't be done to the residents of The Stables. Similarly, at NO time have the residents said that Miller Homes could not gain access to our properties to carry out the work. Instead, there have been a stream of broken start dates and misinformation. It is clear now that Miller Homes had no intention of building the wall.

I accept that it will be difficult in a couple of areas but those can be overcome - the majority of the wall is a straightforward build. The easiest solution would be to utilise the unused space to the east of the existing fence and this was mentioned right at the start. If the wall must be built on the existing fence line then, as again previously discussed, any damage to tree or shrub roots can be

addressed by Miller Homes replacing same on completion of the wall.

I can only conclude that Miller Homes do not want to build the wall because it is too 'difficult' &/or too expensive.

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Proposal: Application to Erect a 2m Timber Fence along the North West Site Boundary between the Miller Homes Development and the Existing Properties within 'The Stables'

Case Officer: Murray Agnew

Customer Details

Name: Mrs Lorna Donnachie

Address: 3 The Stables, Park View, Monifieth, Dundee DD5 4GB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live at 3 The Stables and I am 90+ years old and the last 4+ years have been dreadful.

I object to the fence as I do not believe that it will be as effective as the wall that was promised in keeping the noise down now that the site is occupied by so many residents. The road that now passes by us is very busy and it was nice and quiet before all of this development took place.

There is nothing to stop the wall being built between The Stables and the new properties (any tree or vegetation damage can be replaced by the builder) and I think this proposal is simply because of cost.

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Case Officer: Murray Agnew

Customer Details

Name: Mrs Linda Malloy

Address: Pavillion House, 4 The Stables, Park View Monifieth, Dundee DD5 4GB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I don't understand why my previous comments objecting to this latest effort by Miller Homes couldn't have been transferred over. I also question the small list of 'neighbours notified'. There are more residents in Ashludie House alone who will be impacted - I'm positive they'd prefer to see a solid wall as opposed to a fence which will require regular maintenance - who's going to pay for that?

Needless to say, I object strongly to this proposed change from building a substantial wall to erecting a wooden fence. We have, and continue to suffer, from traffic noise etc which is a far cry from the previous peace and quiet.

We were told way back in 2015 that we'd have a wall built and there's been nothing but 'untruths' told since then. I've lost count of the number of times Miller Homes have said they were going to start building the wall and now 4+ years later they are trying to renege on their obligation (ie the CONDITION imposed by Angus Council Planning).

There is NO reason, other than inconvenience and cost to Miller Homes, for not building the wall. Surely a company of their size & resources could come up with solutions to their reasons cited for erecting a fence instead. I guess that they've made their money, Angus Council have benefited, but it's the residents who've been let down at the last minute.

Please also advise when the Planning Meeting to address this issue is scheduled because there are a number of us who would like to attend (and speak).

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Case Officer: Murray Agnew

Customer Details

Name: Ms Jo Haughey

Address: 1 The Stables Park View Monifieth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My property backs onto the new Miller development and the agreement from Miller (and one of the conditions of their planning permission) was to erect a wall -not a fence. This will significantly affect the noise in my garden and a fence does not afford the same privacy as a wall would do.

I am shocked and disgusted that Miller are allowed to propose this, given the terms of the planning permission.

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Case Officer: Murray Agnew

Customer Details

Name: Mrs Lynda Berry

Address: 36 Ashludie House Ashludie Hospital Drive Monifieth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I want to object to the change of a wall to a wooden fence on the following grounds : A wooden fence is not as pleasing on the eye as a brick wall. Also who will maintain the fence as it will have a short shelf life if not regularly painted.

23 June, 2019

I am owner of #2 The Stables, the original Carriage House to Ashludie House. Both being Listed Buildings.

I write to strongly object to the petition by Miller Homes to change from the scheduled screen wall, approved by Council on 25 August 2015, to fencing between my property and Miller Homes open land .
Specifically up to Lot # 75 and the road in NW section.

The only stipulation that Angus Council required of Miller Homes for Approval of the development on 25/8/2015 was that they build a 2 meter wall to ensure the expected quality of life and privacy to myself and the other The Stables owners .

This requirement puts the onus on Miller Homes to build a wall but not the right to encroach on private property of The Stable owners.

The front facade of my LISTED house with the rooms I live in, specifically: bedroom, living room, kitchen look directly onto Lot 75 and the road in NW corner of Ashludie Development.

