

704

South Craigbank
Kirk Brae
Cults
Aberdeen
AB15 9QL

The Head of Development Management
Enterprise and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

27th March 2014

Dear Head of Planning Department

Comments and Response: re Planning Application Number 140272

Proposed residential development of 98 private dwellings and 12 affordable apartments at Friarsfield Road/Kirk Brae, land to the North, Cults AB15 9QL.

We have several concerns with the above planning application. The following comments, listed for ease of reference, are of equal concern...

1. CALA's drawings titled "Proposed Site and Location Plan" have no key to the annotations used. This plan shows the positioning of relatively large trees on our boundary, with roots and branches covering a significant area of our property, including our garden, greenhouse and garage. There are potential implications for loss of our amenity and damage to our property and increasing costs of our insurance premiums. (See 2, below).
2. On CALA's plan, the sizes of the proposed new trees around our property are even bigger than those trees which are on the access track between the Craigbank properties and Kirk Brae. These trees, (Sitka spruce) form closely planted double rows of forest trees, now

approximately 10-13metres in height and border either side of the existing Craigbank access track. I understand that they were planted as a condition of planning permission and clearly demonstrate the inappropriate planting of forest trees. We see that CALA intend to retain the Sitka spruce trees (TG1, "The development proposals suggest that this belt of trees is to be retained and allowed a linear buffer of c.5m from construction and landscaping activities. Thus the preservation of this tree group is not considered to be threatened by development"). However, the Tree Report submitted by CALA has recommendations that it would be appropriate if: "Tree species to be considered for (new) plantings along roadsides should seek to maximise amenity potential whilst being mindful of the need for future maintenance".

3. Sitka spruce trees are one of the tallest species, growing up to 100metres tall. Their trunk diameter can exceed 5 metres, with crown spread of 28 metres reported. Lateral roots up to 23 m in length have been observed. Surely CALA have not taken into account these facts, which show these trees are categorically inappropriate for a residential development. (Please see again the opening sentence of 2. above).
4. CALA wish to retain, as a "private tree lined avenue", the existing access track for the existing four "Craigbank" properties. I submit that the development as a whole would benefit from having the land of this access track properly developed as green space for communal enjoyment of the whole development. Again, see 2. above [the Tree Report submitted by CALA has recommendations that it would be appropriate if: "Tree species to be considered for (new) plantings along roadsides should seek to maximise amenity potential whilst being mindful of the need for future maintenance"] .
5. The drystone dykes in the existing fields extend to many hundreds of metres and are a feature of our cultural and environmental heritage; what is going to happen to them? As small mammals and birds, including several wrens, nest and shelter all year in these dykes surrounding the fields, is CALA willing to reinstate the dykes on or near the development to preserve the wrens' habitats among the stones?
6. We are aware of CALA's open cast mining operation on the Anderson's site and removal of soil and stones to the depth of more than 1metre adjacent to the right of way path from Friarsfield Road to Craigton Road via the Waldorf School. Therefore, are any changes in levels are going to be made to the land that surrounds our property and if yes, why? As the land to our south and south-east are

prone to flooding, standing pools, and rising water tables uplifting large areas of grass, we are concerned that changing the ground and water levels around our property may destabilise our property or increase its risk of water damage.

7. Does the scheme increase the risk of flooding via Cults Burn and Kirk Brae to the downstream properties in Kirk Brae Mews? The CALA documentation link to SEPA indicates that the Cults Burn has a high flood risk.
8. What depth will the SUDS basins be and what risk will they pose to people and pets? What protective barriers will be put in place?
9. CALA's proposed layout does not show any pavements along Kirk Brae on the southern edge of the development for 110+ homes in this area. Note that this is a pedestrian route to Cults' shops, schools, police station, public transport and some of its recreation areas, etc. It is unacceptable that there are no pavements here. CALA's development on the slopes around Kirk Brae Avenue has a pavement along Kirk Brae that is unfit for purpose and is dangerous, unmade, waterlogged, subject to landslides, with an open access to underground services and with exposed cabling for the street lights; so we are fully aware of poor infrastructure (agreements) around our existing neighbouring CALA schemes, along busy commuter and pedestrian routes. CALA's Friarsfield Road frontage also has no pavement.
10. Where do the proposed buses safely turn when making their return trip to the city, and how do passengers get safely to the bus stops?
11. What landscaping is intended to the area adjoining the Cults Burn?

