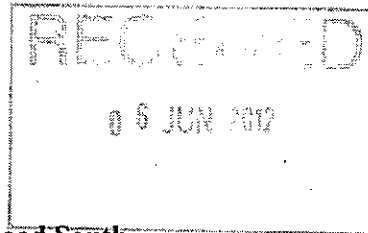


37 DeeView Road South
Cults
Aberdeen
AB15 9NA
18th May 2012

Legal & Democratic Services
Corporate Governance
Aberdeen City Council
Level 1 South
Marischal College
Broad Street
Aberdeen
AB10 1AB



Re TPO216 37 DeeView Road South

Dear Sirs,

We support the tree protection order made on the five trees at No 37 DeeView Road South of Copper Beech, Horse Chestnut and three Norway Maples. We perceive them to be under threat from - Planning Application 111716.

Application 111716 is the neighbouring garden to No 37. Little regard has been paid to trees on site by the developer so far, almost all the trees (99%) were clear felled with the exception of two mature trees on the southern boundary wall and a few straggly trees on the eastern boundary.

Causes for concern which might affect the health, attractiveness and amenity value of these trees - -

- The proposed building's eastern elevation should be built at least half the height of the mature trees distant from the tree.
- The widest part of the tree trunk is measurement which should be taken into consideration in relation to any building works.
- The proposed building's eastern elevation will be 1.5 meters closer to the existing gable end of my house at No 37 than normal council policy allows necessitating new building work under the tree canopy of the TPO trees and should not be allowed.
- The proposed building will be constructed partly over the tree roots of this line of mature trees.
- The amenity value of the trees which this protection order is to maintain will be adversely affected by one sided lopping to allow the build line of the proposed building to squeeze onto the site.

- One sided lopping by the developer will necessitate lopping on my side of the tree this will lead to an altered tree shape, reduce the amenity value of the trees, this is not in the trees interests, or the neighbourhoods enjoyment of the trees, just the developers.
- The prevailing wind is from the south west/west , any lopping by the developer on his western side will destabilise the tree unless there is more severe lopping on the eastern side in order to keep the trees stable. A small amount of lopping on the western side = disproportionate lopping on the eastern side to keep the trees stable and safe in a south westerly prevailing wind and in such close proximity to residential housing. The existing crown shape makes this clear.
- The proximity of the chimney on the proposed eastern elevation of application 111716 to the trees as the prevailing wind will carry smoke and burning smuts and fumes straight into the tree canopy as the building line is 1.5 meters closer to my house than normal council policy would allow the chimney is therefore very close to the trees. From the plans it appears to be a working chimney for an open fire.
- There are bats in the area and the trees are used as bat foraging areas, as the developer felled and burnt 99% of his trees any remaining foraging habitat in his garden, the surrounding area/gardens/railway line walkway becomes more valuable to wildlife. Mature trees like these which form part of bat corridors running towards the River Dee although they do not contain bat roosts they should be protected and not lopped on one side then the other, please see literature on Bat Conservation Trust Web and SNH Web Site, which substantiates this.
- The remainder of the old hedge on the eastern boundary at No 39 is formed from really old espalier apple trees, mature smaller growing cypress, and mixed flowering shrubs these continue the mature tree line down towards the river and should also be protected in the 'Landscape Plan' by ensuring the developer leaves these old apple trees etc for the bats as they form part of the same important only remaining bat run to the river on the eastern boundary and provide much needed bat habitat which has already been disturbed as the developer has felled 99% of all that grew on site at No 39. These remaining bat runs of trees and the hedges in the developer's garden are of importance and under threat of removal. Please see Bat Conservation Trust Website and SNH web site and list of 'Triggers' for considering bats habitat.

We believe bats hibernated in the trees which were felled at No 39. No proper survey was carried out to examine the fallen trees for roosting holes, dead bats or bat faeces, as a neighbourhood we watched the team of men chain sawing, chipping and throwing with speed the branches/trunks and leaves onto the fires. Environmental Health put a stop to the burning of the green wood as the neighbourhood was covered in dense smoke and flying smuts of burning ash. I have photographs of this. We wrote to the council and phoned the council with our concerns, we do not want further stripping of the areas amenity value.