Pursuant to Development Plan Summary Angus Council 2014, Policy ER15+ER16

“Development proposal will only be permitted when they do not adversely affect the SETTING of a listed building. New development should AVOID BUILDING in FRONT of IMPORTANT ELEVATION and BREACHING BOUNDARY LINES”.

*My front elevation would be considered an Important Elevation. ** See attached photo #1

*My property boundary should not be breached. Therefore, construction of a wall should have no encroachment that might damage the hedge or it's root system since ER 15 and ER 16 preclude any breach of boundary into my Listed Building property line.

Notification of this has been sent by my solicitor Miller Properties (Mr. Paterson and Mr. Lynes, DMD Scotland)

The above hedge separates my lot from East open space adjacent to Lot# 75 and the new road. Miller representatives when seeking approval for Ashludie Development sited this existing hedge to be a natural buffer that would ensure my expected quality of life and privacy. The elimination of noise, pollution and car beams was to be ensured by the requirement to build a 2 meter wall.

There is a 19 meter distance between my house and house on Lot # 75 and an 8 meter distance from my boundary to Lot #75.

This open space would more than accommodate a wall being built without any compromise to the hedge on my property.

* Note in included pdf : letter from David Paterson, Miller Architect dated 21 September 2016. Reaffirming construction of a wall along with specifications and location on map.

Accommodation has been made for 54 cars to traverse the NW corner road included with the 6 parking spaces directly in front of my bedroom and living room.

This would not include travel by visitors, service vehicles, etc.

Cars will pass numerous times daily directly in front of #2 The Stables front façade.

This excessive car use already has seriously impacted my ability to enjoy my home and garden from noise, pollution and head lights beaming into my living area.

Miller Homes should respect the requirement by Angus Council to build the scheduled wall to ensure my privacy along with the enjoyment of my home and garden.

I note that 2 trees (T125 and T126) adjacent to #1 The Stables property are on Miller open space.

Miller Homes should not be stymied from building a wall, while preserving these 2 trees since they have at least 8 meter of open land available.

Any concerns that root system of these trees are mitigated by the fact that Miller Homes since 2015 have utilized this open space as a material and equipment yard while frequently moving equipment and earth on nearly a daily basis and using diggers around what would be the trees root system. This activity has obviously not interfered with the trees ever expanding canopy

For over four years, Miller Homes has been fully aware of the trees, boundaries, existing hedge, etc. that the construction of a wall would entail.

Completion was scheduled for October 2017 then further delayed until early April 2018.

To conclude the assertion from Miller Homes that a wall is not feasible would seem to be more a cost cutting measure and their ability to manipulate the Angus Council than any impediments they now claim.

Regards.

Nancy Robertson
#2 The Stables
[Monifieth DD5 4GB](#)





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Case Officer: Murray Agnew

Customer Details

Name: Mr Barry Will

Address: 17 Ashludie Hospital Drive Monifieth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It is disappointing to learn that an inferior proposal has been made. The original wall in the planning application was to complement the surrounding area. The new proposal would suggest that Miller homes are compromising quality now that the homes have been established with little regard for their original commitment.

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Case Officer: Murray Agnew

Customer Details

Name: Mrs Seonaid Fairlie

Address: 20 Ashludie Hospital Drive Monifieth Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the provision of a fence being erected instead of a wall. This will have an impact on adjacent property and is not within the keeping of visual appearance and compatibility with the surrounding buildings of Ashludie Hospital House. Plots 75 to 82 and plots 83 to 88 and 115 all have stone walls built to match the stone work of Ashludie Hospital House. This has made the site more aesthetically pleasing.

The proposed fence would require regular maintenance and this would be borne by the proprietors; as per conditions laid out in the Title Deeds of each property. Therefore, a wall would be a more practical solution in the long term and afford a degree of privacy for all at the Stables and the Ashludie Development.

Regardless of whether the proposed fence or wall is built there would still be a reduction in the amount of trees. It would be near impossible to erect either a fence or wall without loss of some trees or vegetation. New trees could be planted to remedy this.

The Bat survey that was completed in the period of June/July 2015 recorded no bats roosting in Ashludie Hospital building and recommended keeping the trees in close proximity to the building for foraging purposes. This is where a small number of bats were discovered to be foraging. Now that the development is almost fully completed it would be interesting to see just how many bats are still in the area. This may allow for the removal of some of the trees that are directly in the path of the original wall that was planned.

