

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 12 NOVEMBER 2019

FIELD NORTH OF THE BOTHY, GANNOCHY, EDZELL

REPORT BY THE DIRECTOR 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 18/00935/PPPL, at Field North of The Bothy, Gannochy, Edzell.

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**);
- (iii) consider the further lodged representations (**Appendix 3**); and
- (iv) consider the applicant's response to the further representations (**Appendix 4**).

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

In accordance with Standing Order 48(4), 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

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Appendix 4 – Applicant's Response to Further Representations

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 18/00935/PPPL

APPLICANT- MS JOISPHINE RILEY

**PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLINGHOUSE
AT FIELD NORTH OF THE BOTHY GANNOCHY EDZELL**

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Angus Council

Application Number:	18/00935/PPPL
Description of Development:	Planning Permission in Principle for the Erection of a Dwellinghouse
Site Address:	Field North Of The Bothy Gannochy Edzell
Grid Ref:	359916 : 770855
Applicant Name:	Ms Joisphine Riley

Report of Handling**Site Description**

The application site measures approximately 1950sqm and is located at Gannochy to the north of Edzell and close to the Angus/Aberdeenshire administrative boundary. To the south and east of the site are existing dwellinghouses, with an open field to the west which is undifferentiated from the site. To the north-east of the site is a belt of trees/bushes and an overgrown path/track, with a walled garden further to the north-east. The application site is elevated above the nearby residential properties with an existing rough track up to the site from the access road serving the existing dwellings. Access to the existing dwellings and the application site is taken from the B966 from Edzell to Fettercairn to the south.

Proposal

Planning permission in principle is sought for a dwellinghouse and garage. The applicant has submitted an indicative layout to indicate the potential footprint of a dwelling and garage on the site. The application form indicates that private drainage arrangements would be utilised through a new septic tank discharging to a soakaway; sustainable drainage would be utilised for surface water and a public water supply connection made. Vehicular access to the site would be taken from the private track to the east which currently serves housing within the group.

Amendments

- Drawing No. SP-BP3/1945/17 Rev B 'Block Plan' by J.W. Souttar amends and supersedes Drawing No. SP-BP3/1945/17 Rev B 'Block Plan' by J.W. Souttar. This drawing was amended in order to illustrate the existing tree located within the centre of the application site.
- Drawing No. BP-L/1945/17 'Block Plan, Levels and Sections' by J.W. Souttar amends and supersedes Drawing No. BP-L/1945/17 'Block Plan, Levels and Sections' by J.W. Souttar. This drawing was amended in order to illustrate a further cross section plan (Section D-D).
- Drawing No. SP-BP3/1945/17 Rev C 'Block Plan' by J.W. Souttar amends and supersedes Drawing No. SP-BP3/1945/17 Rev B 'Block Plan' by J.W. Souttar. This drawing was amended in order to illustrate a drainage trench to accept surface water within the application site.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 21 December 2018 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

16/00092/AMENIT - An enforcement notice requiring the removal of rubble, spoil and other building materials from an area of land which incorporates the application site was upheld on appeal by the Planning and Environmental Appeals Decision (DPEA) of the Scottish Government on the 23rd June 2017. This enforcement notice gave a period of three months for a number of actions to return the application site and adjacent paddock to a greenfield condition. The period for compliance for that enforcement notice expired on the 22nd September 2017. The enforcement case was closed following a site visit on 30 October 2017 where it was concluded that the developer had complied with the terms of the Enforcement Notice.

17/00616/PPPL for 'Planning Permission in Principle for Erection of Dwellinghouse' on the application site was refused on the 2nd October 2017 for the following reasons:-

1 That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Council's adopted Countryside Housing Supplementary Guidance as it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.

2 That the application is contrary to Policy PV12 of the Angus Local Development Plan (2016) because it has not been demonstrated that the development would not materially increase the probability of flooding to existing or planned development or would provide an access and egress to the site which is free of flood risk.

3 That the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy PV12 and Policy TC2 and its associated statutory supplementary guidance.

Applicant's Case

The applicant has submitted supporting information which is summarised as follows:-

It is suggested that planning permission in principle should be granted on the basis that a dwellinghouse would round off an established building group of 3 or more dwellings. A topographical study shows that rather than being elevated from surrounding sites, the application site is at a very similar 'height' to the two adjacent dwellinghouses at The Bothy and The Wee Bothy. By locating the proposed dwellinghouse to the east of the application site, only very minimal landscaping works would be required. The proposed dwellinghouse has been positioned such that it will maintain a relationship with the 'lie of the land' that is very similar with that present in both The Bothy and The Wee Bothy. It is not the existing field that provides that sense of containment, but the brow of the hill which runs along the back boundary of The Bothy and The Wee Bothy and would continue along the rear boundary of the application site. A new dwellinghouse along with any landscaping and a considered planting scheme, designed in close consultation with the planning department to be sensitive to its immediate surroundings and the styles in the wider locality, would have no detrimental impact on the character of the group or its landscape setting. In its current state the application site is an anomaly but not because of its topography, landscape setting, location or surroundings all of which are consistent with other dwellinghouses and sites in the pre-existing group, but because it does not have a dwellinghouse on it.

A flood risk assessment, based on a topographical study of the application site and surrounding properties and a site walkover of the wider landscape, was submitted in support of the planning application. The flood risk assessment indicates that the River North Esk does not pose a flood risk to the application site. Due to the mitigation measures since the 2012 flood, including the unblocking of the mouth of the culvert at the Head Keeper's Pond, the clearing of the Dalbog ditch and culvert and the engineering works at the Dalbog junction, flood water could not reach the application site from any of these sources. It is theoretically possible that a small amount of rainwater could run down the bank that forms part of the application site but to alleviate these concerns it is proposed to form the driveway in compacted hardcore to make it self-draining and to form a gravel trench along the hill which would prevent any surface water from running past it to the proposed dwellinghouse or beyond.

The applicant and agent have submitted several statements in response to the objections received and in support of the planning application which suggest that the application site is not in agricultural use; the conditions of the previous enforcement notice have been satisfied; the 2012 flood water did not emanate

from or take a route through the application site or adjacent field; the existing group of buildings only exist because of years of hard work by the applicant and any common features of design that exist now are only there because the applicant put them there; the tree in the centre of the application site was planted by the applicant; the proposed development would complete the larger overall project of construction, renovation and improvement that has been on-going for many years and would be the last development; and all drivers of vehicles using the shared driveway would be made aware that there are children in the area through the erection of extensive and clear signage and would be instructed to travel no faster than 5mph or alternatively use the other access from the Dalbog Road.

A porosity test and soakaway calculation and a statement in relation to the possibility of surface water flooding of the application site was submitted in support of the planning application which confirmed that there is no known history of water gathering on the paddock or running down the hill within the application site. The porosity of the paddock is such that any rainwater falling there would be absorbed into the ground. The drainage trench that is specified would be sufficient to accept surface water from a hypothetical paddock covered in dense clay soil, which this is not; and there is no possibility of the application site flooding or being a route for flood water. The inclusion of the drainage trench would completely negate it.

Consultations

Scottish Environment Protection Agency - Confirmed no objection in relation to the proposal.

Angus Council - Flood Prevention - Has considered the additional information submitted by the applicant and confirmed no objection subject to conditions requiring a scheme for the prevention of surface water runoff and a scheme for surface water drainage.

Angus Council Environmental Health - Confirmed no objection in relation to the proposal.

Aberdeenshire Council Archaeology Service - Confirmed no objection in relation to the proposal.

Community Council - Objects to the application indicating that an outstanding enforcement notice affecting the application site has not yet been fully complied with. The community council considers the development to be contrary to Policy TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance (2016) because the proposed development would not round off an established group of 3 or more closely related residential buildings. It would constitute development outwith the boundaries or features that define the existing group's sense of containment and would have a significant detrimental impact on the character of the group and its landscape setting. Similarly, they consider that the proposed development cannot be accurately described as a gap site. The community council has indicated that the problem of flooding remains a concern to residents in the dwellinghouses adjoining the application site and would only be exacerbated by the hardstanding associated with a new dwellinghouse.

Angus Council - Roads - Confirmed no objection in relation to the proposal.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

12 letters of representation were received from 6 households, of which 0 offered comments which neither supported nor objected to the proposal, 12 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- the proposed development is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance (2016) and is not a gap site and would not round off the building group;
- the application site is an area of prime agricultural land and the proposed development would be contrary to Policy PV20;

- the proposed development would set a precedent for further development;
- flood risk to existing dwellings;
- Impact of proposed private drainage;
- impact on residential amenity through overlooking and loss of light due to the elevated position of the proposed dwellinghouse;
- Unsuitable vehicular access;
- Potential damage to a lead water supply pipe;
- impact on wildlife including bats, newts, song birds, hedgehogs, voles, polecats, red squirrels, pine marten and wildcat;
- loss of tree and existing hedge; and
- plans do not show the design style of the proposed dwellinghouse;

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV12 : Managing Flood Risk
Policy PV15 : Drainage Infrastructure
Policy PV18 : Waste Management in New Development
Policy PV20 : Soils and Geodiversity

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

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 located outwith a development boundary and is not allocated or otherwise identified for development within the Angus Local Development Plan (2016). Policy DS1 states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the Angus Local Development Plan (ALDP) (2016).

Policy TC2 and the Countryside Housing Supplementary Guidance (2016) are applicable to proposals for residential developments within the countryside. The Angus countryside is divided into Category 1 and 2 Rural Settlement Units. The application site is situated within a Category 1 Rural Settlement Unit which are areas that are not remote from towns and where the opportunity for new development outwith settlements is more restricted, as development should be directed towards existing settlements.

Policy TC2 supports housing in countryside locations where it falls within at least one of a number of categories. Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. TC2 requires proposals for housing in the countryside to be assessed against Angus Council Countryside Housing Supplementary Guidance.

The proposed dwelling does not meet any of the circumstances where a new house in the countryside is

permitted. The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it would not involve the rounding off of an established building group of 3 or more existing dwellings; it is not for an essential worker; it would not fill a gap between the curtilages of two houses or the curtilage of one house and a metalled road, or the curtilage of one house and an existing substantial building; and it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use.

The applicant has suggested that the site could be considered as a rounding off of the building group or a gap site between two dwellings. A house on the proposed site would not round off (or complete) the building group because there are other areas within the building group which could accommodate a house (including areas within the group to the north of the site).

The Countryside Housing Supplementary Guidance requires a building group to have a sense of containment and indicates that new housing should not detract from the overall sense of containment and cohesion of the group within its wider landscape setting. The majority of the wider field in which the site is located sits at a higher level than the existing building group and wraps around the west of the group to provide a sense of containment. The site contains a significant change in levels with the east part of the site around 3.5-4m lower than the west side of the site. Fitting a house into the site without detracting from the sense of containment of the group would require land excavation to prevent a house sitting above the building group. Notwithstanding that, a house on the proposed site would not round off (or complete) the group because there are other areas within the group which could accommodate a house. The site does not form a gap site because it sits between the curtilage of the Wee Bothy and a planting belt, beyond which lies a path/track. The site does not sit between the curtilages of two houses, or one house and a metalled road or substantial building and would not constitute a qualifying gap site.

The proposal is contrary to Policy TC2 and the Council's approved Supplementary Guidance for Countryside Housing and the principle of a house on the site is unacceptable.

For completeness, the remaining policy tests within Policy TC2 are addressed below. The proposed land use would be compatible with current and proposed land uses in the surrounding area; the proposed development could provide a satisfactory residential environment for the would-be householder; the proposed development would not result in unacceptable impacts on the built and natural environment, surrounding amenity, access and infrastructure subject to provision of an appropriate design and layout; and the proposed development would not trigger the requirement for affordable housing. The site forms part of an agricultural field and has no significant wildlife or biodiversity value. Ample foraging ground would continue to be available in the surrounding area should a house be developed on the site.

Policy PV12 'Managing Flood Risk' provides a general presumption against development which would materially increase the probability of flooding to existing or planned development. It also requires that the access and egress to a site can be provided that is free of flood risk. The third party objections refer to recent flooding events which has damaged property in the area. The applicant has submitted additional flooding information which has been considered by the Council's Flood Risk and Structures Service. Roads has subsequently confirmed no objection to the proposal subject to conditions requiring a scheme for the prevention of surface water runoff from the adjacent field and a scheme for the management of surface water within the site. Therefore, subject to the stated planning conditions, it is considered that the proposed development would satisfy the main aims of Policy PV12.

Policy DS4 states that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. The letters of objection received raise concerns relating to the proximity of the proposed house to existing housing which is sited at a lower level than the proposed house. The application is for planning permission in principle and no detailed house design has been submitted. However, it is considered that a house could be designed in a way to avoid significant overlooking from windows. Appropriate boundary treatments would also be necessary but this matter could be resolved through a detailed application. The proposal raises no issues against the remaining aspects of Policy DS4. Refuse collection, storage and recycling could be provided. With regard to road traffic and pedestrian safety, the Roads Service has offered no objection to the proposal.

With regards to foul drainage arrangements, the application form indicates that foul drainage would be managed via a septic tank and soakaway with a surface water soakaway. The matters of concern raised by objectors regarding the siting of a septic tank and associated concerns about pollution are noted. However, there is no reason to consider that a private drainage system which complies with the building regulations could not be accommodated within the application site.

In relation to material considerations it is relevant to note that a number of objections have been submitted to the proposal including an objection from Inveresk Community Council. Those representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. The objections suggest that the proposal is contrary to countryside housing policy and refer to the previous refusal of planning permission on the same site. The foregoing assessment reaches the conclusion that the proposal is contrary to Policy TC2 because it does not meet any of the circumstances which would support a new house in a countryside location.

Concern is also raised regarding the loss of prime quality agricultural land but available information suggests that the land within the site is not prime quality agricultural land (and is classed as Grade 3:2). The applicant has submitted additional information in relation to flood risk and the Roads Service is satisfied that a house could be accommodated on the site without increasing the flood risk to neighbouring property. There is a suggestion that heavy traffic on the access to the site may damage water supply infrastructure. Any damage during the construction process would be a civil matter between the parties involved. It is noted that the representations raise concerns about the loss of vegetation and the role that vegetation provides as a habitat for various species of wildlife (including protected species). These concerns are noted but it is considered that it would be possible to construct a house on the site without any significant impacts on existing boundary vegetation.

In conclusion, the proposed development is for the erection of a dwellinghouse in a Category 1 area where the local development plan is more restrictive in its approach to new development in the countryside. The proposal does not comply with Policy TC2 or the Countryside Housing Supplementary Guidance (2016). Failure to comply with Policy TC2 also means the proposal is contrary to Policy DS1. The public objections and comments from Inveresk Community Council raise legitimate concerns. There are no material planning considerations which would justify the approval of the application contrary to the development plan.

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. The planning application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance (2016) as it does not comply with any of the circumstances that would allow for the development of a dwellinghouse within a countryside location.

2. The planning application is contrary to Policy DS1 of the Angus Local Development Plan (2016) as it is not in accordance with other policies of the plan, namely Policy TC2.

Notes:

Case Officer: Walter Wyllie
Date: 16 July 2019

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.

- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;

- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- o that flood risk can be adequately managed both within and outwith the site;
- o that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- o access and egress to the site can be provided that is free of flood risk; and
- o where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will

instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

18/00935/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

13	12	18
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ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

MEMORANDUM

TO: Walter Wyllie, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 18/00935/PPPL

OUR REF: Site 3322

DATE: 14 December 2018

SUBJECT: Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of the Bothy, Gannochy, Edzell.

With reference to the above planning application and your consultation requesting comment regarding contaminated land, I can offer the following comments.

Available information including historic mapping and aerial photography has been reviewed. I have also reviewed the information submitted in connection with the previous application ref: 17/00616/PPPL. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.

CaneyV

From: Claire Herbert <claire.herbert@aberdeenshire.gov.uk>
Sent: 19 December 2018 16:25
To: PLNProcessing
Cc: WyllieWK
Subject: Planning consultation 18/00935/PPPL - archaeology response

Planning Reference: 18/00935/PPPL
Case Officer Name: Walter Wyllie
Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse
Site Address: Field North Of The Bothy Gannochy Edzell
Site Post Code:
Grid Reference: NO 5991 7085

Thank you for consulting us on the above application. I can advise that in this particular instance, no archaeological mitigation is required.

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

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA FSA Scot

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

01467 537717
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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Dh'fhaodadh fiosrachadh sochair, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Patrick Ford

Address: West Cottage Tigerton, Menmuir Brechin

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: INVERESK COMMUNITY COUNCIL

Planning Application 18/00935/PPPL

Field North of the Bothy, Gannochy, Edzell

Planning Permission in Principle for the Erection of a Dwellinghouse

The Inveresk Community Council (ICC) objects to this application for the following reasons:

1. We note that the outstanding enforcement notice affecting the site, dated 7 November 2016 and upheld on appeal by a decision of 23 June 2017 (ref ENA-120-2008), has not yet been fully complied with. In our view the integrity of the planning system requires that no new application be considered in respect of the site until reinstatement has been completed in full.

2. In our view, the application should be refused in any event on the basis that the proposed development would be contrary to the Angus Local Development Plan (2016) (ALDP), in particular to Policy TC2 (Residential Development in countryside locations) and the Countryside Housing Supplementary Guidance (2016), para 3.4. We note that although this is a new application it involves part of a larger site which was the subject of Planning Application 17/00616/PPPL. That application was refused in terms of a Decision Notice dated 2 October 2017. It is clear from a site visit that, although less starkly out of place than the development proposed under the previous application, a new-build house on the adjusted site would not 'round off an established group of 3 or more closely related residential buildings'. It would in our view constitute '[d]evelopment outwith the boundaries or features that define [the existing] group's sense of containment' and would 'have a significant detrimental impact on the character of the group [and] its landscape setting'. It is a significant aspect of the sense of containment of the existing group of long-established

buildings that they grew up organically in response to the needs of the former Gannochy Estate and present as a cohesive group by virtue of common features of design and use of materials. The site now being proposed for development, when fully reinstated as required by the enforcement notice, will once again form an area of agricultural/amenity ground (part of the larger paddock to the west of the group and enhanced by an ornamental hardwood) which contributes to the overall character of the group as former estate buildings. A new-build house on this site would present as an interloper in an already cohesive group which is in no need of being 'rounded off'.

3. For the same reasons, the proposed site cannot, in our view, be accurately described as a 'gap site' in terms of Policy TC2 and the Supplementary Guidance.

4. The Report of 27.11.18 submitted on behalf of the applicant does not address the issue of flooding, raised in the Decision Notice of 2 October 2017 as a reason for refusal of the previous application under ALDP Policy PV12. The problem of flooding remains a concern to residents in the houses adjoining the adjusted site and would only be exacerbated by the hard standing associated with a new building.

Patrick Ford,
Planning Contact, Inveresk Community Council

Our ref: PCS/162829
Your ref: 18/00935/PPPL

If telephoning ask for:
Mark Hammonds

4 January 2019

Walter Wylie
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

By email only to: PLNProcessing@angus.gov.uk

Dear Walter

Town and Country Planning (Scotland) Acts
Planning application: 18/00935/PPPL
Planning Permission in Principle for the Erection of a Dwellinghouse
Field North of The Bothy Gannochy Edzell

Thank you for your consultation email, on issues related to flood risk, which SEPA received on 12 December 2018. We responded to a planning application consultation (17/00616/PPPL), at the same location, on 2 August 2017 and our previous advice is still applicable.

In summary, the site is adjacent to the functional flood plain but is 10m above the River North Esk. Therefore, we have **no objection** to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Flood Risk

- 1.1 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
- 1.2 Review of our LiDAR (DTM) data suggests that the proposed development is approximately 10m higher than the River North Esk. Therefore, there is significant height difference between the watercourse and the proposed development.
- 1.3 As the site is adjacent to the indicative flood envelope and we hold no additional information to indicate that the site is at flood risk, we have no objection to the proposed development on flood risk grounds. It is recommended that contact is made with your Flood Prevention Authority regarding this issue. If your authority requires further comment

from us, additional information would be necessary to enable us to comment upon the flood risk at the application site.

Detailed advice for the applicant

2. Flood Risk Caveats & Additional Information for the applicant

- 2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information, please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.
- 2.2 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Angus Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

Regulatory advice for the applicant

3. Regulatory requirements

- 3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 3.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
- is more than 4 hectares,
 - is in excess of 5km, or
 - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989

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- 3.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 3.5 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

SEPA 62 High Street, Arbroath, DD11 1AW, Tel: 01241 874370

If you have any queries relating to this letter, please contact me by telephone on 01349 860433 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Mark Hammonds
Planning Officer
Planning Service

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

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Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989

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WyllieWK

From: BrownA
Sent: 29 January 2019 12:38
To: WyllieWK
Cc: CorriganJ
Subject: Consultation for 18/00935/PPPL – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell

Dear Walter,

I have reviewed the above application and made the following observations in relation to flood risk;

- The application is for Planning Permission in Principle for the erection of a dwellinghouse.
- The application site is a field north of The Bothy at Gannochy, Edzell.
- The application site is greenfield.

- There was a previous application for Planning Permission in Principle 17/00616/PPPL, this was refused on 2 October 2017 with one of the reasons citing the following;
 - “That the application is contrary to Policy PV12 of the Angus Local Development Plan (2016) because it has not been demonstrated that the development would not materially increase the probability of flooding to existing or planned development or would provide an access and egress to the site which is free of flood risk”
- The above issues in relation to policy PV12 have not been satisfactorily addressed by the information contained within the current application.

- The site is not shown on the SEPA flood maps as being within an area of surface water or fluvial flooding.
- The site is in close proximity to an area shown on the SEPA flood maps as an area of fluvial flooding; this encompasses the area to the east of the application site.
- The site is in proximity to the River North Esk, however, I note the following from SEPA’s consultation; LiDAR DTM data shows the site is approximately 10m above the river and as a result is not considered to be at risk of flooding from this source.

- There is anecdotal evidence to suggest that the neighbouring properties currently have recurring issues with surface water run-off from the application site and development could have the capacity to worsen these issues.
- Photos submitted as part of a public comment dated 09/01/2019 show significant flooding at neighbouring properties.

Requirements

In order to assess the flood risk from these proposals I would require the following;

- A robust flood risk assessment considering all sources of flooding, with particular regard to surface water. The flood risk assessment would also have to quantify the effect of the proposed development on any neighbouring properties.
- Proposals for Surface water drainage measures which have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas. These should be inclusive of a 30% uplift for climate change.

Once I am in receipt of this information I will be able to make a recommendation on the proposal.

Please do not hesitate to contact me should you require any further information.

Kind regards,

Andrew

**Andrew Brown | Technician | Flooding Team | Roads and Transportation | Place Directorate | Angus Council |
Angus House | Orchardbank | Forfar | DD8 1AN | Tel: 01307 473973**



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WyllieWK

Subject: FW: Consultation for 18/00935/PPPL – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell

From: BrownA

Sent: 06 February 2019 10:54

To: WyllieWK

Cc: CorriganJ

Subject: FW: Consultation for 18/00935/PPPL – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell

Good morning Walter,

The information requested should not be conditioned as these issues require to be addressed in order to determine the suitability of the site for any development.

In absence of the information requested in the below consultation response I confirm that we would not support approval of this application.

