



GARAGE, TENNIS COURT AND NEW ACCESS

at

KINGSHILL HOUSE

ABERDEEN

AB15 8QB

on behalf of

MR J.S. DAVIDSON

PLANNING STATEMENT



1 Introduction

1.1 Our client wishes to erect a new garage and create a tennis court in the grounds of his property, Kingshill House, while also creating a replacement access to address accessibility issues that have arisen since the layout of the adjoining C128 was altered as part of works to upgrade the Kingswells roundabout. This statement provides details of the proposed development, the background to this, and the policy context against which it requires to be assessed, demonstrating why the application should be approved.

1.2 For the reasons given in this statement, it is submitted that:

all elements of the proposed development constitute small scale additions to the existing residential use of the site which do not increase the intensity of activity, with the built construction being very much ancillary to what exists, and with the proposed tennis court also being a recreational use compatible with a natural setting, such that the application complies with Policy NE2 of the Aberdeen Local Development Plan (2017) (ALDP);

the proposed development would also not have any impact on the function of the green belt, and thus aligns with the objectives of Policy NE2 in this regard as well; and

the proposed development complies with all other relevant policies of the ALDP, namely Policies D1 - Quality Placemaking by Design, Policy T2 – Managing the Transport Impact of Development, Policy T3 – Sustainable and Active Travel, Policy NE6 – Flooding, Drainage and Water Quality, and Policy NE5 – Trees and Woodlands, together with associated supplementary guidance.

1.3 As the proposed development complies with the development plan and there are no material considerations indicating otherwise, the application should be approved.

2 Background

2.1 Kingshill House is a substantial detached property in a generous sized plot, located approximately 500 metres to the south of Kingswells. It is accessed off the C128 via two entrances, one close to the northern end of the house and one a short distance to the south of this, with a continuous driveway in front of the house connecting the two. South of the entrances, the eastern boundary of the site is formed by the C128 and comprises a row of closely planted trees and shrubs, while the southern and



western boundaries are marked by a traditional drystone dyke. Photos showing the existing entrances, trees and drystone dyke are provided in Appendix One.

- 2.2 Prior to 2019, vehicles approaching the house from Aberdeen would join the C128 at the Kingswells roundabout and travel south along this until reaching the northern entrance (approximately 100m), with this taking them to park directly in front of the house and facing in the right direction to exit via the southern entrance. Following works to upgrade the Kingswells roundabout however (carried out pursuant to planning application reference 170508/MS), the C128 has been stopped off and now comes to a dead end immediately to the north of Kingshill House, such that there is no longer a vehicular link between this and the Kingswells roundabout. Instead, the house can only be accessed from the south, which the geometry of the entrances is not suited to. Specifically, if entering via the southern entrance, it is not immediately clear where the front of the house/parking is, and vehicles face a tight turn right to come round to the front of the house, which is difficult to maneuver. They then likewise have a tight right turn to exist via the northern entrance. While, if vehicles continue to the northern entrance, they have an equally tight left turn into this. Photos illustrating these issues are also provided at Appendix One.
- 2.3 As well as the house itself, the site contains a number of existing outbuildings, including a former stable block to the rear of the house, a double garage located to south of the southern entrance (consented in 2019, further details of which are given below), and a small greenhouse in front of the house.
- 2.4 In addition, unconditional planning permission was granted for a new triple garage directly to the north of the northern entrance to the house in August 2016 pursuant to planning application reference 160710/DPP, the approved plans and decision notice for which are attached as Appendix Two. These confirm that a garage of the style and scale proposed in terms of that application was considered to be sympathetic to, and to sit well with, the house, with this being:

“...fully compliant with Policies NE2 (Green Belt) & D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, relating to an existing residential use which would not be materially intensified as a result of the proposal, and there would be no adverse impact on the landscape character or appearance of The Green Belt.”
- 2.5 That consent was not however implemented and lapsed in August 2019.
- 2.6 In the interim, the garage to the south of the southern entrance was granted planning permission in July 2019 pursuant to planning application reference 190967/DPP, the



Report of Handling for which confirms that this was considered to be within the curtilage of the house, and that a utilitarian building of this size and scale was appropriate to the site context. It then states that:

“The design, form, function and location of the proposed garage will not harm the character and appearance of the Green Belt and therefore complies with the provisions of policies D1 and NE2, together with the Guidance to the ALDP.”

