

23/03/2015

21 nemunay Place,
Brigiebuckler,
Aberdeen.
AB15 8SG.

Aberdeen Planning Dept,
Marischal,
Broad Street,
Aberdeen.

RE-APPLICATION NO. 150311

Dear Sirs,

As the owner occupiers of the above address we have an objection to the above application for a new build at 22 Kinaldie Crescent. They are listed on the following page.

Yours faithfully,

(NORMAN A. BURN)
(MARGARET L. BURN)

1 The grass area between 30 and 32 Kemnay Place was designated for a childrens play area and it is a requirement in our deeds that the fifteen owners maintain all the landscaped areas.

2 The access required by the applicant on to a very narrow road with little and in some cases no pavements in our part of Kemnay Place is very concerning as heavy lorries on the move for a build will be very dangerous in that situation. Damage to the lock block road is also more than possible.

3 The effect on the trees and shrubs during a build could cause flooding and drainage problems as soil can block the drains. Again we will have damage in some form to our area.

32, Kildrummy Road,
Aberdeen.
AB15 8HJ
15.3.2015

The Chair
Aberdeen City Council
Planning Committee.

Dear Sir,

I wish to lodge objections to the proposed dwelling at 22 Kinaldie Crescent-
application number 150311

1. The building is extremely big which would dominate the surrounding area and is quite out of character to the area.
2. The garden wall is massive and from the Walker Dam would resemble a prison wall and spoil the outlook. The present fence merges in with the trees many of which would be destroyed.
3. Part of the building would be for commercial purposes which is not in keeping with this area.
4. Although the address is Kinaldie Crescent , it is proposed access would be from Kennay Place by turning the open grass amenity (designated for children) into a road.
4. Walker Dam is a place of tranquil beauty which is enjoyed not only by those in this area but by many of the citizens of Aberdeen and draws in visitors to the city-a attraction enhancing the city's image. It would be damaged by this building and the wall dominating the site and the loss of the mature trees and plants. This is my most important objection.

Many people out with this area are of course unaware of this proposal but
would object to Walker Dam being spoiled.

Yours sincerely,

Norma Hunter, Mrs.

105 Craigiebuckler Avenue ,
Aberdeen
AB15 8PB

Dear Gavin Evans,

I wish to bring to your notice our concerns regarding planning application 150311. Our main concerns are the site plan which would appear to require the use of approx 160 square meters of Green Space not owned by the applicant. This goes against the supplementary guidance "Householder Development" pages 21-24 to the Aberdeen local plan and policies which seek to retain and enhance areas of open space and Aberdeen's urban green space.

All the trees on the site adjoining the Walker dam are in fact on the boundary. the use of this specific area is important as any development of it will create a narrowing of the path there, loss of Green space, and there has been recently studies at this very area on fungi growing on dead trees by Aberdeen University

This area would appear to drain all the gardens on Kinaldie Crescent into the Walker dam, which at the moment is beneficial to the dam, any development could be problematic (the Coupers pond situation at the Dandara site is an example).

The access point to the site would allow vehicles to be very close to the Dam, the Light, noise and fumes from cars and the initial construction at the site would all be disastrous for the environment there. After construction, lighting (there is no street lighting near the site) would also light up the dam at night when bats use it to feed and a great deal of wildlife is nocturnal. The bats use the whole burn and the dam as a feeding area at night. foxes and deer use the gardens and the through route of the burns to move about at night.

This development would create a precedent, it is unusual that Halliday Fraser Munro in their planning application they point out on page 1 The Site relating to Kinaldie Crescent that only one side of the road has been developed, is this relevant to this application or maybe a future one ?

The root protection boundary on the plan, are the Aberdeen council in agreement that this is correct ? It would seem that both road and house development is very close to this boundary and the changes in natural drainage which feeds the trees would also be affected.

The Walker dam has a beautiful view from the Springfield road end with, very little housing being seen. it is truly a wildlife sanctuary, this development, any development will only detract from this.

We are at the moment working with Aberdeen Council to enhance the Walker dam, preserve and protect it as a wildlife site to the benefit of all Aberdeen's population not a developer. We are in the process of encouraging scientific interest in the site by Aberdeen University because of its unique situation, which no other city has, a Wildlife site so close to the urban area.

Lastly we would like to point out that this goes against Local Development plan and with the other landscaped areas in the site possibly becoming vulnerable to development we would like to quote from the planning permission ref.no:-99/0316 02 december 1999:-The landscaped areas shown on the approved scheme shall not be used for any purpose other than that of landscaping unless the planning authority has given written approval for a variation-in the interests of the amenity of the area.

Yours faithfully

Allan Davidson (Friends of Walker Dam)

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 March 2015 00:23
To: PI
Subject: Planning Comment for 150311

Comment for Planning Application 150311

Name : Joanne Herndon

Address : 12412 Glenfield Avenue,

Tampa Florida USA 33626

type :

Comment : I am submitting this as my mother, Joan de Rome, lives at 20 Kinaldie Crescent as is directly effected by this request for planning permission. A similar request was submitted in 2014 and withdrawn due the the overwhelming opposition. This request should be reject immediatly. My mother has mailed her opposition to this proposal.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 March 2015 18:18
To: PI
Subject: Planning Comment for 150311

Comment for Planning Application 150311

Name : Mrs Jane Ormerod
Address : 12 Kemnay Place
Aberdeen
AB158SG

type :

Comment : The proposed site for this development whilst offering opportunity to contribute to housing development in the area will be detrimental to the current area in several ways: Access to the site from Kemnay place will be across an area of green land that was agreed would be maintained when the area was developed, additionally the properties either side of the access will not, I would suggest, benefit in any way if the development goes ahead; the development disruption, dirt, noise etc will not be welcomed by anyone. Nor will the resulting increased traffic.

The suggestion that trees in place will shield the area from the recreational access around the dam, unless things change drastically, is a fallacy, the property and its access will clearly be seen from the dam and the path. The disruption during building will surely impact on birdlife and wildlife in the dam area. Everyone who uses the area for recreation would not welcome building work and further access so close to a lovely wildlife area which provides some peace and home to wildlife in the midst of a busy city area.

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20 Kinaldie Crescent
Aberdeen
AB15 8HX

22 March 2015

Dr M Bochel
Head of Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marsichal College
Broad Street
Aberdeen
AB10 1AB

Dear Dr Bochel

**OBJECTION TO PLANNING APPLICATION REF NO. 150311 22 KINALDIE
CRESCENT, ABERDEEN, AB15 8HX
SUB-DIVISION OF RESIDENTIAL CURTILAGE AND ERECTION OF NEW
DWELLINGHOUSE AND ASSOCIATED WORKS**

I am writing to object to the proposed development at 22 Kinaldie Crescent to create a new detached house in their back garden. The reasons for my objection are as follows:-

1. **Loss of Mature Trees and Serious Risk to the Walker Dam and Kemnay Place Trees** – the proposed plans remove four of the trees from the Kemnay Place landscaped amenity area and also intend to use this Kemnay Place amenity area for the long access road/driveway to the new house. This will seriously damage the roots of the Walker Dam and Kemnay Place trees as all construction vehicles, equipment and building materials, soil etc are driven over the root protection area of these trees. This is putting these mature Green Space trees at serious risk. The proposed development is contrary to the Aberdeen Local Development Plan Policy NE5 Trees and Woodland.
2. **Loss of Visual Amenity of the Walker Dam Green Space** – This development would destroy the view from my house and back garden across to the Walker Dam Green Space. The Walker Dam is a Local Nature Conservation Area and its established woodland is irreplaceable. The plans also propose to remove four of the trees from the Kemnay Place landscaped amenity area and the landscaping shrubs and grass and replace it with an access road which will again mean the visual amenity across to Kemnay Place is destroyed. This is contrary to the Aberdeen Local Development Plan Supplementary Guidance - Householder Development.

3. **Loss of Privacy** - No scale plan drawings have been available to review however from looking at the proposed site layout, the ground floor full height lounge windows and the upper floor bedroom 3 windows facing west are very close to the boundary with my house and pose a direct overlooking impact on my house. I am concerned with this loss of privacy.
4. **Flooding and Drainage Issues** – The garden of no. 22 Kinaldie Crescent is on a significant slope but the proposed new house appears to be on flat ground. There is no detail given on the proposed changes in these ground levels. I am concerned that there will be flooding and drainage issues which will impact on my property and on the Kemnay Place properties. This is contrary to Local Development Plan Policy NE6 Flooding and Drainage.
5. **Precedent** – Back in 1999 Stewart Milne Homes wanted to build more houses in the Walker Dam School/Kemnay Place development by purchasing part of no. 22 Kinaldie Crescent's garden. The owner at the time was happy to sell his land however Stewart Milne Homes was not allowed to develop this land due to the impact on the mature trees on the site. The retention of these trees was a planning condition of the Walker Dam development. This decision has set a precedent for these trees to remain.

