

**Planning Application - 22/00585/FULL - The Whins, Old Whisky Road, Kirkton of Auchterhouse DD3 ORD (or The Brae, DD3 ORE)****Proposed erection of dwellinghouse and associated works****Comments and Objection by Auchterhouse Community Council**

Submitted by:

Linda Cockram, Planning Contact for Auchterhouse Community Council

Parkside Cottage, Parkside, Auchterhouse, Dundee, Angus, DD3 ORF

Tel: [REDACTED]

E-mail: [REDACTED]

Date 11<sup>th</sup> October 2022

This planning application is to build a new house on the “land south of The Whins”. There is already one house on the site and the site is now divided into two. The whole site was one of those created when Old Whisky Road was developed with one house being built on each site. That is still the case.

A small watercourse or burn runs through the site from north to south which flows under Old Whisky Road through a conduit, is piped under one of the newer houses in the lane off Old Whisky Road, then flows down through a field north of Parkside (it doesn't end at Grenfell House as shown on maps) then west along behind Parkside to join the water system running down the Brae. This system still provides water to outside facilities to at least one property in Auchterhouse Village.

For many decades this site was largely covered by a plantation of mature conifers (mainly pine, larch and spruce) These were felled in 2018 and 2019 although a few remain. The single house on the site stood among the trees but most of the site is now grassed over.

Auchterhouse Community Council has considered this application and our comments fall into three categories. Firstly, we think there are some mistakes, anomalies and omissions in the planning application that we would like to see clarified and/or corrected.

Secondly, we, and neighbouring residents, are concerned about how the site will be accessed during building work for plant and materials and how the burn will be protected to prevent overflow, blockage and pollution. Old Whisky Road and the verges are privately owned and the residents maintain these at their own expense as well as the conduit under the road carrying the burn so these issues are a concern.

Thirdly, in our view, the felling of most of the mature trees on this site four years ago and the removal of the timber without a felling licence leaves a question about whether this can be construed as just a “plot” as stated in the application form. The issue of the failure to apply for a felling licence is still unresolved. Also, the sites on Old Whisky Road are all

occupied by only one house so the building of a second house on this site (originally one site but now sub divided) raises the question of the availability of the site for more than one house.

### **Mistakes, Anomalies and Omissions in the Planning Application and Associated Documents**

-Land South of the Whins, The Brae, Kirkton of Auchterhouse, DD3 0RE is the address given on the planning application itself whereas the address given on Angus Council's website is "Land South of the Whins, Old Whisky Road, Kirkton of Auchterhouse (no postcode given – it is, in fact, DD3 0RD) These addresses should surely tally and as the only access driveway opens onto The Brae perhaps this is the correct address. The Brae is also given as the address registered as title information with the Scottish Land Registry. The correct address should be confirmed and provided consistently across all documents.

-The location drawing shows the red line outlining the building site running right alongside Old Whisky Road between the burn and The Brae. In fact, there was a banked verge there (two or three feet as still in place on the other side of the road – also not shown) so the boundary line should make this clear. An accompanying photo shows the position of the boundary fence which was removed. We understand that the verges on Old Whisky Road do not belong to the properties there so the current extent of the verge should be clearly shown right down to the junction with The Brae.

-The application form states that there are no trees either on, or adjacent to, the site. Mature conifer trees are present on the site all along the north boundary and are, in fact, shown on the site plan on either side of the driveway. There are similar stands of trees in the adjacent gardens to the north and to the east right along the boundaries with The Whins. This mistake should be corrected.

-The application form states there is no flood risk. The burn has overflowed in the past few years a couple of times in very heavy rain affecting residents on the south side of Old Whisky Road and, on one occasion, residents in Parkside. The risk is not to the site itself but to land and properties immediately downstream if the burn and the culvert are not properly managed (currently done by neighbouring residents)

-There is nothing on the plans to show how the driveway will cross the burn or how the soakaway shown on the plans will cross the burn and this should be clarified in the plans at this stage.

-The driveway is a long one and there is no information on the plans to show how it is to be surfaced or the distance to the two neighbouring properties' boundaries. We think this information should be included. Consideration should also be given to a planting plan of tall shrubs between the north and east boundaries and the driveway as we think the headlights of cars entering the site from The Brae will shine into the windows of neighbouring properties. Craiglarach, to the east on Old Whisky Road, will be particularly affected.

-For the benefit of all residents on Old Whisky Road, the plans should provide some information about how vehicles will access the site during the build and how the burn will be protected from pollution by and damage by building materials, works and vehicles.

-The application form references a pre-application discussion about the sightlines (2.4m x 25m) at the exit from the drive onto The Brae. The drawings suggest that the width of this will involve taking down trees on the verge of The Brae, possibly removing trees in The Whins and Janda next door and removal or damage to part of the wall and pillars at the entrance to Janda's driveway. If this is correct, the plans should show exactly what is proposed.

-The Type of Application section in the planning application includes "change of use" The response in the next section indicates there is no change of use from "plot" However, this site was planted with mature decades old conifers four years before this application, almost all of which were felled and the ground levelled (see section 3 below) We consider that this is sufficiently recent to warrant acknowledgement of a change of use on the application form.

### **Access to Site and Protection of the Burn**

We assume the vehicles accessing the site during the building work will use the proposed driveway from The Brae and will not need any access from Old Whisky Road. If this is not the case, this should be indicated in the plans. Residents were not kept informed when an access was opened on Old Whisky Road for machinery to fell trees, remove the timber and level the site four years ago and the dismantled fence was never replaced as it should have been. Residents paid for subsequent repairs to the road.