Kind regards,

Andrew

Andrew Brown | Technician | Flooding Team | Roads and Transportation | Place Directorate | Angus Council | Angus House | Orchardbank | Forfar | DD8 1AN | Tel: 01307 473973



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WyllieWK

Subject: FW: 18/00935/PPPL - Erection of a Dwellinghouse at Field North of the Bothy, Gannochy

From: BrownA

Sent: 12 April 2019 17:51

To: WyllieWK; PLNProcessing

Cc: CorriganJ

Subject: RE: 18/00935/PPPL - Erection of a Dwellinghouse at Field North of the Bothy, Gannochy

Further consultation for 18/00935/PPPL, FAO Walter Wyllie.

Good afternoon Walter,

On 29/01/2019 I requested the following information;

- A robust flood risk assessment considering all sources of flooding, with particular regard to surface water. The flood risk assessment would also have to quantify the effect of the proposed development on any neighbouring properties.
- Proposals for Surface water drainage measures which have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas. These should be inclusive of a 30% uplift for climate change.
- The applicant has since provided further information in the form of;
 - Covering Statement in relation to supporting documents
 - Agent's statement in response to objections to planning applications
 - Statement from applicant - Containing the applicants account of the December 2012 Flood.
 - Flood Risk Assessment
 - Spot levels and sections drawings
 - Wider block plan showing features referred to in FRA
 - Scottish Fire and Rescue Report

I have reviewed the further information and noted the following;

- In the covering statement it is noted that the Flood risk assessment is based on a topographical study of the site/surrounding properties and also a site walkover of the wider landscape.
- The Scottish Fire and Rescue report shows that one appliance was in attendance for "Flooding > Pumping out" but does not contain any detail as to the source of the flooding.
- The statement from the applicant contains their account of the 2012 flood and that the flood water originated from three main sources;
 - Flooding from the Dalbog Road running down to the B966 then along the main drive and into the Gardeners Cottage.
 - Overflowing from the pond at the gamekeepers house joining the Dalbog Road floodwater on the main drive as sluice gates were not opened because the owners at the time were unaware of their existence.
 - Flooding from the pond at Gannochy Lodge which was blocked and overflowing.
- The applicants statement notes that *"I can confirm and with photographic evidence and witnessed by Montrose Fire Brigade of which we have asked for their report - " There was no water at anytime – zero water came flowing or running or even trickling down from my field. There is no flood risk from the field there never has been."*
- The applicants statement notes drainage improvements undertaken by Angus Council Roads on the B966.
- The statement from the agent notes that *"3. There are repeated references made to historic issues with flooding. We can confirm that any account that suggests the 2012 flood water emanated from, or took a route through the application site or adjacent field, are not accurate. The accompany flood risk assessment sets out why this could not be the case."*

- The flood risk assessment considered 5 potential sources of the December 2012 flooding and conclusions were drawn as follows;
 - Potential Source 1: River North Esk - This source was ruled out as the site is approximately 10m above this watercourse.
 - Potential Source 2: 'The Head Keeper's Pond' – it is stated that it appears to be feasible that flood water from here could reach the Gardeners Cottage, however, the proposed development is around 1.5m above the level of the pond which shows that it would not be possible for this water to have passed through the application site.
 - Potential Source 3: The Dalbog Road and ditch – it is stated that it appears to be feasible that water from here could reach the Gardeners Cottage via the B966 and the main drive, although this is considered unlikely as buildings along the access drive were not flooded. The culvert mouth is around 1.5m below the road at the lowest access point to the field and flood water from here would not travel through the application site.
 - Potential Source 4: Pond at Gannochy House – It is suggested in the FRA that the water that was observed to be flowing through the garden of Little Gannochy from the direction of Gannochy Lodge during the 2012 flooding is likely to have originated from the pond although it is noted that this is disputed by the owners of Little Gannochy. It is also noted that the surrounding levels show that floodwater from here would not pass through the application site based on the attached levels and drawings which show the application site to be higher.
 - Potential Source 5: Rainwater landing in the field – It is noted that objections have been received stating that surface water had run down the hill to Gardeners Cottage causing the flood. The FRA suggests that the ground is particularly porous with *“a deep layer of black earth top and sub-soil that is a mix of sandy clay and gravel”*. The FRA notes that because of this the rainwater would be absorbed where it lands and could not have been the source of the flood, however, does acknowledge that it is possible that in heavy rain small amounts of water could trickle down the hill but not enough to cause anyone or their property any issues.
- The applicant has proposed to install a drainage trench towards the eastern side of the site to intercept surface water runoff from outside of the site prior to it reaching the proposed development.
- The applicant has proposed to install a permeable access and driveway to reduce surface water runoff from the site.

Requirements

Having reviewed the flood risk assessment and supporting information, the assertions in relation to potential sources of flooding 1 to 4 seem plausible in that any flooding from these sources is unlikely to pass through the application site. Any flooding caused by these sources would likely be unaffected by the proposed development. It is also considered that drainage works carried out on the B966 may have reduced the likelihood of flooding from potential source 3.

As a significant amount of comments have been submitted citing surface water flooding emanating from the application site, I will require the following further information before I can make any final comment;

1. Further evidence to confirm the assertions made in the FRA about Potential Source 5 including a quantification of the level of surface water flooding up to and including a medium probability (1 in 200 year or 0.5% annual probability) flood event inclusive of a 30% uplift for climate change is required. This information will also inform the detailed design of the proposed drainage trench.
2. Outline proposals for a surface water drainage trench have been submitted, however, further detail is required in relation to the type of drainage trench, the proposed and required capacity of the drainage trench and the infiltration rate.
3. Surface water drainage proposals must also be provided to include the roof/curtilage of the proposed development.

Please note that the final proposals for surface water drainage must include supporting calculations to satisfy that they have sufficient capacity to deal with run off from the adjacent areas and that any calculations submitted will require to be signed off as being correct by a Chartered or Incorporated Engineer or Hydrologist. The proposed surface water drainage will be required to keep the site free from surface water flooding in a medium probability (1

in 200 year or 0.5% annual probability) flood event inclusive of a 30% uplift for climate change. Surface water drainage design must be in accordance with "The SUDS Manual C753" by CIRIA and BRE Digest 365.

Kind regards,

Andrew

**Andrew Brown | Technician | Flooding Team | Roads and Transportation | Place Directorate | Angus Council |
Angus House | Orchardbank | Forfar | DD8 1AN | Tel: 01307 491824**

*Please note my previous phone number (01307 474973) is no longer in service



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WyllieWK

Subject: FW: Further Consultation for 18/00935/PPPL

From: BrownA

Sent: 21 June 2019 15:06

To: WyllieWK

Subject: Further Consultation for 18/00935/PPPL

Dear Walter,

On 12 April 2019 I requested the following information;

1. Further evidence to confirm the assertions made in the FRA about Potential Source 5 including a quantification of the level of surface water flooding up to and including a medium probability (1 in 200 year or 0.5% annual probability) flood event inclusive of a 30% uplift for climate change is required. This information will also inform the detailed design of the proposed drainage trench.
2. Outline proposals for a surface water drainage trench have been submitted, however, further detail is required in relation to the type of drainage trench, the proposed and required capacity of the drainage trench and the infiltration rate.
3. Surface water drainage proposals must also be provided to include the roof/curtilage of the proposed development.

I also noted that the final proposals for surface water drainage must include supporting calculations to satisfy that they have sufficient capacity to deal with run off from the adjacent areas and that any calculations submitted will require to be signed off as being correct by a Chartered or Incorporated Engineer or Hydrologist. The proposed surface water drainage will be required to keep the site free from surface water flooding in a medium probability (1 in 200 year or 0.5% annual probability) flood event inclusive of a 30% uplift for climate change. Surface water drainage design must be in accordance with "The SUDS Manual C753" by CIRIA and BRE Digest 365.

Information Provided

The applicant has since provided the following;

- Statement regarding possibility of surface water flooding
- Porosity test and soakaway calculations
- Site point levels
- Proposed site plan with soil test positions
- Proposed cross section plan of trench pit soakaway
- Proposed cross section plan of surface water soakaway
- Statement from applicant in relation to flood risk and objections

Observations

I have reviewed the further information provided by the applicant and have made the following observations;

1. Porosity testing was carried out at three locations throughout the site and identified an average porosity of 24 seconds/mm.
2. The size proposed for the soakaway shown on the drawing is 1m wide by 1m deep and 1.4m long.

3. Soakaway calculations and a drawing for the surface water soakaway have been provided. From the calculations provided it has preliminarily been designed to drain a 110sqm impermeable area.
4. There are two inaccuracies in the soakaway calculation that do not tie up with the soakaway drawing. These two inaccuracies would result in the proposed soakaway being undersized.
 - a. The figure used for “a” in the calculation is 5sqm whereas the proposed soakaway dimensions would have a figure of 2.4sqm for “a” as taken from “3.6.5 Soakaway single dwellings and extensions” in the Building Standards Technical Handbook 2017 Domestic “a - is the internal surface area of the soakaway to **50% effective depth**, excluding the base in sqm”.
 - b. The calculation shows a required volume of 1.4 cubic metres. The dimensions of the proposed soakaway would have a total volume of 1.4 cubic metres, however, as this is a gravel filled soakaway it will not provide 1.4 cubic metres of water storage. Typically ‘the free volume’ in a gravel filled soakaway is taken as 30% of the total volume.
5. Within the “Statement regarding possibility of surface water flooding” the outputs of calculations carried out for the gravel drainage trench have been provided. These calculations have not been shown but appear to carry the same inaccuracies detailed in my above points 4.a and 4.b.
6. The applicant has confirmed that they cannot justify the commissioning of a full hydrology report as the application is to be refused on grounds of policy irrespective of flood risk.

Requirements

As further information in relation to the proposed gravel drainage trench, surface water drainage and ground permeability has been provided I am now content that the above issues can be dealt with by means of conditions should Planning Permission in Principle be granted.

Please see the below draft conditions for your consideration;

- Prior to commencement of development, a scheme for the prevention of surface water runoff will be required to keep the site and adjacent properties free from the risk of surface water flooding from the application site up to and including a medium probability (1 in 200 year or 0.5% annual probability) flood event inclusive of a 30% uplift for climate change. Surface water drainage design must be in accordance with “The SUDS Manual C753” by CIRIA and BRE Digest 365. Any calculations submitted will require to be signed off as being correct by a Chartered or Incorporated Engineer or Hydrologist. This must be submitted to Angus Council for written approval.
- Prior to commencement of development, a scheme for surface water drainage must be submitted to Angus Council for written approval.

I would also highlight that any future calculations in relation to infiltration systems should be carried out taking on points 4a. and 4.b from the above observations.

Should you require any further information please do not hesitate to get in touch.

Kind regards,

Andrew

Andrew Brown | Technician | Flooding Team | Roads and Transportation | Place Directorate | Angus Council | Angus House | Orchardbank | Forfar | DD8 1AN | Tel: 01307 491824



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Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Dr Emma Miller

Address: Gardener's Cottage Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed property development would be outside the local development plan zone and would therefore set a precedent for further development.

There would be a significant impact on light reaching our property (Gardener's Cottage) as the building would be elevated in comparison.

There is currently significant run off of water from the site down towards our property. We have had to put out sand bags multiple times since we moved into the property and make changes to our own drainage and there is very often standing water in the courtyard area shared by us and a neighbour. Any increase in run off caused by development would create a very real flood risk for our property. The existing hedge is also not marked on the plans. The removal of this would be of significant concern after the removal of three of the trees previously greatly increased run off towards our house.

There are five young children who share the driveway and their safety would be compromised by an increase in traffic and, in particular, the movement of heavy plant machinery. The driveway is also not suitable for the movement of heavy vehicles and there have already been several repairs to the ageing lead water pipe system. There is also concern that previous movement of heavy vehicles has caused damage to the drainage system. Further houses connecting to an ageing lead water pipe system also seems questionable

There is also significant concern that if this application were successful it would then open up further applications for the remainder of the land which has great value for the estate as it is and is very wildlife rich, red squirrels are frequent visitors, there have been sightings of a pine marten on the estate and possible sightings of a wildcat within the estate. This proposed development would also involve the removal of a mature tree which is one of a series of trees planted across the Gannochy Estate with some possible historical significance.

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Dr Emma Miller

Address: Gardener's Cottage Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:With reference to the updated site plan including the location of the tree. The tree is stated to be a eucalyptus that is 15 yrs old. This is completely incorrect. It is a beech tree and a very conservative estimate of its age would put it at around 43 yrs old. It is likely to be older than this but it is difficult to gauge as the trunk has split off into two.

It is a particularly unusual tree with leaves which are more deeply serrated than is common for beech and is frequented by many song birds.

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mrs Heather Lyde,

Address: The Wee Bothy Gannochy Edzell, by Brechin

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Access road/water:

The roadway (owned by Mrs Riley) leading to the proposed property is very narrow and in a substantially poor condition for most of its length. It is not in a condition to accept more than the existing very light residential traffic. The water supply to existing dwellings is under the road and is of small bore lead. This pipeline has been severely deformed by traffic and has several breaks that have been repaired and indications are that it may have one or two more that have not been repaired. The road cannot be considered suitable as access for any construction related vehicles or increased residential traffic unless resurfaced to prevent further deterioration.

Plans do not indicate where the proposed dwelling will take its water supply from, as above it should be noted that the existing piping to dwellings is small bore lead, and already in a very poor condition, consideration should be given to line replacement.

Increased run-off from paved surfaces:

From the plot plan it would seem that extensive solid surfaces will be incorporated in the design. The area already suffers from excessive water run-off during poor weather, causing damage and concern to the dwellings at lower levels. Adequate surface water containment and safe disposal is not shown on the plans but should be a major consideration in the design.

Privacy:

The Wee Bothy lounge, kitchen and bedroom windows will be directly observable from the proposed site and will lose all privacy that is currently existing.

Tree removal:

It is presumed from the design that it will be necessary to remove the one remaining mature and beautiful tree currently on the site. Should that occur it would be environmentally objectionable.

Design:

Current plans available do not show the design style of the proposed building. The existing dwellings in the local cluster are all of similar character and style. A design that deviated from the local character and style would be an objection.

Comments for Planning Application 18/00935/PPPL**Application Summary**

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Richard Burke

Address: Octagon House Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The application is contrary to Policy TC2 of the Angus Local Development Plan (2016) (ALDP) and the Council's adopted Countryside Housing Supplementary Guidance. It does not comply with the circumstances that would allow for the construction of a new house in a countryside location.

Whilst reference has been made in the supporting statement submitted with the application to the amended orientation and lower siting of the proposed dwellinghouse (compared with previous application reference 17/00616/PPPL) this merely serves to alter the issue of the incongruous elevation of the earlier application. It does not overcome the key issue that the application site is not a gap site and would not, as is argued by the applicant, 'round off' the current building pattern. A new dwellinghouse in this location would not read as part of the development pattern of the historical estate buildings; the proposal would only serve to inappropriately extend a historical building line. To suggest as the applicant does that the site is anomalous '...because it does not have a house on it.' apparently presupposes that any space between buildings of sufficient size ought to be automatically deemed appropriate for the placement of a dwellinghouse. This cannot be the purpose of the applicable policy or supplementary guidance and it is not worded or illustrated in a manner which supports the applicant's contentions in this regard.

The current building grouping has a well-established and functional character. Building a new dwelling house on the proposed site would not improve cohesion, restore an existing building or redevelop a brown-field area.

Other than in relation to the remarks made on the elevation of the proposed dwelling in the Planning Officer's Report of Handling in application 17/00616/PPPL the siting objections logically must remain unchanged with regard to this application and we adopt and support them entirely as part of the applicable planning history.

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Richard Burke

Address: Octagon House Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No attempt has been made by the applicant to address the requirements of Policy PV12 ALDP 2016.

Serious flooding occurred in December 2012 and January 2016 at Gannochy. Photographic images to prove the floods are attached. Our and neighbours experience clearly shows that an area which is susceptible to flooding during sustained rainfall should not be built upon.

Surrounding properties would likely suffer the consequences of septic tank soak away contamination from the proposed development site washing into neighbouring dwelling houses. It is assumed that building regulations presuppose septic tanks and soakaways will not be placed in areas which are known to flood. No proposals have been made in the current application which show that the increased flood risk can or will be mitigated.

Whilst at the time of writing we are unable to see the responses of statutory and non-statutory consultees it is noted that the Council's Roads Flooding Team expressed concern at the time of the consideration of application 17/00616/PPPL that the proposed development in that case would have increased the risk of flooding. We have not seen evidence of a flood risk assessment having been carried out for 18/00935/PPPL. Consequently, given the policy requirements, the knowledge of the relevant consultees and our own experience of flooding in the area it would be counter intuitive if the applicant were to be granted permission for this application.

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Richard Burke

Address: Octagon House Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Wildlife that frequents Gannochy would suffer due to the noise and pollution associated with construction work. Sightings of voles, polecats and Scottish Wildcats have been reported and Red Squirrels are usually seen daily.

The access road into the site is in poor repair. Disturbance by heavy traffic and the required excavations would cause a repeat of the damage to a lead water supply pipe which occurred during the restoration/change of building type of the Bothy/Wee Bothy.

If permitted, this application sets a precedent for future 'filling of gaps'. Gannochy is currently separate from Edzell and this is how we wish it to remain.

The applicant used poor methods of rubbish and rubble disposal resulting in a Council Enforcement Notice being issued at the application site after previous development works.

A tree and a wildlife rich hedge are not displayed on the drawings and the removal of these would disturb the wildlife which frequent them.

As a neighbour to this potential new dwelling house, I do not understand why I was not notified of the application as I was previously notified for refused planning application 17/00616/PPPL. The construction work will have direct disadvantage to my access to my home and on completion as previously stated in earlier comments, my dwelling house will possibly to be overlooked.

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Richard Burke

Address: Octagon House Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The tree in question is a beech tree and currently has no leaves.

I will submit the photographs as proof of the repeat flooding we endure when there is sustained heavy rainfall and send to SEPA for them to acknowledge, they appear to believe the flooding is when the river bursts its banks.

From: BrandDB
Sent: Wed, 9 Jan 2019 17:12:34 +0000
To: CameronS
Subject: FW: Planning Application 18/00935/PPPL

From: Richard Burke [<mailto:> 
Sent: 09 January 2019 10:45
To: PLANNING
Subject: Planning Application 18/00935/PPPL

Dear Sir,

I wish to submit photographic evidence in support of my objection to the application in subject. A planned septic tank and soakaway will be a high concern for me and my wife as it creates a very dangerous health hazard.

Image IMG_0052 shows the extent on the flooding of the parking area next to the area in application which in places was over 12 inches deep and caused major damage to Gardeners Cottage.

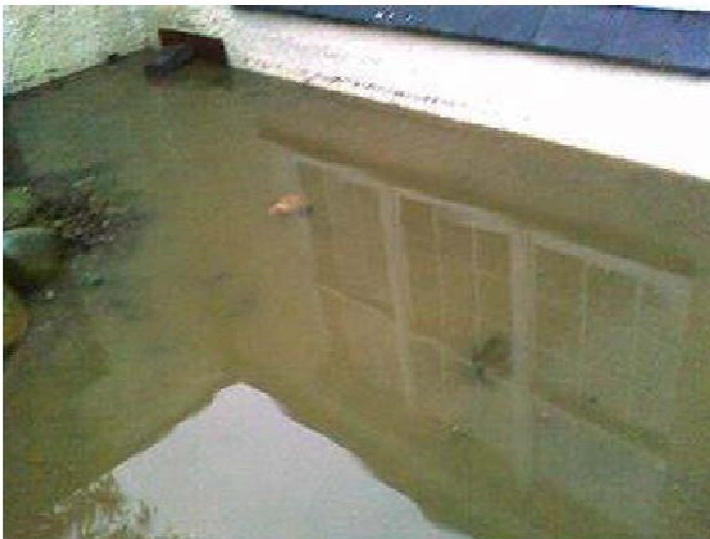
Image IMG_0044 (1) shows the depth of water that settled in my garden which reached 12 inches.

Image IMG_0048 (1) shows the fire brigade in attendance after they had pumped the flood water from Gardeners Cottage.

Kind regards,

Richard Burke

Octagon Cottage



Gannochy

Edzell

Angus DD9 7UX

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Dr Paul Dailly

Address: Gannochy Lodge Edzell Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The planned development is inconsistent with policy TC2 of the ADLP and the Countryside Housing Supplementary Guidance.

This is the second attempt to develop this agricultural land following a failed attempt last year, however the fundamental concern with this development has not changed. The application continues to be contrary to policy TC2 of the ADLP and the Countryside Housing Supplementary Guidance, as it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.

With regard to the criteria of Policy TC2 where residential development in a countryside location would be supported, the site has no existing buildings and possesses no brownfield characteristics. The site is an agricultural field and area of prime agricultural land classified 2.0 on the Macaulay Land Capability for Agriculture (LCA) classifications. Policy PV20: Soils & Geodiversity, indicates proposals on prime agricultural land will only be supported where they support delivery of the development strategy and policies in the local plan; are small scale and directly related to a rural business or mineral extraction or constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements. Therefore, the proposal would not be compatible with policy PV20.

Taking this into account the proposal is contrary to TC2 of the adopted Angus Local Development Plan.

Increase in runoff and risk of flooding

The development proposes building and recontouring an area of hillside across which there is already considerable runoff and downhill of which there are already drainage and flooding problems, with a number of the properties having flooded in the recent past. The proposed development will significantly increase the area covered by hard standing and therefore increase the risk of flooding to adjacent properties.

Previous Enforcement Notice (Angus Council (16/00092/AMENIT))

The applicant has previously showed disregard for the planning rules and was the subject of a planning enforcement notice due to the lack of proper disposal of spoil & rubble from an adjacent development (The Bothy). This has never been fully rectified and we are concerned that there will be a repeat of previous lack of compliance and disregard for planning rules.

Construction traffic risk to children

Any development of this field would require access of construction traffic along a small drive which is an area where young children from 3 different families are currently free to play. The applicant has no other access rights for construction vehicles to the field in question.

Degradation of the Natural environment

The planned development would require destruction of the only tree present in the field. This constitutes part of the character of the settlement which is a locality rich in wildlife with red squirrels, bats, newts, hedgehogs and pine martens regularly seen and wildcats periodically seen. The developer is planning to degrade an agricultural site and will set a precedent for further development of this area

We object to this development for the above reasons.

Sincerely,

Dr. Paul Dailly & Ms. Christina Simmie
Gannochy Lodge by Edzell

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Peter Christie

Address: Head Foresters House Edzell Brechin

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We strongly wish to object to the latest application for the development of the site at Gannochy for all the reasons mentioned by objectors herein currently and previously against application 17/00616/PPPL. Planning was refused on the grounds "That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Council's adopted Countryside Housing Supplementary Guidance as it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location."

Nothing has changed other than it would appear the applicant is proposing a 2 storey house this time going by the height proposal in the limited available drawings.

With this in mind it's difficult to understand how by ignoring this rejection completely and applying time and again will make any difference. The local residents it would appear now have to look forward to future applications being submitted during the holiday season as this one was in an attempt to slip under the radar.