I hope you will carefully consider my concerns and refuse this application for the reasons explained above.

Yours sincerely

Mrs Joan de Rome

34 Kemnay Place
Aberdeen.

AB15 8SG

06.03.2015

Development Management,
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Re: Planning Application 150311/
22 Kinloch Crescent.

Dear Sirs,

With reference to the above
Planning Application I enclose my
objections to that proposal.

1. Loss of amenity space lying between
nos 30/32, Kemnay Place. This has been
maintained by the residents of the
Walker Dam development for 15 years.
This area is used by younger children
as a play area.

2. Change of use from amenity space to access route to planned house/site. Who will be responsible for its upkeep in the future if the plans are approved?
3. Change of pavement kerb and concrete edge to grass of this amenity area and remedial work to this area would be required.
4. Use of gravel as bed for site access road.
All the houses in the Walker Dam development have lock-block hard standing either directly from the road or across a pavement. This gravel bed would be out of character for the area. Any gravel spilling onto the road could cause damage to cars and property.
5. The length of the access road is again out of character for the area.
6. The condition of the approach roads, Kildrumm Rd and Kemney Place is poor and with heavy vehicle traffic would rapidly deteriorate.

I would be most grateful if you would consider these points when the application comes up for discussion.

Yours faithfully,

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 March 2015 10:41
To: PI
Subject: Planning Comment for 150311

Comment for Planning Application 150311

Name : Isabel Clarkson
Address : 22 Kemnay Place
Aberdeen
AB15 8SG

type :
Comment : 22 Kemnay Place
Aberdeen
AB15 8SG

21st March 2015

Development Management Enterprise,
Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs,

Planning Application: 150311
22 Kinaldie Crescent, Aberdeen

I am the proprietor of 22 Kemnay Place, Aberdeen and am writing to object to the above planning application for the erection of a new dwellinghouse and garage at 22 Kinaldie Crescent.

My grounds of objection are as follows:-

1. It is totally against both Government and Local Policy on development in a number of respects including, but not limited to the following:-

(i) The design and scope of the development is not in keeping with the neighbouring properties in Kinaldie Crescent. It is substantially larger and higher than the other properties in that street.

(ii) There is a general presumption against the loss of or damage to established trees, which contribute to the character, landscape and amenity of the area. Before this development could proceed a number of mature trees would have to be removed (indeed a number have already been felled), in particular around the area for the proposed access. Policy NE5. The planning application provides for the removal of trees, shrubs and the fence (the

original Walker Dam school fence) on our amenity area to create a new driveway/access. This is contrary to the Local Development Plan Guidance on Trees.

The proposal will result in all construction vehicles and building materials etc being driven over the root protection area of the Walker Dam Green Space mature trees and also the root protection area of 32 Kemnay Place's trees. The weight of these vehicles would be very considerable. This will have a devastating effect severing the roots of these mature trees and will likely kill them off. The impact of this will not be immediately evident but will happen over time. This is contrary to Policy.

(iii) We are concerned with the potential for flooding and drainage problems as no detail has been given in the application regarding the proposed changes in ground levels on the site and corresponding impact on surrounding properties. The open space between 30 and 32 allows for natural drainage at times of peak rainfall. This is contrary therefore to Local Development Plan Policy NE6 Flooding and Drainage.

(iv) The proposed access is over two different areas of ground. One of the areas is owned by Aberdeen City Council and forms part of the Green Space Network connected to the Walker Dam Nature Reserve. In terms of Policy NE1 the Local Authority have an obligation to protect the wildlife, recreational landscape and access value of the green space network.

The second area of ground is owned by Stewart Milne Limited but forms part of the Walker Dam Development, of which my property forms part.

As a condition of Stewart Milne's original planning consent certain areas in the development were to be designated and maintained as amenity areas. These were to be laid out in lawn and trees, and shrubs planted. We the proprietors in the development were, and still are, obliged to maintain and replace these items and are also obliged to maintain the fence separating this amenity area from the strip of ground belonging to the Council. We have done so for the past 15 years. The proposed development would involve this area being destroyed to enable an access road to be constructed. In terms of Policy NE3 urban open/green space should only be used for other purposes under exceptional circumstances. These are not exceptional circumstances and this will substantially affect the amenity and character of our development.

It will also set an unacceptable precedent as the Council are not upholding and enforcing conditions contained in the grant of the original planning consent for our development. If a certain area of the development required to be laid out as amenity area this should not subsequently be varied as a matter of expedience. If this were to be allowed here how can the public retain any confidence in the Planning Authority. Equally, developers can then feel confident that with the passage of time they can disregard the conditions that were originally part of the approval for any development.

In the supporting documentation for the application the amenity area is described as surplus ground and a left-over area. This is simply misconstruing the position. This is an important part of our development where children can play safely and it contributes to the whole aesthetics of the development.

(v) Bats are regularly seen in and around the site. They are a protected species by European Law and Policy NE8 recognises the importance of their protection from development that may cause an adverse impact. There is no information assessing any potential impact on bats and hence it is contrary to the policy.

2. The development as a whole will have an unacceptable impact on the character and amenity of the surrounding area and it will result in the loss of valuable and valued areas of open space – Policy H1.

3. This development will have an impact on areas available for parking in our development as well as having an adverse impact on road safety with the increased traffic which will obviously come as a result.

I hope the Officials determining this application will give due consideration to all of the points I have raised here.

Yours faithfully,

22 March 2015

Dr M Bochel
Head of Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marsichal College
Broad Street
Aberdeen
AB10 1AB

Dear Dr Bochel

**OBJECTION TO PLANNING APPLICATION REF NO. 150311 22 KINALDIE CRESCENT,
ABERDEEN, AB15 8HX
SUB-DIVISION OF RESIDENTIAL CURTILAGE AND ERECTION OF NEW DWELLINGHOUSE AND
ASSOCIATED WORKS**

We received the neighbour notification letter from Aberdeen City Council in respect of this planning application and we are writing to object in the strongest terms to the proposed development on this site.

Having assessed the proposals against development plan policy as contained within the Aberdeen Local Development Plan (ALDP) and further material considerations, as set out in Scottish Planning Policy (SPP) it is contended that the proposals are contrary to the adopted ALDP and associated Supplementary Guidance for the following reasons:-

- **Contrary to ALDP NE6 Flooding and Drainage** - This open space area between 30 and 32 allows for natural drainage at times of peak rainfall. We are very concerned that there has been no assessment of the site levels, volume of soil to be removed or added to the site and the potential for drainage and flooding problems and the impact on neighbouring properties especially on 30 and 32 Kemnay Place. The 3D visual of the proposed house added to the Aberdeen City Council website just on 18 March shows the house on a flat site however the actual site currently is not flat and hence we assume there will be significant changes to the soil levels during construction. The previous application for a new dwelling house at 22 Kirialdie Crescent last year (which was then withdrawn) stated that "substantial cut and fill may be required given a large presence of "made ground" which is unsuitable for the laying of foundations." Presumably this is still the case this year.

There is also a contradiction in the planning proposals as the Planning Support statement states a lockblock driveway but the Site Layout states a gravel driveway. We are concerned that excess surface water runoff will pose an increased flood risk to our property. This proposal would therefore be contrary to Policy NE6 – Flooding and Drainage of the ALDP.

- **Limitations** - We requested information on the scale of the proposed development however no scale drawings have been provided by the applicant. Hence this has limited our comments on the size of the development. There are also no details in the proposed plans as to whether there are any boundary walls or fences or gates. It was a condition of the Walker Dam development that the front gardens remain open and it is unclear if the proposed development is consistent with the other Kemnay Place houses. We would have serious concerns if there was any change to this open aspect.