As we know this environment well, we hope that you will take heed of our comments.

Yours sincerely



M Bell

DEBORAH OGG
Craigbank Steading Kirk Brae Cults Aberdeen AB15 9QL
Tel: [REDACTED] Mob: [REDACTED]
Email: [REDACTED]

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marishal College
Broad Street
Aberdeen AB10 1AB

Dear Sir or Madam

**Ref: Proposed Development at Friarsfield Road/Kirk Brae,
Land to the North, Cults part of OP51 AB15 9QL**

I am writing in response to the notice served to residents regarding the above proposed development to lodge my objection. I reside in one of the established properties situated at the Craigbank location.

Prior to receiving this notice, CALA Management Ltd, sent a copy of the proposed layout of the development to myself and to the other three houses that go to make up the existing residential properties at Craigbank, Kirk Brae, Cults. Our houses are served by one private driveway leading from Kirk Brae to which we own the right of access. Each one of our homes hold title deeds confirming pedestrian and vehicular right to the existing driveway. It is stated in the deeds that we have 'a heritable and irredeemable right' to that particular piece of land. Any subsequent owners of the land either side of the driveway are bound to honour this. Our deeds also state that any owners of the land can erect gates in the fences either side of the drive to obtain access. It does not say they can put additional roads or access routes across the drive. However, in CALA's proposed development plan they show two roads running across the drive. In the Design and Access Statement produced by Ryden for CALA section 2.19 it states 'new properties have been laid out to respect the linear avenue which will be retained as private access for the existing properties'.

I think before the proposed development is allowed to proceed, the issue of flooding and excess water should be addressed. There is still an ongoing problem with flooding on Kirk Brae. In the Flood Risk Assessment carried out in 2013, the site was visited in February 2013. It was noted that the Sunnybank and Craigbank culverts could flood and spill onto adjacent roads and properties. The road has been closed on various occasions for drainage work which does not seem to have remedied the risk of flooding. At the time of writing this letter, work is still going on between Sunnybank and Craigbank because water has been overflowing from a drain onto Kirk Brae for some time now. The proposed development site has various natural springs which

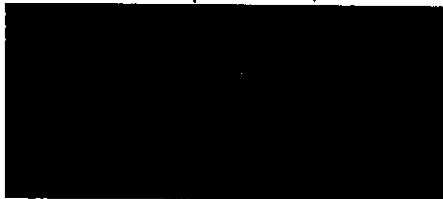
continuously and freely run down both above and beneath the ground into Cúlts Burn. These swell with each rainfall. In the Sources of Flood Risk Information (3.3) SEPA cites the 2007 Aberdeen City Biennial Flood Report which notes flooding to road and properties on Kirk Brae. In August 2012, the flooding on Kirk Brae was torrential. The road was impassable and video evidence of the volume of water was shown on YouTube. Aberdeen's City's Response noted 'ongoing flooding with Cúlts Burn and properties affected downstream'.

In the Ecological Assessment of the Craigbank area done in September 2013, a walkover was done on the site. It stated there was no evidence of badgers. Badgers have been seen both alive and, unfortunately, dead on the road near the entrance to Foggieton Woods adjacent to Craigbank. The report also said there was no evidence of bats roosting. Bats are seen most evenings at Craigbank between March and October and roost in the tall trees.