2.7 Notably, planning application reference 190967/DPP was granted before planning application reference 160710/DPP lapsed, with no concerns expressed about the potential for two garages to be sited in front of the house. Rather, the granting of planning application reference 190967/DPP makes it clear that two garages here was considered to be permissible.

2.8 The above conclusion with regards to the garage approved pursuant to planning application reference 190967/DPP being within the curtilage of the house notwithstanding, more recent feedback from the planning authority has indicated that the application site (within which the garage consented pursuant to planning application reference 190967/DPP is located) is considered to be agricultural land. However, this has not been in agricultural use since before our client purchased the property in 2015, prior to which it is understood that the previous owners used it for equestrian purposes, rather than agricultural ones, with the stables to the west of the house having been erected to facilitate that use. Likewise, the land to the west of the application site is also in equestrian use rather than being agricultural. Subsequently, since our client purchased the property, the application site has been landscaped garden ground, including an informal football pitch used by the family. It should also be noted that there is no physical boundary between the house and the land being used as garden ground to the south and the west of this, with open views between the two, and the size of garden this provides being commensurate with that for a house of this size in a rural setting. Photos illustrating the relationship between the house and the land are included at Appendix One and clearly show that, even if the land to the south and the west of the house is not considered to be part of the house’s curtilage, it is within the established boundaries of the property. It is also clear from the photos, and the history of the property set out above, that the established use of this land is recreational/garden ground rather than agricultural.

3 The application

3.1 Against the background set out above, our client now wishes to:



erect a garage to the north-east of the house, as per that consented pursuant to planning application 160710 but at a smaller scale, suited to our client's current needs. As shown on the plans submitted with the application, the proposed garage would accommodate two cars (rather than the three which the previously approved garage could have accommodated), with the footprint being smaller as a result, and with the proposed garage having a flat roof rather than a pitched one such that it would also be lower in height overall;

replace the existing informal football pitch with a clay surfaced tennis court for use by the family, with a new path and landscaping between this and the main driveway; and

create a new southern access designed to address the accessibility issues outlined above, with new drystone walls on either side of this.

4 Policy context

4.1 The Town and Country Planning (Scotland) Act 1997 requires the application to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, with the Development Plan in this instance comprising the Aberdeen City and Shire Strategic Development Plan (SDP) (2020) and the Aberdeen Local Development Plan (ALDP) (2017), although the nature and scale of the proposed development mean that it is only the policies of the ALDP that are considered to be relevant in this instance, and these are addressed below.

4.2 It is also recognised that the ALDP is currently under review, with the Proposed Aberdeen Local Development Plan 2020 (PLDP) having been submitted to Scottish Ministers for examination in August 2021. As the settled view of the Council on the format and content of the next ALDP this constitutes a significant material consideration in respect of the application. It should though be noted that the PLDP does not make any material changes to the site's green belt designation, the relevant policy with regards to this, or to any other policies relevant to the determination of this application. As such, the policies of the PLDP have not been addressed separately in this statement.

4.3 As noted above, the application site is located within the green belt in the ALDP, within which all development requires to comply with Policy NE2 – Green Belt. Importantly, while Policy NE2 generally restricts development in the green belt, it does allow development in a number of specific circumstances, including:

that which is for a recreational use compatible with a natural setting; and



proposals associated with existing activities in the greenbelt, provided that this (i) is within the boundary of the existing activity, (ii) is small-scale, (iii) does not significantly increase the intensity of the activity, and (iv) is ancillary to what exists.