Included in the Title information from the Scottish Land Registry is a statement (burden 1, second paragraph)) that suggests that this site has right of access from Old Whisky Road. If correct, this is curious as this site has had no access from Old Whisky Road for many decades, possibly never. However, if this is the case, and access to the site for building work from Old Whisky Road is intended then a plan should be presented showing how this will take place and how impact on neighbouring residents and possible damage to the road will be mitigated.

The burn must be protected against blockage and contamination during construction work as well as the conduit under Old Whisky Road, and a plan should be presented to show how this will be achieved. This burn can flood land and gardens below Old Whisky Road and has done at least a couple of times in recent years when the flow was increased by heavy rain or the conduits became blocked. Too much water flowing can produce flooding and too little deprives properties in the village of their supply. Because neighbouring residents have monitored and maintained the conduit which helps to regulate the flow and sometimes have had to do so as a matter of urgency, (sandbags and a diversion trench were needed a few years ago to prevent Yew Tree Cottage flooding), we would respectfully suggest that the north access to the conduit under Old Whisky Road remains accessible from the road (as it

always has been) perhaps by a chicane in the post and wire fence or some other arrangement.

### **Tree Felling and “One House on One Plot”**

The above are all considerations we would respectfully wish to be considered if the application is approved. However, there are two main issues that, in our view, make this application unsuitable for approval in its present form.

Firstly, a considerable number of large mature conifers (spruce, pine and larch) were felled on this site in 2018 and 2019 while the site was owned by Guild Homes and was arguably not garden ground (see photos) The quantity of timber removed was sufficient to require a felling licence from Forestry Scotland and hence a requirement for a re-planting plan. The Community Council learned from Forestry Scotland that no felling licence had been applied for. Our understanding was that Forestry Scotland’s Operations and Development Manager would contact Guild Homes to discuss re-planting. This was during lockdown and we heard no more so assume nothing came of this as it was difficult to provide proof of the exact volume of timber removed as it has all been removed and the site cleared and flattened. We do, however, consider that, although this may not be strictly a material planning matter, it is an issue which should preclude the further use of the site for any other purpose while it remains unresolved. The site should have been designated for re-planting and therefore would have been “allocated for another purpose” (Angus Local Policy TC2 Residential Development) Too often trees are felled and no re-planting takes place.

The second issue is the condition placed on housebuilding along Old Whisky Road of only one house on each plot. These plots are large and there is a single house on each plot. The “land south of the whins” site in this application was subdivided from the larger, original plot called “The Whins” some years ago and now partly encircles the original house and garden (still called “The Whins”). The title document for the subject of this application site (also confusingly sometimes referred to as “The Whins”) also specifies that only one house can be built on the site but this site is a subdivision of the original, larger plot which could only have one house built on it.

The houses along Old Whisky Road are within large plots with a single house on each. The plot size is about the same size as the original undivided Whins plot and the title deeds seen specify only one house may be built on each site, the same as the title deeds for the separated off “The Whins” site in this application. It is not helpful that this site is sometimes referred to as “The Whins” and sometimes as “Land South of the Whins” This should be clarified. We think that these constraints in the titles apply only to the full, original plot with the corollary that plots may not be subdivided for housebuilding purposes.

Also, while the style of the house fits in well, the building of a second house on this site does not fit in with the rest of the road as the low density of houses along Old Whisky Road gives it its special character and as well as complying with the title deeds specification of “one house on one plot”

Auchterhouse Community Council is, therefore, objecting to this application as it stands.



Photo 1 – trees being felled at The Whins – existing wall delineates garden ground from woodland (to right of photo). Verge at roadside and position of fence clearly shown.



Photo 2 – trees being felled at The Whins to remove woodland.



Photo 3 – trees being felled at The Whins to remove woodland.



Photo 4 – Proposed road access – sightlines blocked by walls, trees and shrubs outwith the application site



Photo 5 – Woodland at The Whins being cleared. Boundary fence removed.



Photo 6 – woodland at The Whins being cleared.



Photo 7 – Trees recently felled and woodland cleared to create proposed driveway



# Appendix A

Overmarked driveway access plan showing inaccuracies on application drawings and obstructions to proposed sightlines.

Sightlines shown on application drawing are inaccurate and misleading - they do not show the existence or height of obstacles outwith the control of the applicant (stone dykes and mature trees). The plan dont show the burn crossing the proposed driveway and illustrates the verge as being wider than it is (which massively distorts the sightlines). This road access cannot be formed with required 2.4m x 25m sightlines without removing neighbour's walls, shrubs and trees

Sightlines  
2.4m x 25m

entrance walls of neighbouring property sit 2m above road level - obscuring sightline to north completely.