According to the Transport Assessment done in January 2012, it says people voiced their surprise at the public consultation after it was said the volume of traffic using Kirk Brae during the peak hours had decreased. However, the traffic can only be increased if the proposed building of 98 houses and 12 apartments goes ahead. Added to this, will be the extra traffic about to be generated by the new CALA Rosefield site on Friarsfield Road which is presently under construction. The possibility of having more public transport in the form of added bus services would help reduce private car traffic if all the new residents elected to use it. However, many people moving into the development will still prefer to use their own cars for convenience instead of public transport in order to get to work and school runs. The National Regional and Local Policy Review cites the SPP which says 'planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on private cars and where it would have a detrimental effect on the capacity of the strategic road network'.

I acknowledge more housing is needed. However, I disagree with building this volume of new homes in such a small area where the resulting effect on the local roads, established facilities and amenities and general infrastructure will be to the disadvantage of the existing community. Perhaps the development should be made up of a smaller number of houses where the additional traffic and number of new residents can be absorbed into the existing infrastructure and surroundings.

Yours faithfully

A large black rectangular redaction box covering the signature area.

DEBORAH OGG

PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 March 2014 13:50
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272

Name : James Ogg
Address : Craigbank Steading
Kirk Brae
Cults
AB15 9QL

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : Concerns and Objections to Application Reference 140272 Page 8 of the Design & Access Statement & #8211; Craigbank Character Area I would like to bring to your attention that each of the private & #8216;Craigbank’ properties has, according to their title deeds, an "Irredeemable and heritable right of access" to the strip of land which the shared drive way traverses to Kirk Brae (referred to on the excerpt below as a & #8216;private driveway’ and as the & #8216;linear avenue’.)
2.18 & #8230;…The private properties will continue to be served from a retained section of private driveway, dedicated to Craigbank…..
2.19 & #8230;…the linear avenue which will be retained as a private access for the Craigbank properties……

On 18 Feb, a development notification from Cala was received and attached was a map which detailed the proposed site layout.

On this proposed site layout two access roads are shown which cross the private shared driveway. This appears to contravene points 2.18 & 2.19 on page 8 of the Design & Access Statement as well as the legal rights stated on the individual title deeds for the Craigbank properties A copy of this will follow by post and will include a copy of the & #8220;Proposed Site Plan” received from Cala

Yours sincerely

[REDACTED]
James Ogg

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 28 March 2014 07:20
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272

Name : Drs Grant and Susan Logan
Address : Craigbank House
Kirk Brae
Cults
Aberdeen
AB15 9QL

Telephone :

Email : [REDACTED]

type :

Comment : As owners of Craigbank House we object to the planning application.

The main objection relates to the destruction of our private driveway and the construction of 2 new roads, particularly the one that would go right past our property entrance! This road at our property entrance looks like it would carry the majority of traffic from the development. The safety of our children, noise, privacy and loss of our private driveway are the reasons. How can our driveway possibly be seen as private if this proposal is approved?

The owners of the Craigbank properties, including ourselves had previously met with Cala. After that meeting, when we thought that Cala had listened to our concerns, they proposed a revised plan which had a single road crossing our private driveway much further down towards Kirk Brae. The submitted plan in this proposal is nothing like the "revised plan" they showed us and we therefore feel that Cala have made no attempt to consider our views, and frankly they completely ignored our concerns regarding noise, safety and privacy. We now reflect and believe that the "revised plan" they showed us was simply a cynical ploy to keep us quiet until they had to submit their real planning application. As you can imagine we have lost any confidence we had in dealing with Cala.

The current application clearly acknowledges our driveway is private yet the 2 roads they plan go right through it! We are not unreasonable people and would likely have considered the "revised plan" they showed us previously in a favourable way.

We wish our private driveway to remain intact and truly private in its entirety from the Craigbank properties to Kirk Brae, with no roads cutting through it. A single new road that crosses our private driveway close to Kirk Brae is a less preferred option. We find the current application with 2 roads crossing our private driveway to be totally unacceptable.