- 4.4 Due regard also needs to be given to the purpose of the green belt as set out in paragraph 3.101 of the ALDP – this being to maintain the distinct identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly, avoiding coalescence of settlements and sprawling development, and maintaining its landscape setting. In addition, the green belt is intended to direct planned growth to the most appropriate locations and support regeneration, as well as providing access to open space.
- 4.5 Applying these principles to each element of the development now proposed, it is clear that each of these is consistent with the aims of Policy NE2, as set out below.

Garage

- 4.6 While planning application reference 160710/DPP was granted under the previous Local Development Plan, the relevant policies were substantially same, with the decision in respect of that application making it clear that a garage of the proposed size and scale is suitable in this location, as set out above. There is no reason to reach a different decision now in respect of the garage proposed in terms of this application, which should likewise be supported on the basis that it relates to an existing residential use which would not be materially intensified as a result of the new garage, and there would be no adverse impact on the landscape character or appearance of the green belt.

Tennis court

- 4.7 Similar principles apply to the proposed tennis court, with this being located within the existing property boundaries, serving the house, and not resulting in any intensification of use, and thus clearly satisfying the criteria for development associated with an existing activity in the green belt set out above. It would also be a recreational use appropriate to the rural setting (see paragraph 4.8 below), and would be a continuation of existing recreational use of this land, both as expressly allowed by Policy NE2.
- 4.8 Further guidance in this regard can be taken from relevant precedent decisions, for example planning application reference A7/1262, in terms of which planning permission was granted for a change of use from agricultural land within the green



belt to form a private tennis court at Drumforskie, Bridge of Dee, the Report of Handling for which is provided as Appendix Three. Notably, while this was granted under a previous Local Development Plan, the relevant policies were substantially the same as those in force now, and the Report of Handling makes it clear that the tennis court proposed in that instance could be supported as development associated with existing activities in the green belt, notwithstanding the fact it was located on agricultural land rather than within the boundaries of the house with which it was to be associated. The Report of Handling also notes that the tennis court proposed would have little impact on the surrounding landscape, particularly as further landscaping would be introduced between the tennis court and the road.

- 4.9 The same principles should apply equally to the tennis court proposed in terms of this application, which should be supported on the basis that it would be associated with the existing house and would have no impact on the surrounding landscape, particularly given existing screening around the site and the proposed incorporation of additional landscaping around this as shown on the proposed site plan.
- 4.10 In addition, it should be noted that the development as a whole would not have any impact on the purpose of the green belt as set out above, in that this would be contained within the existing boundaries of the site, not result in any coalescence or sprawl, and would not impact on the landscape setting of the city, particularly given that it will not be visible in the wider landscape and there is now no public access directly past the site. As such, the development also aligns with the overall aims of Policy NE2 in all regards.

New access

- 4.11 The same principles would apply to the proposed new access as apply to the tennis court, as set out above. As such, this should likewise be supported on the basis that it would be associated with the existing house and would have no impact on the surrounding landscape, with no mature trees to be felled to create this (as set out in more detail in the final bullet point of paragraph 4.12 below) and new dry stone walling proposed around the access to reflect its semi-rural context .
- 4.12 Lastly, Policy NE2 emphasises that all proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials, and that regard must also be had to other relevant policies of the ALDP, with the proposed development being of high quality and complying with other relevant policies as follows:



Policy D1 – Quality Placemaking by Design, in terms of which all development is expected to ensure high standards of design and to demonstrate the six qualities of successful placemaking – a commitment to high standards of design is demonstrated in the plans submitted this application, including through new planting within the site, dry stone walling around the new access, and the use of a clay surface on the tennis court in keeping with its semi-rural context, with the scale of the proposed development also being consistent with Supplementary Guidance: Householder Development Guide;