Surely enough is enough! While the other 3 properties were being developed by the applicant we had put up with somewhere in the region of 3 full yrs of construction nuisance including noise, dust, fumes, litter, heavy plant, damage to property, unofficial tree removal, speeding tradesmen, multiple water mains bursts and the driveway which has been left in a very poor unfinished state. As residents we need to know there is going to be closure on this subject or are we to expect annual applications from an ignorant architect and developer who refuse accept the rejection from the council who are clearly following the laws & legislation of Scotland.

Comments for Planning Application 18/00935/PPPL

Application Summary

Application Number: 18/00935/PPPL

Address: Field North Of The Bothy Gannochy Edzell

Proposal: Planning Permission in Principle for the Erection of a Dwellinghouse

Case Officer: Walter Wyllie

Customer Details

Name: Mr Nicholas Knight

Address: The Bothy Gannochy Edzell

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Mr Wyllie,

RE: 18/00935/PPPL | Planning Permission in Principle for the Erection of a Dwellinghouse | Field North Of The Bothy Gannochy Edzell

Further to the recent submission of the above planning application I write to put forward a number of objections:

The proposed new residential development is not compatible in terms of land use. It does not provide a satisfactory residential environment and results in an unacceptable impact on the built and natural environment and the surrounding amenity.

I have prepared a more thorough explanation to my objection which I will send via email to be uploaded.

Dear Mr Wyllie,

RE: 18/00935/PPPL | Planning Permission in Principle for the Erection of a Dwellinghouse | Field North Of The Bothy Gannochy Edzell

Further to the recent submission of the above planning application I write to put forward a number of objections:

The proposed new residential development is not compatible in terms of land use. It does not provide a satisfactory residential environment and results in an unacceptable impact on the built and natural environment and the surrounding amenity.

1. The site is not allocated or otherwise identified for development. The site is outwith the Development Boundary for Edzell as defined by the ALDP. There is no information to demonstrate that the erection of a private house is in the public interest and new housing can be provided within development boundaries, including the Edzell Development Boundary. Accordingly the proposal is contrary to Policy DS1 of the ALDP.
2. In addition, the land is identified as prime agricultural land. Policy PV20 of the ALDP seeks to safeguard prime agricultural land and only allows it to be developed in limited circumstances. The erection of a single house that is contrary to other policies of the ALDP is not one of those circumstances. Accordingly the proposal is contrary to Policy PV20.
3. Policy TC2 requires that the relevant criteria of Appendix 3: Detailed Countryside Housing Criteria as contained within the Countryside Housing Supplementary Guidance is satisfied;
 - a. The site would not round off as defined by the local plan because the proposed house would extend rather than round off the 'group' criterion (a).
 - b. The application site creates a gap (in the curtilage of Little Gannochy) for a rounding off opportunity for additional greenfield development; criterion (a). Approving a house on this site would set a precedent for further applications of a similar nature and is therefore contrary to Policy TC2.
 - c. The development would extend ribbon development; criteria (c)
 - d. No suitable information has been provided to show the development contributes to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality; criteria (e). Only a block plan has provided and no details regarding the nature and scale of the proposal to reflect the character or appearance of the area. The local plan indicates that a high quality of design is encouraged in all development proposals however none are provided.
 - e. Criteria (e) cont. The proposed development has been positioned stepped back from the building line of the existing neighboring properties. The subject site inclines from the roadside and the proposed house is on a higher elevation than neighboring

properties, creating a very disjointed building line and with a very visible house perched above the existing properties. This takes into account the statement relating to the building not being higher than the Station House, which is already considerably higher than the existing buildings.

- f. The site is adversely affected by farming; criteria (i). The land is agricultural land and, as shown in aerial photographs, has been used to graze sheep with access to the field adjacent to the wee Bothy. The field has been sectioned and the proposed site is located in a corner of a section of the field. No information has been provided to show that the Proposed Development will not be affected by farming activities when accessing the remaining section of the agricultural field.
4. The positioning of the new dwelling house is stepped back from the existing building line and remains on a much higher elevation than neighbouring properties. The resultant house would appear perched above the neighbouring houses and accordingly the nature and scale of the proposal is not acceptable and would not reflect the character or appearance of the area. On this basis the proposal is contrary to Policies DS1, DS3 and TC2. Given the presence of windows on neighbouring properties a new house on that part of the site would have a significant adverse impact on the amenity of occupants of all the neighbouring properties, in particular Wee Bothy, The Bothy the Gardeners Cottage and the Octagon. This objection raises legitimate concern regarding potential amenity impacts and no information provided by the applicant demonstrates that those concerns could be overcome. Therefore the proposals are contrary to Policies DS4 and TC2.
 5. Scottish Government appeal reference – ENA-120-2008
The corrective action required to be completed last year has not been adhered to. The term was to “remove” all foreign material. Instead only part of the existing mound of earth was removed and the foreign material was buried. This was reported however, no action seems to have been taken.
 6. The proposed new dwelling house would overlook directly into my property (The Bothy). My property is largely glass windows that look onto the proposed site as well as French doors from the master bedroom and when opening the window to the master bathroom the same view is seen. As a result, the new dwelling house would look into my master bedroom, master bathroom, Sun lounge, Sitting room, Dining Area and Kitchen / Utility room. All privacy we currently have would cease, creating a negative impact on the amenity of our own property. Previously, the planning officer stated that he felt any overlooking could be avoided by placement of a hedge or fence. I would challenge this argument due to the elevation of any property and the proposed garden area according to the block plan.
 7. The impact on the surrounding area due to water runoff from another property being situated on an elevated site from other properties would increase the likelihood of flooding. The properties below have previously suffered flooding, pictures have previously been supplied by Richard Burke of The Octagon. Any hard standing particularly in that area would create a more substantial run off area and the properties below would be affected.
 8. The current water main servicing the properties in this area is made of lead approximately 1” internal diameter. At present it runs beneath the private driveway close to my march at the front of the property (The Bothy). There have already been water pipe bursts due to the

excessive vehicular traffic and heavy plant being used for the development of the station house. Increased traffic and potentially further houses to service would have a negative impact on the water supply.

9. Children regularly play on the private driveway outside of the The Bothy / Wee Bothy and Foresters Cottage, increased traffic will cause further disturbance to the area and risk of injury to the children / pedestrians should the access be from behind The Wee bothy will increase. Due to the lack of other possible alternatives, there is very little that can be done with regards to risk mitigation particularly considering that large plant will be required in the construction of the proposed development.

In summary, regardless of the proposed changes to the planning application and the supporting statement information, the site does not conform to policy rules and regulations. The applicant clearly has a disregard for the planning rules as the enforcement notice actions were not actually completed and a further attempt to dodge planning regulations has been attempted. A previous attempt at planning has been met with objections from all of the neighbours, surely the wishes of the current community should be considered.

I would be grateful if the planning officers and Committee Members would take these objections into consideration when reviewing this case.

Yours sincerely

Nick Knight

The Bothy,

Gannochy,

Edzell,

DD(7UX

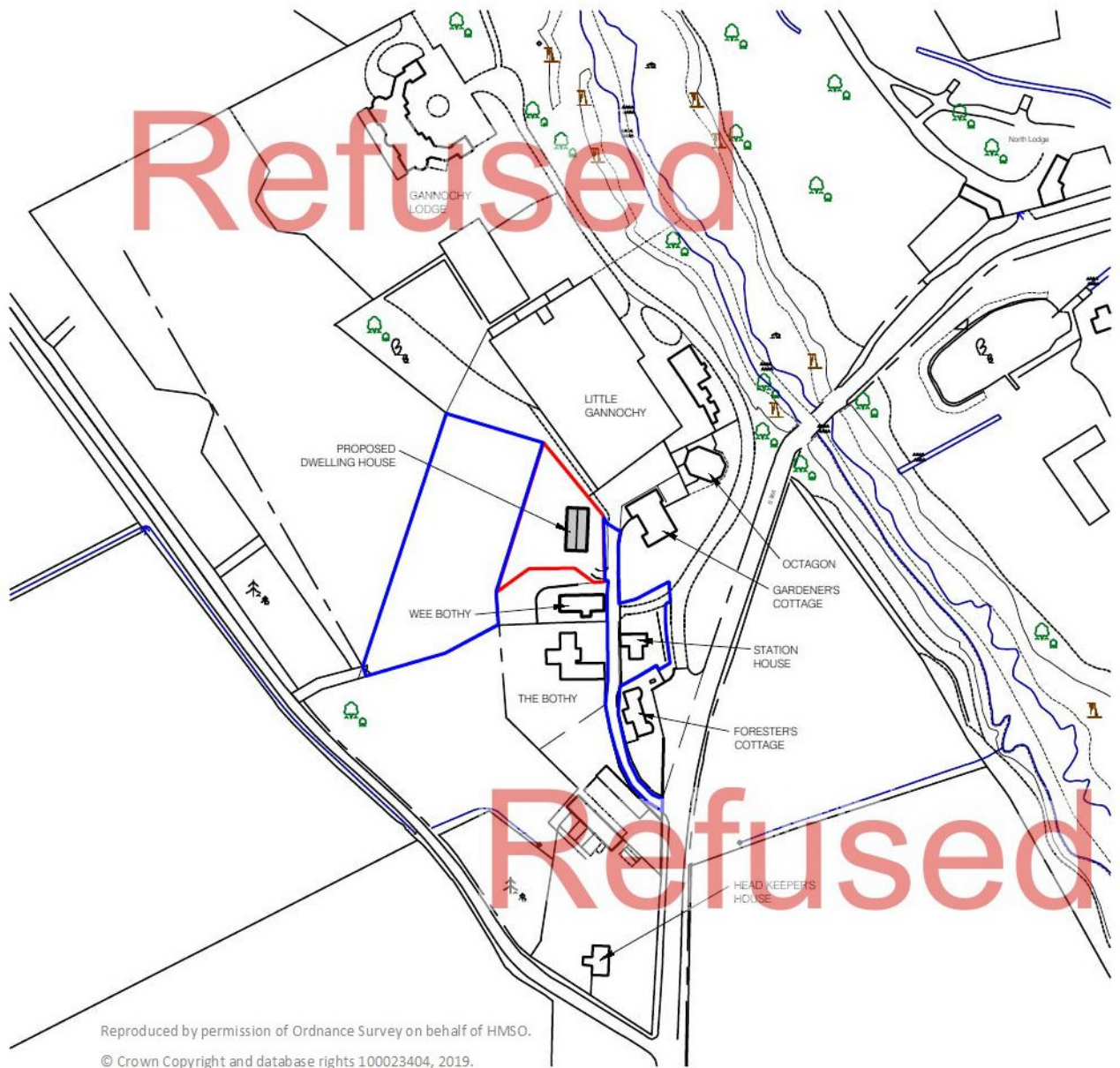
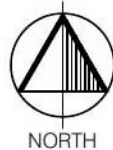


J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF

Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com



TITLE
PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN

CLIENT
MRS. J. RILEY

DESCRIPTION
BLOCK PLAN

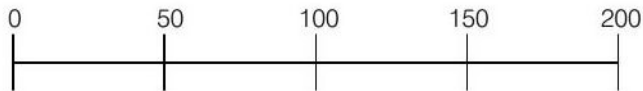
DRAWING TYPE
SKETCH PROPOSAL

DWG No. SP-BP2/1945/17 SCALE 1:2,500

DATE JULY 2017 REVISION

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SCALE OF METRES

REV.	DATE	ACTION
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J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF
Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182
Email: aaron@jwsouttar.com
Website: www.jwsouttar.com

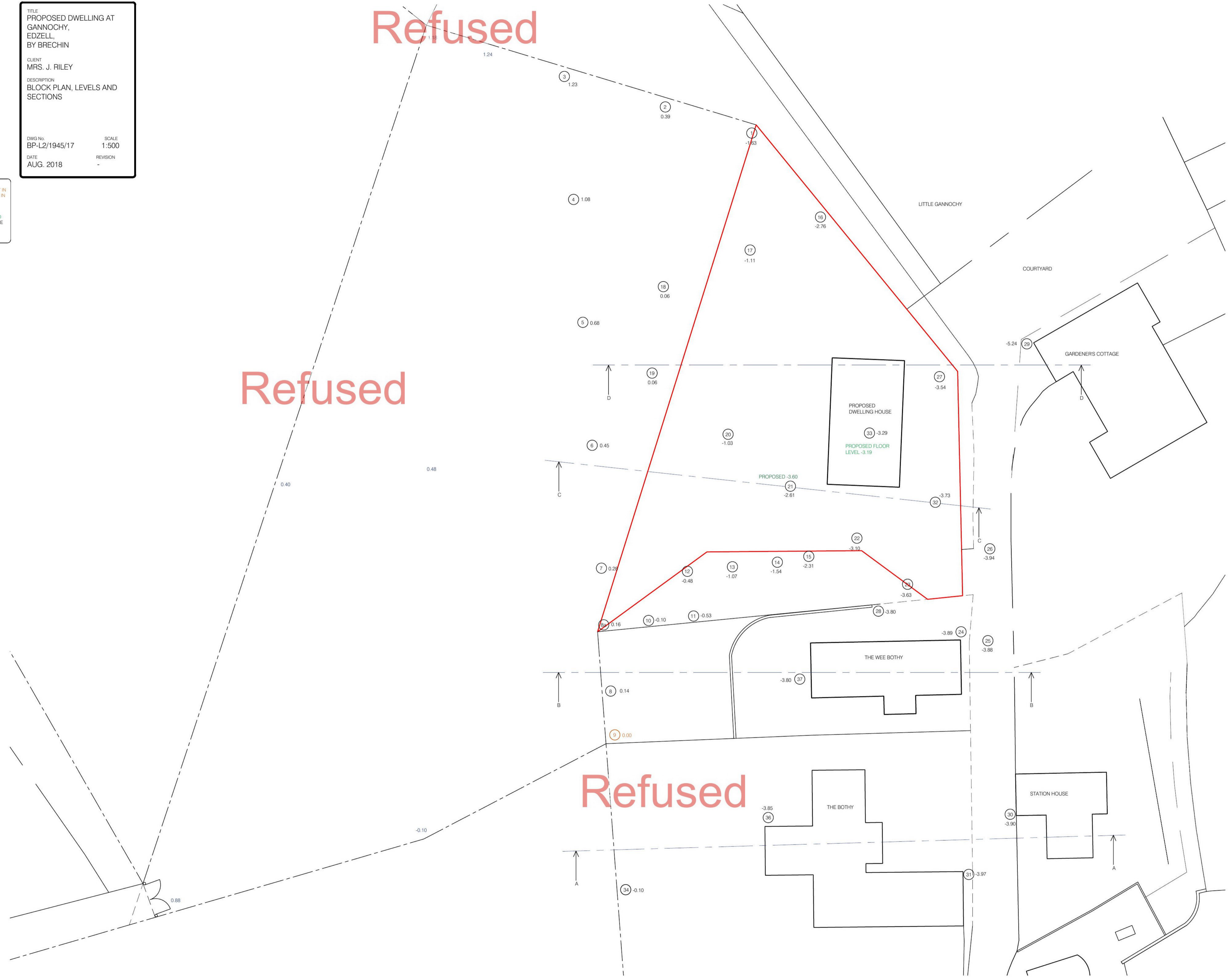
TITLE
PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN
CLIENT
MRS. J. RILEY
DESCRIPTION
BLOCK PLAN, LEVELS AND
SECTIONS
DWG No.
BP-L2/1945/17
DATE
AUG. 2018
SCALE
1:500
REVISION
-

EXISTING GROUND LEVELS, STATED IN BLACK TEXT IN
BLOCK PLAN AND TABLE, RELATE TO THAT HEIGHT IN
RELATION TO POINT 9
PROPOSED GROUND LEVELS THAT HAVE BEEN
ALTERED ARE SHOWN IN GREEN TEXT IN PLAN AND
TABLE. THOSE THAT WILL REMAIN UNALTERED ARE
SHOWN IN BLACK

Refused

Refused

Refused





J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF

Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com

TITLE
**PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN**

CLIENT
MRS. J. RILEY

DESCRIPTION
**BLOCK PLAN, LEVELS AND
SECTIONS**

DWG No
BP-L/1945/17

SCALE
1:500

DATE
AUG. 2018

REVISION
-

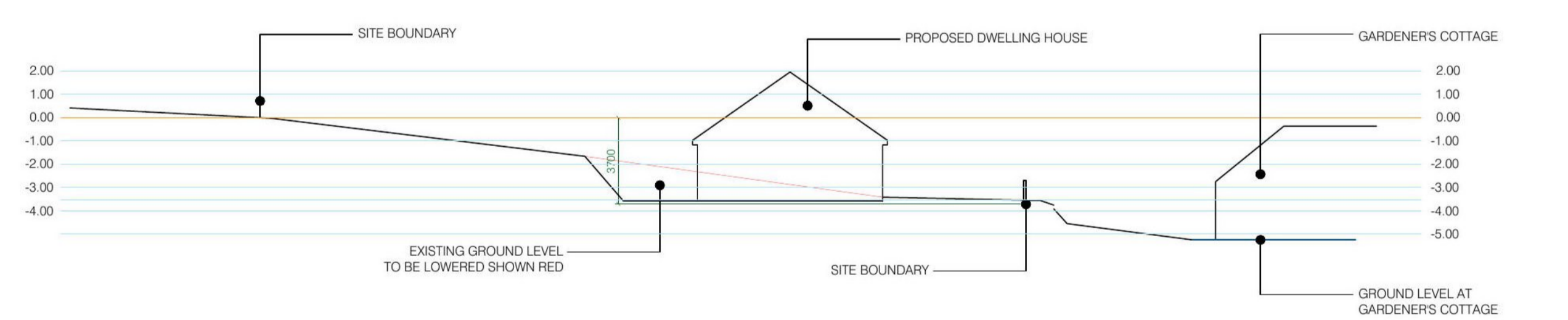
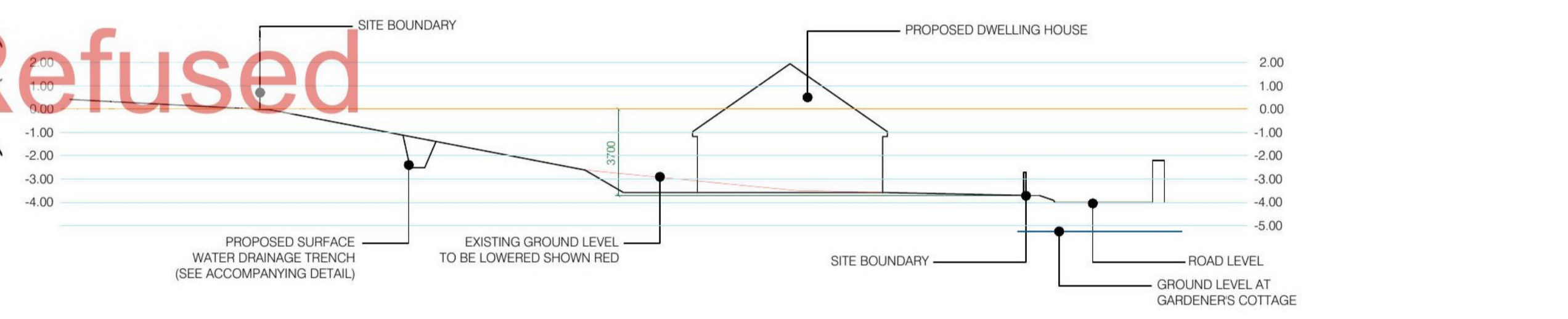
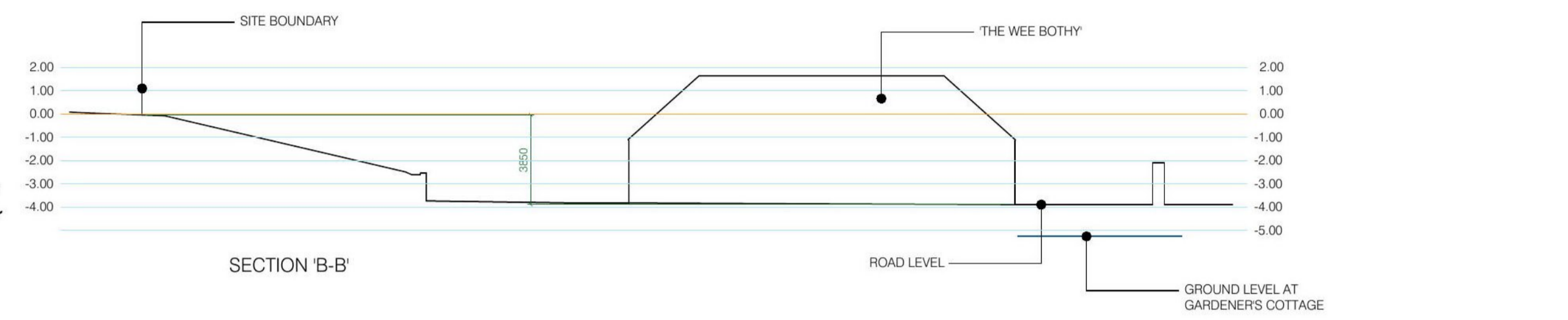
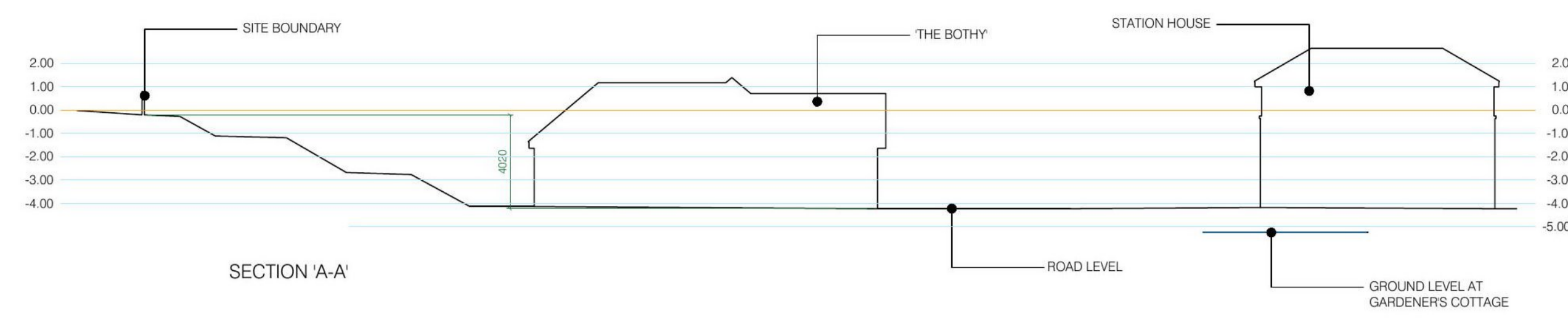
EXISTING GROUND LEVELS, STATED IN BLACK TEXT IN BLOCK PLAN AND TABLE, RELATE TO THAT HEIGHT IN RELATION TO POINT 9

PROPOSED GROUND LEVELS THAT HAVE BEEN ALTERED ARE SHOWN IN GREEN TEXT IN PLAN AND TABLE. THOSE THAT WILL REMAIN UNALTERED ARE SHOWN IN BLACK