We have a side gate which is adjacent to the Kemnay Place amenity area and we would be concerned if there was any impact at all on the access to/from our property by this gate or to

our driveway which leads directly to our double garage. There is landscaped planting alongside the fences of no. 30 and 32 Kemnay Place and the boundary fence to the Walker Dam. This planting is regularly kept under the garden maintenance contract – fortnightly April to October and monthly during November to March. We would also be concerned if there was any removal or change to this landscaping area eg if the proposed development were to incorporate gates or walls or fencing in this area.

- **Contrary to ALDP NE5 Trees & Woodland** - A substantial number of mature trees are situated within the immediate context of the site and we have grave concerns over the potential impact and ultimate loss of said trees as a result of the proposed development. Planning permission granted in 1999 for the development of 15 houses at Kemnay Place (ref no. 990316), imposed a number of stringent planning conditions to ensure that these trees were protected and maintained.

The Tree Survey submitted to supplement the 22 Kinaldie Crescent application this year, indicates a substantial number of trees along the eastern and southern boundary of the site. Both their canopies and root protection areas encroach into the proposed development site and this would give great cause for concern. A very significant impact will be posed on the Walker Dam Green Space trees, the Kemnay Place amenity space trees and also the trees within the garden of 32 Kemnay Place both during the proposed construction of the house and driveway and also pose a serious risk in the future. The proposal seeks to remove 4 trees and various large shrubs in the Kemnay Place open amenity landscaped ground in order to create the access road/driveway to the site.

The proposal will also result in all construction vehicles, equipment, building materials and soil etc being driven over the root protection area of the Walker Dam Green Space mature trees, the 2 remaining Kemnay Place amenity area trees and also the root protection area of no. 32 Kemnay Place's trees. The weight of these vehicles would be very considerable and added to the fact the proposal does not state how much soil is to be removed to level off the site (or give any details on the changes in ground levels) adding further to the weight on top of the roots on the access road. This will have a devastating effect severing the roots of these mature trees and will likely kill off these trees. The impact of this will not be immediately evident but will happen over time. Service trenches will be dug across this amenity area which will also cut into the root protection area of these trees.

The tree survey supporting this proposal has very strangely omitted the 7 trees within the garden of 32 Kemnay Place. The root protection areas of these trees are directly affected by the proposed service trenches and driveway to the proposed house as these trees are very close to the amenity landscaped area.

We are unsure if the root protection areas per the plans are accurate as the **ALDP Supplementary Guidance on Trees and Woodland** (see page 7) states that roots of trees can sometimes extend to twice the height of the tree and since the height of these trees is very significant indeed, we question whether the root protection area in the plans are in fact large enough. The proposed house is on the edge of the suggested root protection area which does not provide any allowance for error in the mapping of the roots.

For all these reasons, we conclude that the proposed development would therefore contravene Policy NE5 of the ALDP which seeks to protect and manage existing trees within the city.

- **Contrary to ALDP H1 and D2** - The ALDP identifies the site as located within an existing residential area where Policy H1 applies. This details that new residential development within these areas may be acceptable in principle, should they conform to a number of criteria. These criteria seek to protect the established character and amenity of the surrounding area and neighbouring residents. The proposal as discussed below, is not considered satisfactory when assessed against these criteria and therefore contravenes Policy H1 of the ALDP and associated Supplementary Guidance on *The Sub-division and Redevelopment of Residential Curtilages*.

The proposed development would have a detrimental impact on the established character and amenity of the area and create an undesirable precedent for "backland" development. The existing development pattern at Kinaldie Crescent is made up of modest semi-detached properties, creating a relatively formal building line fronting onto the road. Construction of a new dwelling within the rear garden ground of no.22, taking access through an existing area of open amenity space off Kemnay Place to the south east, would result in a property which does not front onto a public road and as a result, would be completely at odds with the established density, character and development pattern at Kinaldie Crescent and Kemnay Place. The significant length of the proposed access/driveway road off of Kemnay Place is 20 metres before it even reaches the garden of 22 Kinaldie Crescent and the front of the new house faces south west towards the garden of 20 Kinaldie Crescent. Hence there is no public face to the street and so it does constitute backland development. **See Enclosure 1 Aerial View Plan.**

Backland development can result in the further erosion of residential amenity space and there is a presumption against this type of development within the above mentioned Supplementary Guidance. Policy D2 of the ALDP also stipulates that residential development shall have a public face to a street and clearly the proposals fail to achieve this. The proposed development would set a dangerous precedent and open the floodgates for other proposed developments within other City housing areas which also have landscaped amenity areas. This is contrary to the ALDP Supplementary Guidance - Householder Development.

- **Contrary to ALDP NE3 Urban Green Space, NE4 Open Space Provision in New Development and Supplementary Guidance on Transport and Accessibility and Householder Development (Driveways)** - We have serious concerns regarding access and egress from the site. The proposals indicate a new access to be taken off Kemnay Place, through an existing area of amenity ground. This area has been established as formal open space associated with the construction of 15 houses at Kemnay Place under planning ref no. 990316 by Stewart Milne Homes. This area, in addition to two other associated green spaces within the scheme, are clearly identified as open space on drawing plans (ref 5096-101) and were left in perpetuity, to be maintained for the enjoyment of said dwellings and are currently used for that very purpose. This was a condition of the planning permission for the Kemnay Place development.

All the Kemnay Place landscaped areas are maintained on a garden maintenance contract paid for by all the "new" Kemnay Place residents - 15 households, for the last 15 years. We also wish to highlight that our land certificate states that the Kemnay Place amenity/landscaped areas (of which there are 3) should be held in all time coming for the benefit and amenity of the whole subjects. In addition it states that any trees or planting within any of the said amenity/landscaped areas which die or are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

The proposed new access road/driveway would result in the permanent loss of the area of open amenity space to the detriment of surrounding residents. We reside directly adjacent to this area at no. 30 Kemnay Place and would have serious concerns over proposals which would prohibit the future enjoyment of this area of open green space where our children frequently play.

This open green space was designed for community amenity not for a third party to build a driveway/road. When Walker Dam Infant School (my old infant school) was here, the children in the neighbourhood were allowed into the grounds to play. This was one of the reasons why it was ensured at that time that there were enough landscaped area kept in the development to still allow the children to play here after the Stewart Milne houses were built. The area between 30 and 32 Kemnay Place is a good sized grassy area where the children can safely play with a ball, skip etc and play on scooters coming down the hill to the grass area. This open space area is safely fenced off from the Walker Dam and therefore it is secure for the children playing. The second landscaped area in the middle of the development is on a steep hill and the third landscaped area has the path leading directly through to the Walker Dam Green Space.

The proposals would effectively destroy this area through the provision of a driveway access and hence are unacceptable and contrary to ALDP Policies NE3 & NE4, which seek to retain and enhance areas of open space and the Aberdeen's Urban Green Space Network. In addition the proposal is contrary to ALDP Policy H1 and Supplementary Guidance on Transport & Accessibility which states "permission will not be granted for a driveway across an amenity area unless it would have no detrimental impact in road safety and would have no adverse effect on the amenity of the area (eg involves the loss of mature or semi-mature trees).

- **Contrary to ALDP NE8 Natural Heritage** - Any loss of trees could also impact on established habitats within the area. Given the proximity to the Walker Dam Nature Conservation Site to the north and east, there are established semi-natural habitats in the area. We regularly see bats in and around the site and it is very likely they could be utilising the trees for roosting and foraging purposes. Bats are a protected species by European Law and Policy NE8 of the ALDP recognises the importance of their protection from development that may cause an adverse impact. The application has not been supplemented with supporting information to assess any potential impact on bats, therefore is contrary to the above mentioned policy.
- **Loss of Visual Amenity of the Walker Dam Green Space and Kemnay Place Amenity Area** – The Walker Dam area is widely used by walkers, joggers and cyclists and is characterised by mature trees, essentially a wilderness which has remained unspoilt for the benefit of the City. The Walker Dam is classed as an Urban Green Space and is a Local Nature Conservation Area and as such cannot be developed for any use other than recreation or sport. The removal of trees and landscaping – both grass and mature planting including holly bushes and a beech tree, extension of a road straight through a public open space and serious risk to further established mature trees mean the significant aesthetic and visual amenity of this area will be lost forever by this proposed development.

The green landscaped views down Kemnay Place towards the Walker Dam Green Space and Core Path – **please refer to Enclosure 2 which is a Photograph of this view** - would be completely changed – we would be looking down our road to more road instead of grass and landscaping and trees, mature trees eliminated and a view of a building. Similarly the current beautiful open green amenity views looking south for all the public from the Core Path running round the Walker Dam would be radically changed as the trees are removed, large detached dwelling adjacent to the core path and hard landscaping replacing our present lovely grassed landscaped area.