As you will have seen from our neighbour's objection, we believe our title deeds make the privacy of the driveway clear. I would add this was pointed out to Cala quite some time ago.

The second objection relates to the strategic landscaping - when we met Cala they agreed to a 5-10 metre strategic landscaping zone to help buffer our properties from the development. Such a zone is referred to in their application but there is no clarity on width or what the composition of the landscaping will be. Our view is that the landscaping must be wide, thick, tall and sympathetic to the surroundings, to help protect us from the noise and loss of privacy that this development brings to Craigbank.

We feel Cala have been totally unreasonable to the existing residents of Craigbank and sincerely hope that the Planning Department will agree and reject the planning application. Thank you.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 March 2014 16:45
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272

Name : lesley anne bremner

Address : 24 Garden Road Cults Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am against the proposal of building more housing. What happened to the green belt because it certainly does not seem to make any difference regarding this application. I strongly object especially when its affecting the wildlife here. We have quite a few deer come down on to the fields but sadly that would be lost due to building even more houses. Its spoiling a lovely outlook too especially when the horses get put into the fields. There are far too much private houses being put up in this area and it is spoiling the area. I am sure there will be many people that will object to this going ahead. It is spoiling the beautiful countryside area I urge you to rethink what you are wanting to do. We dont need more private housing but we certainly need more council housing. Its a disgrace as people cant possibly afford the prices they are asking. The rich can but the less off cant. I am tottally against this proposal.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 March 2014 16:40
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272

Name : Dr. Craig Brown
Address : 11 Abbotshall Road
Cults
Aberdeen
AB15 9JX

Telephone :

Email : [REDACTED]

type :

Comment : To whom it may concern.

I write to formally object on a number of grounds to the planning application for Kirk Brae/Friarsfield area of Cults. The proposed application if granted would overwhelm the amenities of the local area. The current Cults primary school is at capacity and further increasing the number of 'family houses' in this area would even further overwhelm the school. Secondly the size of this proposed development would lead to significant increased traffic in an already congested area raising important safety considerations. Thirdly the closure of 'Jacob's ladder' is not welcome in the area as it is a route many residents use to commute into the city. By forcing transport through the new development onto the new road (where is the funding for this coming from?) this surely raises further safety considerations. I hope the planners will take these formal objections into account.

702

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 01 April 2014 21:28
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272

Name : alison riley
Address : east craigbank
kirk brae
cults
ab159ql

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : My property is served by a right of access to a strip of land that traverses from our property across the fields in which the development is proposed and then joins Kirk Brae.

It would appear from the plans that the developer intends to maintain this right of access. However, it also appears that two main roads will cross the right of access and a large busy junction will be built only a few yards from where it joins Kirk brae.

On inspection of the plans it does not look like the junctions from the right of access onto the main roads are designed to meet modern junction requirements i.e proper transitions into the road to allow visibility for safe crossings etc. This is a large safety concern for my family as well as some worrying uncertainty. Additionally, the developer has made no attempt to open negotiations on such subjects as how the private access would maintained, who would have access etc We currently maintain it, but could not be expected too under the current plans. Our services run under the private access and would be disturbed by the main roads crossing; surely agreement should be sought here, prior to planning permission being granted.

I would also like to object to the developer's clear intent to put pressure on existing green belt by building in roads that dead end at the boundary of the green belt (labelled as "future access" on the plans). Green belt is protected and such obvious encroachment should not be allowed as they will inevitably unjustly sway future decisions over the lands status.

Lastly, this area has flooded badly on several occasions in the last few years. This has caused property and business damage within Cults village. The fields that the development will be built on have a shallow underground spring system and little top soil and ability to cope with sudden down pours. Until more is understood about the recent flooding events and the changing climates relation to this. Any development on this land risks being recklessly detrimental to homes and businesses further down Kirk Brae. I believe SEPA have also identified this.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 10 March 2014 20:53
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272

Name : nicholas riley
Address : East Craigbank
kirk brae
cults
Ab159ql

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I live in the East Craigbank standing in the middle of the proposed development.