Janda

New Access

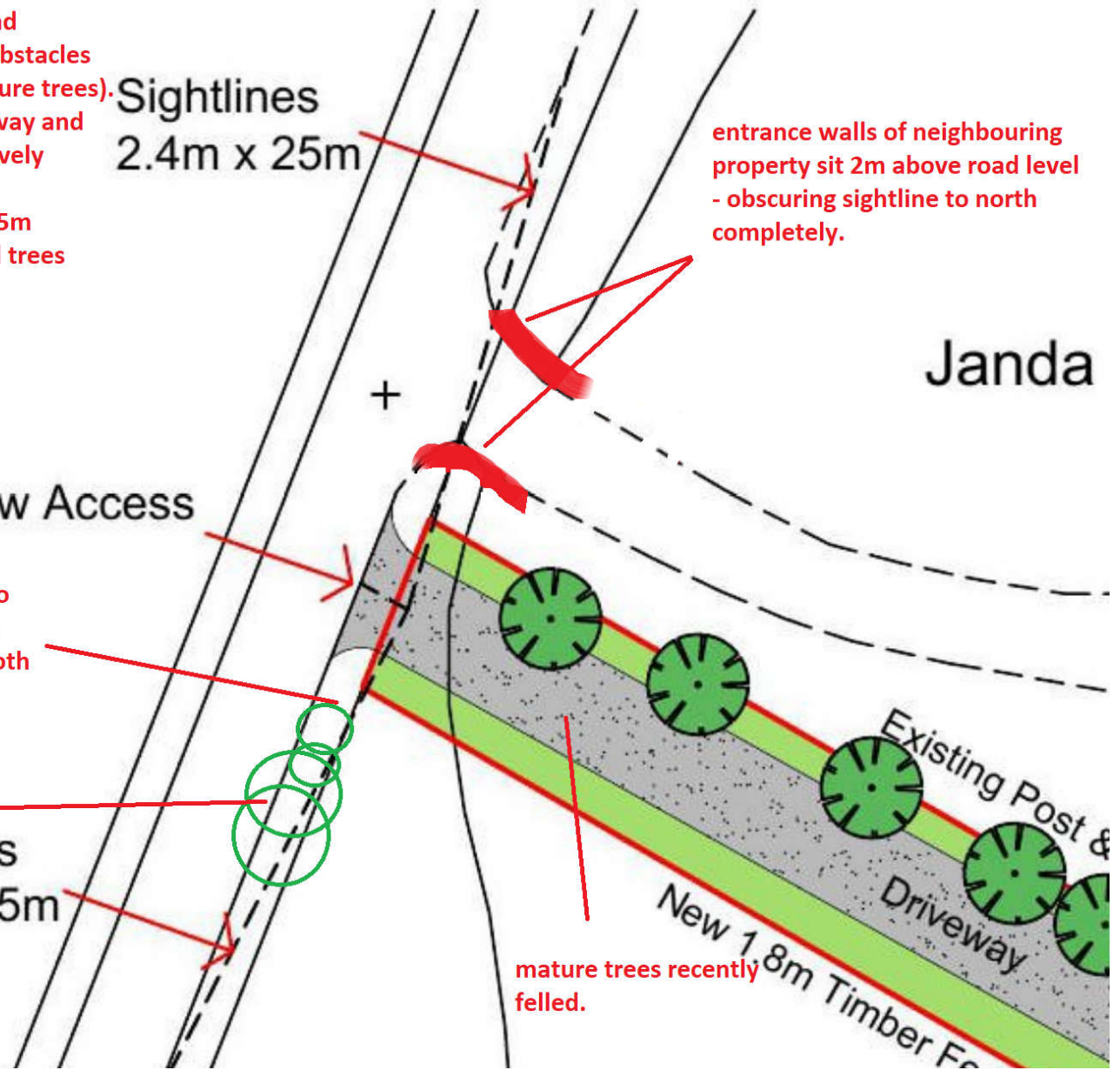
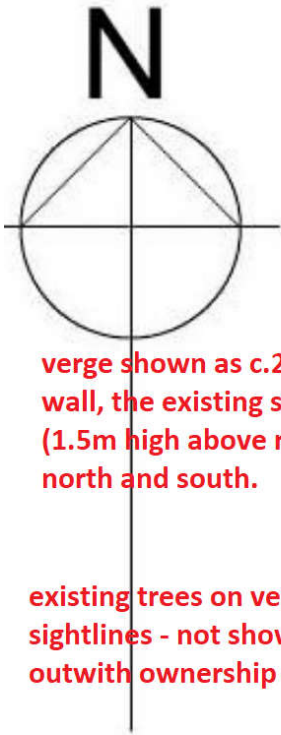
verge shown as c.2m when it measures 1.3m from road to wall, the existing stone dyke outwith the application site (1.5m high above road level) obscures the sightlines to both north and south.

existing trees on verge obstruct sightlines - not shown on plans and outwith ownership of applicant

Sightlines  
2.4m x 25m

mature trees recently felled.

Existing Post & Driveway  
New 1.8m Timber Fc



**From:** [James Wright](#)  
**To:** [PLNProcessing](#)  
**Subject:** FW: Additional response to planning application 22/00585/FULL Proposed Erection of Dwelling House and Associated Works . Land south of The Whins, Old Whisky Road, Auchterhouse  
**Date:** 13 December 2022 07:35:10

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David / Veronica,

Can you please redact and add this e-mail and attachments to IDOX as a consultee comment.

Thanks

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 |  
[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

**Covid:** As restrictions ease, the emphasis will continue to be on personal responsibility, good practice and informed judgement. [Get the latest information on Coronavirus in Scotland.](#)

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**From:** Linda Cockram [REDACTED]  
**Sent:** 12 December 2022 18:43  
**To:** James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>  
**Subject:** Additional response to planning application 22/00585/FULL Proposed Erection of Dwelling House and Associated Works . Land south of The Whins, Old Whisky Road, Auchterhouse

Dear Mr Wright

This additional comment from Auchterhouse Community Council is in response to the e-mail dated 16/11/22 about this application concerning flood risk and management. This states that the proposed development is outwith SEPA's surface water/fluvia/coastal flood envelopes and is therefore unlikely to be at risk of flooding and notes the presence of a small burn running through the site. We note that proposals are made ensure that surface water on the site will be managed via a soakaway.