BLOCK PLAN WITH EXISTING AND PROPOSED LEVELS



POINT	DESCRIPTION (GROUND LEVEL UNLESS STATED)	B.S.	R.L.	P.L.
1	CHANGE IN DIRECTION OF BOUNDARY	3.52	-1.63	-1.63
2	10m ALONG BOUNDARY LINE FROM POINT 1	1.90	0.39	0.39
3	CORNER OF SITE	0.66	1.23	1.23
4	15m ALONG BOUNDARY FROM POINT 3	0.81	1.08	1.08
5	30m ALONG BOUNDARY FROM POINT 3	1.12	0.68	0.68
6	45m ALONG BOUNDARY FROM POINT 3	1.44	0.45	0.45
7	60m ALONG BOUNDARY FROM POINT 3	1.61	0.28	0.28
8	75m ALONG BOUNDARY FROM POINT 3	1.75	0.14	0.14
8a	CORNER OF APPLICATION SITE	1.73	0.16	0.16
9	CORNER OF ADJACENT SITE AT STRAINER POST	1.89	0.00	0.00
10	5m FROM POINT 8a IN LINE WITH RETAINING WALL	1.99	-0.10	-0.10
11	10m FROM POINT 8a IN LINE WITH RETAINING WALL	2.42	-0.53	-0.53
12	5m FROM POINT 11 MOVING PERPENDICULAR TO LINE OF WALL	2.37	-0.48	-0.48
13	5m FROM POINT 12 IN LINE PARALLEL WITH RETAINING WALL	2.96	-1.07	-1.07
14	5m FROM POINT 13 IN LINE PARALLEL WITH RETAINING WALL	3.43	-1.54	-1.54
15	IN LINE WITH GABLE OF HOUSE 10m FROM HOUSE (ON BOUNDARY)	4.20	-2.31	-2.31
16	BOUNDARY 12m FROM POINT 1	4.65	-2.76	-2.76
17	10m FROM POINT 16 IN LINE WITH POINT 3	3.00	-1.11	-1.11
18	20m FROM POINT 16 IN LINE WITH POINT 3	1.83	0.06	0.06
19	10m FROM POINT 3 IN LINE WITH CORNER OF THE WEE BOTHY	1.83	0.06	0.06
20	20m FROM POINT 3 IN LINE WITH CORNER OF THE WEE BOTHY	2.92	-1.03	-1.03
21	30m FROM POINT 3 IN LINE WITH CORNER OF THE WEE BOTHY	4.50	-2.61	-2.61
22	35m FROM POINT 3 IN LINE WITH CORNER OF THE WEE BOTHY	4.99	-3.10	-3.10
22 C.P.	35m FROM POINT 3 IN LINE WITH CORNER OF THE WEE BOTHY	0.82	-3.10	-3.10
23	45m FROM POINT 3 IN LINE WITH CORNER OF THE WEE BOTHY	1.35	-3.63	-3.63
24	CORNER OF THE WEE BOTHY	1.61	-3.89	-3.89
25	CENTRE LINE OF ROAD	1.60	-3.88	-3.88
26	10m FROM POINT 25 ALONG CENTRE LINE OF ROAD	1.66	-3.94	-3.94
27	2m INSIDE FIELD AT CHANGE IN DIRECTION OF BOUNDARY	1.29	-3.54	-3.54
28	BASE OF WALL	1.52	-3.80	-3.80
29	CORNER OF GARDENERS COTTAGE	2.96	-2.24	-2.24
30	CORNER OF STATION HOUSE	1.62	-3.90	-3.90
31	CORNER OF THE BOTHY	1.89	-3.97	-3.97
32	15m FROM POINT 27 AND 2m INSIDE BOUNDARY	1.45	-3.73	-3.73
33	10m FROM POINT 21 IN LINE WITH POINT 27	1.01	-3.29	-3.29
34	15m INTO GARDEN GROUND OF THE BOTHY		-0.10	-0.10
35	CHANGE IN DIRECTION OF BOTHY BOUNDARY		-0.75	-0.75
36	PLATT LEVEL AT REAR OF THE BOTHY		-3.85	-3.85
37	PLATT LEVEL AT REAR OF THE WEE BOTHY		-3.80	-3.80

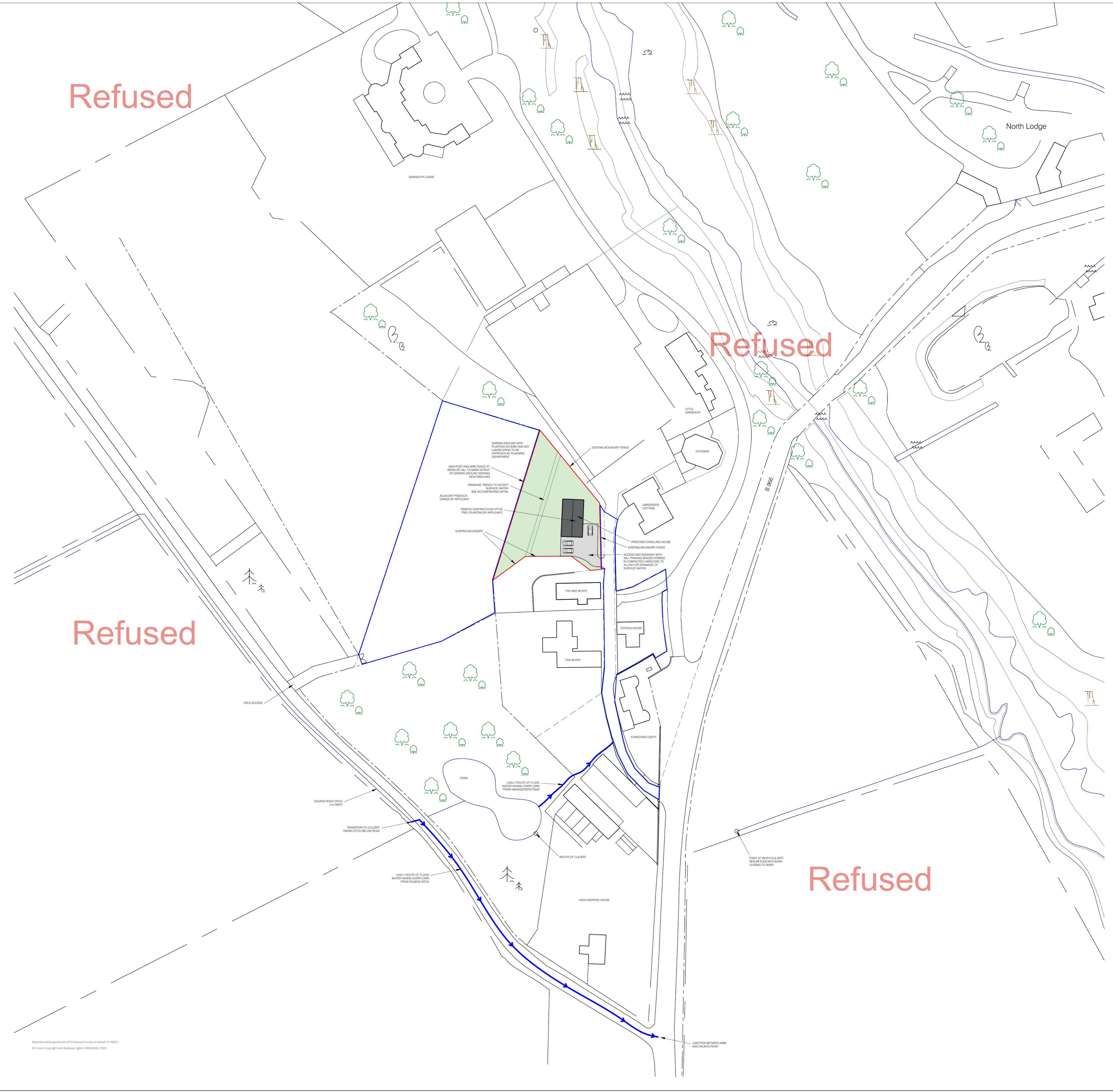




36 Clark Street
 Glasgow, G2 3JF
 Telephone: 01755 621433
 Office: 01755 621433
 Mobile: 07882 742038
 Fax: 01755 621432
 Email: south@jwsouttar.com
 Website: www.jwsouttar.com

PROPOSED DWELLING AT
 GANNKOHY,
 EDZELLA,
 WYBIECHIN
 MRS J. RILEY
 BLOCK PLAN
 SCALE
 1:500
 DATE
 NOV 2018

NO.	DATE	DESCRIPTION
1		
2		



Refused

Refused

Refused

Refused



J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

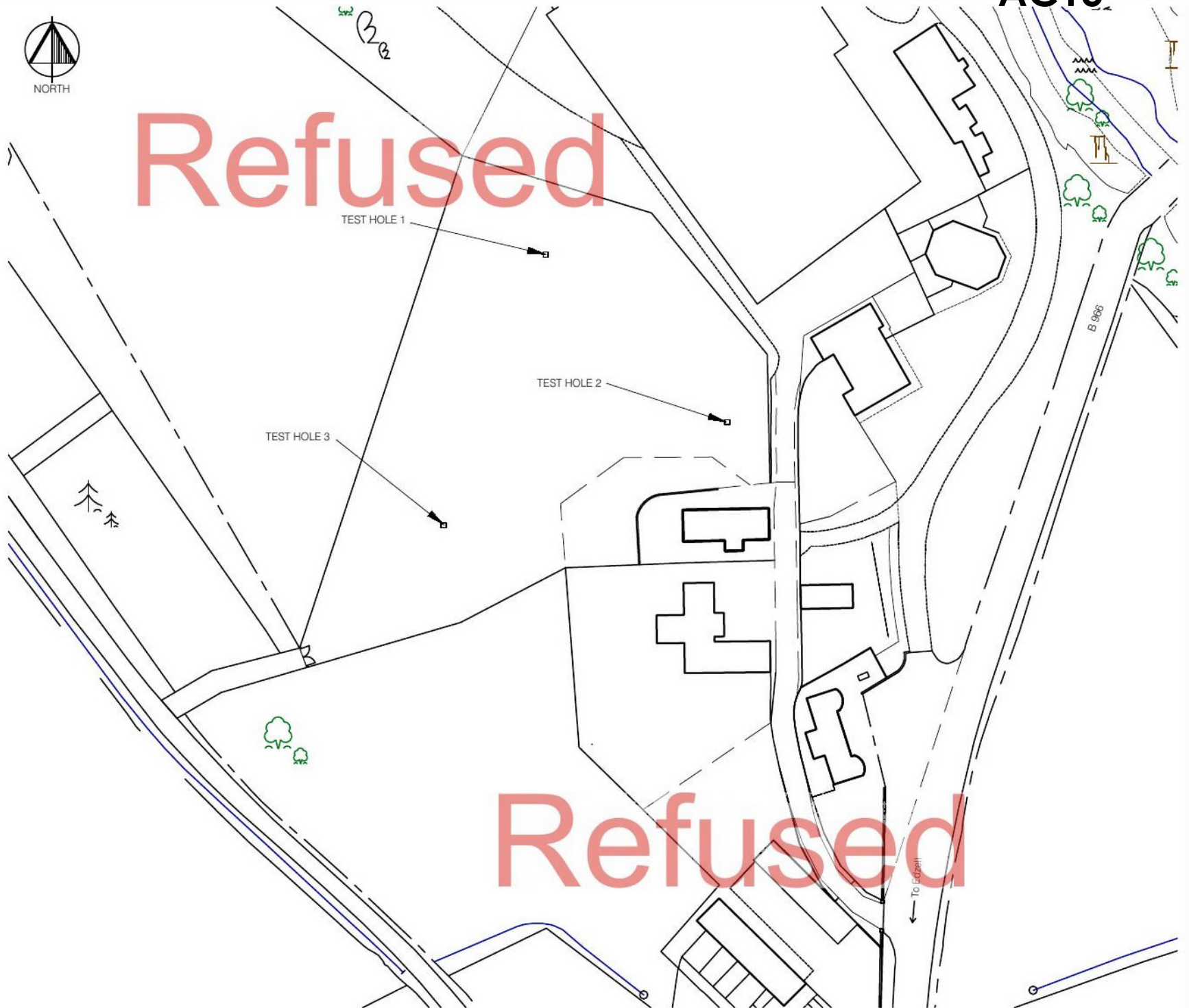
3a Clerk Street
Brechin, Angus
DD9 6AF

Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com



Refused



TITLE
PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN

CLIENT
MRS. J. RILEY

DESCRIPTION
BLOCK PLAN SHOWING
SOIL TEST POSITIONS

DRAWING TYPE
SKETCH PROPOSAL

DWG No. SP-BP4/1945/17 SCALE
1:500

DATE MAY 2019 REVISION
-

REV.	DATE	ACTION
-		

Refused



J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF

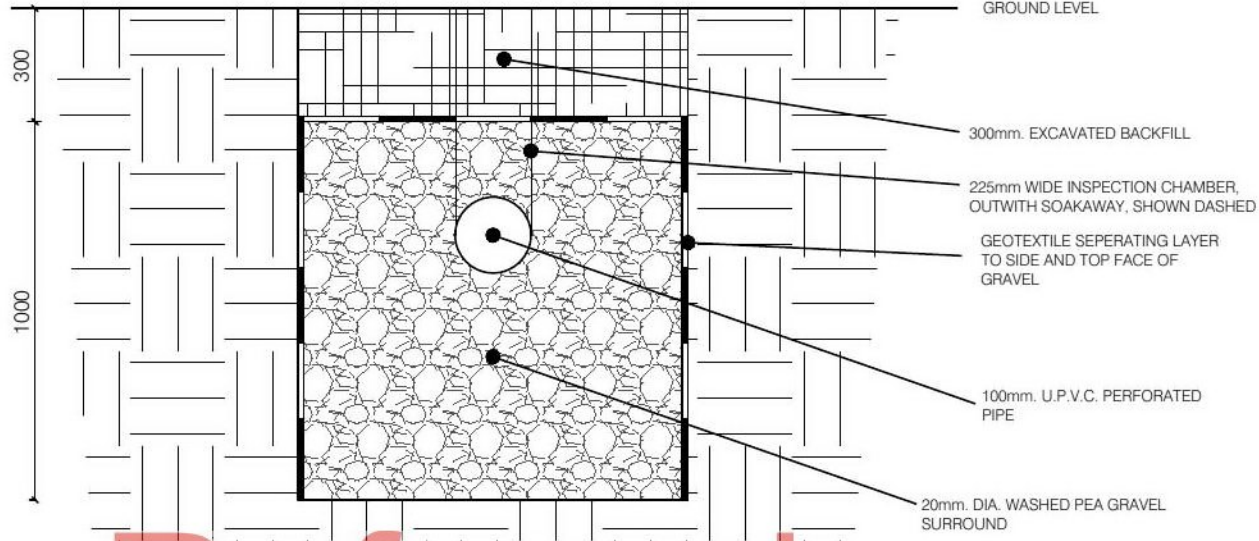
Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com



SOAK-AWAY IS 1.4M LONG

Refused



Refused

TITLE
PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN

CLIENT
MRS. J. RILEY

DESCRIPTION
SURFACE WATER SOAKAWAY

DRAWING TYPE
SKETCH PROPOSAL

DWG No. SP-SW/1945/17 SCALE 1:500

DATE MAY 2019 REVISION -

REV.	DATE	ACTION
-	-	-



J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF

Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com



Refused

TITLE
PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN

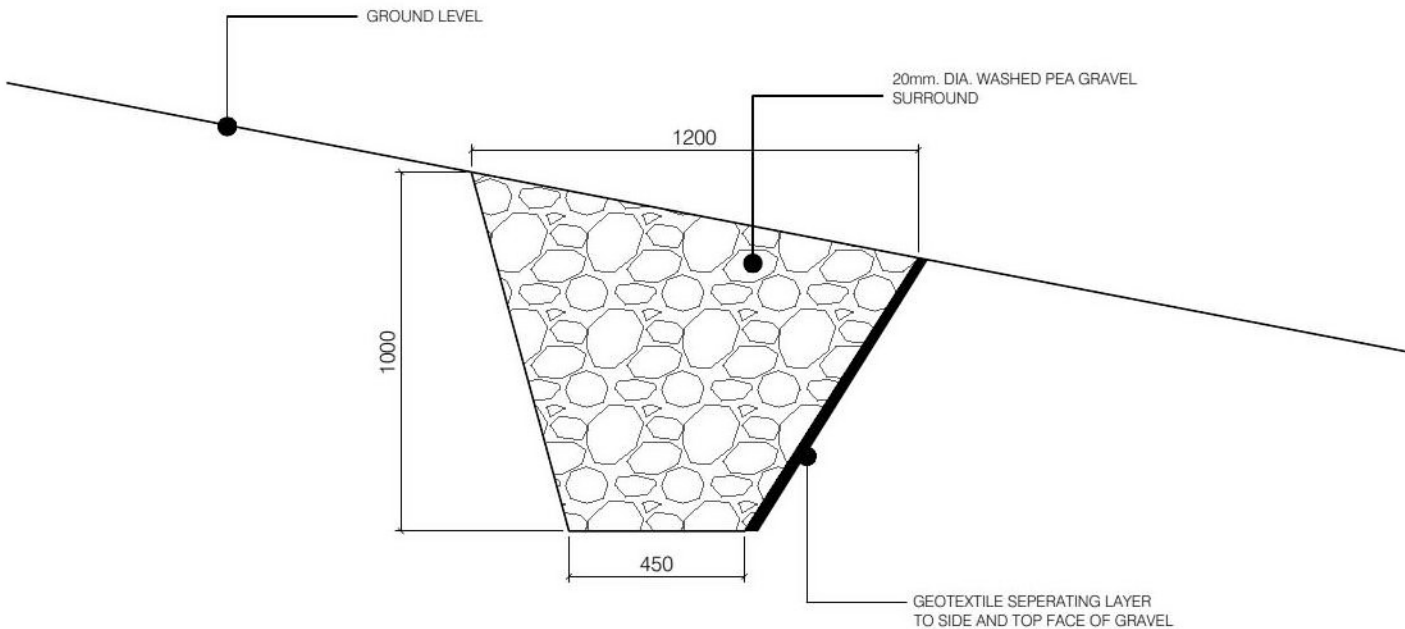
CLIENT
MRS. J. RILEY

DESCRIPTION
TRENCH SOAKAWAY

DRAWING TYPE
SKETCH PROPOSAL

DWG No. SP-TS/1945/17 SCALE 1:500

DATE MAY 2019 REVISION -



Refused

REV.	DATE	ACTION
-	-	-















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 : 18/00935/PPPL

To **Ms Joisphine Riley**
c/o J W Souttar
3A Clerk Street
Brechin
Angus
DD9 6AF

With reference to your application dated 11 December 2018 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for the Erection of a Dwellinghouse at Field North Of The Bothy Gannochy Edzell for Ms Joisphine Riley

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 docquetted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-


1. The planning application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance (2016) as it does not comply with any of the circumstances that would allow for the development of a dwellinghouse within a countryside location.
2. The planning application is contrary to Policy DS1 of the Angus Local Development Plan (2016) as it is not in accordance with Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance (2016).

Amendments:

1. Drawing No. SP-BP3/1945/17 Rev B 'Block Plan' by J.W. Souttar amends and supersedes Drawing No. SP-BP3/1945/17 Rev B 'Block Plan' by J.W. Souttar. This drawing was amended in order to illustrate the existing tree located within the centre of the application site.
2. Drawing No. BP-L/1945/17 'Block Plan, Levels and Sections' by J.W. Souttar amends and supersedes Drawing No. BP-L/1945/17 'Block Plan, Levels and Sections' by J.W. Souttar. This drawing was amended in order to illustrate a further cross section plan (Section D-D).
3. Drawing No. SP-BP3/1945/17 Rev C 'Block Plan' by J.W. Souttar amends and supersedes Drawing No. SP-BP3/1945/17 Rev B 'Block Plan' by J.W. Souttar. This drawing was amended in order to illustrate a drainage trench to accept surface water within the application site.

Dated this **19 July 2019**

Kate Cowey
Service Leader
Planning & Communities
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN



Planning Decisions – Guidance Note**Please retain – this guidance forms part of your Decision Notice**

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS**Decision Types and Appeal/Review Routes**

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Place
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

Telephone 01307 492076 / 492533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

WyllieWK

From: WyllieWK
Sent: 17 July 2019 14:52
To: 'aaron@jwsouttar.com'
Subject: 18/00935/PPPL

Good afternoon Aaron,

Planning Application 18/00935/PPPL – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell

Thank you for the communication submitted by the applicant dated the 31st May 2019 but published by Angus Council on the 11th June 2019.

Within this communication the applicant seeks clarification regarding the use of the application site for the keeping of farm animals or to rent it out to a farmer. The Planning Department can confirm that the use of land for agricultural purposes does not constitute the development of land and as such does not require planning permission. As such there is no planning reason why you cannot utilise the planning application site for the purposes of agriculture since it's last and current lawful use is as an agricultural field.

Within this communication it is also stated that *"the planning department are asking me to carry out a specialised survey to a cost of two thousand pounds in which to satisfy whom? The decision has already been made that my planning application is to be rejected"*. For the avoidance of doubt, the delay in determining this planning application was to allow the applicant and yourself to resolve one of the previous reasons for refusal of planning permission. The Planning Department can confirm that we did not recommend this course of action, indeed we actually cautioned against this course of action. For clarity, please see the extract below from an email which was sent to yourself on the 6th February 2019.

"Aaron

We would never encourage your client to go to the expense of commissioning flood risk assessment information where we know the application will be refused planning permission for other reasons on top of flood risk.

Having said that, if your client wishes to go to the expense of that in the knowledge the application will be refused anyway, then it is reasonable to allow you time to try and address that reason for refusal.

You will note that the previous application was subject of 3 reasons for refusal – one of which was flood risk. Flood risk information may overcome one of those 3 reasons for refusal but would not address the other two (conflict with policies TC2 and DS1).

Provided that you are clear on that aspect and you understand that the Planning Service will refuse planning permission under policies DS1 and TC2 in any case, we would reluctantly accept your request for a processing agreement. Can you provide a timescale by which you consider that this information would be forthcoming? We will then propose various milestones which we would set out in an agreement".

The Planning Department can confirm that all of the above is for information only and requires no further action. It would be appreciated if you could forward this correspondence onto the applicant.

Many thanks.

Kind regards,

Walter Wyllie | Planning Officer – Development Standards | Angus Council | Place Directorate | Angus House | Orchardbank Business Park | Forfar | DD8 1AN |
T: 01307 492632 | E: wylliewk@angus.gov.uk

WyllieWK

From: WyllieWK
Sent: 06 February 2019 16:42
To: 'aaron@jwsouttar.com'
Subject: FW: Gannochy

Hi Aaron,

As discussed, please find an email below from Ed.

In addition to Ed's email, it may be advisable for yourself and the client to consider the content of the consultation response from the Council's Roads – Flood Risk and Structures Service. I would advise that you liaise directly with Andrew Brown in order to fully understand what information he would require in order to try and address the flood risk issues.

Should you have any queries then please do not hesitate to contact me.

Many thanks.

Kind regards,

Walter Wyllie | Planning Officer – Development Standards | Angus Council | Place Directorate | Angus House | Orchardbank Business Park | Forfar | DD8 1AN |
T: 01307 473229 | E: wylliewk@angus.gov.uk



www.angus.gov.uk/angusdesignawards

From: TaylorE
Sent: 06 February 2019 14:29
To: WyllieWK
Subject: RE: Gannochy

Aaron

We would never encourage your client to go to the expense of commissioning flood risk assessment information where we know the application will be refused planning permission for other reasons on top of flood risk.