This is contrary to the ALDP Supplementary Guidance - Householder Development which states "the proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area or contains mature trees that make a significant contribution to the visual amenity to the wider neighbourhood".

The proposed development of this amenity area if approved would presumably set a precedent for the development of the other two amenity areas in the future, again in explicit contravention of the conditions imposed on the original development. Also it would open the floodgates to development proposals for the numerous other amenity landscaped areas around the City and as such it is considered a dangerous decision to take.

- **Restriction on Access and Egress to no. 30 and no. 32 Kemnay Place** - Currently there is clear access to no. 30 and no. 32 Kemnay Place which has been the case since the houses were built in 2000. Our title plan includes the roads and pavements of the development and right of access to these. We are concerned that there may be restricted access to our property/driveway/double garage both during the construction period and subsequent to this. ALDP Policy D3 Sustainable and Active Travel – this planning proposal does not protect existing access rights and hence is contrary to this policy. See also point under Limitations regarding the necessity for open frontage to all properties in Kemnay Place. Any gates at the entrance to their driveway would be unacceptable.
- **Precedent** - In 1999 at the time of the whole Walker Dam School Development (Kemnay Place/Kildrummy Road), we understand that Stewart Milne had tried to obtain planning permission to build houses in the gardens of 20 and 22 Kinaldie Crescent however no planning

permission was given for these houses because he was not allowed to remove the mature trees (ie those currently on the Kemnay Place amenity area). As such, a precedent has been set and therefore no planning permission should be given for this current development proposal in the garden of 22 Kinaldie Crescent.

- **Loss of Privacy** - We requested scale plan drawings however none have been available to review. The proposed site layout however shows the lounge on the ground floor and bedroom 3 on the upper floor (both with full height windows) very close to the boundary with 20 Kinaldie Crescent. We are concerned with the loss of privacy to this property as the plan drawings indicate windows that would pose a direct overlooking impact into neighbouring properties.
- **Contrary to ALDP NE3 Urban Green Space** - There is a strip of amenity land that is part of the Walker Dam Green Space which lies between the in-perpetuity Kemnay Place land and the present back garden of 22 Kinaldie Crescent. We are unaware of this land being transferred over from amenity ground to garden ground of 22 Kinaldie Crescent. We were advised by the Council back in May 2012 that the planning application by 22 Kinaldie Crescent to obtain this Green Space for their garden had been withdrawn. By proposing to now utilise this strip of land for their driveway, there is a loss of direct access to Walker Dam for no. 32 Kemnay Place. This is also contrary to Policy NE3 as it represents development within the Walker Dam Green Space. This is controversial in that allowing any Green Space area to be developed may open the floodgates to other proposed development on any of the other Green Spaces in Aberdeen City.
- **Damage to Local Road** – A large quantity of soil will require to be extracted from the site in order to construct this proposed house on a flat site. The current plans do not disclose what the volume of material is likely to be however last year's application stated that 550m³ required to be removed and then replaced as part of the foundations of the new house. Of the 2 possible routes for the construction traffic to take this load, one would be across a block paved road with traffic calming ie Kemnay Place and the other would be down Kildrummy Road which is narrow with many parked cars and is in a very poor state already. Both routes pass by open public areas where children play which is a safety concern.

To conclude, the proposal raises a significant number of serious concerns principally related to the flooding and drainage risks, potential to create a precedent for backland development, loss of established trees and loss of open amenity space and detrimental impact posed to the established character and amenity of the area.

We urge you to consider the concerns presented in this letter and refuse this application for sound planning reasons in line with the ALDP policies as set out above. Failure to do so could set an undesirable precedent for the loss of trees and valuable open space, through undesirable backland development, to the detriment of the character of the area and surrounding residential amenity.

Yours sincerely

Mr & Mrs Ian McPherson

Enclosures

1	Copy of the Aberdeen City Council Aerial View Plan – Walker Dam, Kemnay Place and Kinaldie Crescent 2014 (Ref: 100023401; Scale 1:2000)
2	Photograph of amenity landscaped area between no. 30 and 32 Kemnay Place looking towards Walker Dam and the Core Path – March 2015

ENCLOSURE 1

COPY OF THE ABERDEEN CITY COUNCIL
AERIAL VIEW PLAN - WALKER DAM,
KEMNAY PLACE AND KINALDIE
CRESCENT 2014 (Ref. 1000234-01).