We would like to point out two things. Firstly that the site has indeed flooded in the past but the greatest flood problem has been further downstream of the burn to properties in Parkside (Parkside Cottage and Mayerling) and the houses at the end of Old Whisky Road on the south side (The Ghyll and Yew Tree cottage) One of the attached photographs shows the flooding at Parkside Cottage in 2016. The next door garden's greenhouse (at Mayerling) was flooded to a depth of a foot. Luckily, the houses are on a slight elevation. Two further photographs taken after the trees on the application site were cut down in 2019 show the increased amount of water in the burn and the sandbags (from Angus Council) which stopped the water flooding down the drive of Yew Tree Cottage. Clearly the main issue here was very heavy and persistent

rain but the volume of water coming down the burn, overflowing across Old Whisky Road and then overflowing the burn's banks in the field just north of Parkside was clearly an issue in the direction of the waterflow. The overflow water from the burn can run along the back of the north boundary stone walls in Parkside and floods into the gardens if rainfall is unusually heavy.

Secondly that the burn, which is shown on the planning application maps as terminating at Grenfell House does not terminate there but is routed in a culvert under Grenfell House. It emerges on the other side, continues along the upper edge of the field to the north of Parkside, takes a right-angled turn down the field and under the stone wall into a pond in the garden of Palm springs in Parkside. From there it is channelled into a sump in the north corner of Rivendell in Parkside and then piped into a closed stone culvert on the north side of Moorlands on the corner of Parkside and The Brae before being piped down The Brae to Kirkton of Auchterhouse village. I have amended a map already used in this application to show the actual route of the burn under Old Whisky Road and on down to Parkside and then along to the Brae through another culvert. Water flowing down the burn, therefore, can affect properties immediately to the south.

The statement that this area is unlikely to flood does not seem to recognise that the area has significantly flooded at least three times in the last 25 years and there is the potential for more serious or frequent flooding if the rather delicate arrangement of culverts and channels of the burn is not acknowledged and recognised. This needs to be recognised, and addressed in the application. Not to do so might result in additional risk of flooding, possibly not to the site, but to properties lower down. We accept that this is an old system and some flooding may always be a risk but it needs to be accurately represented and the flooding possibility recognised and addressed to ensure that, at least, the situation is not made worse.

We did state a good deal of this detail in our original submission but we felt it needed elaboration to correct the geographical location of the burn and to make clear that significant flooding has occurred on at least three occasions in the past to neighbouring properties downstream.