Having said that, if your client wishes to go to the expense of that in the knowledge the application will be refused anyway, then it is reasonable to allow you time to try and address that reason for refusal.

You will note that the previous application was subject of 3 reasons for refusal – one of which was flood risk. Flood risk information may overcome one of those 3 reasons for refusal but would not address the other two (conflict with policies TC2 and DS1).

Provided that you are clear on that aspect and you understand that the Planning Service will refuse planning permission under policies DS1 and TC2 in any case, we would reluctantly accept your request for a processing agreement. Can you provide a timescale by which you consider that this information would be forthcoming? We will then propose various milestones which we would set out in an agreement.

From: WyllieWK
Sent: 06 February 2019 12:56
To: TaylorE
Subject: FW: Gannochy

FYI

Walter Wyllie | Planning Officer – Development Standards | Angus Council | Place Directorate | Angus House | Orchardbank Business Park | Forfar | DD8 1AN |
T: 01307 473229 | E: wylliewk@angus.gov.uk



www.angus.gov.uk/angusdesignawards

From: Aaron Souttar [<mailto:aaron@jwsouttar.com>]
Sent: 06 February 2019 12:30
To: WyllieWK
Subject: Gannochy

Hi Walter

Following on from our chat I write to request whether it might be possible for us to arrange a processing agreement in relation to the above.

I had previously understood that, due to the possibility of site specific mitigation measures being required, it would be more suitable to submit a flood risk assessment through a full application for planning permission. You have now confirmed that this will not be possible as Roads will retain their objection to the proposal and this matter could not be conditioned.

Since we last discussed flooding, which may have been at the pre-application stage, the applicant has provided additional information to confirm that the field was not the source or route of the flood water in 2012. She had also been advised that an investigation was carried out by Scottish Fire Service at the time. We have requested this through the official channels but it is unlikely that the report will reach us in time for us to submit it before the application is determined. A processing agreement would give us a little more time to gain this report.

I would be most grateful if you could confirm whether this would be possible in this instance.

Thanks and regards

Aaron Souttar



3a Clerk Street
Brechin, Angus
DD9 6AF
Tel: 01356 623435
Email: aaron@jwsouttar.com

WyllieWK

Subject: FW: FW: Gannochy

From: Aaron Souttar [mailto:aaron@jwsouttar.com]

Sent: 07 February 2019 09:52

To: WyllieWK

Subject: Re: FW: Gannochy

Morning Walter

I understand what will need to be submitted in relation to flood risk and feel the information that we are currently seeking from the Fire Service would be a key part of that. I also appreciate and understand the advice offered by you and Ed in relation to this matter.

In light of all this would be most grateful if we could enter into a processing agreement to allow more time for the requisite information to be gathered. It is possible that this may have to be collated together from multiple sources in sequence (e.g. a flood risk assessment following on from the sourcing of a report into the 2012 flood) and I cannot be certain at this stage how long this will take. For this reason I would ask that we be allowed 8 weeks to gather the additional flood information and allow time for it to be assessed by Roads.

I hope that this seems reasonable but should you wish to discuss, please do not hesitate to contact me.

Kind regards

Aaron



3a Clerk Street
Brechin, Angus
DD9 6AF
Tel: 01356 623435
Email: aaron@jwsouttar.com













*Proposed Dwelling House at
site at
Gannochy, By Edzell
Report of 27.11.18*



J.W. Souttar

ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin
Angus
DD9 6AF
Tel. 01356 623435

The Site

The application site is located around 1,500 metres to the North of the village of Edzell. It is the East corner of an existing dis-used paddock, which is owned by the applicant. The East boundary of the site is adjacent to a mutual access road, which leads to a number of dwellings to the North. The South boundary is shared with another existing dwelling house called 'The Wee Bothy' and the North boundary with the garden ground of another dwelling, 'Little Gannochy'. Previous correspondence from the planning department has seen the site be referred to as 'agricultural land', but we can confirm that this is not the case.



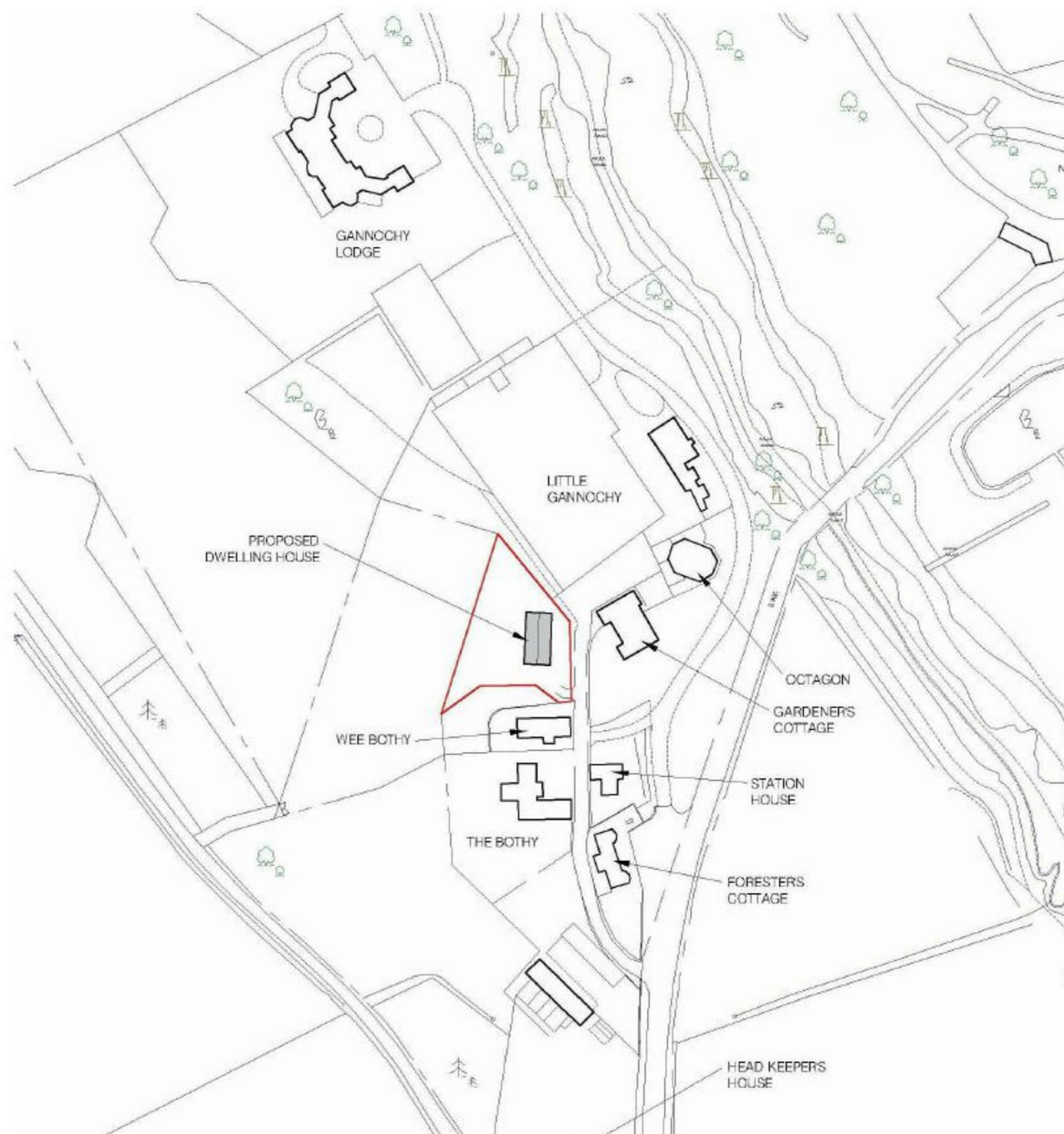
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Proposal and Justification

We request that permission be granted for change of use to a domestic property on the basis that approval of a single house in this location would:

- *round off an established building group of 3 or more dwellings;*

The application site is surrounded on 3 sides by an existing established building group of some 7 dwellings. This could be extended to 9 if you include ‘Gannochy House’ and ‘The Head Keeper’s House’. The site and the group are shown in the following block plan.



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Whilst not directly relevant to policy, it might be worth noting that the proposed site, being hidden by existing buildings and land features, is not be visible from any public road or public land, nor would a dwelling be, were it sited there.

Other than minor roads and driveways there are no gaps between domestic properties in this group, as one garden ground abuts another. In this regard the empty site currently stands out as something of an anomaly so a change of use and erection of a dwelling house in this location would be a natural addition to the group and would round it off in a satisfactory manner.

A previous application for planning permission here was met with the following response...

"..... your proposal would not round off an established group of dwellings due to its elevated location"

Following on from this we were also told that...

"the current elevated state of the site would render it not within the established building group and that is what we are looking at when assessing policy."

and later that.....

"It is considered that the erection of a dwelling house within the proposed development site would artificially create a boundary in order to try and provide a sense of containment which is contrary to the definition [as stated in the relevant policy]."

It would be reasonable to determine, therefore, that up to this point the proposal has been deemed to be non-compliant with the relevant policy due to fact that the site is viewed as being elevated above the adjacent properties, has sufficiently differentiating features and that the proposed boundary represents an attempt to artificially create containment that is not currently present in the landscape setting.

In order to better assess this situation we decided to carry out a topographical study of the site, the findings from which are detailed in the accompanying drawing. It shows that rather than being elevated from surrounding sites, the application site is at a very similar 'height' to the two adjacent properties, The Bothy and The Wee Bothy (these are the only houses located on the same side of the access road and are, therefore, the most relevant comparisons). You will note from the sections that the overall height of the slope from one side of the site to the other is very similar in each case.

By locating the new house to the East of the site we would need to carry out only very minimal landscaping works, including the removal of a mound of top soil, which was left there following recent ground works. The resultant house and site would be very similar in terms of levels to both the Bothy and the Wee Bothy. It should also be noted that the roof of Station House, opposite the Bothy, would be considerably higher than the any part of the proposed dwelling.

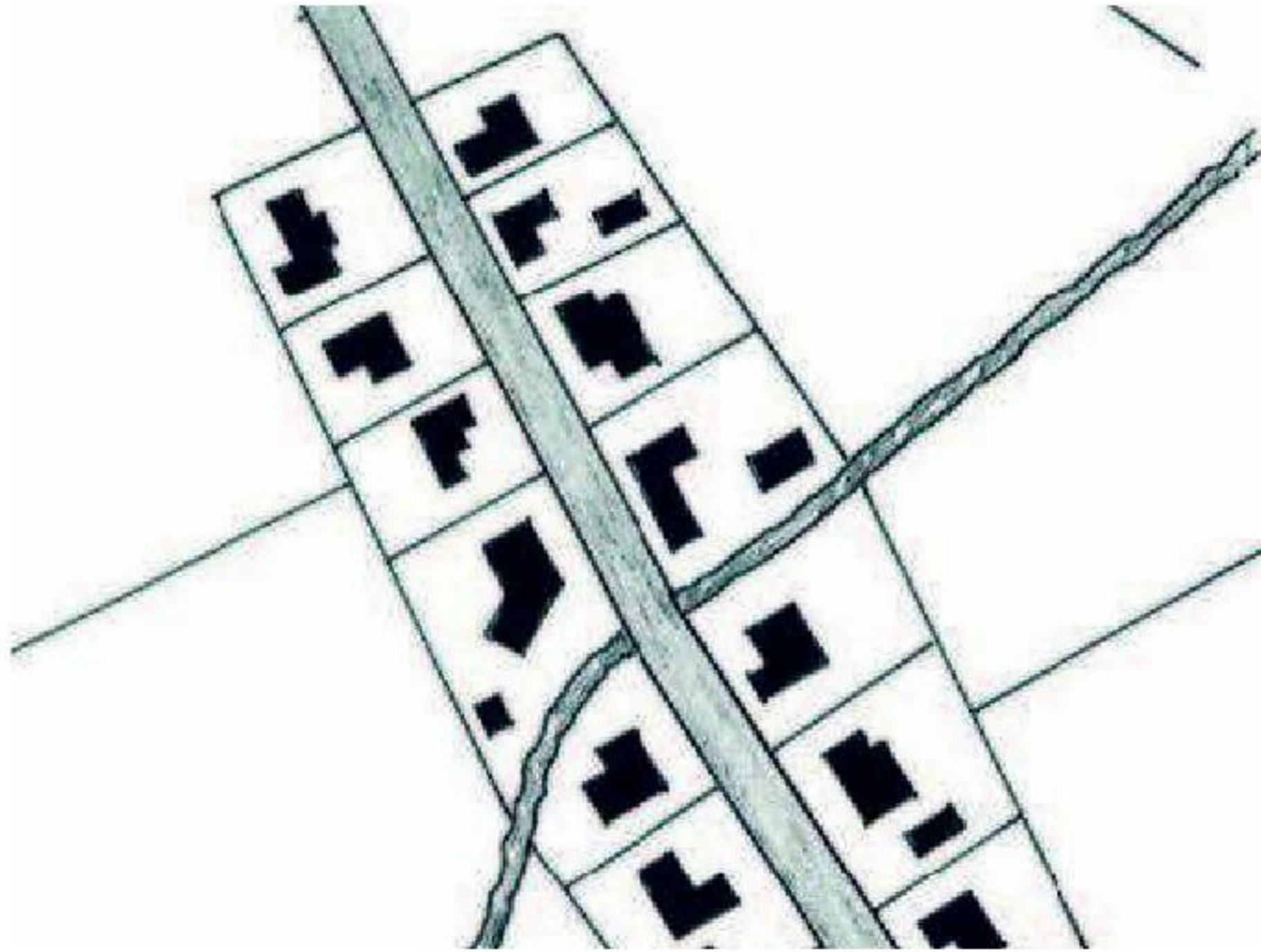


The photograph above is taken viewing South along the brow of the hill

All of the boundaries of the application site are existing and established other than the West-most boundary. It has been positioned such that it, and the overall site, will maintain a relationship with the 'lie of the land' that is very similar with that present in both the Bothy and the Wee bothy. The three house sites, all to the East of the new boundary, will feature a consistent change of level one side to the other and the land to the West will be relatively flat. The result of this is that all three sites have a consistent relationship within the landscape setting.

Pre-application advice from the planning department stated that the '*elevated field provides a sense of containment for the group*'. We have already shown, however, that the East-most corner of that field / paddock (the application site) has a similar topography and elevation to the Bothy and Wee Bothy sites. It seems illogical that a feature that provides a sense of containment at the boundary of a group could, simultaneously, extend into and through that group. We would contest, therefore, that it is not the existing field that provides that sense of containment, but the brow of the hill, which runs along the back boundary of the Bothy and Wee Bothy and would continue along the rear boundary of this site. For this reason, the proposed boundary should not be viewed as problematic and 'artificial', but actually as a far more natural position for the boundary of this group than the pre-existing extents of the field.

If this assertion is deemed to be incorrect and that it is not the brow of the hill that provides the sense of containment (since we have demonstrated that it can't be the lie of the land and topography) the only other option would be that it is the boundary of the field that does this. This, however, can be dismissed in light of the indicative plan in the Planning department's own advise note, which is shown below.



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In order to site a house in the location indicated above, **two** 'artificial' boundaries would have to be created. There is no division shown in this example between the acceptable site and the land beyond. This (together with evidence from previous passages and accompanying drawings) would lead us to conclude that the above example is consistent with our proposal. In making this claim we can even assume that the topography present above is the same through the site and the adjacent plots, in that it is either fairly level or has a similar gradient running in the same direction and levelling off on the line of the rear boundaries.

We would assert that the site that we have proposed is more compliant with this policy than one that is proposed, exactly as above, on a site that is completely level. The positions of boundaries placed on a level piece of ground have been decided entirely by human intervention and are, therefore, 'artificial'. The boundaries in the example above would be dictated by pre-existing site boundaries but so is the proposed site. Our boundary not only continues from the rear extent of the adjacent sites to the South to an existing change in the direction of the boundary with Little Gannochy, it also follows a topographical feature, which is not artificial but natural.

In Summary.....

A 'sense of containment' around the group cannot be being provided by the base of the hill or the slope itself because these elements continue through the sites to the South. It cannot be provided by the boundaries of the field because the Council's own example shows that this is cannot be the case. It follows, therefore, that the sense of containment must be being provided by the overall landscape setting, in particular the brow of the hill which differentiates the gardens of the Bothy, the Wee Bothy and the proposed dwelling from the higher, flatter land to the West.

A new dwelling on this site, along with any landscaping and a considered planting scheme, designed in close consultation with the planning department to be sensitive to its immediate surroundings and the styles in wider locality, would have no detrimental impact on the character of the group or its landscape setting (much of which we and the applicant have defined through the design and conversion of three of the adjacent houses). Instead any impact would be quite the opposite.

In its current state the application site is an anomaly but not because of its topography, landscape setting, location or surroundings all of which are consistent with other houses and sites in the pre-existing group. It is only an anomaly because it does **not have** a house on it. For these reasons a single dwelling house on the site that we have proposed, with the boundaries that we have shown, would close the final gap in the group and would, therefore, 'round off or consolidate' it in a satisfactory manner.

WyllieWK

From: Aaron Souttar <aaron@jwsouttar.com>
Sent: 07 January 2019 13:51
To: WyllieWK
Subject: House at Ganochy - 18/00935/PPPL
Attachments: aGannochy - HOUSE - 1945-BP2 tree.pdf

Hi Walter

Hope you had a good festive period.

I have noticed an omission from my original submission in relation to the above. I stated that there are no trees on site or to be removed. This is incorrect - there is actually a eucalyptus tree on site that was planted by the applicant around 15 years ago. Being a eucalyptus it is an alien species and of no value to the natural ecology of the area. On this basis we would assert that removing it should be acceptable but would welcome your advice on the subject.

I have attached a revised block plan which includes reference to this tree.

Thanks and regards

Aaron

*Proposed Dwelling
at site at
Gannochy
Edzell*

Flood Risk Assessment



J.W. Souttar

ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin
Angus
DD9 6AF
Tel. 01356 623435

The purpose of this report is to identify possible sources of flooding to this site and assess whether it is at risk from flooding from these sources. To investigate this we carried out a point levels survey of the application site and the surrounding properties and a site walkover of the wider landscape and area.

We considered the possibility of flooding for **Potential Souce 1: River North Esk** but SEPA and the Roads department have confirmed that since the application site is approximately 10m above the river level, there is no risk from flooding from this source.

Whilst the area is not at risk from flooding from the River there was a flood in this area in 2012, so it is necessary that we try to identify the sources of that flood and assess whether they pose a risk to the site. J. W. Souttar were involved with that flood from day one and, along with the applicant, the occupants of the dwellings and the Fire Service, we were among the first to see where the water reached. The photograph below, taken inside Gardener's Cottage once the water had subsided, shows the high water mark inside the dwelling.



There are a number of dwellings present within the surrounding group. Foresters Cottage, The Octagon, Little Gannochy, Gardeners Cottage, The Bothy and Wee Bothy (at that time a small house and garage / workshops) and Station House (at that time a workshop / store). Of all the buildings in the group Gardeners Cottage, at that time owned by the applicant, was the only one that flooded and suffered damage. The accompanying spot levels drawing details the difference in height between the application site and Gardeners Cottage and the other surrounding properties. This shows that even if that 2012 event was repeated the flood waters would still be more than 1.5m below the floor level of the proposed house.

In their objections to this application many of the neighbours allege that the source of the flood water in 2012 was the paddock of which the application site is part. If this were true it would mean that whilst the application site may not flood itself, it would be the route of the flood water. To investigate whether this is possible we sought to identify all other possible sources of flooding in the area and look into whether flood water from there could reach the site.

Potential Souce 2: ‘The Head Keeper’s Pond’



There is a man-made pond to the South of the application site. Water from the ditch at the far side of the Dalbog Road travels under that road and into the pond. It then passes through a culvert under the A966 before resurfacing at a ditch to the East of that road and on to the river. At the time of the 2012 flood we know that the occupants of this house had only recently moved in and claimed to be unaware of the presence of the culvert and the need to keep its gated mouth clear. It is understood that due to this lack of maintenance the water was unable to pass easily through the culvert that runs under their property and the public road. This caused the pond to break its banks. The water from there found the lowest point in the adjacent ground and travelled down the side of a stone wall, which now separates Forester’s garden ground to the West from the Head Keepers garden to the East (at that time the ground was not part of the Forester’s).

Whilst it does appear to be feasible that water could travel from here, along the road to reach the Gardeners, the site walkover study revealed that the part of the applicant’s field that is closest to the pond is around 1.5m above the level of the pond. This shows that that it would not be possible for water from the pond to reach the field and travel through the application site.

Potential Source 3: The Dalbog Road and ditch



It was believed at the time that another possible source of the flood was the Dalbog Road and the ditch that runs alongside it (above). The ditch could have overflowed before it passes through the culvert that leads to the Head Keeper's pond. At the time the ditch was poorly maintained and the mouth of the culvert was partially blocked. It is believed that this caused the ditch to overflow and for large amounts of water to flow down the Dalbog Road. Could it have been possible, therefore, for water flowing down that road to take a left turn into the site via the field access or another route? Our site walkover study showed this to be extremely unlikely. The mouth of the culvert is some 65m along the road and, crucially, around 1.5m lower than the road at the lowest access point of the field. This would mean that water bursting the bank of the ditch would travel along and down the adjacent road towards the junction or across to the pond. It would not travel back up the road to reach the field in question that could lead to the site being a route for flood water.

Might it also be possible that flood water could have travelled down the Dalbog Road to the junction, along the A966 and up the drive to site? This seems more feasible, although unlikely, as the buildings along this access drive were not flooded.

An additional and vital piece of information comes in the form of work that has been undertaken by the Roads department since 2012. Reports of pooling water at the Dalbog junction lead of extensive drainage works being undertaken there. Please see the accompanying drawing provided by the Roads Department, which details these works. Any surface water in this area now drains away quite readily, negating any possibility of it reach the mouth of the access driveway, never mind the application site. In addition to this the Dalbog ditch has been cleared and scraped, helping to ensure water in there flows freely and the ditch does not burst its banks.

Potential Source 4: Pond at Gannochy House



Whilst 'Little Gannochy' itself did not flood in 2012, the garden was badly affected. It was noted at the time that the water that reached the garden seemed to be flowing from Gannochy Lodge through the garden of Little Gannochy, on through the courtyard to reach Gardeners Cottage and that a pond present in the grounds of the Lodge is likely to have been the source of this. The owners of Little Gannochy have advised me that the pond was not the source of the flood but this does not align with the evidence we received from the applicant, who was present in the area at the time. Irrespective of this, whether or not that pond flooded in 2012, any flood water originating from the garden of Gannochy Lodge could not make its way to the Gardeners via the application site. It would take a route through the garden of Little Gannochy, through the courtyard and on to Gardeners. The difference in height between the Gardeners and the proposed site, as detailed in the accompany levels and section drawing, would prevent water from reaching as high as the site. The photo below shows the fall in the access track from the application site access to the courtyard alongside the Gardeners.