WALKER
DAM

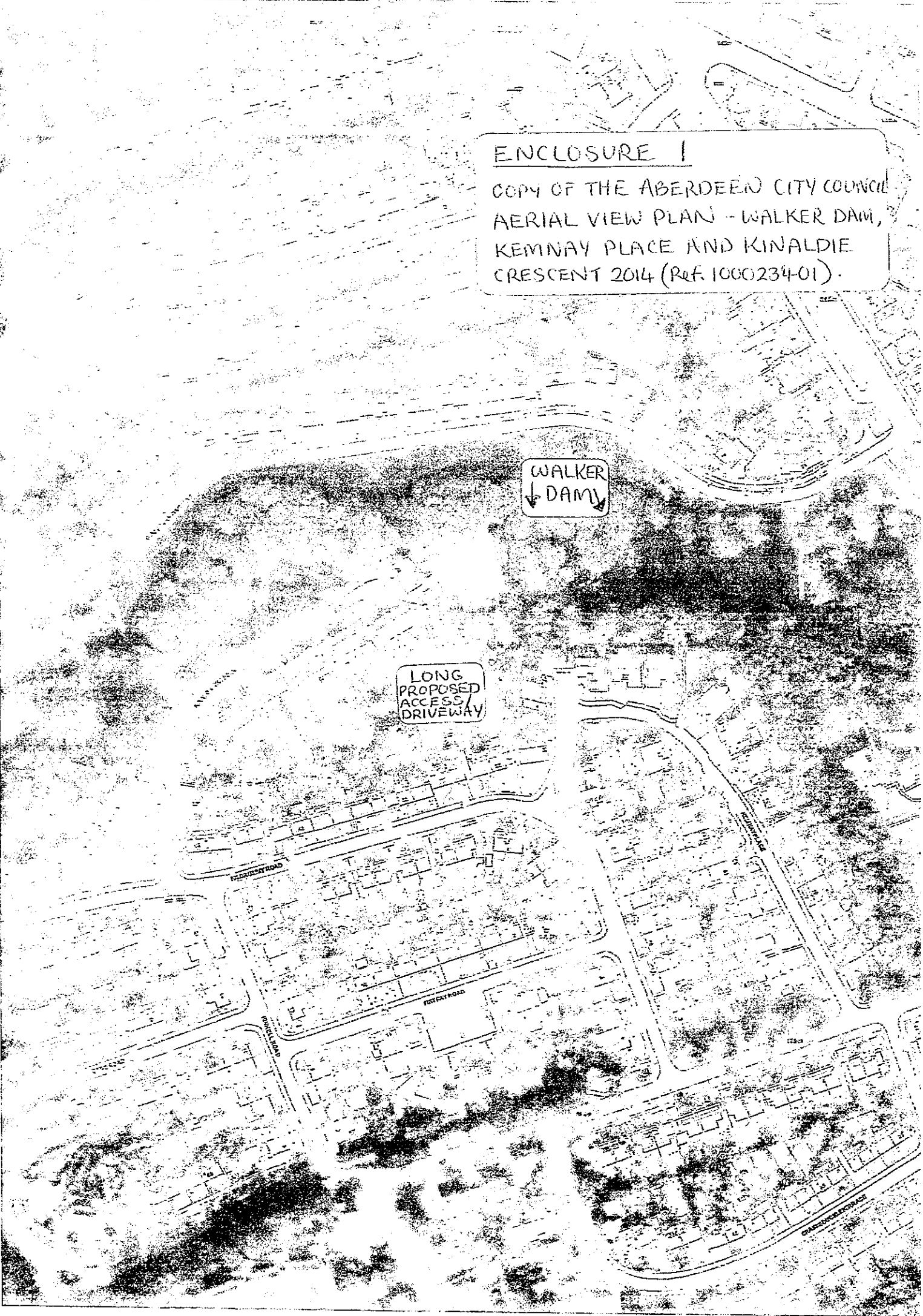
LONG
PROPOSED
ACCESS/
DRIVEWAY

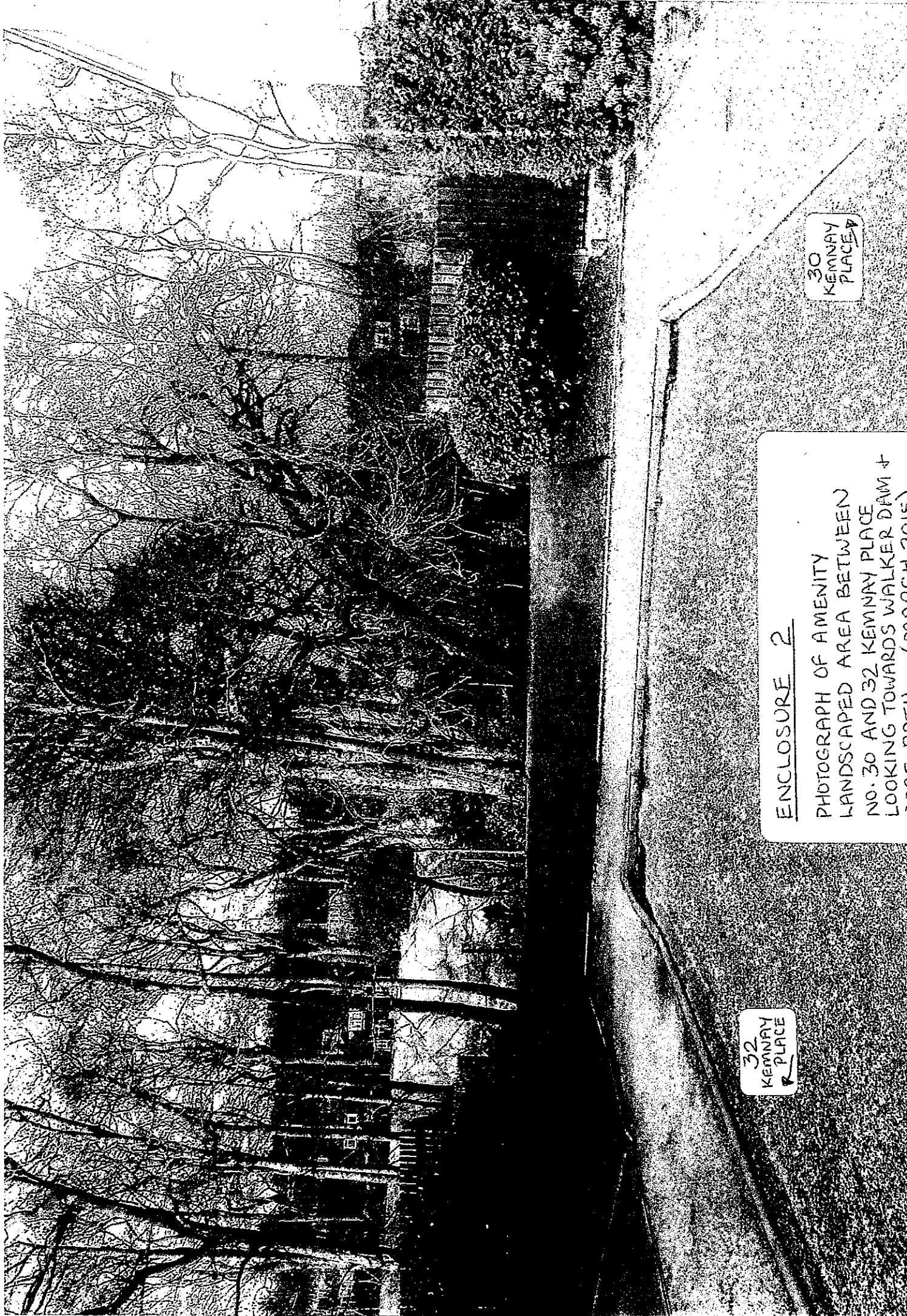
ROBERTSON ROAD

EMERALD ROAD

KINALDIE ROAD

KEMNAY PLACE





30
KEMNAY
PLACE

ENCLOSURE 2
PHOTOGRAPH OF AMENITY
LANDSCAPED AREA BETWEEN
NO. 30 AND 32 KEMNAY PLACE
LOOKING TOWARDS WALKER DAM +
CORE PATH (MARCH 2015)

32
KEMNAY
PLACE

32 Kemnay Place

Aberdeen

AB15 8SG

23rd March 2014

Development Management

Aberdeen City Council.

Enterprise, Planning and Infrastructure,

Business Hub 4,

Marsichal College,

Broad Street,

Aberdeen, AB10 1AB

Dear Sirs

Ref planning application No.150311 Sub-division of residential curtilage and erection of new dwelling house and associated works 22 Kinaldie Crescent, Aberdeen, AB15 8HX.

We wish to lodge our objections to the above planning application. Our objections are detailed below. Our objections are backed up by the fact this planning application is not inline with the Aberdeen Local Development Plan 2012. The proposed development appears to contravene several policies in the local plan; these policies are referred to below.

1. Loss of recreational land

There is an Open Space between 30 and 32 Kemnay Place, this is marked on the deeds of 32 Kemnay place as an amenity landscaped area. It is shown in Appendix A as Public Open Space. It was assumed by Walker Dam Development Residents to be thus in perpetuity and has been maintained by them for 14 years.

It is NOT an area of land left over from this development as stated on page 2 of "the Planning Support Document for new the New Dwelling house 22 Kinaldie Crescent."

In the conditional Planning Permission for the Walker Dam Development Ref 99/0316 it is shown as Public Open space. It was a condition of this planning permission that this open space was provided to make up to the local community for the loss of school play areas that were used by local children even out of school hours

The proposed Formation of new dwelling house 22 Kinaldie Crescent, takes over this recreational area so the local area has lost an amenity. All children in the area will lose an area for recreation, a place to play, kick a football and access to a conker tree.

This development is therefore in conflict with the following planning policies

Policy NE3 – Urban Green Space. Permission should not be granted to use or redevelop any parks, playing fields, sports pitches, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, As there is loss to the landscape character and amenity of the site and adjoining areas and Public access is not maintained.

Policy D6 – Landscape. The proposed development is not acceptable as it does not avoid disturbance, loss or damage to recognised recreation, wildlife or woodland resource

Policy NE4 - Open Space Provision in New Development. The original developer of Walker Dam met this policy in providing public open spaces that have been used for recreation, sport and play. This proposed development does not enhance the public open spaces but actually removes public open space.

Policy NE1 – Green Space Network. The Walker Dam Development provided three open spaces. In summer deer come onto these open space if food is short and use the open space between 30 and 32 Kemnay Place to get back to Walker Dam if disturbed. The loss of this open space will have a detrimental impact on existing wildlife habitats, or connections between them

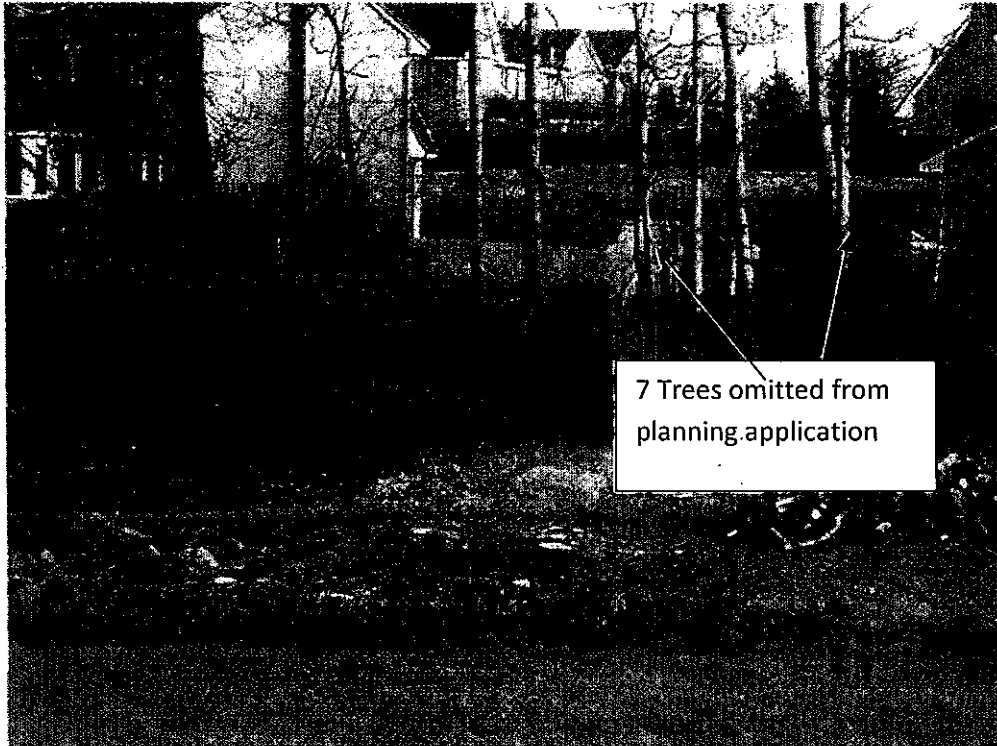
In addition Supplementary Guidance Topic: Householder Development Guide states on page 22 states;- Many homeowners seek to purchase areas of such land from either the Council or a housing developer to enlarge their own gardens. In all circumstances this requires planning permission for a change of use from amenity ground to garden ground. **I have seen no planning application for the change of use.**