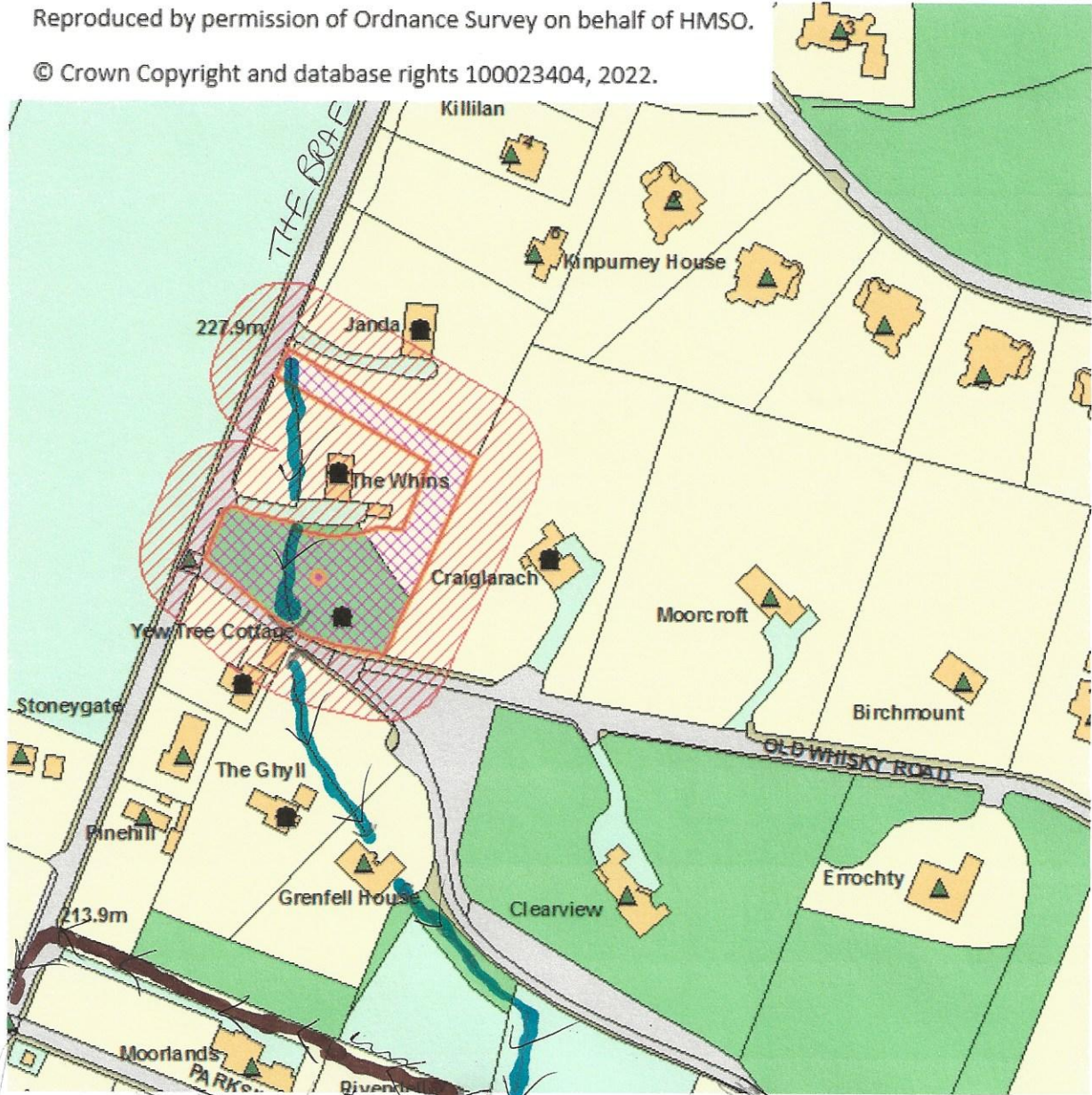
Yours sincerely,

Linda Cockram

Planning Contact, Auchterhouse Community Council

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- burn overground
- burn underground

Rivendell

Palm Springs

Magerlingy

Parkside Cottage

Stone boundary wall.









**Planning Application 22/00585/FULL- Land South of the Whins, The Brae, Kirkton of Auchterhouse, DD3 0RE**

Proposed Erection of Dwellinghouse and Associated Works

**Further Comments by Auchterhouse Community Council**

Submitted by Linda Cockram, Planning Contact for Auchterhouse Community Council

[REDACTED]

[REDACTED]

Date 31/01/23

Auchterhouse Community Council is responding again to this planning application as some members of the community have expressed concern about some of the statements in the recent comments document dated 17.01.23 and 20.01.23 submitted on behalf of Guild Homes by A B Roger & Young Ltd. The Community Council shares some of those concerns.

**Firstly**, the verge (or bank) along the north side of Old Whisky Road between the burn and The Brae. Most of the verges along Old Whisky Road are flat but the verges nearer The Brae are banked verges about 3 feet wide. The maps used in the application show no verges on either side between the burn and The Brae. However, the banked verge on the south side, alongside Yew Tree Cottage's boundary wall is still there (and has been for decades). The separate banked verge on the North side would still be there if Guild Homes had not removed the boundary post and wire fence, not reinstated it and now there is no trace of it left. It is shown in one of the photographs included with our first submission, clearly showing the bank. The hundred or so mature trees on the site before felling were all inside this fenced boundary. The existence of these fences is in the deeds for all the Old Whisky Road properties and this one may have been there since the 1950s, separating the site from the banked verge and the road. The applicant asserts that this map is part of the proof that the bank is included in the application site but the existence of the bank on the south side of the road, despite being absent from the map, shows that these maps are not fully accurate when space on the page is tight and the feature small and sometimes do not reflect the reality on the ground. One cannot, therefore, say for sure from this that the banked verge is part of the Whins site.

It is also stated that the site is bounded to the south by the "Old Whisky Track". It seems to be assumed that this means the hard surfaced road excluding the bank. However, properties in Piper's Way (just down the Brae from Old Whisky Road), for instance, have deeds which state that they are bounded to the north by the access road leading to Parkside Cottage which suggest their boundary is the road. However, it isn't. There is an approximately 5 feet wide grass verge between the northern boundaries and the road (which belongs to the houses in Parkside as does the road.) So, it is not necessarily the case here that the boundary is directly alongside the road itself and the documents referred to

may not reflect the reality on the ground. We appreciate that deeds and Land Registry documents can have minor inaccuracies but the status quo is usually apparent and accepted. Here, the proposed change to the de facto situation on the ground with respect to the banked verge is unexpected and concerning.

In addition, all the other verges and the road in Old Whisky Road are not owned by the other property owners, but they are maintained by them. Perhaps the situation is different for this banked verge but the post and wire fence did clearly demarcate the verge from the site and the situation here needs some clarification to establish the legal position and show more definitively that the verge is part of the Whins site as claimed rather than still in the same ownership as the rest of the verges in Old Whisky Road and separate from the site.

It looks as if the applicant is planning to put the post and wire fence directly beside the road, enclosing the banked verge. This is the major concern. Regardless of the final decision about ownership of this verge, it would be dangerous for pedestrians and difficult for larger vehicles if the verge was enclosed. The banked verges on either side allow pedestrians to step up safely out of the way of vehicles and allow larger vehicles more leeway in making the turn. A loss of around a three feet width of bank on such a narrow turn is quite significant and is worrying neighbouring residents particularly for access for Council bin lorries and emergency vehicles. The Old Whisky Road access is quite narrow and the accessible bank on both sides is crucial, in our view, for the safety of pedestrians and vehicles.

The Community Council fully supports the resident's view that it is crucial that any new fence should be erected where the pre-existing fence was, for public pedestrian safety and that of larger vehicles. The bank should be retained as part of the road edge (and not part of the neighbouring site) as elsewhere in Old Whisky Road (and as is usual in Auchterhouse)

**Secondly**, it is claimed that the trees on the site were felled by SSE for reasons of general safety and therefore did not require a felling licence. The email referred to with details of this, dated 28/11/22, is not on the website nor is any written exchange with SSE provided.