Policy T2 – Managing the Transport Impact of Development and Policy T3 – Sustainable and Active Travel, in terms of which developments are expected to minimise traffic generated and be accessible by a range of sustainable transport modes – in this regard, the nature of the proposed development means that it would not generate any additional vehicle movements, with the garage and the tennis court intended for personal use only, with it also giving no rise to any road safety issues, given the stopped up nature of the road and that the only vehicles using it are those accessing our client’s house. Indeed, in addressing accessibility issues that have resulted from the stopping up of the C128 as set out above, the proposed development delivers a net benefit in this regard, and should be supported accordingly. In addition, the proposed new access would comply with all relevant requirements of Supplementary Guidance: Transport and Accessibility in that this would not (i) create a new access onto a trunk or primary distributor road, (ii) cross any amenity areas or roadside verges, or (iii) result in the loss of any on street parking, and would meet all specifications in terms of the driveway width and length, the distance from existing junctions, and visibility, while the decision in respect of planning application reference 160710/DPP makes it clear that the proposed garage should also be acceptable, as set out above.

Policy NE6 – Flooding, Drainage and Water Quality, in terms of which development will not be permitted if it would have any kind of negative impact in respect of flooding – the SEPA flood maps do not indicate there to be any risk of the site flooding, and there is no reason to believe that the proposed development would increase the risk of flooding elsewhere; and

Policy NE5 – Trees and Woodlands, which establishes a presumption against activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Notably, this does not preclude development requiring the removal of any trees at all, but only those which make a particular contribution as outlined in the Policy. It should also be noted that trees within garden areas can generally be removed without the need



for any form of consent, provided they are not within a Conservation Area or subject to a Tree Preservation Order, which trees around Kingshill House are not. And, in any event, there are no trees in the locations of the proposed garage or tennis court, and no significant mature trees along the eastern boundary of the site where the proposed new access would be created, with existing trees here constrained by their close proximity to one another. As such, while some trees would need to be removed to accommodate the proposed new access, this would not be precluded by Policy NE5, with any such trees not being mature trees of any particular value, and our client committed to introducing new landscaping as shown on the proposed the site plan to improve the landscape and biodiversity value of the site as a whole.

5 Conclusion

5.1 For the reasons given above, it is submitted that:

all elements of the proposed development constitute small scale additions to the existing residential use of the site which do not increase the intensity of activity, with the built construction being very much ancillary to what exists, and with the proposed tennis court also being a recreational use compatible with a natural setting, such that the application complies with Policy NE2 of the ALDP;

the proposed development would also not have any impact on the function of the green belt, and thus aligns with the objectives of Policy NE2 in this regard as well; and

the proposed development complies with all other relevant policies of the ALDP, namely Policies D1 - Quality Placemaking by Design, Policy T2 – Managing the Transport Impact of Development, Policy T3 – Sustainable and Active Travel, Policy NE6 – Flooding, Drainage and Water Quality, and Policy NE5 – Trees and Woodlands, together with associated supplementary guidance.

5.2 As the proposed development complies with the development plan and there are no material considerations indicating otherwise, the application should be approved.

Aurora Planning Limited
9 December 2021



Appendix One - photos



1 – Existing southern access



2 – approach to house from southern access, with tight turn round to the right to park in front of the house



3 – northern access



4 – drystone dyke on northern boundary



5 – drystone dyke on western boundary, with equestrian use beyond



6 – closely planted trees and shrubs on eastern boundary



7 – stopped off road to the north



8 – driveway with landscaped garden ground to the south



9 – landscaped garden ground viewed from house, looking towards location of proposed tennis court and new access



10 – view from location of proposed tennis court looking towards house



APPLICATION REF NO. 160710

Planning and Sustainable Development
Communities, Housing and Infrastructure
Business Hub 4, Marischal College, Broad Street
Aberdeen, AB10 1AB

Tel: 03000 200 292 Email: pi@aberdeencity.gov.uk

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Michael Gilmour Associates
22 Rubislaw Terrace
Aberdeen
Aberdeen City
AB10 1XE

on behalf of **Mr Stewart Davidson**

With reference to your application validly received on 2 June 2016 for the following development:-

**Construction of detached single storey triple garage within gardenground
at Nether Kingshill, Kingswells**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **GRANT PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
1278/20A	Other Drawing or Plan
1278/001	Location Plan
1278/010	Site Layout (Proposed)

The reasons on which the Council has based this decision are as follows:-

PETE LEONARD
DIRECTOR

The proposed garage is of appropriate siting, scale, design and materials and would be sympathetic to and sit well with the application dwelling. The garage is fully compliant with Policies NE2 (Green Belt) & D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, relating to an existing residential use which would not be materially intensified as a result of the proposal, and there would be no adverse impact on the landscape character or appearance of The Green Belt.