Potential Source 5: Rainwater landing in the field

Some of the objectors stated that in 2012 water had collected in field at high level and run down the hill to Gardeners Cottage, causing the flood. We know from previous works in that area, however, that the soil in this field is particularly porous. For water to collect in the field, then run down the hill and reach the levels it did in 2012, it would have had to accumulate on the surface of the field before reach a tipping point and run down the hill in extremely large quantities. This could only happen if the sub-soil were of a more non-porous make up such as heavy, dense clay. In reality the site features a deep layer of black earth top and sub-soil that is a mix of sandy clay and gravel. This means that rainwater landing on the field would be absorbed by it where is lands and it could not have been the source of that flood. It is theoretically possible that in heavy rain small amounts of water could land on or just above the hill and trickle down it, but in nothing close to the amounts required to cause anyone or their property any issues.

Conclusions:

It has been established that the river does not pose a risk to the application site. Due the topography of the land, three other potential sources in the surrounding area *could*, in 2012, have been the source of the water that flooded Gardeners Cottage. It is extremely unlikely, however, that any of these sources could flood the Gardeners now with the possible exception of the pond at Gannochy Lodge. Mitigation measures by others since the flood, including the unblocking of the mouth of the culvert at the Head Keeper's pond, the clearing of the Dalbog ditch and culvert there and the engineering works at the Dalbog junction have combined to ensure, beyond any reasonable doubt, that flood water could not reach the application site from any of these sources. The topography of the land is such that water overflowing from either of the ponds or the Dalbog ditch would have to travel uphill to make this happen.

Whilst we do not accept that flood water from the 2012 flood or any future flood could emanate from or take a route through the application site, we note the fact that many of the local residents have expressed concern about this matter. It is also theoretically possible that small amounts of rainwater could run down the bank that forms part of the application site. To alleviate these concerns we would like to suggest two additions to this proposal. Firstly, to prevent water from running off the driveway, it will be formed in compacted hardcore to make it 'self-draining'. In addition to this a gravel trench will be formed along the hill which would prevent any surface water from running past it to the new house or beyond. This would ensure that this proposal is a means by which the current situation is improved upon so should, along with the content of this statement and accompanying drawings, result in those elements of the objections being withdrawn.

Identifier**FRS Incident Number:** 009677-23122012**Incident status:** Published**Recording FRS:** Tayside**Recording station:** Station 5**'Over the border' incident:** No**Call****Origin of call:** Other**Incident type at call:** Flooding**▶ Timings****Time of call:** 23 December 2012 04:07:54**Late call:** No**Date/time of stopped message:** 23 December 2012 05:23:47**Date/time closed:** 23 December 2012 12:15:27

Attendance

Incident category:	Special Service
Type of property:	Building > Dwelling > Bungalow - single occupancy
Property regulated:	No
Special Service Incident Type:	Flooding > Pumping out
Number of appliances deployed:	1
Victims involved:	No
Evacuation involved:	No
Attack on firefighters:	No

► Location of incident

Building name:	LITTLE GANNOCHY
Street:	B966
Town:	EDZELL
County/area:	ANGUS
Postcode:	DD9 7UX
X-coordinate:	0359936
Y-coordinate:	0770651

Other Details

Were hazardous materials involved:	No
Incident an RTC:	No

Resources

Number of non-rider officers: 0

▶ Vehicles

Type: Rescue - Rescue tender

Time mobilised: 23 December 2012 05:23:49

Deployed from Other Station: Tayside > Station 6

Time mobile: 23 December 2012 05:24:20

Time at scene: 23 December 2012 05:30:48

Time available: 23 December 2012 12:15:27

Demounted resource: No

Number of crew: 5

FRS Callsign 51

▶ Equipment

Type	Number Used
Water Delivery - Main line/jet	2
Pumping Equipment - Portable pump	1
Pumping Equipment - Vacuum, suction hose	4
Small Tools - Shovels/Forks/Brooms/Chimney Rods	4

Persons

Number of casualties: 0

Number of casualties aged 0 to 15: 0

Number of casualties aged 16 and over: 0

Proposed dwelling house at site at Gannochy
Statement in Response to Various Objections - 18/00935/PPPL
5.2.19

There have been a number of objections from a number of individuals. The purpose of this submission is to respond to these comments and correct some of the mistakes and misconceptions present therein.

1. A number of the objectors made reference to the land being ‘agricultural’ but we can confirm that it is not (see letter from applicant).
2. The conditions of the previous enforcement notice have been satisfied.
3. There are repeated references made to historic issues with flooding. We can confirm that any account that suggests the 2012 flood water emanated from, or took a route through the application site or adjacent field, are not accurate. The accompany flood risk assessment sets out why this could not be the case.
4. The submission from Inveresk Community Council expresses a need to retain the features of this ‘long-established’ group of buildings, which are ‘cohesive by virtue of common features of design and use of materials’. It is worth noting, however, that this group only exists in this state because of years of hard work by the applicant. Prior to work commencing on the renovation of the existing dwellings and conversion of the out-buildings this area was a run down, overgrown mess and any ‘common features of design’ that exist now are only there because we put them there.
5. The tree in the centre of the site was planted by the applicant prior to any of the objectors living in the area.
6. Concerns have been raised in relation to the possibility of additional development over the rest of the paddock. We wish to state, however, that we see this proposals as the completion of the larger overall project of construction, renovation and improvement that has been on-going for many years and from which all of the objectors, to a greater or lesser extent, have benefited. There is nowhere else in the area that would be suitable for a new dwelling house so, if realised, this would be the last one.
7. Concerns have been raised relating to the possibility of risk to children from passing vehicles during construction works. We can confirm, however, that all drivers of vehicles using the shared driveway would be made explicitly aware that there are children in the area through the erection of extensive and clear signage and the access from the public road and at the exit point from the site. They would be instructed to travel no faster than 5mph on the shared driveway. Alternatively the vehicles could use the other access from the Dalbog Road.

Josiphine Riley



To Whom it may concern

I Josiphine Riley would like to make the following statement in relation to the current planning application (please insert number here) submitted by my agent Mr. Aaron Souttar. (your address)

Firstly, I would like to address comments made by way of objections to planning application (number) with regard to ' flooding risk' of the site in question..

December 21/22nd 2012 - Saturday late evening/ early Sunday morning - substantial flooding at Gannochy. The Gardeners cottage was the only building within the group of houses of which was flooded.

The group of houses in question are :

The Foresters

The Octagon

Little Gannochy . (Gannochy House)

The Gardeners cottage.

Including a row of 6 garages – the old existing Bothy, shed, workshop and the Larder.

The Gardeners cottage, at that time was rented to Mr Mrs Convey. Mr and Mrs Convey had to be rehomed for 6 months whilst I carried the works needed as per Insurance recommendations and surveyors report.

I previously owned all 5 properties mentioned above garages and workshops since 2002 until they were sold to their existing owners.

In addition to the Gardeners being flooded – my walled garden, greenhouses to the rear and courtyard were under water also.

The fire Brigade (Montrose) were in attendance from 2am On Sunday 22nd through to 8am the same morning.

Please note the following:

The water flooded the areas in question from 3 main sources:

1. The Dalbog road was overflowing and could not cope with the amount of water running down the road. This substantial body of water obviously given the small hill flowed down onto the B966 – from there it made its way downhill into my main drive to the east, flooded my lawn and into the Gardeners cottage . Gardeners being the lowest point in the area in question.

2. The river of water flowing down the Dalbog had no means of escape as we all are aware – field drains could not cope. In addition, there is an area of water to the rear of The Gamekeepers house of which there are sluice gates – when open allow water from the area around, fields, Dalbog road - to escape through the sluice gates and under the B966 down the burn and into the river. The new owners who had just recently bought the Gamekeepers house came over to see me the morning after to inform me they had not opened the sluice gates as they were not aware they existed. The rising water from this area behind the Gamekeepers house found its way down the side of the Foresters cottage garage - passed the house down onto my front drive, adding to the body of water coming from the Dalbog road as previously mentioned. The Foresters cottage was not affected with flooding other than the possibility if the water had risen further – it may have found its way through the house vents – thankfully did not.
3. As I mentioned my walled garden and courtyard to the west was flooded extensively – thankfully my house was raised and was not affected. The water from my garden and to the rear and west of my property was running like a river onto my courtyard and into the Gardeners cottage. Two fireman and myself tried to ascertain where this water was coming from as it seemed to flowing fast from Gannochy Lodge. The lodge had newly been purchased and I do not think was occupied. I can confirm and with photographic evidence and witnessed by Montrose Fire Brigade of which we have asked for their report - “ There was no water at anytime – zero water came flowing or running or even trickling down from my field. There is no flood risk from the field there never has been.

May I make one final point in relation to flooding and this is to address an objection, whereupon the mention of flooding at the Gardeners in 2012 – I can confirm by way of a conversation of which was passed to myself - was a result of Mr. Daily’s pond at the Lodge blocked and over flowing and I believe water made its way along the rear of the walled garden –from the west again and indeed the gentleman who owns the Gardeners cottage was asked by Mr. Daily to help him to stop the flooding – by digging trenches to allow water to escape.

This information was passed on by the gentleman who owns the Octagon cottage. Mr. Dailey is aware of these circumstances and indeed would solve the questions raised by the fire brigade – in trying to ascertain where the flowing water in my walled garden came from to the west of my garden.

All properties in this area are insured – there is no flood risk to any of the properties from the field in question. None of the properties are deemed a flood risk by Insurers. My insurance company paid out █████ in order to put right the damage caused by the flooding the night of 22nd 2012 to the Gardeners cottage – they continued to insure the cottage thereafter. This is a valid point indeed to all my neighbours who feel there is an added flood risk – if there was they would not be able to insure their properties. In addition there has been considerable flood prevention work carried out by the roads department with extra drainage on the B966 to the bottom of the Dalbog road and indeed to the east and to the west of the area in question.

Another area of which seems to arisen from an objection is access to my field from the Dalbog Road.. I read an objector making a statement to confirm there is no access from the

Dalbog road. If I may include as part of this statement an extract from the title deeds of the field – attached.

The field is not agricultural – indeed the tile deeds states ‘ domestic access’ not agricultural.

The community council objections of which I have not been asked to be present at any site visit or indeed given the opportunity to address their objections – are not aware of the following:

The enforcement notice taken out against me has yet to inform me of who objected other than Mr. Daily – he could see rubble from my old bedroom window of Little Gannochy However someone could see the rubble from the road – if I could have this information I would be grateful, indeed it is my right to know.

I would prefer to speak to the community council personally – where I will address their written objections and comments personally. A copy of which I will send to them I will send to Angus planning department by way or record.

In conclusion - I understand why someone whom has a vested interest in making an objection to a planning application, would do so. I don't understand when there has been a misinterpretation of the facts and the same historical pattern is repeated throughout further applications and no further investigative measures have been taken.

The field in question is not agricultural – the historical photo of which was submitted by the appeal planning officer shows sheep in the field without the fence which I erected to stop the sheep coming over and indeed marking out two separate pieces of land with two separate owners. I created a running track in the field thereafter.

If I can be of any further assistance please do not hesitia to contact myself or my agent Aaron Souttar.
Josiphine Riley

**Site at Gannochy –
Porosity Test and Soakaway Calculations**

Porosity test

Trial Holes

Sub strata/mixture of light clay and sand and gravel mix

Depth to bottom chamber of pit from ground = 800mm

Weather dry

Ground water - none present

Site - grassy paddock, generally level to West with steep hill at East corner

Test 1: 110 mins to drop 250mm

Test 2: 100 mins to drop 250mm

Test 3: 90 mins to drop 250mm

Average time to fall 250mm from 3 tests = 80 minutes

Percolation value VP = $100 \times 60 / 250 = 24$

Surface Water Soak-away:

$$(A \times 0.0145) - (a \times f \times 900) = S$$

$$(110 \times 0.0145) - (5 \times 0.000044 \times 900) = S$$

$$1.595 - 0.198 = 1.397 \text{cu.m.}$$

Volume of surface water soak-away required = 1.4 cubic metres

Proposed dwelling house at site at Gannochy
Statement on possibility of surface water flooding of site, specifically water collecting in paddock and reaching site (potential source 5 referenced in FRA)

This statement should be read in conjunction with Flood Risk Assessment and other previous submissions in relation to this application.

I write in response to Roads comments following submission of our flood risk assessment. Firstly I would like to thank you for agreeing with our comments in relation to the likelihood of flood waters reaching, or travelling through the site. Equally, I understand why, from your point of view, you had to requested more information in relation to the possibility of surface water causing a problem here as some of the neighbours have referenced this in their objection letters.

I can confirm that at no point during the applicant's ownership of this site, which long pre-dates any of the objectors' presence here, has surface water in any visible quantities gathered in the field and / or run down the hill.

Unfortunately cannot justify the commissioning of a full hydrology report costing several thousand pounds when this application would be refused on the basis of policy irrespective of the findings of that report. We can, however, provide the results of a porosity test, which was carried out on site. This shows that the sub-soil here is a lightly packed sand, gravel and light clay mix, which would be porous enough to deal with any rainwater that fell on it. This demonstrates that the ground here is made up of the suitable materials and sufficiently porous to absorb any surface water. I have also enclosed a block plan to show where the test holes were located.

In addition to this we can confirm that the ground materials stated in the test sheet are present to at least 1.3m from the surface and the consistency of this across the three test holes shows that the situation appears to be consistent across the whole area. From this we can assert with some certainty that rainwater will not collect on the surface of the paddock so would not run down the hill other than, theoretically, a tiny percentage of the rain that landed on that hill.

The surface water calcs for the new dwelling house and the specification for the gravel pit soakaway are shown in an accompanying drawing.

The inclusion of the gravel drainage trench was initially conceived as a token gesture. Given the findings of our studies, research and knowledge of the site, we can confirm that it is not necessary. It was included with the previous submission solely to appease the concerns of the objectors. As part of this submission, however, we ran some numbers on the trench volume, ground area and sub-soil porosity. I have enclosed a section detail through the proposed trench, which is of a depth to match the porosity tests. This ensures that rainwater reaching the base of the trench will be absorbed into the ground. At 40m long this trench will have a volume of some 32cu.m. The paddock is some 4,000sq.m. in area. A standard surface water soakaway calculation for a non-porous area to be drained requires that this number is divided by 0.0145 to give the volume of a surface water soakaway. That gives us a required soakaway volume of 58cu.m. This shows that even in a hypothetical circumstance where 55% of the rainwater that landed on the paddock somehow made

its way to the site and the ditch, the ditch would be still be able to prevent it from reaching the proposed house or beyond. Given that what we know about the porosity of the paddock and its topography, this is an extreme example of over-engineering.

In conclusion.....

- There is no known history of water gathering on the paddock or running down the hill
- The porosity of the paddock is such that any rainwater falling there would be absorbed into the ground
- The drainage trench that we have specified would be sufficient accept surface from a hypothetical paddock covered in dense clay soil, which this is not.
- There is no possibility of the site flooding or being a route for flood water but even if it were possible, the inclusion of the drainage trench would completely negate it.

For these reasons we hope that Roads Dept. concerns have been addressed by this submission.

To whom it may concern

I Josiphine Riley make the following statement:

In 2004 I bought along with a business partner — the following properties at Gannochy Edzell DD97UX.

Little Gannochy - at the time the building had previously been used at Gannochy estate offices. I refurbished the building turning it into a family home. The Walled garden, two greenhouses and a row of buildings and sheds of which became the boundary of Gannochy Lodge land.

The Octagon cottage

The Gardeners Cottage

The Foresters Cottage

The old Bothy

The Larder

Estate buildings and garages. The main drive to Gannochy Lodge and Little Gannochy

A small field to the rear of the back lane

All access roads and courtyards giving access to the rear of little Gannochy and adjoining buildings.

I know every drain, every faucet, every lead pipe (of which I have replaced all of them in the rear back lane) every stop cock, every drain on both drives, every drain around all properties and walled garden, every drain and water Faucet in and around the greenhouses and every single outlet and inlet of water within the enclosed map. I lived at Gannochy from 2004 to 2014. I have employed local plumbers to repair many pipes, unblock drains, I have repaired the walk to the septic tank and had the septic tank emptied throughout the years, I have dealt with every possible repair and emergency relating to water damage , fractured lead pipes, frozen pipes and faucets, within the enclosed map.

With regard water damage I know the area on the attached map, as owner and was responsible for — metaphorically speaking inside out and upside down...

THE FIELD:

With regard to specific comments made by objectors to planning permission - I would like to articulate my own as follows:

When I bought the small field in question — there were a few sheep kept there by a local small farmer. I allowed them to remain as the my area of ground had not been fenced off. I allowed them to remain for 2 years — until one day a sheep became trapped in the fence behind the row of 24 YEW bushes I planted in 2004 - the sheep consequently died and thereafter in 2007 I had a fence erected along the boundary of my land and the neighbouring Gannochy Lodge land. I made a running track in the field in 2008 and thats what remained until I sold in 2014.

AT NO time EVER was there any SURFACE WATER gathered in my field EVER..NEVER Ever did I have an issue with surface water on my running track..The planning department are asking me to carry out a specialised survey to a cost of two thousand pounds in which to satisfy whom? The decision has already been made that my planning application is to rejected. There is no requirement to do this - my word surely is enough, given with assurance from my own personal experience..

I have lifetime heritable access to my field — yet I have had gates erected and objections made

AC30

about my access — there is currently a fence erected of which gives me pedestrian access only. Just another form of bullying I have experienced by objectors. I have been dignified and kept silent - I have been called ' mental' by an objector - I have been told to clear rubble — from field and given an ultimatum of what the planning department would do to me if I did not comply with the ultimatum..I have been shouted at sworn at with horrible profanities by a relative of the person who gave me the ultimatum to remove rubble from my field.

I am scared..

I don't really have the wherewithal to rationalise what has happened let alone try and make any common sense to the comments and personal attacks to myself. Although I do understand that people are allowed to object of which I completely accept this.

It just feels like every way I turn — there is negativity and it feels personal. Elected councillors, Community council, none of these people have asked to meet me, let alone contact me . Angus council planning department — the issue with an enforcement notice — almost like taking a sledgehammer to crack a nut. Objectors..

All I know is simply there is no issue with water, with flooding, with anything really at the properties and land I used to own at Gannochy.. NONE..I respect planning policy decisions from Angus council and I sincerely wish thats all it is — yet because of all the horrible external circumstances — the people involved the negativity the conspiring by individuals — it does not feel like just a policy decision — it feels more....

It almost feels like an extract from the myth surrounding Pandoras box.

I would like to perhaps keep farm animals in my field — or rent it out to a farmer — would someone please be so kind to inform me if this would be allowed — given Angus planning as deemed my field agricultural — compounded by appeal decision from the enforcement notice — with a photo showing sheep, ?

I would like to build a home fr my family - to use as and when they are home from overseas - but I am not allowed.

Thankyou for taking the time to read my statement.

Yours sincerely

Josiphine Riley

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A
DWELLINGHOUSE AT FIELD NORTH OF THE BOTHY, GANNOCHY,
EDZELL**

APPLICATION NO 18/00935/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Appeal Statement
ITEM 3	Planning Report
ITEM 4	Spot Levels and Section Drawings
ITEM 5	Proposed Block Plan
ITEM 6	Superseded Block Plan



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100033503-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	J W Souttar		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Aaron	Building Name:	
Last Name: *	Souttar	Building Number:	3A
Telephone Number: *	01356 623435	Address 1 (Street): *	Clerk Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Brechin
Fax Number:		Country: *	Scotland
		Postcode: *	DD9 6AF
Email Address: *	aaron@jwsouttar.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Josiphine"/>	Building Number:	<input type="text" value="3a"/>
Last Name: *	<input type="text" value="Riley"/>	Address 1 (Street): *	<input type="text" value="Clerk Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Brechin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD9 6AF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="770844"/>	Easting	<input type="text" value="359893"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Permission in Principle for the Erection of a Dwellinghouse at Field North Of The Bothy, Gannochy, Edzell

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We would assert that the planning department was incorrect in their assessment of this application and that it would 'round off a group of established buildings' as required by policy TC2 and supplementary guidance. We also feel that the planning departments reasons for objecting, over time, lacked consistency and did not align with their own policies. Our reasons for this are clearly detailed in the reports submitted with the application and I would be most grateful if you could consider these

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Additional statement to accompany Notice of Review Report of 27.11.18 Topographical / point levels / section drawing Current block plan Superseded Block plan (for reference - referred to in report)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00935/PPPL

What date was the application submitted to the planning authority? *

28/11/2018

What date was the decision issued by the planning authority? *

19/07/2019

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Aaron Souttar

Declaration Date: 22/08/2019

Proposed dwelling house at site at Gannochy
Statement to Accompany Notice of Review

The purpose of this brief statement is to summarise our correspondence with the planning department through the course of pre-application correspondence and the planning application and highlight the issues that we feel are most relevant to this application.

The documents that we have submitted with the Notice of Review application are there solely to address the reasons for objection stated by the Planning Department in their refusal. The planning application itself featured a number of additional documents such as our response to neighbours concerns and reports addressing the perceived risk of flooding on the site. Whilst these are not directly relevant to this appeal, readers may still wish to refer to them for additional context. I would, however, be keen to stress that the main focus of any assessment must be the compliance with relevant planning policy, specifically the part of 'Policy TC2... In countryside locations', which demands that such a proposal must 'round off an existing group of at least 3 houses'. The planners reasons for refusal also mentions Policy DS1. It demands compliance with TC2 and 'Countryside Housing Supplementary Guidance'. The latter is the document from which we sourced the example drawing showing a successful 'rounding off of an existing group' that is present in our accompanying report.

Our original pre-application submission (see accompanying 'original proposal block plan') differed considerably from the current proposal that was recently refused

- The application site was far larger and included much of the 'high level' area of the paddock
- The block plan showed a large dwelling in a different location and around 4m more elevated than the current proposal.
- We had, at that time, provided no topographical information detailing spot levels across the area and the relationship between the site and surrounding gardens and buildings and a brief report.

Neil Duthie's (the planning officer dealing with it at that time) reasons for recommending refusal of that application were.....

"..... your proposal would not round off an established group of dwellings due to its elevated location"

he added...

"the current elevated state of the site would render it not within the established building group and that is what we are looking at when assessing policy."

We then addressed this by.....

- Reducing the size of the application site to be more in keeping with surrounding properties
- Changing the site boundary so that it is in a similar location (along the brow of the hill) to the adjacent dwellings
- Moving the house to different location that is 4m 'lower' in terms of its elevation and around 20m to the East
- Providing a topographical drawing of the site to show the new house position is at a very similar 'elevation' (height) to the adjacent houses.
- Providing a report setting out why this revised proposal is now a prime example of the 'rounding off an existing group of 3 or more dwellings'

This information was first submitted in August 2018 in the form of a further pre-application enquiry and we were advised that.....

It is considered that the elevated field which contains the proposed development site is a feature which provides a sense of containment for the existing building group. Therefore, the erection of a dwelling house onto an elevated and undifferentiated parcel of agricultural land would constitute development outwith a boundary/feature which helps define the existing building groups sense of containment.

There are a number of problems with this statement....