Our recollection (and that of local residents) is that somewhere in the region of 100 mature trees were felled here, mainly in two tranches with large volumes of timber removed which would have exceeded the <5m<sup>3</sup> per calendar quarter rate of felling limitation. We find it puzzling that SSE should have instructed the felling of all these trees in the interests of general safety. There is an H-pole with transformer in the next-door garden of Craiglarach (not shown on the application maps) and SSE were seen doing some clearing close by there. But the high voltage line only just skirts the SE corner of The Whins and crosses Old Whisky Road. No high voltage line crosses the Whins site so we are not sure what the safety issue could be that would concern SSE and result in the need for them to completely fell so many trees. We have spoken to a few of the neighbouring residents and no-one recalls any evidence of SSE being involved in the major felling activity here. Rather, residents remember private contractors being involved in the felling and removing of large volumes of timber.

It is recognised that despite the Community Council making representations regarding these matters to both Angus Council and Forestry Scotland at the time of felling, no enforcement action has arisen. However, similar comments also relate to further significant felling undertaken more recently to clear the track of the proposed access track from The Brae.

There are still some trees on the site along the north boundary and next door along the east boundary although the application form does state that there are no trees on the site or adjacent to it. However, they are shown on the application drawings.

**Thirdly**, we note that the soakaway has been re-designed and re-routed to avoid it crossing the burn. This is welcomed along with the flood prevention measures stipulated by the Council engineers. More information about the soakaway plan extent and detailing would be welcome to demonstrate that it would not risk cause any overflow or problem to Old Whisky Road which residents would be accountable for repairing and could cause flooding downstream. The soakaway does look a little close to the road and verge at the south.

**Forth**, in relation to the preferred access from The Brae (which we welcome) while claiming right of access from Old Whisky Road as well, we would point out that The Whins has never had access from Old Whisky Road and the original post and wire fence ran the whole length of the south boundary inside the verge. We are not clear where this right of access has suddenly come from. Guild Homes removed the fence (without consulting or informing other residents) to allow access for tree felling and timber removal. Residents understood that the fence would be replaced but it never was. If a right of access onto Old Whisky Road is established and going to be in use then we assume the property owners will take on their share of the burden of maintaining Old Whisky Road like other residents. If access is planned from Old Whisky Road for construction purposes then this should also be the case. However, we would stress that no new house has been built along Old Whisky Road since the initial building programme and the narrow road access might cause a problem for very large, heavy vehicles and consequently for free movement for residents as well as a considerable risk of damage to the road surface and verges which are maintained by Old Whisky Road residents at their own cost. To avoid this, and as no construction access information is given, we would suggest that additional domestic and construction traffic should access the site from The Brae.

**Fifth**, we note the applicant's agent's view that trees should not be growing on The Brae (a public road with adopted verges) The very character of The Brae is defined by the trees which line the road. We would object to trees being removed for anything other than reasons of public safety without permission and do not consider that it is up to a developer to assert that trees should not be growing on the council verges here.

**Sixth**, we are not certain that the "one house, one plot" is a feudal condition. It is certainly included in the deeds of all the houses in Old Whisky Road as a condition of building and occupying, along with many other restrictions and requirements and it remains in the deeds of houses which have changed hands since feudal tenure laws were abolished some 20 years ago. We also understand from residents that since this abolition, a small number of residents have been told by Angus Council that a second house on an existing site would not

be acceptable. Therefore, the position here is unclear and the stipulations in the deeds may be planning conditions rather than feudal requirements. The openness of the plots and the single dwellings on each plot along Old Whisky Road form a crucial part of its character which is worth preserving and protecting although this was not the main reason why the Community Council objected to this development. In that context the 1.8 metre high timber fencing along the Old whisky Road boundary is out of keeping with the character of the road (although we do recognise that the owner of the existing house on the site has stated that he does not object as it will help to re-instate a little of the privacy lost when all the trees to the south of his house were felled)

**Lastly**, we appreciate the clarification that the correct address is The Brae, DD3 0RD. However, this is the postcode for Old Whisky Road. The Brae postcode is DD3 0RE

**From:** Liz Blackburn [REDACTED]  
**Sent:** 05 March 2023 17:30  
**To:** James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>  
**Subject:** 22/0585/FULL, Land South of The Whins, Auchterhouse

Dear James,

Many thanks for our recent conversation. I've listed some follow up points below, and am happy for these to be recorded on the planning portal.

We continue to question the rationale behind the proposal to create a new access off The Brae when the applicant, we understand, already has an existing driveway access off The Brae, shared with The Whins.

Use of the existing shared access would avoid the complications and adverse environmental impacts associated with creating a new access onto The Brae, such as

- demolishing part of a traditional dry stone wall,
- disturbing the active wildlife on their north boundary (red squirrels and red deer are visibly active on the piece of ground in question and neighbouring property),
- creation of an additional opening on busy road (see below), and
- concerns over sight lines (see below).
- 

An additional - unnecessary - access off this section of The Brae with its high volume of cars, buses, supermarket delivery vans, courier vans etc will create an additional hazard. The road has become very busy, and the 20mph speed limit is not complied with. Rather worryingly, the volume of traffic has led to the erosion of the grass verges on both sides of the road, worse on the east side, in recent years, with vehicles getting disturbingly close to the drystone wall.

We also have concerns over the sightlines for the proposed new additional access off The Brae. Has sufficient account been taken of the gradient of the road (the road slopes down from north to south), the height of the drystone wall, the existing shrubs and pillars belonging to the adjacent property to the north? How will the applicant's assertions be validated, and by whom, without a site inspection?

I hope this is useful, and would welcome the opportunity to speak further.

Best wishes

Liz

[REDACTED]

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Miss Elisabeth Blackburn

Address: Janda, The Brae, Auchterhouse Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed new driveway access

We understand there is a shared access with the existing driveway of the current property at The Whins. Using or adapting this shared access would avoid the need to demolish a long established existing dry stone wall.