There are no conditions attached to this consent.

Date of Signing: 15 August 2016



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS PERMISSION

DURATION OF THIS PERMISSION

In accordance with section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this notice relates requires to be commenced within 3 years of the date of this notice unless a direction specifies otherwise. This permission shall lapse unless development is commenced within this period.

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

A person who has been granted planning permission under the terms of the foregoing notice and intends to start work to implement this planning approval must, once they have decided the date they will start work on the development, inform the Council in writing of that date as soon as is practicable, but in all circumstances prior to work commencing. Failure to do so is a breach of planning control under section 123(1) of the 1997 Planning Act. The Council should be informed of the start date and other required information on the **Notice of Initiation of Development** form attached below.

A person who completes the development for which planning permission has been granted by the foregoing notice must, as soon as is practicable after doing so, give notice of completion to the Council on the **Notice of Completion of Development** form attached below. In common with the failure to submit an notice of initiation of development, the Council may take enforcement action if a notice of completion is not given.

ADVISORY NOTES FOR THE APPLICANT

This permission does not carry with it any necessary approval under the Building Standards Regulations. Please ensure that this permission is compatible with any building warrant obtained. **The Planning Service does not cross check approvals in detail.**

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED
WITH APPLICANT (S32A of 1997 Act)**

None.

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission for the proposed development;
- b) to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
- c) to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

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

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

The Planning (Development Management Procedure) (Scotland) Regulations 2013

Notice under sections 27A, 27B and 27C of the above Act and Regulations 37 and 28, regarding the initiation (start) of work for which planning permission has been granted.

Application reference number: **160710**

Date of issue: 15 August 2016

Address of site to which permission applies: Nether Kingshill, Kingswells

I hereby give notice that it is intended to start the above development on the following date:

dd / mm / yyyy

Name, Address and Phone Number of Person Intending to Carry Out Development	
Name, Address and Phone Number of Landowner of Site (if different)	
Name, Address and Phone Number of Site Agent appointed for development	

Date of Submission of Notice

dd / mm / yyyy

IMPORTANT

It is important that this form is completed and returned to Planning and Sustainable Development when you propose to start work as failure to do so may result in enforcement action being taken. Please complete and return this form to pi@aberdeencity.gov.uk or the address at the top of this decision notice.

Data Protection Act 1998 – For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

The Planning (Development Management Procedure) (Scotland) Regulations 2013

Notice under section 27B of the above Act, regarding the completion of work for which planning permission has been granted.

Application reference number: 160710

Date of issue: 15 August 2016

Address of site to which permission applies: Nether Kingshill, Kingswells

I hereby give notice that the development was completed on the following date:

dd / mm / yyyy

Name, Address and Phone Number of Person Intending to Carry Out Development	
Name, Address and Phone Number of Landowner of Site (if different)	
Name, Address and Phone Number of Site Agent appointed for development	