We believe the developer is risking the safety of our home, our lives and the lives of our friends and family in the garden by his desire to lop sided prune the trees listed for TPO's on the boundary line as the wind direction is from his side. If we then have the trees pruned on our side the TPO is nonsense as it will alter the trees natural growth. The prevailing wind is from the south west/west. The lovely copper beech is a good example of the amenity value these trees offer if left to develop their crowns unlopped. It is unreasonable to put an order on to protect the trees attractiveness and amenity to the locality and then prune/lop them to allow for a bad planning decision.

We are concerned with the take down of the garage at No 39 on the roots of the copper beech, we hope given the history on site to date that clear instruction as to the use of jack hammers and other equipment which can cause root damage is enforced.

This planning application was passed in part because of the tree cover between the properties which negated issues of privacy and overlooking allowing the build line 1.5 meter forward of normal council policy. Issues of overlooking in the garden will also be considerable; it will be a long time before the planting plan (as yet unseen) at No 39 has any positive effect on providing privacy. To seek to reduce/remove the tree cover now the application is passed is not acceptable.

Building under the tree canopy of mature trees or over their root system is not good practice, the building is not half the height of the tree distant and ought not to be allowed under the TPO, there is no reasonable excuse which allows a developer to destabilize a row of several trees, and cause possible risk to the lives and property of the neighbouring residents with one sided lopping, particularly with regard to the wind direction. To start to lop both sides for the sake of a bad planning decision makes no sense. A site visit should have been carried out which looked at the size of the unsuitable building its effects on the trees and bat habitat, prior to the application being recommended for approval.

Councillor Corral I believe said he had 'had done enough site visits' or 'had enough of site visits' and moved for approval, if he sits on the planning sub committee he has a duty to take proper consideration of objections raised by the public, remain interested enough to make a site visit and given the location of the application be aware of bats and bat habitat under the list of 'triggers' for planning applications. We believe this to be a poorly investigated (re bats and bat habitat) and bad planning decision of an unsuitable building in an unsuitable garden in a row of medium sized granite villas with large leafy gardens and large gaps between the buildings. Daniel Lewis the senior Planner present at the sub committee meeting and Gareth Alison the Case Officer's manager should have known about the 'Trigger List' which tell planners when a bat survey should be undertaken, The problems we are having with this development and protection of the amenity of the area are because it is unsuitable and no visit was made which assessed these problems. We are glad TPO's are granted as it gives the area something back of what disappears when alien houses are dropped into the middle of a Victorian street. Especially as this property is opposite the entrance of the Deeside walkway.

The developer has shown little concern for the existing residents' health and safety so far, the burning of green wood which the Councils Environmental Health Dep't dealt effectively with is just one example.

We believe the new building will create a wind tunnel effect and the problem will be much worse. The high level terrace will also create wind eddying effects which will destabilise and adversely affect our plants and trees.

It is important to us we see the landscape plan as we believe it will take many years before it offers any privacy or replaces in part what has been lost at No 39 Deeview Road South.

I am glad TPO's will be granted to prevent further destruction of the amenity of the area.

Best Regards,

Caroline Thomson

28 May 2012

Paul & Williamsons LLP
Solicitors

MAS/11/20 - KSG/TGGH/KS
[REDACTED]

Union Plaza
1 Union Wynd
Aberdeen
AB10 1DQ
DXAB35

Head of Legal and Democratic Services
Corporate Governance
Business Hub 6
Level 1 (South)
Marischal College
Broad Street, Aberdeen
AB10 1AB

www.paul-williamsons.co.uk

Dear Madam,

Town and Country Planning (Scotland) 1997
Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas)
(Scotland) Regulations 1975 and Amendment Regulations 1981 and 1984
Land at 37 Deeview Road South, Cults, Aberdeen
The City of Aberdeen Tree Preservation Order No. 216
Mr Alan Massie

We are instructed by our client, Mr Alan Massie, who owns 39 Deeview Road South, to object to the promotion of Tree Preservation Order (TPO) No. 216 in respect of land at 37 Deeview Road South, Cults, Aberdeen. The TPO was advertised on 1 May 2012 and therefore in accordance with the terms of that Notice, this letter of objection is timeous.