The position of the proposed driveway access appears unnecessarily complicated, as it would require cars to drive past the shared access then along our boundary line before turning back towards the proposed new house.

Further, the title sheet currently recorded at Scotland's Land Information Service describes the land sold to the applicant as having a right of access from Old Whisky Road.

Either of these two options would avoid the need to demolish the existing dry stone wall.

Specific objections to the proposed driveway:

- The proposed position of the new driveway entrance adjoins the long established dry stone wall on our boundary line. The wall is also attached to stone pillars at our driveway entry point. Demolishing the wall to create a new driveway will destabilise the existing structure of both the wall and stone pillars.

- The new proposed driveway access does not appear to have clear, safe sight lines with regard to traffic flow on the Brae. The close proximity to our driveway pillars, and the position of the established trees at the bottom of our garden, will obscure visibility. Our trees are not shown on

the drawings submitted with the planning application.

- The new driveway access will require a new vehicle crossing to be built over the natural burn (not clearly shown on the plans). This represents an environmental risk to the burn.
- The position of the proposed new driveway could result in car headlights shining directly into our living areas when they turn into the new drive, causing us disturbance.

Other matter

The title sheet includes an original feu burden which states that there should only ever be one single private dwelling house on the plot.

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mr ALAN HARRIS

Address: BIRCHMOUNT OLD WHISKY ROAD KIRKTON OF AUCHTERHOUSE

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: It can be seen at the site that vehicle access is limited and I doubt the applicants new access road is capable of receiving any more than a car or large van. The Brae is a single lane road with very restricted passing and Old Whisky Road is a single lane unadopted road (with very poor vehicle manoeuvrability at its entrance).

For the benefit of the local residents that use the above roads, I believe the application should include a transport assessment to include:

- a) From what road (and where) the applicant intends their building materials/plant be offloaded/loaded.
- b) Where contractor vans, etc. will be parked during the various stages of the build.

Also, there is a water course passing through the proposed site. I believe the application should include a statement detailing how this water course will be protected to avoid any contamination/blockage caused by building material waste during the build.



# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mr Craig Fraser

Address: The Whins The Brae Auchterhouse

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our first concern is access to the site for construction. The current access from the shared drive is not wide enough for large vehicles and is bordered by a drystone dyke. The shared portion of the drive from the Brae stops before the burn. We are concerned that they come onto our drive directly in front of our house, damaging our property, privacy and upsetting our family. When felling the trees they previously came onto our land and blocked our access. Any access accept from Old Whisky road which is a private road and exceptionally narrow would require vehicles to cross the burn. The shared portion of the drive from the Brae stops before the burn. The large vehicles used on their side of the land at the front of the site damaged our drains as located underneath causing sewage leakage and flooding the burn. Post Covid we now work from home and cannot be without electricity and WiFi. Our phone line runs across the drive towards the corner of OWR. Guild homes removed a significant amount of mature forest trees despite there being a rookery. No forest trees were replaced. Also previously trees were taken down without our permission by Guild homes on our land. We are concerned about loss of privacy and damage to the environment should they take even more of our trees down. There is also wildlife including Bats in the trees. Removal of the previous forest also destroyed our privacy. We are concerned about further decrease in privacy. Should this application be approved we would wish a 1.8m fence to be erected around our land to restore privacy and ensure safety of our family. We are puzzled about the name on the title deeds for the land. We own the house and land titled The Whins. We understand that the original title deed prior to splitting the plot had a condition of 1 house on the entirety of the original plot.

The application does not request a change of use for the land. It would be more environmentally sound to plant trees and restore to the original forest land

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mr Frank Yorke

Address: Moorcroft Old Whisky Road Auchterhouse

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Legal boundary dispute , this property does not own the verges of Old Whisky Road as stated on plan .

In the area coloured green from the access of the Brae for approx 50 m . This verge is joint responsibility of the 16 properties of OWR written into all deeds of the said 16 properties.

Angus Council do not have the right to propose a plan on land that is jointly owned and maintained legally by other parties.

The residents of OWR will hold Angus Council legally responsible for their action for their actions if notice is not taken on this objection. Angus council will be liable for all legal costs with the above said matter.

This objection is written without prejudice .

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mr Frank Yorke

Address: Moorcroft, Old Whisky Road, Kirkton Of Auchterhouse, Dundee DD3 0RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With Reference to Document 17/01/2023 submitted by AB Roger & Young Ltd

Address: Thank you for clarifying that the Whins property is not part of Old Whisky Road.

Old Whisky Road Verge. It has been stated that the verge beyond the South boundary fence of the property belongs to the Whins.

The Road and verges of Old Whisky Road are in separate ownership.

The boundaries on the Ordnance map confirms that there is a mistake on the plot for The Whins boundary.

The livestock fence that was taken down on the South boundary of The Whins, please can you advise when this will be reinstated .

Please see photo supplied of Whins south boundary fence , with the verge and road separate.

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mr Graham Leese

Address: The Ghyll Old Whisky Road Auchterhouse

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our concern relates to the use of Old Whisky Road for building access. There is lack of clarity on the address, which varies on different documentation. The Whinns has traditionally been on The Brae in which case all building and other access should be via the Brae. However, there is also some reference to this plot being on Old Whisky Road (OWR). I am informed there is a feu of "one property only per feu" on OWR, and there is already one property on this site.