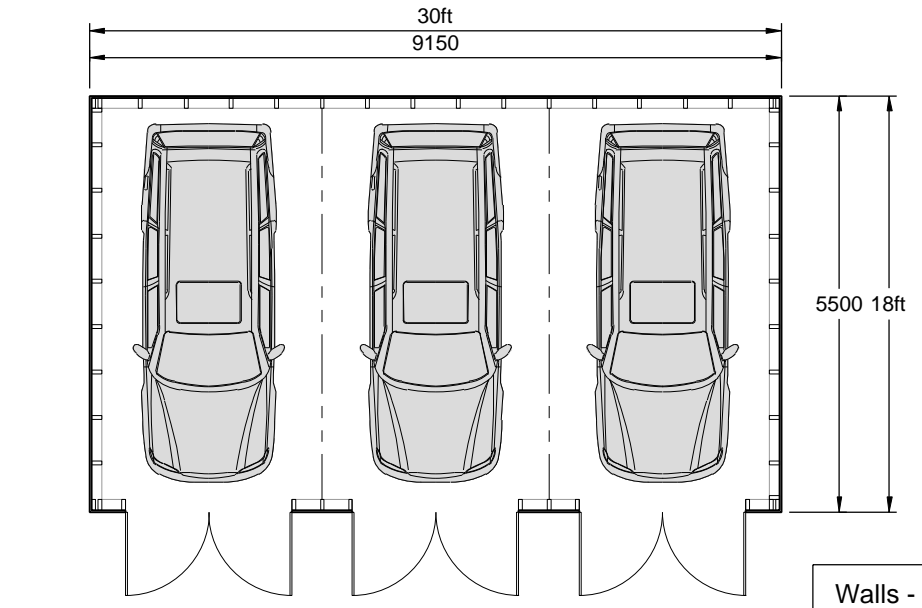
Date of Submission of Notice

dd / mm / yyyy

IMPORTANT

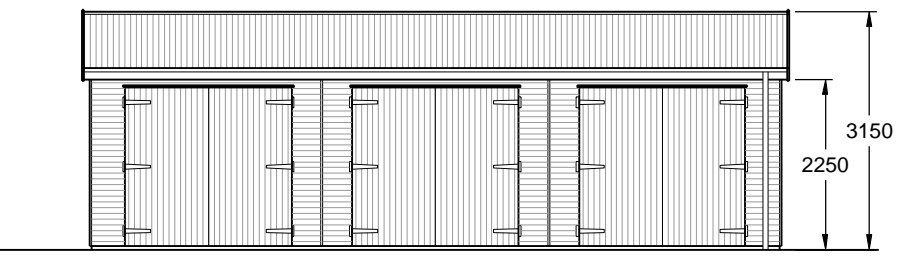
It is important that this form is completed and returned to Planning and Sustainable Development as soon as possible following completion of works as failure to do so may result in enforcement action being taken. Please complete and return this form to pi@aberdeencity.gov.uk or the address at the top of this decision notice.

Data Protection Act 1998 – For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

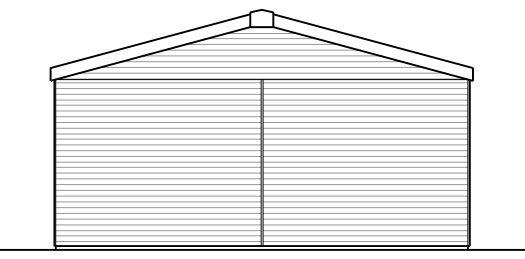


Floor Plan 1:100

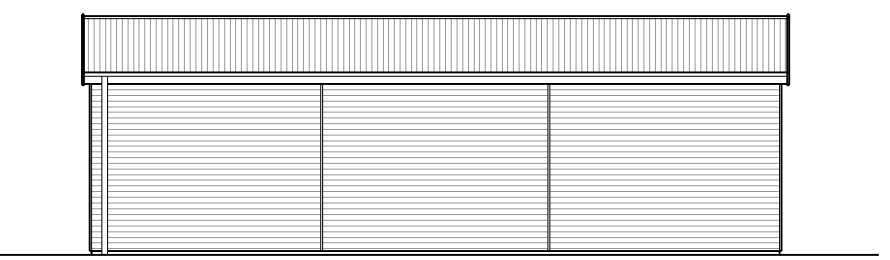
Walls - Timber (clear stain)
 Doors - Timber (clear stain)
 Roof - Corrugated fibre cement (dark grey)
 Eaves & Facias - Painted timber (dark grey)
 Downpipes & Gutters - Black UPVC