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Case Officer: Murray Agnew

Customer Details

Name: Mr Ian McHoul

Address: 4 Ashludie Hospital Drive Monifieth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed non compliance with condition 1(e) of the original planning permission on the following grounds:

Visual appearance and compatibility with surroundings. A 2m wall is far more in-keeping with the surroundings of this location given the wall is to be built between two listed buildings (The Stables and Ashludie House). A wall would also provide a far more pleasing visual appearance than a timber fence both immediately and even more so in the longer term. A fence would age far quicker and be far more costly to maintain/repair - who would be responsible for this? I'm sure the fence would require annual maintenance and repair following high winds given the location is relatively exposed.

Noise: No matter the specification of the timber fence, a stone wall will provide far more of an acoustic barrier for the residents of the stables who are now bordered by numerous houses and the associated traffic.

Ultimately this seems to be an attempt by Miller Homes to renege on their planning commitment in order to save cost - a wall is far more costly to erect than a fence - and their reasoning doesn't seem to be supported by the comments of other objectors. i.e. impact on the gardens of the stables residents - numerous stables residents have objected to this proposal which would suggest that they are content to allow the work to be undertaken on the boundary.

The justification regarding mature trees is valid and this is something I would expect Miller to take full care over when erecting the Wall. In my experience however, Miller's ground/fencing contractors lack care and attention and would likely damage trees when building either a fence or

wall.

Can I also add that I find it very poor that I was not notified of this amended application having been notified and objecting to the original application.

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Case Officer: Murray Agnew

Customer Details

Name: Mr Russell Duncan

Address: 22 Alexander Gordon Drive Monifieth Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the application by Miller Homes to overturn Planning condition 1 (e). There were reasons why this condition was part of the overall conditions granted by Angus Council and surely these reasons are valid today. The wall was the solution to enable the residents of the Stables to have privacy, reduce the noise created by the amount of traffic and have a permanent divide. This wall would have had aesthetic appeal as well and as it runs parallel to a beautiful restored listed building it would add to the overall look of this area.

If the residents of the Stables are willing to put up with the disruption caused by the building of this wall then there is no reason not to proceed with the work.

I am amazed that Miller Homes at this late stage of the development can simply hope to change one of the planning conditions stated by Angus Council.

I was in support of Miller Homes getting planning permission to this estate but I am extremely disappointed at the current state of the landscaping on this site and would hope that Planning would ensure that the detailed Landscaping plan is also completed to the highest standards.

I am extremely disappointed that I was not notified of this new Planning application directly especially since I had registered an objection to the previous application.

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Case Officer: Murray Agnew

Customer Details

Name: Mr Ronald Findlay

Address: 24 Alexander Gordon Drive Monifieth Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the application by Miller Homes to overturn Planning condition 1 (e).

I am very concerned that such a change is being proposed so late in the day and do not understand why Planning had not insisted that this condition had been implemented earlier to benefit the residents of the Stables.

There is no comparison between the detailed plans to build this wall and what is now being proposed.

A wall is a permanent fixture and would be in keeping with the look of this part of the development which includes the listed building. The reduction in noise that a wall would provide is hugely relevant along with privacy and pollution issues it provides.

We assume that Planning ensure that every condition is met to the highest standard expected by Angus Council and would expect this condition to be fully implemented.

As a neighbour who boundaries on to this new development I am extremely disappointed with the current implementation of the landscaping plan and hope that Planning ensure that this condition is fully met to the highest standards expected

I am extremely disappointed that I was not notified of this new Planning application directly especially since I had registered an objection to the previous application.

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Case Officer: Murray Agnew

Customer Details

Name: Mr Peter Paxton

Address: 23 Alexander Gordon Drive Monifieth Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the application by Miller Homes to amend Planning condition 1(e) There were specific reasons that this condition was included in the Planning approval and surely all these are as relevant today as they were at the time of the approval.

A wall provides noise reductions that a fence could not provide.

A wall is in keeping with the beautifully restored Ashludie House and ties in with the walls that have been built behind and to the other side of this building.

A wall is a permanent fixture that if probably built will not blow down or require on going maintenance.

Also if the residents of the Pavillon and the Stables are happy to have the disruption of the wall being built then surely this cannot be a reason for not building it.

As a neighbour who boundaries onto this development I am extremely disappointed at the current state of the landscaping on this site and hope that not only are Miller Homes instructed to complete the Wall as previously required but also adhere to the Landscaping Plan to the highest standard.

I am also very disappointed that I was not notified of this amended plan considering I had objected to the previous application.