I am extremely concerned because the current plan appears to directly contravene the title deeds to the four properties that share the designation "Craigbank", one of which is my own. The issue is particular to the shared drive that traverses from our properties to Kirk.Brae and having sought legal advice, if the plans are how they appear, I am assured the problem is definite.

I would trust that planning permission could not be granted for a development that's premise is based on the violation of neighbouring title deeds?

Could you please provide a full explanation of what the developer is proposing with respect to our shared drive to all four residential properties at Craigbank?

Best regards,

Nicholas Riley

Concerns and Objections to Application Reference 140272

Page 8 of the Design & Access Statement – Craigbank Character Area

We would like to bring to your attention that each of the private 'Craigbank' properties has, according to their title deeds, an "Irredeemable and heritable right of access" to the strip of land which the shared drive way traverses to Kirk Brae (referred to on the excerpt below as a 'private driveway' and as the 'linear avenue')

2.18The private properties will continue to be served from a retained section of private driveway, dedicated to Craigbank.....

2.19the linear avenue which will be retained as a private access for the Craigbank properties.....

On 18 Feb, a development notification from Cala was received and attached was a map which detailed the proposed site layout.

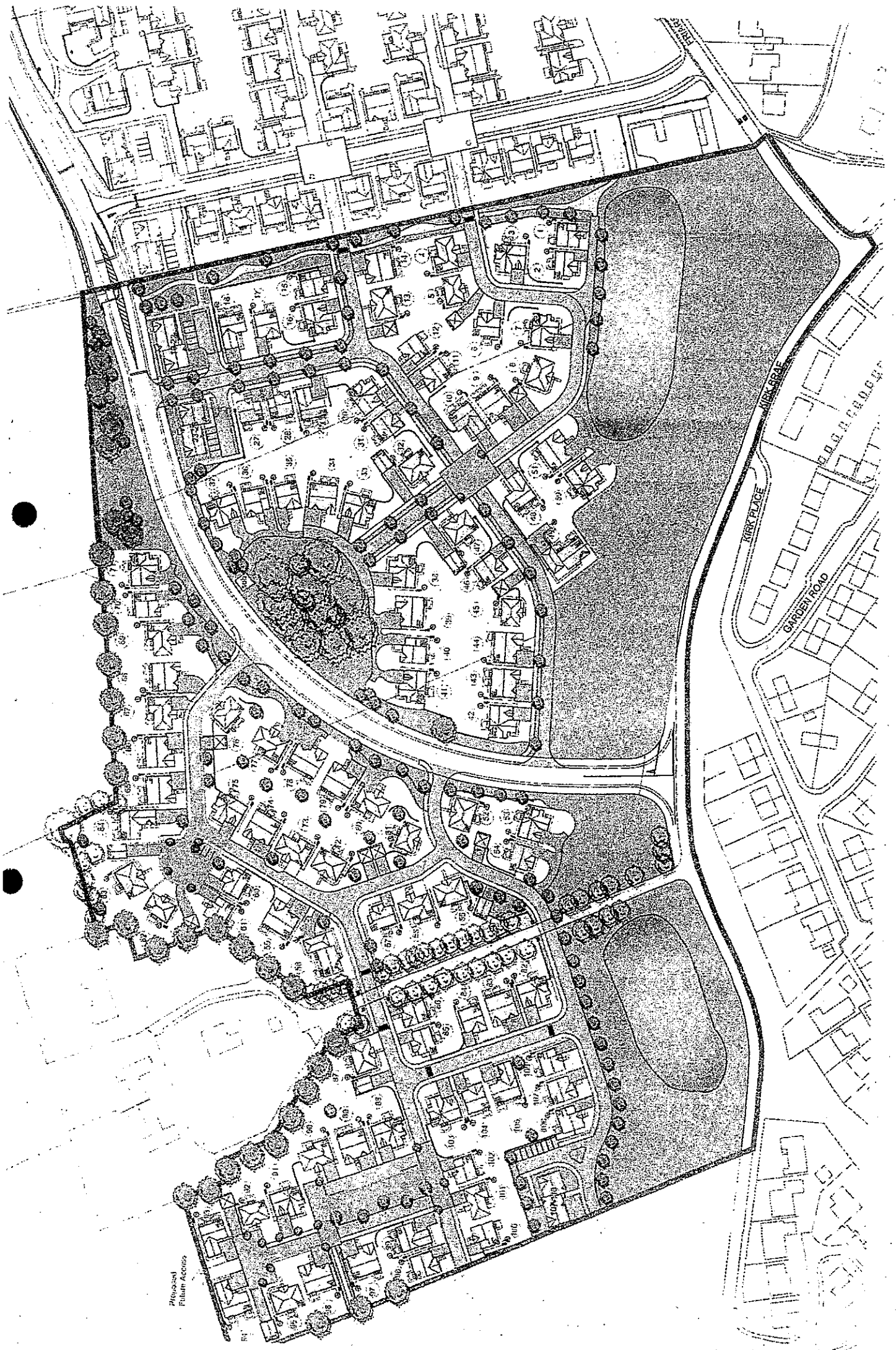
On this proposed site layout two access roads are shown which cross the private shared driveway. This appears to contravene points 2.18 & 2.19 on page 8 of the Design & Access Statement as well as the legal rights stated on the individual title deeds for the Craigbank properties