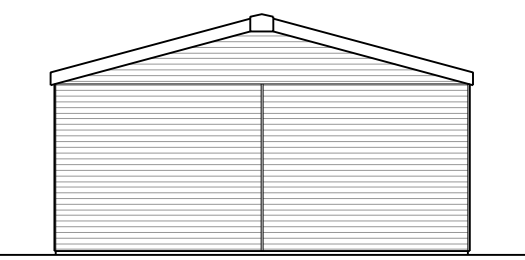
Front Elevation 1:100



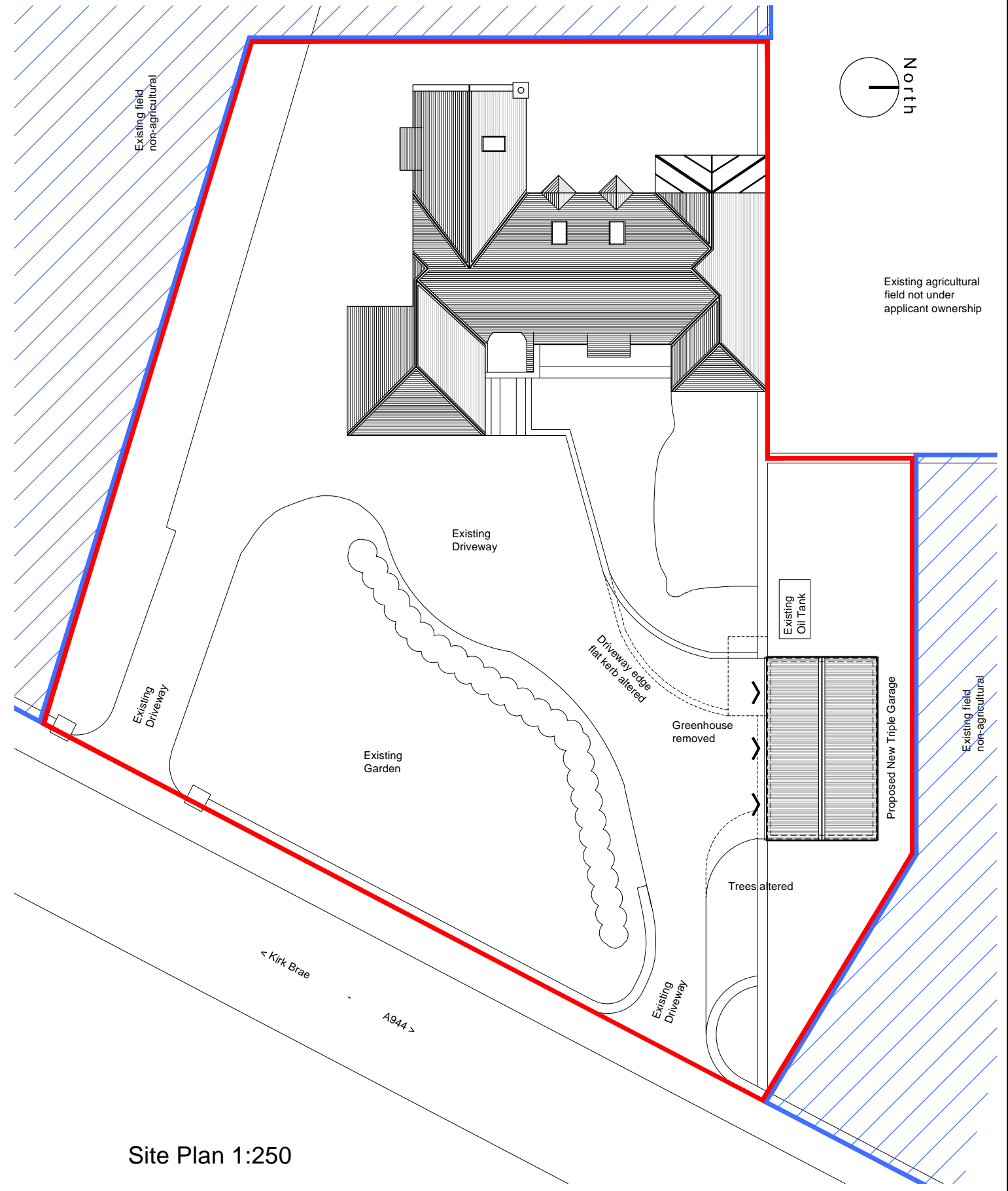
Side Elevation 1:100



Rear Elevation 1:100



Side Elevation 1:100



Site Plan 1:250

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 22 Rubislaw Terrace
 Aberdeen
 AB10 1XE
 office@michaegilmourassociates.co.uk