2. Removal and risk to trees

The proposed plans show a drive way through an area where trees are located in the present open space amenity area. The tree survey states these are cat C trees. However in the conditional Planning Permission for the Walker Dam Development Ref 99/0316 shows these trees (Appendix A) and specifically states in Section 5 that none of these trees shall be felled to preserve the amenity of the area.

The tree survey has errors as follows

- a. There is no mention on any drawing or in the “Kinaldie Crescent Aberdeen Tree Survey” of the 7 trees in our garden that are in corner by open space and 22 Kinaldie Crescent. These are clearly shown in figure 5 on page 4 of the “Planning Support Document” copied below for convenience.



They were shown grouped as no 48 on the Tree Survey Drawing of previous planning application (see Appendix2). This is in complete contradiction to page 8 of Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states

Applications in Principle and Detailed Planning Applications

"Where trees are present on sites that will be subject to Planning Applications in Principle and Detailed Planning Applications then all trees within the application site and within 12 meters of the red line boundary should be included in the tree survey submitted with the planning application"

These trees need to be added to the drawing or the "Kinaldie Crescent Aberdeen Tree Survey" and to the associated drawings for this planning application with their Root Protection Areas shown together with the associated tree protection area

- b. Tree 47 on "Arboriculture Assessment" drawing has no root protection area shown. It is the Alder on bottom of the "Tree Protection and Management" drawing which again does not have a root protection area shown. This tree's roots spread area will be cut by the service trench access for the new dwelling house as per page 4 of the "Kinaldie Crescent Aberdeen Tree Survey". This survey does not mention tree 47 for some reason.
- c. There are errors on Page 7 of the Kinaldie Crescent Aberdeen Tree Survey. The Diameter at 1.5 meter height of tree 46 is 32 cm not 17cm. It is a considerable tree over 12 meters high and is not a close grown tree with a suppressed canopy. The proposal is to remove it.
- d. Lack of protection for construction traffic
The Tree protection and management drawing submitted as part of the planning application says a Geogrid will be used to protect the Root Protection area for the proposed drive way. Page 13 of the "Kinaldie Crescent Aberdeen Tree Survey"

states in paragraph 2, that this is suitable for infrequent traffic of light vehicles. There is no mention of how protection will be given for heavy construction vehicles during the construction phase. This is in direct contradiction of The Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states on page 12

5. Arboricultural Method Statements and Tree Protection Plan

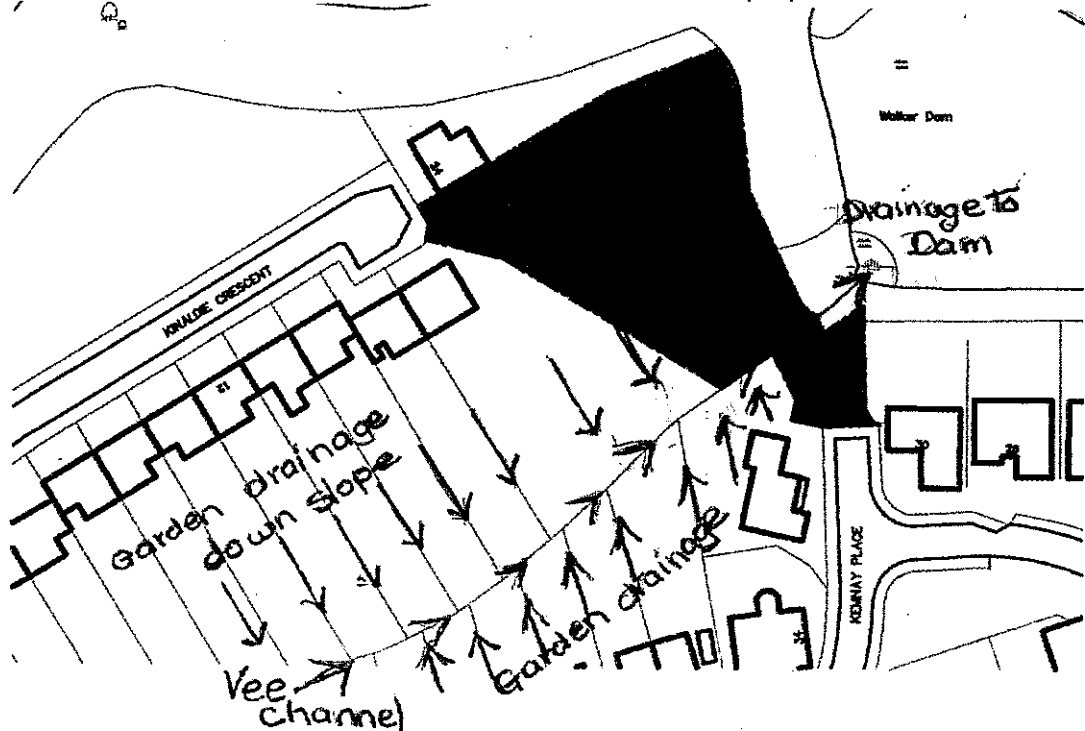
Upon finalising the design layout for the proposed development, a method and plan demonstrating how the trees on the site will be adequately protected during the construction phase of the development will be required.

This development contravenes the Aberdeen Local Development Plan [ALDP] 2012 - policy NE5 Trees and Woodland. The policy states "there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable

3. Drainage

The planning proposal for the 22 Kinaldie Crescent proposed new house does not contain a House Drainage Impact Assessment for the site. It is considered essential that it should especially for this site. This should be a key consideration as the back gardens of Kildrummy Road and Kinkaldie Crescent slope down to a vee between the properties. This vee slopes down between the properties to Walker Dam providing drainage. (See sketch below)

Apparently a burn flowed down this vee before the dam and properties were built.



LOCATION PLAN 1:1250

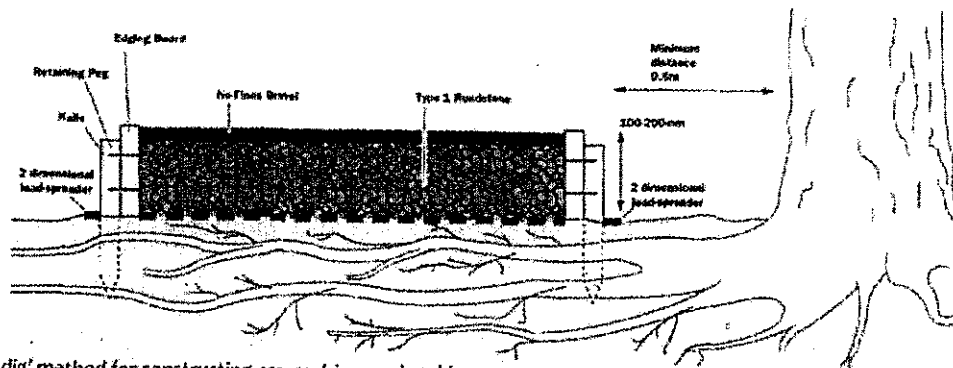
Any change in levels, ground materials or obstructions (like the drive and house of 22 Kinaldie crescent proposed development) will affect this natural drainage and we could get water build up as shown in photo of work being carried out very recently near rear gardens of Burnieboozle Crescent



Water draining from a similar Vee

In addition the "Kinaldie Crescent Aberdeen Tree Survey" document gives the construction of the proposed geo grid that protects tree roots to be as picture below

men must be able to
se into the soil
with the
reered surface - no
ing of vehicles



5. Diagram of a 'no-dig' method for constructing access drives and parking near to trees in order to minimise damage to tree roots. (Not to scale)

This construction method is stated on Page 16 of above document to be a minimum of 300mm high so would act as a dam at the lowest point of the drainage vee. Building up soil level on either side of drive cannot be done as it will be detrimental to tree roots.