A copy of this will follow by post and will include a copy of the "Proposed Site Plan" received from Cala

You

Jan

*Craigbank Steading,
Kirk Brae
Cults
Aberdeen AB15 9QL*



Proposed
Future Access

KIRK PLACE
GARDEN ROAD
MORRISON ROAD

PROPOSED SITE PLAN

18 ABBOTSHALL CRES TH
CULTS
ABERDEEN
2 APRIL 2014

Head of Planning & Sustainable Development
Aberdeen City Council
Broad Street Aberdeen.

PLANNING APPLICATION REF 140272
FRANSEFIELD ROAD/KIRK BRAE LANE TO NORTH OF CULTS
CALA PROPOSED DEVELOPMENT - 110 HOMES

Ref. invitation dated 19 March 2014 awaiting representation.

1. I am aware this application will be seen in the context of the planning agreement in principle for 280 homes after much representation regarding infrastructure shortfalls, traffic dangers etc. No new work to date. 10 bala homes have been built, 81 are in construction with this 110 in application and Stornoway Mill Homes with 72 homes in application.
2. As a resident of Abbotshall lives and work family in Abbotshall Road I am very aware of the current stress on the surrounding community with no mitigation evidenced - I trust that we will now see evidence of a listening council to the concerns of long standing residents.
3. I am extremely concerned that the current traffic calming measures (none in Abbotshall lanes) in Abbotshall Drive and Road are ineffective and the 20 mph limits are

largely ignored. Only one "ramp" which was recently built across the whole width of Albois Hall Road is in any way effective. Traffic calming on Tranfield Road (effective type) and other means of reducing "rat running" and mitigating the significant increase in traffic with any further planning approvals is key. The same applies to Albois Hall Road.

5. A proposed traffic control (pedestrian crossing) at Tranfield Road / Kirk Brae has not yet appeared - it must be the right of way of this junction to discourage passing traffic.

6. It is now essential that the council demonstrates to the local community in a clear fashion that any next phase will only be approved when improvements are put in place for education facilities, recreation, community facilities and the proposed Link Road and immediate improvements to road / traffic safety in the nearby streets.

I appeal to you to give the needs of the existing population full consideration in terms of infrastructure improvements and safety and wellbeing as a balance to the demands of the developer