telephone
 01224 643117
 facsimile
 01224 639719

Revision	Date
A - Materials added.	RS July 16

Revision	Date

Project
**Proposed New Garage, Nether Kingshill,
 Kingswells, Aberdeen, AB15 8QB
 for Mr Stewart Davison**

Drawn	Checked	Approved
RS		

Date	May 2016	Scales	1:100 & 1:250
Project Nr.	1278	Drawing Nr.	020
Revision	A	B	

ASSESSMENT OF PLANNING APPLICATIONS DETERMINED BY DELEGATED POWERS

Reference:	A7/1262	Decision:	Approved Conditionally
Case Officer:	Andrew Trigger	Date:	4th September 2007
Address:	DRUMFORSKIE, BRIDGE OF DEE	Signed (authorised Officer):	
Proposal:	PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO FORM PRIVATE TENNIS COURT		

Consultations

Roads Section: No observations
Environmental Health: No observations
Community Council: No comments received
Other (Specify): Transport Scotland: No objection but ask for suitable conditions in relation to floodlighting and boundary treatment details.

Objections

Number of objections: None
Addresses/sources of objections:
Objections/issues raised:
Assessment of objections:

The Development Plan

Aberdeen & Aberdeenshire Structure Plan: No strategic issues raised.
City District-Wide Local Plan: Policy GB1 – Green Belt Areas applies. This policy supports development that is associated with existing activities in the area. Given that the proposal is associated with the existing house and is modest in scale it complies with this policy.

As the proposal accords with Policy GB1, policy guidelines for Green Belt Areas also have to be satisfied. It is considered that the tennis court would be sited unobtrusively and would have little impact on the surrounding landscape. Further landscaping is to be conditioned to enhance screening between the site and A90.

Other Material Considerations

Finalised Aberdeen Local Plan: Policy 27 – Green Belt applies. This policy supports proposals for outdoor recreation.
Supplementary Guidance: N/A
National Planning Guidance: N/A

Main Considerations

Layout:
Design & Materials: Acceptable. However, further details of the boundary treatment is to be conditioned for Transport Scotland to consider.

Impact on Neighbouring Properties: (e.g. privacy, amenity, daylight etc.)	No detrimental impact as it is screened from residential properties.
Trees & Landscaping:	The site is currently agricultural ground with mature trees on the field boundaries. It is recommended that the screening between the application site and the trunk road be enhanced by additional planting.
Car Parking, Access & Servicing:	N/A
Public Safety:	Further details in relation to floodlighting are to be conditioned to ensure that their impact upon the trunk road is within safe limits.
Conservation Area (if applicable):	N/A
Listed Building (if applicable):	N/A
Drainage & Flooding:	N/A
Other:	None

Recommendation (including Conditions, if applicable)

Approve subject to conditions

with the following condition(s):

- (1) That no development shall take place unless details of the external floodlighting have been submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland, and thereafter shall be implemented in full accordance with said details - in the interest of public and road safety.
- (2) That no development shall take place until suitable fencing/screening has been erected in a manner and position to be agreed with the planning authority, after consultation with Transport Scotland - in the interest of public and road safety.
- (3) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
- (4) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
- (5) That the tennis court hereby approved shall only be used as an ancillary facility for the adjacent domestic property known as Drumforskie and that no intensification of the use shall be undertaken without the prior written approval of the planning authority – in the interest of preserving the integrity of the green belt.

Reason for Decision

That the proposal accords with planning policy and that there are no other material considerations that outweigh the Development Plan.