1. The elevated **part** of the paddock does provide a sense of containment, which is why the proposed West boundary fence was moved to a position along the brow of the hill, using the natural sense of containment that is already present here and consistent through adjacent sites.
2. We have shown that the dwelling and the site would **not be elevated above the neighbouring properties**
3. **The land is not agricultural.** This mistake is based on a single photo showing sheep in the paddock a number of years ago. This was a result of a short term agreement between the owner and a local farmer and is not reflective of the historic use of the site. In addition to this the site isolated from any surrounding farmland by a public road and, following a recent land sale and division of the property, is far too small for either growing crops or for keeping livestock.

Planning advice also made reference to the possibility that there could be other areas within the group onto which a house could be sited, meaning this proposal would not necessarily 'round off' the group. The only area to which this comment could conceivably refer - the walled garden at Little Gannochy to the North- is an essential part of the Little Gannochy property and separating it away from that house would leave it with very little land. Equally, sub-dividing a historic walled garden would be similarly inappropriate and insensitive. If there is any concern relating to the current proposal failing to complete or 'round off' the group for this reason, it is entirely within the power of the planners to ensure that it would not by refusing any such application.

In addition to this, other than the walled garden, no area of ground in the group is large enough (going by the standards set out in Local Planning policy) to be considered as suitable for a new house plot in the country.

For all these reasons we have and do assert through this Notice of Review that this proposal would round off this group and would point you not only to the accompanying reports and drawings as evidence of this, but also the relevant Angus Planning policy documents to which we have referred.

*Proposed Dwelling House at
site at
Gannochy, By Edzell
Report of 27.11.18*



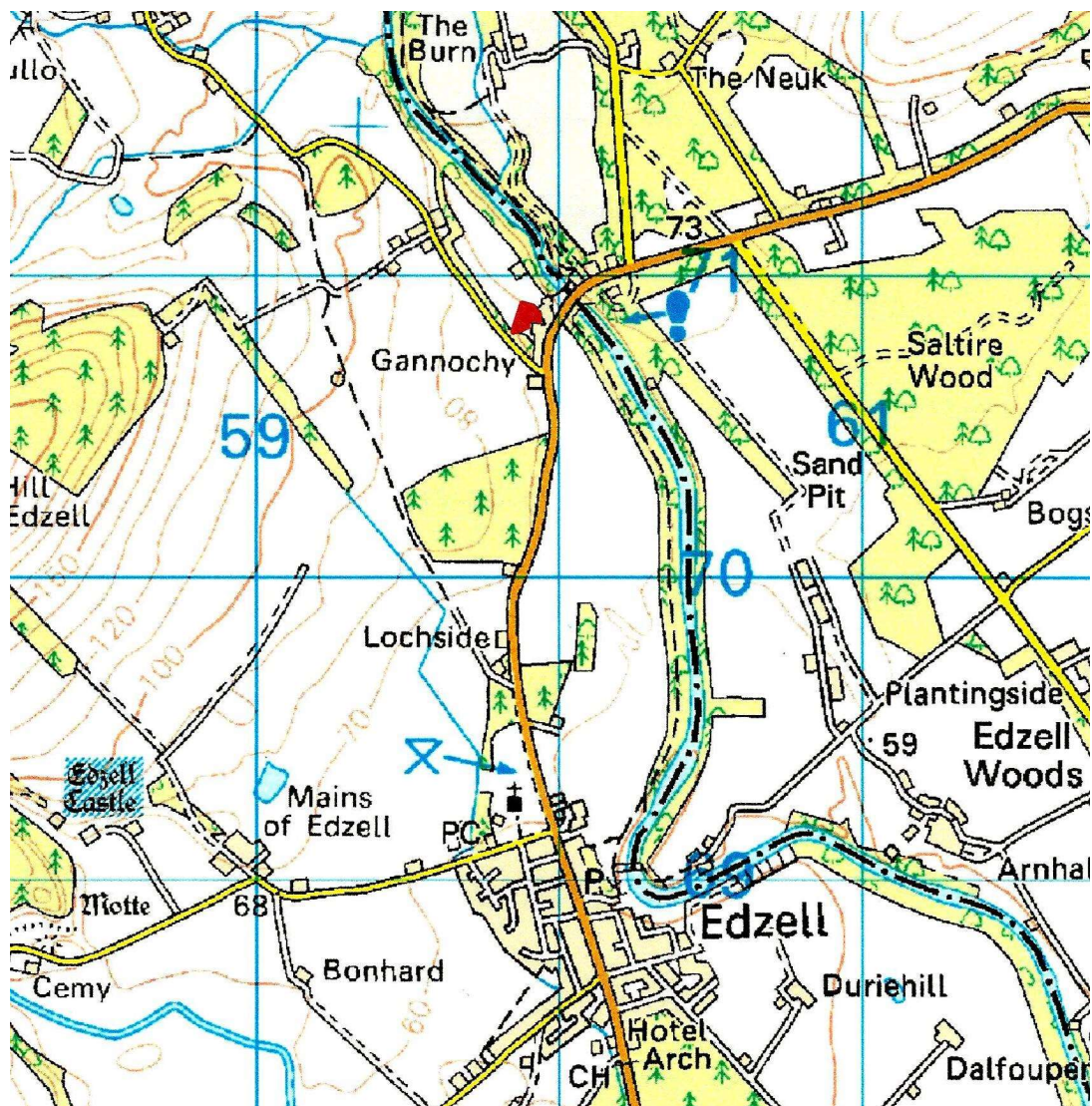
J.W. Souttar

ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin
Angus
DD9 6AF
Tel. 01356 623435

The Site

The application site is located around 1,500 metres to the North of the village of Edzell. It is the East corner of an existing dis-used paddock, which is owned by the applicant. The East boundary of the site is adjacent to a mutual access road, which leads to a number of dwellings to the North. The South boundary is shared with another existing dwelling house called 'The Wee Bothy' and the North boundary with the garden ground of another dwelling, 'Little Gannochy'. Previous correspondence from the planning department has seen the site be referred to as 'agricultural land', but we can confirm that this is not the case.

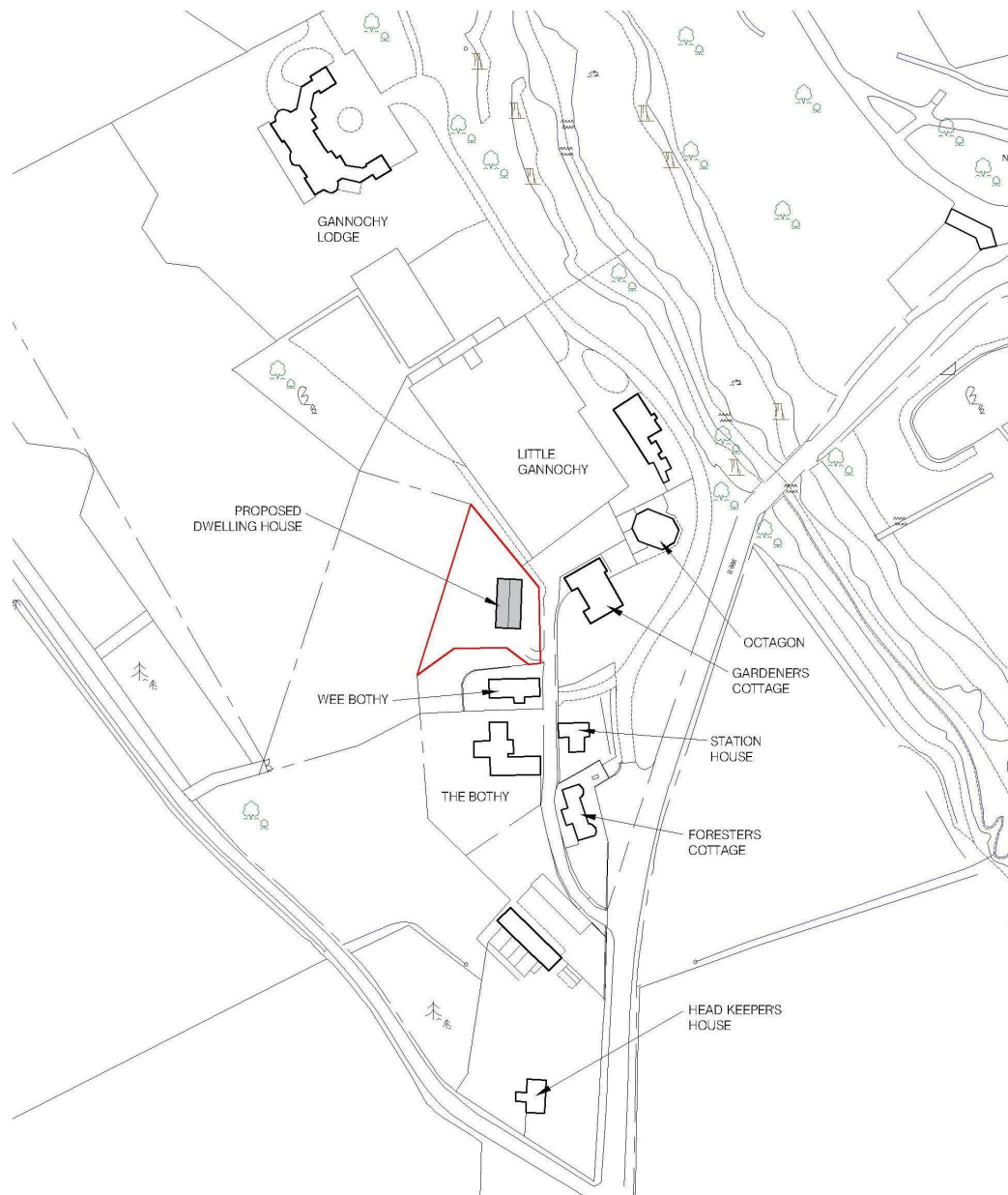


Proposal and Justification

We request that permission be granted for change of use to a domestic property on the basis that approval of a single house in this location would:

- *round off an established building group of 3 or more dwellings;*

The application site is surrounded on 3 sides by an existing established building group of some 7 dwellings. This could be extended to 9 if you include ‘Gannochy House’ and ‘The Head Keeper’s House’. The site and the group are shown in the following block plan.



Whilst not directly relevant to policy, it might be worth noting that the proposed site, being hidden by existing buildings and land features, is not be visible from any public road or public land, nor would a dwelling be, were it sited there.

Other than minor roads and driveways there are no gaps between domestic properties in this group, as one garden ground abuts another. In this regard the empty site currently stands out as something of an anomaly so a change of use and erection of a dwelling house in this location would be a natural addition to the group and would round it off in a satisfactory manner.

A previous application for planning permission here was met with the following response...

"..... your proposal would not round off an established group of dwellings due to its elevated location"

Following on from this we were also told that...

"the current elevated state of the site would render it not within the established building group and that is what we are looking at when assessing policy."

and later that.....

"It is considered that the erection of a dwelling house within the proposed development site would artificially create a boundary in order to try and provide a sense of containment which is contrary to the definition [as stated in the relevant policy]."

It would be reasonable to determine, therefore, that up to this point the proposal has been deemed to be non-compliant with the relevant policy due to fact that the site is viewed as being elevated above the adjacent properties, has sufficiently differentiating features and that the proposed boundary represents an attempt to artificially create containment that is not currently present in the landscape setting.

In order to better assess this situation we decided to carry out a topographical study of the site, the findings from which are detailed in the accompanying drawing. It shows that rather than being elevated from surrounding sites, the application site is at a very similar 'height' to the two adjacent properties, The Bothy and The Wee Bothy (these are the only houses located on the same side of the access road and are, therefore, the most relevant comparisons). You will note from the sections that the overall height of the slope from one side of the site to the other is very similar in each case.

By locating the new house to the East of the site we would need to carry out only very minimal landscaping works, including the removal of a mound of top soil, which was left there following recent ground works. The resultant house and site would be very similar in terms of levels to both the Bothy and the Wee Bothy. It should also be noted that the roof of Station House, opposite the Bothy, would be considerably higher than the any part of the proposed dwelling.

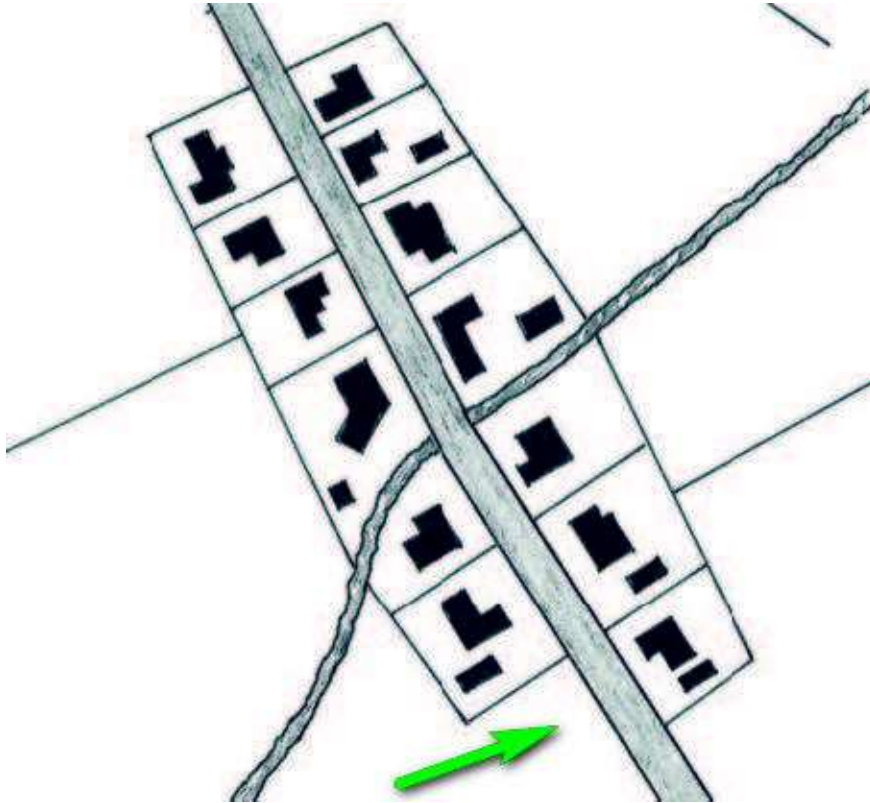


The photograph above is taken viewing South along the brow of the hill

All of the boundaries of the application site are existing and established other than the West-most boundary. It has been positioned such that it, and the overall site, will maintain a relationship with the 'lie of the land' that is very similar with that present in both the Bothy and the Wee bothy. The three house sites, all to the East of the new boundary, will feature a consistent change of level one side to the other and the land to the West will be relatively flat. The result of this is that all three sites have a consistent relationship within the landscape setting.

Pre-application advice from the planning department stated that the '*elevated field provides a sense of containment for the group*'. We have already shown, however, that the East-most corner of that field / paddock (the application site) has a similar topography and elevation to the Bothy and Wee Bothy sites. It seems illogical that a feature that provides a sense of containment at the boundary of a group could, simultaneously, extend into and through that group. We would contest, therefore, that it is not the existing field that provides that sense of containment, but the brow of the hill, which runs along the back boundary of the Bothy and Wee Bothy and would continue along the rear boundary of this site. For this reason, the proposed boundary should not be viewed as problematic and 'artificial', but actually as a far more natural position for the boundary of this group than the pre-existing extents of the field.

If this assertion is deemed to be incorrect and that it is not the brow of the hill that provides the sense of containment (since we have demonstrated that it can't be the lie of the land and topography) the only other option would be that it is the boundary of the field that does this. This, however, can be dismissed in light of the indicative plan in the Planning department's own advice note, which is shown below.



In order to site a house in the location indicated above, **two** 'artificial' boundaries would have to be created. There is no division shown in this example between the acceptable site and the land beyond. This (together with evidence from previous passages and accompanying drawings) would lead us to conclude that the above example is consistent with our proposal. In making this claim we can even assume that the topography present above is the same through the site and the adjacent plots, in that it is either fairly level or has a similar gradient running in the same direction and levelling off on the line of the rear boundaries.

We would assert that the site that we have proposed is more compliant with this policy than one like that shown above on a site that is level. The positions of boundaries placed on any level piece of ground have been decided entirely by human intervention and are, therefore, 'artificial'. The boundary positions in the example above would be dictated by pre-existing site boundaries but so is the proposed site. The difference is that our boundary is not only a continuation of an existing boundary line, it also follows a topographical feature, which is not 'artificial' but natural.

In Summary.....

A 'sense of containment' around this group cannot be being provided by the base of the hill or the slope itself because these elements continue within the sites to the South. It cannot be provided by the boundaries of the field because the Council's own example shows that this is cannot be the case. It follows, therefore, that the sense of containment must be being provided by the overall landscape setting, in particular the brow of the hill which differentiates the gardens of the Bothy, the Wee Bothy and the proposed dwelling from the higher, flatter land to the West.

A new dwelling on this site, along with any landscaping and a considered planting scheme, designed in close consultation with the planning department to be sensitive to its immediate surroundings and the styles in wider locality, would have no detrimental impact on the character of the group or its landscape setting (much of which we and the applicant have defined through the design and conversion of three of the adjacent houses). Instead any impact would be quite the opposite.

In its current state the application site is an anomaly but not because of its topography, landscape setting, location or surroundings all of which are consistent with other houses and sites in the pre-existing group. It is only an anomaly because it does **not have** a house on it. For these reasons a single dwelling house on the site that we have proposed, with the boundaries that we have shown, would close the final gap in the group and would, therefore, 'round off or consolidate' it in a satisfactory manner.



J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF

Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625162

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com

TITLE
**PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN**

CLIENT
MRS. J. RILEY

DESCRIPTION
**BLOCK PLAN, LEVELS AND
SECTIONS**

DWG No: **BP-L/1945/17** SCALE: **1:500**

DATE: **AUG. 2018** REVISION: **-**

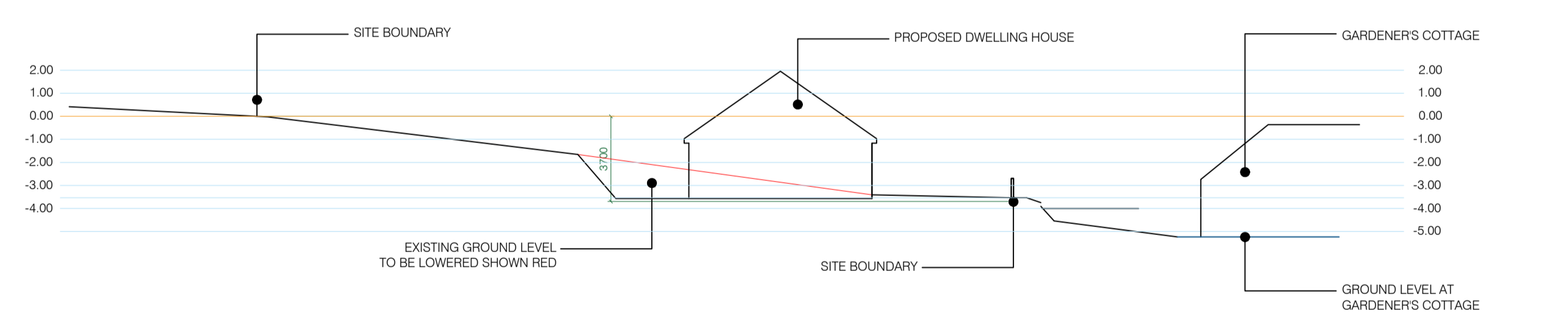
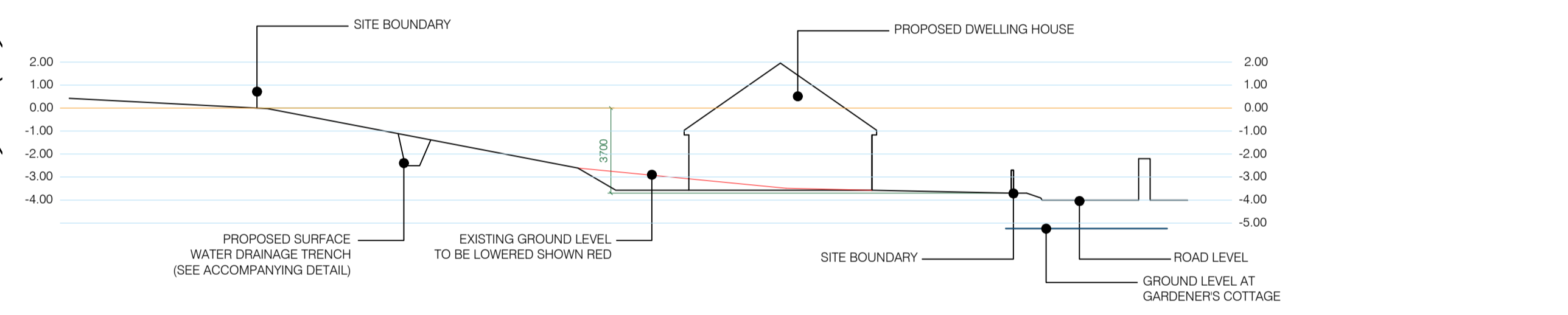
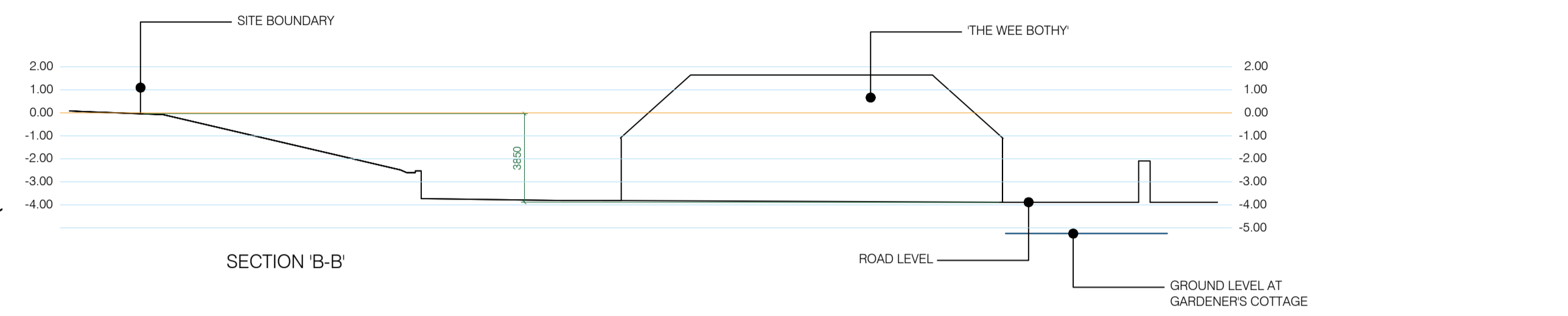
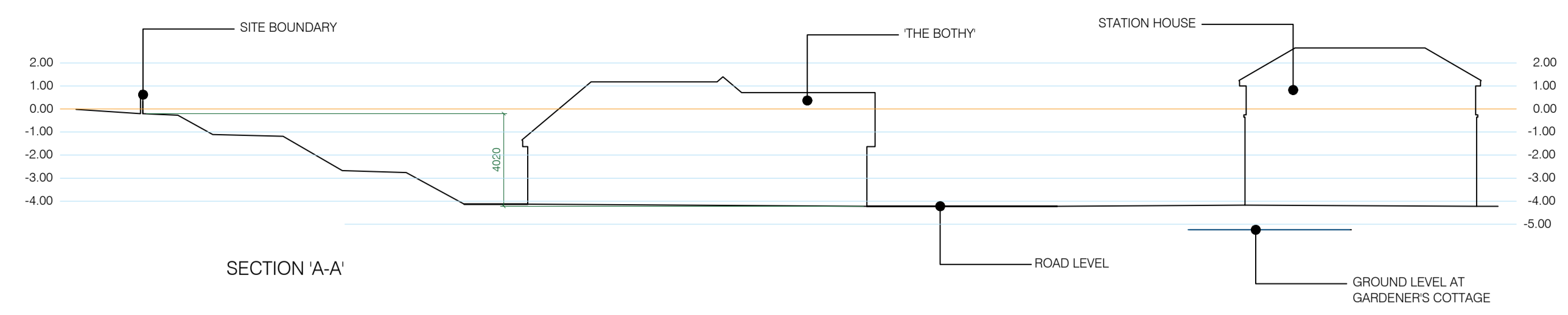
EXISTING GROUND LEVELS, STATED IN BLACK TEXT IN BLOCK PLAN AND TABLE, RELATE TO THAT HEIGHT IN RELATION TO POINT 'D'