The proposed development is in conflict with following Planning Procedure Policy NE6 - Flooding and Drainage

The proposed Development should not be permitted as it would increase the risk of flooding by reducing the ability of the functional flood plain to store and convey water;

4. **Location of any gate and boundary is not shown**

The planning proposal for the new house for 22 Kinaldie Crescent does not show any gate or fences on the present open space/recreational land between 30 and 32 Kemnay place or on the boundary to 22 Kinaldie Crescent. It is thought essential that the plans for any gate or fence is shown to check they are in keeping with the area which has small open plan front gardens with planting, then the houses and garages. This is shown in photo below.



The deeds of the properties in the Walker Dam development expressly forbid any changes to this open plan arrangement.

This planning proposal needs to show it is not in conflict with the following Planning policies

- a. Planning Policy H1 - Residential Areas as it has an unacceptable impact on the character or amenity of the surrounding area
- b. Planning Policy D6 – Landscape as it adversely affects the landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it.

In addition the proposal needs to show any car wanting to enter any gate for the proposed new house at 22 Kinaldie Crescent does not need to park across the drives of 30 and 32 Kemnay Place blocking their cars in. The proposal needs to show there will be disruption to local residents and does not contradict the following Planning Policy

Policy D3 - Sustainable and Active Travel. The planning proposal for Kinaldie house does not protect existing access rights, including core paths, rights of way and paths

5. Elevations

No elevations contours are given on any plans. This is an omission that makes assessing the effect of the application guess work. This also concerns the overall drainage of the area as no elevations contours are given for the drive, especially in the Geogrid area.

This is in complete contradiction to page 9 of Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states

1. Land Survey (Topographical Survey)

This survey should be the starting point for any development and should be undertaken to correctly plot the site in its present condition. The survey typically **will include the changes of levels across the site**, all of the trees present on site, any trees overhanging the site, trees up to 12 meters from the site, existing relevant features such as drainage, buildings and structures,

6. Construction and construction traffic damage to local road

There is no site Investigation report or any other document that gives information on the construction or construction traffic to allow the building of proposed new 22 Kinaldie Crescent house.

The lack of construction methodology and the limitation of damage from movement of heavy construction traffic are not in accordance with The Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states on page 12

5. Arboricultural Method Statements and Tree Protection Plan

Upon finalising the design layout for the proposed development, a method and plan demonstrating how the trees on the site will be adequately protected during the construction phase of the development will be required.

Of the two possible routes for the lorry traffic to allow this, one would be across a block paved road with traffic calming, the other would be down Kildrummy Road which is narrow with many parked cars and is in a very poor state already. Both routes pass an open area where children play.

7. Drive location

The planning application shows a drive located in southern corner of the plot. The location of this item here could have an adverse effect on the trees in 32 Kemnay Place's garden during construction and subsequently. Therefore the proposed development is not in accordance with the following Planning Policy Policy NE5 - Trees and Woodlands: Which states Development that will result in the loss of or damage to, established trees and woodlands that contribute to the character, biodiversity or amenity will be resisted.

Appropriate measures should be taken for the protection and long term management of existing trees. Buildings and services should be sited so as to minimise adverse impacts on existing trees and tree cover.

The location of the drive will change the natural drainage of the area therefore the proposed development is in conflict with following Planning Procedure Policy NE6 - Flooding and Drainage

The proposed Development should not be permitted as it would increase the risk of flooding by reducing the ability of the functional flood plain to store and convey water;

The drawing titled "Proposed site layout" refers to a gravel approach for the drive, but the "Planning Support Statement" states in section 4.5 on page 7 that "We propose using lock block for the entrance to the driveway to soften the impact of hard standing on this area of ground" Which statement is true? The document "Kinaldie Crescent Aberdeen Tree Survey" gives a different view on Page 13

8. Detrimental effect on Walker dam

The amenity of Walker Dam is used by dozens of joggers, cyclists and walkers every day. The proposed residence will have a wide frontage when viewed from Walker Dam recreational area paths. The construction of this property will disturb the wildlife in this conservancy area as will the light pollution at night.

Bats are regularly seen flying in and around the site and it is very likely they could be utilising Walker Dam and its surrounding trees for roosting and foraging purposes. Bats are a protected species by European Law and Policy NE8 of the ALDP recognises the importance of their protection from development that may cause an adverse impact. The application has not been supplemented with supporting information to assess any potential impact on bats, therefore is contrary to the abovementioned policy

This proposed development alongside Walker Dam is contrary to the following planning Policies:

Policy D6 – Landscape. Development is not acceptable as it does not avoid the disturbance, loss or damage to recognised recreation, wildlife or woodland resources or to the physical links between them nor does it avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to this local amenity

Policy D1 - Architecture and Place making The proposed building does not respect the height and scale of its surroundings, the urban topography, nor preserve or enhance important views.

Policy NE1 – Green Space Network As the proposed development has an impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation

9. Change of use of part of Walker Dam Land recreational land

The ordinance survey maps, the deeds for houses in the Walker Dam development and the conditional Planning Permission for the Walker Dam Development Ref 99/0316 all show a strip of land between the present open space/recreational land between 30 and 32 Kemnay place and the garden of 22 Kinaldie Crescent. This land was not part of Walker Dam school grounds as this ended at the original fence at the edge of present open space /play area. This strip of land is part of the Walker dam recreational area. This is backed up by planning application No 120446 from owner of 22 Kinaldie Crescent to change the use of this strip of amenity land to garden. This planning application was withdrawn.

Supplementary Guidance Topic: Householder Development Guide states on page 22 states;- Many homeowners seek to purchase areas of such land from either the Council or a housing developer to enlarge their own gardens. In all circumstances this requires planning permission for a change of use from amenity ground to garden ground. **I have seen no planning application for the change of use.**

The proposed development of new house in 22 Kinaldie Crescent just takes this Walker Dam amenity land and uses it as a means of access; this is contrary to the following planning Policy.

Policy NE3 – Urban Green Space. Permission should not be granted to use or redevelop any parks, playing fields, sports pitches, allotments or all other areas of

urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, As there is loss to the landscape character and amenity of the site and adjoining areas and Public access is not maintained.

In addition as owner of 32 Kemnay Place I will lose the access I could get direct to Walker Dam with a provision of a gate in my fence. This is covered in my objection letter to Planning application No 120446 in shown in appendix C

For all the above reasons we object to this planning application as it contains errors and has major omissions. It also causes the loss of open space recreational land where children play, it removes trees and could damage others, it could cause drainage issues, it has a detrimental effect on Walker Dam recreational area and it is counter to planning policies (Aberdeen Local Development Plan 2012)

Its approval would set a dreadful precedent.