An assessment of building access and residential access would be helpful, with the following points being addressed in relation to OWR:

- a. OWR is unadopted and the residents have to pay for the upkeep. Residents of OWR had to pay for road repairs after all the trees from the south Whinns site were felled and removed relatively recently. Building works will cause further damage to the road, with repair costs, that the residents will have to pay for.
- b. OWR is single track. Where will vans and lorries park and turn?
- c. There is a narrow entrance/exit from OWR with a high retaining wall. Access into and out of OWR is problematic for large vehicles with a high chance of damage to the retaining wall. There is a risk of accidents at the juncture with The Brae due to poor visibility. It is also the morning pick up point for children getting bussed to school, which creates additional risk.
- d. There is a water course and culvert going under OWR which is the old water supply to the village. The functioning culvert prevents flooding above AND below the culvert, due to its size being 5.5 inches diameter

The plans do not make it clear how sewage will be drained safely.

General water run off from the plot will add to already existing flooding problems on OWR, which have an impact on The Brae, and also down to the end of Tealing Road in the main village.



# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mrs Angelia Yorke

Address: Moorcroft Old Whisky Road, Auchterhouse Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1- The proposed plans should not include OWR verge which is adopted and maintained by the residents of 16 houses. This is not owned by Guild Homes.

2- The Brae is single tracked road with no pavements hence why a school bus now collects children at the end of OWR. Safety for children and residents from the surrounding area is paramount and I feel we should have a full risk assessment done in regards to this it should include the health and safety of residents, workmen etc in regards to traffic management surrounding this area? Line of sight, traffic lights, signage , access to OWR and The Brae. I also have a 21year old disabled daughter who uses a mobility scooter and has no health and safety awareness so the use of visual signs and proper management of this building is essential for her safety while using the roads around the area.

4-I work from home and building work concerns me that there could be disruption to services during the time of building.

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mrs Angelia Yorke

Address: Moorcroft Old Whisky Road Auchterhouse Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Old Whisky Road Verge: An 'Application to Compare a Bounding Description with the Ordnance

Map' to Registers of Scotland for the plot at The Whins Auchterhouse indeed confirms 'The boundaries of the subjects coincide with those on the Ordnance Map' and that the plot is bounded 'on or towards the southwest by a road known as the "Old Whisky Track" Auchterhouse along which

it extends Two hundred and Seventeen feet or thereby". This confirms the road is the boundary and

that the verges are part of The Whins land.

Trees: This was covered by a separate email dated 28/11/2022 with details of the felling in the interests of general safety by SSE. No tree felling licence was necessary as trees have never been

felled at a rate where this is required. There is a line of trees along the north boundary as shown on

site plan.

I would like to comment on the above which was submitted.

All verges are and have always been part of Old Whisky Road. The section referred to in the above does not belong to The Whins. This section at the bottom of the plans which has been extended to meet the road needs to be re looked at and the wire fence reinstated as it was removed at the same time the trees were taken out. (Photos available on request)OWR is private and these verges are maintained by residents as well as being used as an area for pedestrians since we have no pavements and it is a single track road. The dyke at the corner turns in on to OWR and this is the beginning of where the boundary line is and where the fence was removed. This is NOT on the road.

I was not aware SSE removed trees on private land I believe that they will top them if there was a need to do so. Do we have paperwork to prove who carried out this work and if they were the company who removed the boundary fence?



# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Mrs Kaye MacGregor

Address: Craiglarach Old Whisky Road Auchterhouse

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: All title deeds in the area including The Whins state one house per plot.

The height of the proposed house and wooden fencing are out of character with the surrounding area.

Old Whisky Road is a private single track cul de sac road maintained by the residents . Vehicular access for the proposed house, construction vehicles and vans cannot be taken from Old Whisky Road.

No verge is indicated on bottom right of Old Whisky Road causing a danger to pedestrians.

The burn which traverses the site is not highlighted nor are there details of surface water drainage proposals.

Following removal of trees from The Whins (without permit) my existing trees are now exposed causing concerns of what might happen in high winds.

There is already a shared drive at The Whins so why is a new drive being proposed?

# Comments for Planning Application 22/00585/FULL

## Application Summary

Application Number: 22/00585/FULL

Address: Land South Of The Whins Old Whisky Road Kirkton Of Auchterhouse

Proposal: Proposed Erection of Dwellinghouse and Associated Works

Case Officer: James Wright

## Customer Details

Name: Ms Gillian Potts

Address: Yew Tree Cottage Old Whisky Road Auchterhouse

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Compatibility - Old Whisky Road property deeds state one plot one house this create a rural feel to the area. This plot has been subdivided and by building 2 houses on it undermines previous planning decisions to reject request for additional buildings. The most recent request to build on a plot was 'Four Winds' Old Whisky Road which was rejected.

Compatibility - a 1.8 m fence is not consistent with the rest of Old Whisky Road boundaries which is essentially rural in nature

Environmental - This plot has established trees which were removed recently. There is no indication of the required replanting in this plan.

Traffic / Roads - This property has no right of access on to old Whisky Road as technically it is accessible from The Brae. Given the tightness of the turn on The Brae there are concerns about the use of access via Old Whisky Road. This turn has an historic 3m drystone wall on one corner and a telephone pole on the other. This makes the corner at risk of damage during the construction phase. Access should not be permitted on to the private road that is Old Whisky Road.

Environmental - I have concerns about both water run off which is excessive at the best of times. When the trees were removed this caused a risk of flooding at my property due to damage to the culvert on Old Whisky Road. The council supplied me with sandbags to divert the water. My property is highly at risk from flooding during the increased number of excessive weather events.

Environmental - there is a stream crossing this site which needs to be maintained.