PROPOSED GROUND LEVELS THAT HAVE BEEN ALTERED ARE SHOWN IN GREEN TEXT IN PLAN AND TABLE. THOSE THAT WILL REMAIN UNALTERED ARE SHOWN IN BLACK

BLOCK PLAN WITH EXISTING AND PROPOSED LEVELS



POINT	DESCRIPTION (GROUND LEVEL UNLESS STATED)	B.S.	R.L.	P.L.
1	CHANGE IN DIRECTION OF BOUNDARY	3.52	-1.63	-1.63
2	10m ALONG BOUNDARY LINE FROM POINT 1'	1.50	0.39	0.39
3	CORNER OF SITE	0.66	1.23	1.23
4	15m ALONG BOUNDARY FROM POINT 3'	0.81	1.08	1.08
5	30m ALONG BOUNDARY FROM POINT 3'	1.12	0.68	0.68
6	45m ALONG BOUNDARY FROM POINT 3'	1.44	0.45	0.45
7	60m ALONG BOUNDARY FROM POINT 3'	1.61	0.28	0.28
8	75m ALONG BOUNDARY FROM POINT 3'	1.75	0.14	0.14
8a	CORNER OF APPLICATION SITE	1.73	0.16	0.16
9	CORNER OF ADJACENT SITE AT STRAINER POST	1.89	0.00	0.00
10	5m FROM POINT 8a IN LINE WITH RETAINING WALL	1.99	-0.10	-0.10
11	10m FROM POINT 8a IN LINE WITH RETAINING WALL	2.42	-0.53	-0.53
12	5m FROM POINT 11 MOVING PERPENDICULAR TO LINE OF WALL	2.37	-0.48	-0.48
13	5m FROM POINT 12 IN LINE PARALLEL WITH RETAINING WALL	2.96	-1.07	-1.07
14	5m FROM POINT 13 IN LINE PARALLEL WITH RETAINING WALL	3.43	-1.54	-1.54
15	IN LINE WITH GABLE OF HOUSE 10m FROM HOUSE (ON BOUNDARY)	4.20	-2.31	-2.31
16	BOUNDARY 12m FROM POINT 1'	4.65	-2.76	-2.76
17	10m FROM POINT 16 IN LINE WITH POINT 3'	3.00	-1.11	-1.11
18	20m FROM POINT 16 IN LINE WITH POINT 3'	1.83	0.06	0.06
19	10m FROM POINT 3' IN LINE WITH CORNER OF THE WEE BOTHY	1.83	0.06	0.06
20	20m FROM POINT 3' IN LINE WITH CORNER OF THE WEE BOTHY	2.92	-1.03	-1.03
21	30m FROM POINT 3' IN LINE WITH CORNER OF THE WEE BOTHY	4.50	-2.61	-2.61
22	35m FROM POINT 3' IN LINE WITH CORNER OF THE WEE BOTHY	4.99	-3.10	-3.10
22 C.P.	35m FROM POINT 3' IN LINE WITH CORNER OF THE WEE BOTHY	0.82	-3.10	-3.10
23	45m FROM POINT 3' IN LINE WITH CORNER OF THE WEE BOTHY	1.35	-3.63	-3.63
24	CORNER OF THE WEE BOTHY	1.61	-3.89	-3.89
25	CENTRE LINE OF ROAD	1.60	-3.88	-3.88
26	10m FROM POINT 25 ALONG CENTRE LINE OF ROAD	1.66	-3.94	-3.94
27	2m INSIDE FIELD AT CHANGE IN DIRECTION OF BOUNDARY	1.29	-3.54	-3.54
28	BASE OF WALL	1.52	-3.80	-3.80
29	CORNER OF GARDENERS COTTAGE	2.96	-2.24	-2.24
30	CORNER OF STATION HOUSE	1.62	-3.90	-3.90
31	CORNER OF THE BOTHY	1.69	-3.97	-3.97
32	15m FROM POINT 27 AND 2m INSIDE BOUNDARY	1.45	-3.73	-3.73
33	10m FROM POINT 21 IN LINE WITH POINT 27'	1.01	-3.29	-3.29
34	15m INTO GARDEN GROUND OF 'THE BOTHY'		-0.10	-0.10
35	CHANGE IN DIRECTION OF BOTHY BOUNDARY		-0.75	-0.75
36	PLATT LEVEL AT REAR OF 'THE BOTHY'		-3.85	-3.85
37	PLATT LEVEL AT REAR OF 'THE WEE BOTHY'		-3.80	-3.80





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3a Clerk Street
Brechin, Angus
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Telephone
Office: 01356 623435
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TITLE
PROPOSED DWELLING AT
GANNOCHY,
EDZELL,
BY BRECHIN

CLIENT
MRS. J. RILEY

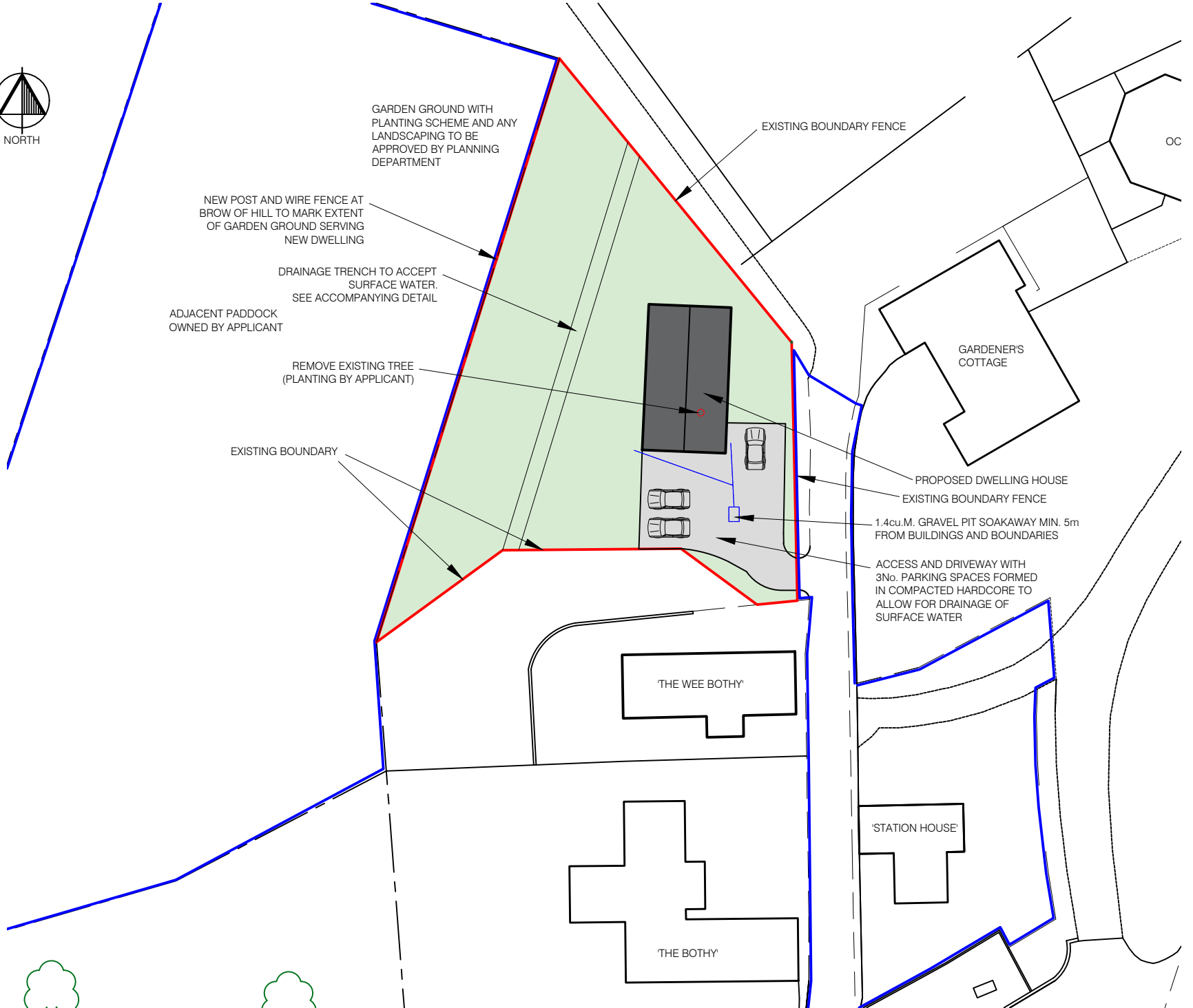
DESCRIPTION
BLOCK PLAN

DRAWING TYPE
SKETCH PROPOSAL

DWG No. SP-BP3/1945/17 SCALE
1:500

DATE NOV. 2018 REVISION
D

REV.	DATE	ACTION
-		





J.W. Souttar
ARCHITECTURAL SERVICES
& BUILDING CONSTRUCTION

3a Clerk Street
Brechin, Angus
DD9 6AF

Telephone
Office: 01356 623435
Mobile: 07802 742226
Fax: 01356 625182

Email: aaron@jwsouttar.com
Website: www.jwsouttar.com

TITLE
PROPOSED DEVELOPMENT
AT GANNOCHY,
EDZELL,
BY BRECHIN

CLIENT
MRS. J. RILEY

DESCRIPTION
BLOCK PLAN

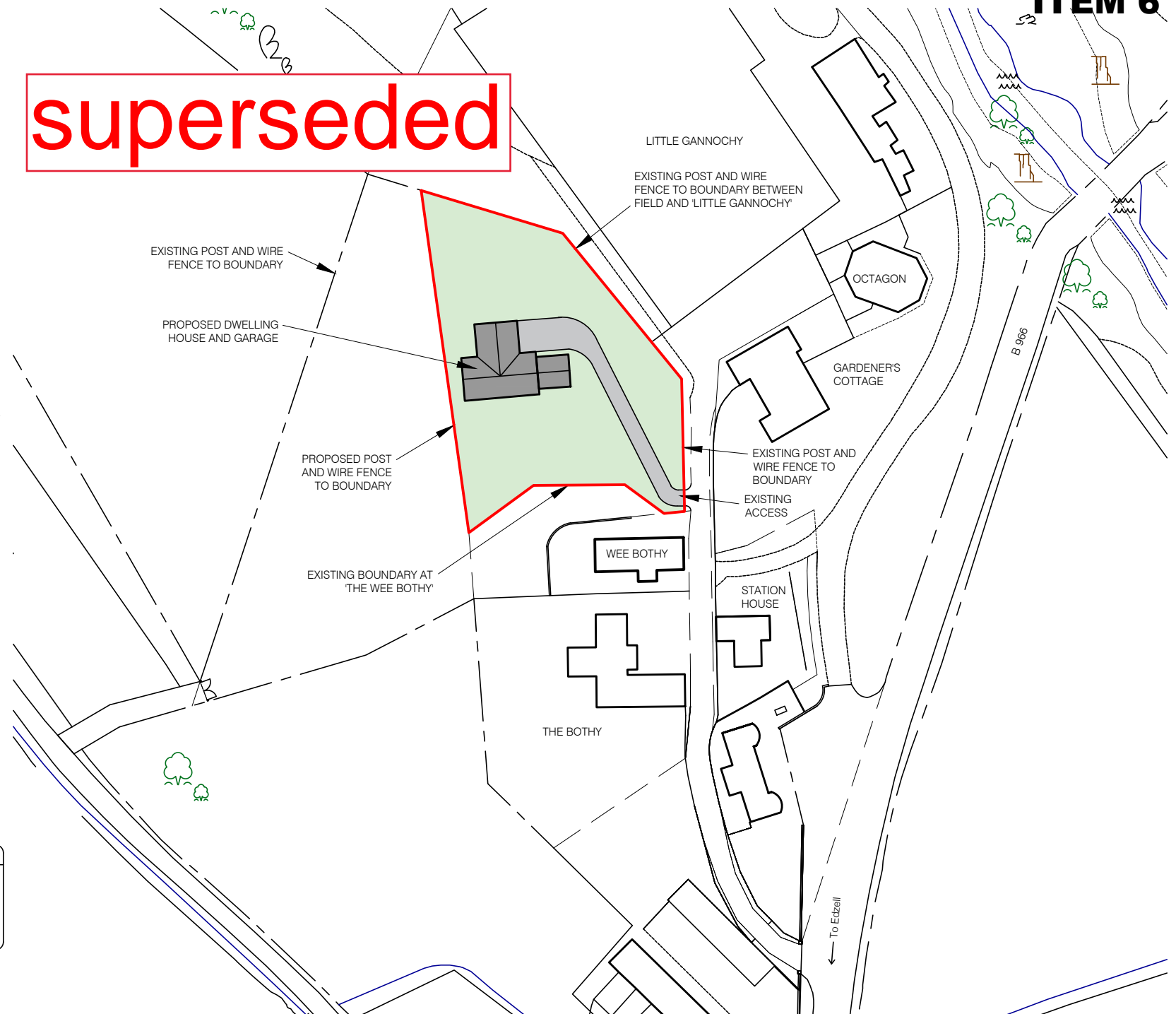
DRAWING TYPE
SKETCH PROPOSAL

DWG No. SP-BP1/1945/17 SCALE
1:1,000

DATE APRIL 2017 REVISION
A

REV.	DATE	ACTION
-	-	-

superseded



ITEM 6

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

From: [Emma Miller](#)
To: [ForsythSL](#)
Subject: Re: Application for Review - Field North of The Bothy Gannochy Edzell
Date: 16 September 2019 12:30:25
Attachments: [flood2.jpg](#)
[flood3.jpg](#)
[flood 1.jpg](#)

Dear Sarah,

Thank you for your message. I have attached photos of recent flooding. This is the second time in 4 years that water has come into our house due to run off from surrounding higher areas. Fortunately damage was limited thanks to our neighbours acting quickly to sandbag (we were away).

All our previous comments still stand including: Development in the area suggested would block all our day light. Increased traffic would be a concern with 5 small children on the drive. The road (and pipework underneath) cannot withstand more plant traffic.

In addition, the area has become a wildlife rich area with lots of birds, rabbits, newts and toads and several sitings of a wildcat (or possibly hybrid).

It would be to the detriment of all who live on the driveway currently for this development to go ahead, I therefore cannot see how it can be argued that it would 'round off an existing development'.

If any other information would be helpful, please do let us know.

kind regards,

Emma

On Tue, Sep 10, 2019 at 12:37 PM ForsythSL <ForsythSL@angus.gov.uk> wrote:

Dear Sir/Madam

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

Application for Review – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell – Ms J Riley

Application No 18/00935/PPPL - DMRC-6-19

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Leader – Planning and Communities. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this letter to make such representations. These should be sent directly to me.

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by appointment at this office.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Angus Council
| Angus House | Orchardbank Business Park | Forfar | DD8 1AN | T: 01307 491985 |
ForsythSL@angus.gov.uk

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From: [Peter Christie](#)
To: [ForsythSL](#); [SARAH CHRISTIE](#)
Subject: Re: Application for Review - Field North of The Bothy Gannochy Edzell
Date: 10 September 2019 20:44:00
Attachments: [received_473706429844062.jpeg](#)
[received_392551131443157.jpeg](#)

Hello Sarah,

In addition to what was already brought up previously we disagree with SEPA's decision based on their non-existent assessment of risk of flooding resulting in a comment that there was no risk of flooding on-site. On the 9th of August 2019 there was a flood on-site. A considerable amount of water washed down towards all properties and flooded the garden areas. A neighbour's house had inches of water surrounding it at the foot of the proposed site in question. I helped sand bag their house to protect their property from the water washing down from the field that was reported by SEPA to pose no risk of flooding.

I have attached two photographs of flooding on the roadside outside my property Head Foresters House. This continued into my garden. Also you can see the water continues into the driveway and gardens of my neighbour's which is of lower elevation.

I would urge SEPA to do a genuine risk assessment as the photos clearly contradict their comment.

Best regards,

Peter Christie

On Tue, 10 Sep 2019, 12:37 ForsythSL, <ForsythSL@angus.gov.uk> wrote:

Dear Sir/Madam

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

Application for Review – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell – Ms J Riley

Application No 18/00935/PPPL - DMRC-6-19

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In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Angus Council
| Angus House | Orchardbank Business Park | Forfar | DD8 1AN | T: 01307 491985 |
ForsythSL@angus.gov.uk

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Good afternoon Ms Forsyth

I refer to your email of 10 September 2019 advising that a request has been made for a review of the delegated decision to refuse planning permission in principle in the above application and giving the ICC the opportunity to make further representations.

First of all, we agree with the reasons given for the decision.

Secondly, we would like to pick up on para 4 of the applicant's Statement in Response to Various Objections dated 05.02.19. We understand that what is relevant for the purposes of applying Angus Local Development Plan (2016) Policy TC2 and associated Countryside Housing Supplementary Guidance (2016) is how an established group of buildings presents to the eye now, rather than how it came to be as it is. The point of the policy and guidance as we understand it is to prevent the impression of containment offered by an existing group of buildings from being undermined by an additional building which would look significantly out of place. That is in our view the effect the proposed new-build house would have. The renovation work which has been carried out over the years has produced a satisfactory overall result which would be undermined if the new-build application were approved. By way of clarification, it still seems to us that the sense of containment of the existing group owes much to its origins as a set of estate buildings which have retained their underlying coherence after renovation but, as mentioned, what matters is how the group presents now and the impact an inappropriate new building would have on the group.

Regards,

Patrick Ford

Planning Contact, Inveresk Community Council

From: [REDACTED]
To: [ForsythSL](#)
Cc: ["Chris Simmie"](#)
Subject: RE: Application for Review - Field North of The Bothy Gannochy Edzell
Date: 16 September 2019 12:44:59

Sarah,

Thank you for notifying us of the review procedure regarding the above application. We have reviewed the material submitted by the applicants subsequent to our objection but can see no new facts which change our original submission. Thus, given our submission will be considered as part of the review, we see no need to add anything.

We would appreciate being notified of any public meeting or site visits pertaining to the application.

Best regards,

Paul Dailly

Gannochy Lodge

From: ForsythSL <ForsythSL@angus.gov.uk>
Sent: Tuesday, September 10, 2019 12:37 PM
To: Undisclosed recipients:
Subject: Application for Review - Field North of The Bothy Gannochy Edzell
Importance: High

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell – Ms J Riley
Application No 18/00935/PPPL - DMRC-6-19

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Leader – Planning and Communities. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

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In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Angus Council | Angus House | Orchardbank Business Park | Forfar | DD8 1AN | T: 01307 491985 | ForsythSL@angus.gov.uk

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From: [Claire Herbert](#)
To: [ForsythSL](#)
Subject: RE: Application for Review - Field North of The Bothy Gannochy Edzell
Date: 11 September 2019 12:31:29

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell – Ms J Riley
Application No 18/00935/PPPL - DMRC-6-19

Dear Sarah,

I can confirm we have no further representation to make on the above application.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist

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

01467 537717
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

From: ForsythSL [mailto:ForsythSL@angus.gov.uk]
Sent: 10 September 2019 12:37
Subject: Application for Review - Field North of The Bothy Gannochy Edzell
Importance: High

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Planning Permission in Principle for the Erection of a Dwellinghouse at Field North of The Bothy, Gannochy, Edzell – Ms J Riley
Application No 18/00935/PPPL - DMRC-6-19

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In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Angus Council | Angus House | Orchardbank Business Park | Forfar | DD8 1AN | T: 01307 491985 | ForsythSL@angus.gov.uk

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Dh'fhaodadh fiosrachadh sochair, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan

Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

APPENDIX 4

APPLICANT'S REPOSE TO FURTHER REPRESENTATIONS

From: [Aaron Souttar](#)
To: [ForsythSL](#)
Subject: Fwd: Re: Fwd: Re: Application for Review - Field North of The Bothy, Gannochy, Edzell
Date: 04 October 2019 14:09:22
Attachments: [oieomeqccandhpk.jpg](#)

Good afternoon Sarah

Thank you for passing these comments to me. I will offer a brief response to each.

It goes without saying that we feel for the neighbours who were affected by the flood water shown in the photos but this does not affect our previous statements in relation to the possibility of the site flooding or water travelling through or from the site. As a result of our submissions there are no objections from SEPA or the Roads Flooding Team in relation to this application because this water is reaching these areas from other places and through other routes.

I don't accept the suggestion that a single house in this location would adversely affect local wildlife. In reality it is only likely to provide another potential food source for animals such as birds and red squirrels.

I welcome the additional comment from the Community Council, which clarifies their position. There is an interpretation of a policy that is, by its nature, subjective. As a counter-point to that, however, I would take the view that the existing buildings have not been laid out and constructed in manner that is suggestive of any desire for coherence. This group of buildings is not the end result of carefully planned scheme; in each case the owner at that time would have wanted a building and so one was built in the most suitable location. If any form of consistency does exist here it is that, over the course of many decades and in no particular order, buildings have been constructed on both sides of an access track where a suitable gap existed. If our goal is to strive for coherence or consistency, the fact that buildings and domestic properties line both sides of the access track with the exception of our site must be the key consideration. This proposal, therefore, would fill that final viable gap and, in doing so, comply with the relevant policy by rounding off the group in a manner that is coherent with both the spatial relationship from one building to another and the timeline on which they have been built.

Kind regards

Aaron Souttar



On 26/09/2019 16:06, ForsythSL wrote:

Dear Sir

**Town and Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2013
Application for Review – Planning Permission in Principle for the Erection of a
Dwellinghouse at Field North of The Bothy, Gannochy, Edzell – Ms J Riley
Application No 18/00935/PPPL - DMRC-6-19**

I refer to the above application for review and to previous correspondence, and write to advise you that I have received further representation from a number of interested parties.

In accordance with the legislation, I am now forwarding a copy of these to you. I have also attached 5 photographs submitted, the first 3 from E Miller, the last 2 from P Christie.

You have the right to make comment on the representations and, should you wish to do so, you have 14 days from the date of receipt of this correspondence to make any such representations which should be sent directly to me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Angus Council | Angus House | Orchardbank Business Park | Forfar | DD8 1AN | T: 01307 491985 | ForsythSL@angus.gov.uk

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