Yours faithfully

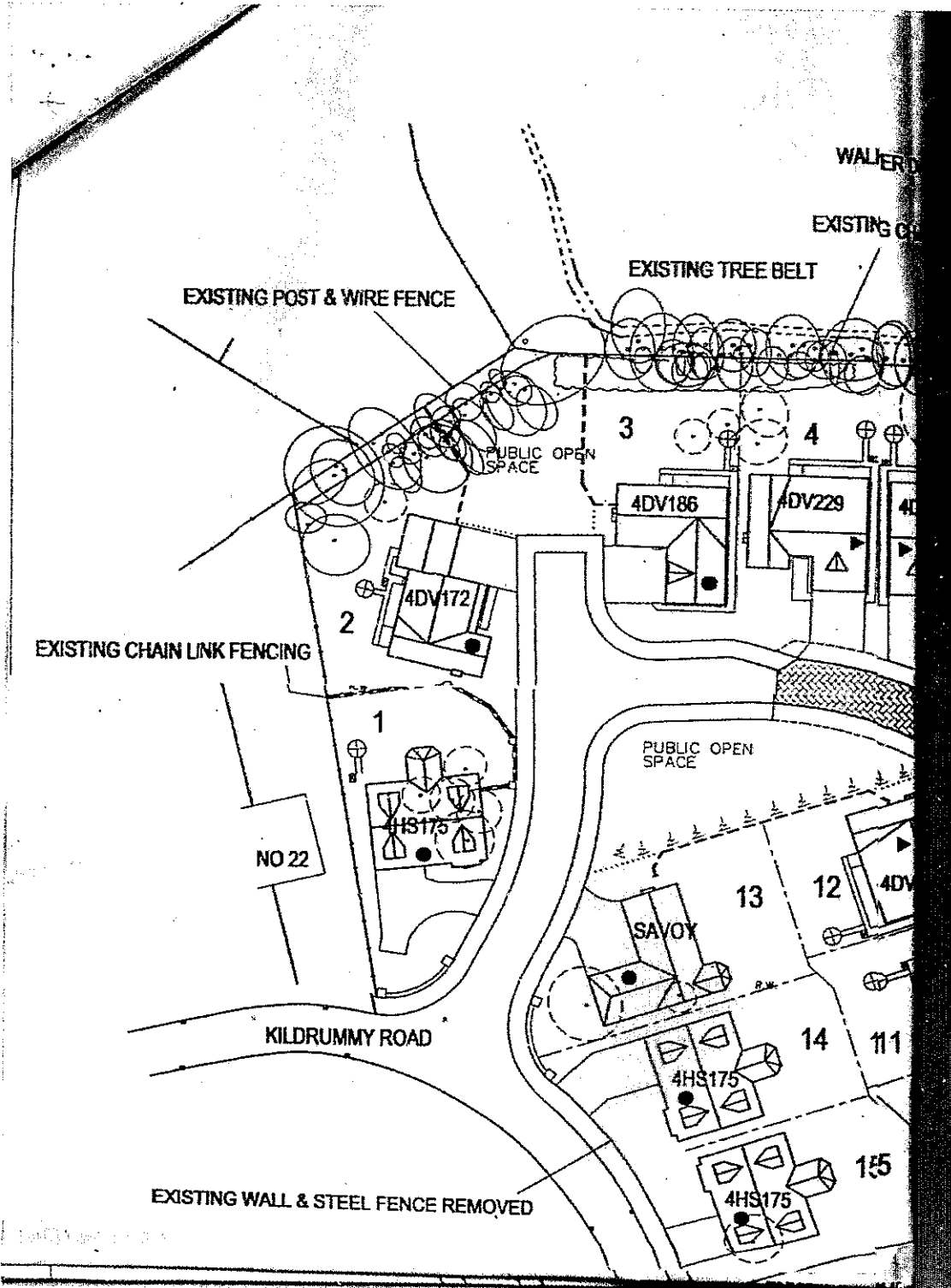
Mike and Marcia Rodgers

Cc Local Aberdeen Councillor

Cc Robert Frost Planning Officer Craigiebuckler and Seafield Community Council

Appendix A

Extract from Drawing 5096-101 from the conditional Planning Permission for the Walker Dam Development Ref 99/031



P&SD Letters of Representation		
Application Number:		
RECEIVED 25 MAR 2015		
Not	Sou	MAC
Case Officer Initials:		
Date Acknowledged:		

Appendix C

Letter of objection to Planning application No120446

32 Kemnay Place

Aberdeen

AB15 8SG

1st May 2012

Aberdeen City Council

Planning and Sustainable Development

Marischal College

Aberdeen

Dear Sir/Madam

Planning application No120446

I refer to your letter of 18th April 2012 and wish to lodge an objection to this application

My property borders on to this amenity land and I have always intended to put a gate between my land and this amenity land. I have not done this to date as I have not had the time and the garden of 22 Kinaldie Crescent fence has fallen into disrepair. Now I have retired I will have the time and the present owner of 22 Kinaldie Crescent shows an intention to replace the fence in this area of his garden.

Therefore if the land in question has its designation changed from amenity to garden, I will lose any possibility of getting direct access to the Walker Dam amenity. This will have a detrimental effect on the value of my property and its attractiveness.

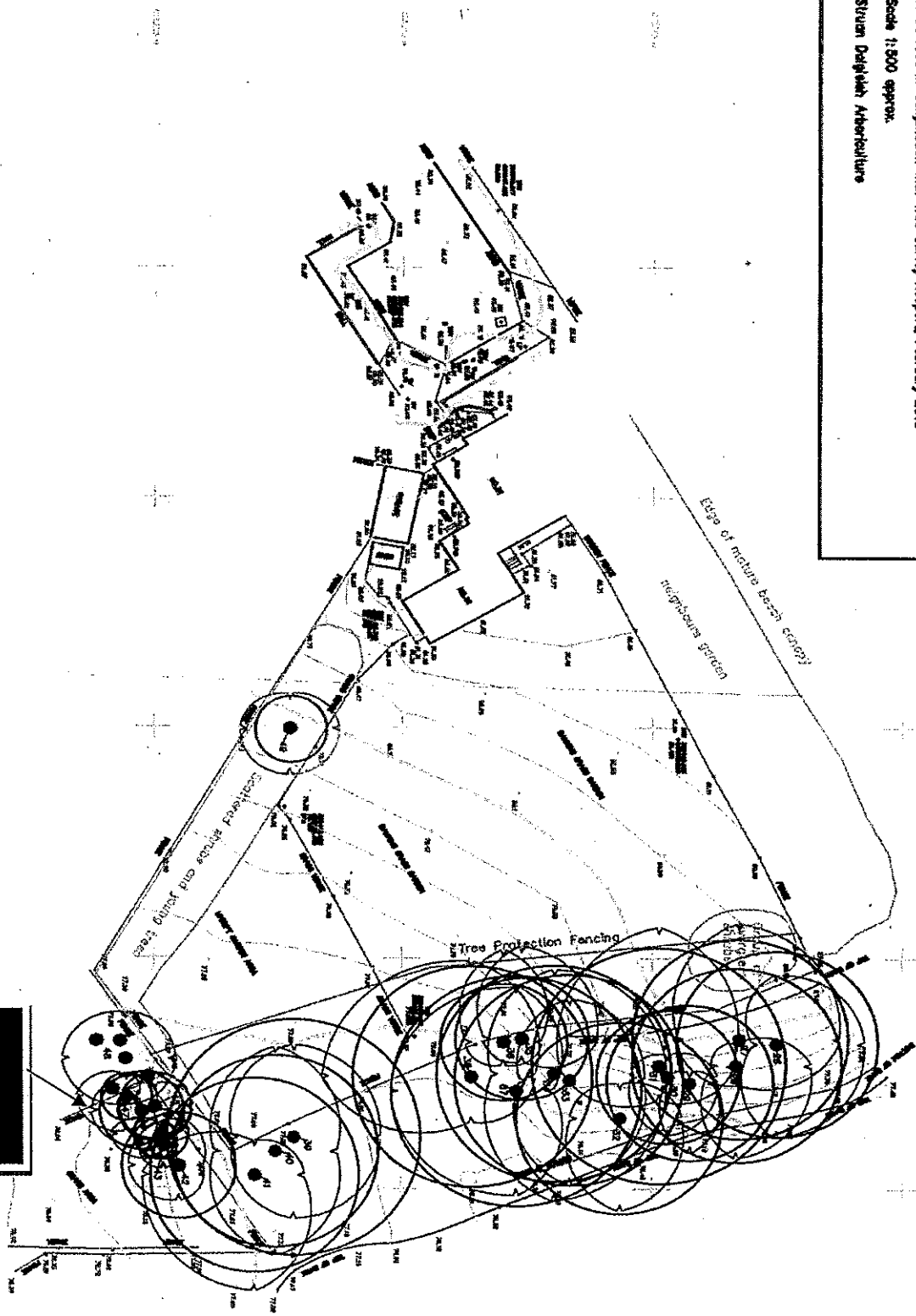
In addition, I am prepared to commit to maintaining this piece of land as a footpath or if necessary purchase the land to ensure I keep my access from my garden to Walker Dam.

Yours faithfully

Michael Rodgers

Appendix B

Tree Survey Drawing -- 22 KINALDIE CRESCENT, ABERDEEN
 To be read in conjunction with Tree Survey Report, February 2015
 Scale 1:500 approx.
 Stuart Dalgleish Arboriculture



Missing views from new plans

P&SD Letters of Representation		
Application Number: 15036		
RECEIVED 25 MAR 2015		
Nor	Sou <input checked="" type="checkbox"/>	Map
Case Officer Initials: AEE		
Date Acknowledged: 25/03/2015		