The TPO has been promoted in relation to five specified trees (a single copper beech, a horse chestnut and three sycamore trees) in the garden ground of 37 Deeview Road South, Cults, Aberdeen, which trees run alongside the boundary of our client's property at 39 Deeview Road South, Cults, Aberdeen. Our client has a direct interest in the trees as they overhang his boundary wall. As such, our client is entitled to manage the trees which impinge on his property.

Furthermore, our client has recently obtained planning permission under consent reference P111716 for the erection of a replacement dwellinghouse at Number 39. Although the TPO does not affect the trees within Number 39, works pursuant to the planning permission have necessitated and will necessitate further ground and landscaping works. It would appear that some work may be required to the overhanging branches of trees at Number 37 to ensure that they do not overshadow or cause damage or a danger to the development which is proposed at Number 39. Our client has already raised concerns with the Council about the impact which the roots of the trees within Number 37 are having on the existing boundary wall, which is under considerable pressure from the weight of the made-up garden ground at Number 37. Work may be required to stabilise the wall and such work may involve the trees.

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P&W

Our client objects to the TPO on the basis that it will restrict the implementation of the planning permission which the Council has already granted to redevelop Number 39. For the avoidance of doubt this objection relates to all 5 specified trees which are sought to be protected by the TPO.

The "Statement of Reasons for Making of the Order" states:

"(i) The Order was made to ensure the protection of the trees growing on the site which make an invaluable contribution to the attractiveness and amenity of the locality.

(ii) The loss of trees on this site is likely to have a deleterious effect on the character of the area".

When considering whether to grant a TPO, the planning authority are required to take into account the following factors:-

- The amenity of the tree or trees and the contribution made to the attractiveness or character of the locality
- The extent to which the tree is visible to the local community, which will inform the Council's assessment of whether its impact on the local environment is significant;
- Other factors such as the size, the rarity of the species of the tree, or whether the tree has any value as a screen.
- The number of trees in the area, for example a single tree in an area with few trees is likely to be regarded as having a higher amenity value.

The five specified trees are not unusual specimens of trees and sit in an already significantly tree'd landscape. Whilst the trees are visible to the local community from the entrance to Number 37 from Deevie Road South and neighbouring houses, given the wider tree coverage it is submitted that the trees for which protection is proposed are not distinguishable from the general wooded backdrop. There is no need to protect these particular trees in this garden ground. It is not clear why the trees at Number 37 have been singled out. From our client's point of view it is surprising as they do not appear to warrant the protection proposed when compared, for example, to trees in the garden ground of Number 35 which are more substantial and of more significant value to the local environment.

In recent correspondence, the Council's arboricultural planner, Duncan McGregor, expressed the view that the trees to be covered by the Order are in a "fair condition" and that there is nothing that prevents them from being given protected status. With respect that is not appropriate justification for granting the TPO.

We trust that the comments above will be taken into account by the Council when considering whether to confirm the TPO in due course. Kindly acknowledge safe receipt of this letter. If you have any questions please do not hesitate to contact our Theresa Hunt.


Cc Maggie Bochel, Head of Enterprise, Planning and Infrastructure
Paul Pillath, Enterprise, Planning and Infrastructure

49, Deevies Road South
CULTS

ABERDEEN

ABIS-9NA

21/05/12

Dear Sir,

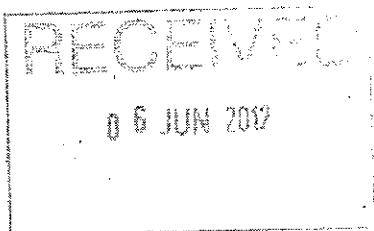
Tree Protection Order 216.

I write to wholeheartedly support the above TPO alluding to the trees in the garden of No 37, Deevies Road South, Cults.

This is a lovely street of granite houses with lovely mature trees (something that seems to be becoming very rare in Aberdeen).

They have graced the street causing no problems whatsoever until the house next door was sold (Planning Application 111716 pertains to this). The trees provide privacy & wildlife habitat & are a valuable asset to both houses and to the street. I believe the existence of them allowed the proposed new house to be seen more of an overdevelopment of the plot.

Yours faithfully



[Redacted Signature]
(Arlison Jermieson)

