

## **Item: 5.3**

**Local Review Body: 25 September 2020.**

**Proposed Siting of House at Lower Valley, Orphir (19/398/PIP).**

**Report by Chief Executive.**

### **1. Purpose of Report**

To determine a review of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a house on land near Lower Valley, Orphir.

### **2. Recommendations**

The Local Review Body is invited to note:

#### **2.1.**

That planning permission in principle for the proposed siting of a house on land near Lower Valley, Orphir, was refused by the Appointed Officer on 20 January 2020, for the reasons outlined in section 3.2 of this report.

#### **2.2.**

That the applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

**It is recommended:**

#### **2.3.**

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to uphold, reverse or vary the decision of the Appointed Officer.
- In the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision notice.

#### **2.4.**

That, in the event the Local Review Body agrees that further information is required to determine the review, what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing.

## **3. Background**

### **3.1.**

Planning application 19/398/PIP relates to the proposed siting of a house on land near Lower Valley, Orphir.

### **3.2.**

The Appointed Officer refused the planning application on 20 January 2020 on the following grounds:

#### **3.2.1.**

The proposed site location would not reflect the character of the surrounding rural area and would appear incongruous and intrusive due to inappropriate siting within the landscape. The development fails to comply with Policy 1 – Criteria for All Development, sections i and ii, of the Orkney Local Development Plan 2017.

#### **3.2.2.**

The proposed site location is not considered to reflect the local settlement pattern, nor would it reinforce the distinctive identity of Orkney's rural built environment and is not sympathetic to the character of the local area. The development fails to comply with Policy 2 – Design, sections i, ii and iii, of the Orkney Local Development Plan 2017.

#### **3.2.3.**

The proposed development fails to address the requirements of a new house in the countryside. There is no justification for the proposed house in respect of housing in the countryside policy. The development is therefore contrary to Policy 5E – Housing - Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

#### **3.2.4.**

The proposed house site is not considered to be situated to minimise negative impacts on the local landscape. The proposed site location would also have the potential to create incongruous development of individual houses in the landscape. Given the location of the development and prominence within the local landscape the proposal is considered contrary to Policy 9 – Natural Heritage and Landscape, section G i & ii, of the Orkney Local Development Plan 2017.

#### **3.2.5.**

The proposed development would be contrary to road safety owing to the proposed creation of a further access onto the public road. The application is therefore contrary to Policy 14 – Transport, Travel and Road Network Infrastructure, section C, of the Orkney Local Development Plan 2017.

### **3.2.6.**

The proposed development does not accord with all ten Development Criteria (DC), as required and as stated within Supplementary Guidance: Housing in the Countryside 2017:

- The proposed site is not located nor situated to fit into the landscape nor does it minimise landscape and visual impacts of the development, contrary to DC1.
- The development is not in keeping with the location, contrary to DC2.
- The proposed pattern of development will add to the suburbanisation of Orkney's Countryside, contrary to DC3.
- The proposed development would result in an unacceptable junction with the public road and would therefore be considered as having a negative effect on road safety interests, contrary to DC4.

### **3.3.**

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review and supporting information, which is attached as Appendix 1 to this report.

### **3.4.**

The Planning Handling Report, Planning Services file and the Decision Notice, including the reason for refusal, referred to in section 3.2 above, are attached as Appendices 2, 3 and 4 to this report.

## **4. Review Procedure**

### **4.1.**

In response to a Notice of Review “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. Four representations, attached as Appendix 5 to this report, have been received from Phil Sands, Eric Malcolm, Ingrid Eunson and Mike Champain, who objected to the development. The representations confirm that their positions remain unchanged, in that the proposed development does not comply with the relevant sections of the Orkney Local Development Plan 2017.

### **4.2.**

The further representations, referred to above, have been made available to the applicant, via their agent, for comment. A copy of the applicant’s response is attached as Appendix 6 to this report.

### **4.3.**

In accordance with the Council's policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Lower Valley, Orphir, was undertaken at 10:50 on 25 September 2020.

### **4.4.**

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, draft planning conditions are attached at Appendix 7 for consideration.

### **4.5.**

If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing(s).

## **5. New Information**

### **5.1.**

The statutory provisions (Section 43B of the Town and Country Planning Scotland Act 1997) prohibit any person raising a matter which was not before the Appointed Officer at the time the determination was made, unless that person can demonstrate that the matter could not have been raised before that time, or that it not being raised before that time was a consequence of exceptional circumstances. However, this prohibition is without prejudice to the requirements to consider development plan provisions and other material considerations.

### **5.2.**

The Notice of Review submitted by the applicant indicates that new material has been included that was not before the Appointed Officer at the time the application was determined. The new matter is an amendment to the access originally proposed with the developer altering the location of the proposed access to the site – in the initial application a new access was to be formed directly to the public road, but the revised plan shows the access to an existing track to the north of the site. Roads Services had previously objected to the creation of a further access onto the public road and suggested that access to the site should instead be via an existing adjacent access. The applicant has indicated that the reason this new matter is being raised at this time is that they were unaware it was an issue when the application was being assessed previously. The Local Review Body must decide whether this new information should be considered as part of the review.

### **5.3.**

If after conclusion of any further procedure (written submissions, hearing or site inspection), the Local Review Body proposes to take into consideration any new

evidence which is material to the determination of the review, then the applicant and any other “relevant party” need to be afforded an opportunity to make representations on such new evidence.

## **6. Relevant Planning Policy and Guidance**

### **6.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise....to be made in accordance with that plan...”

### **6.2.**

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies and supplementary guidance listed below are relevant to this application:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5E – Single Houses and New Housing Clusters in the Countryside.
  - Policy 9G – Landscape.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside.

## **7. Corporate Governance**

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **8. Financial Implications**

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

## **9. Legal Aspects**

### **9.1.**

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.

### **9.2.**

The procedures to be followed in respect of the review are as detailed in sections 4 and 5 above.

### **9.3.**

A letter from the Chief Planner, Scottish Government, in July 2011 confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.

## **10. Contact Officers**

Angela Kingston, Clerk to the Local Review Body, extension 2239, Email [angela.kingston@orkney.gov.uk](mailto:angela.kingston@orkney.gov.uk)

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email [rodny.mackay@orkney.gov.uk](mailto:rodny.mackay@orkney.gov.uk)

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2246, Email [katharine.mckerrell@orkney.gov.uk](mailto:katharine.mckerrell@orkney.gov.uk)

## **11. Appendices**

Appendix 1 – Notice of Review (pages 1 – 30)

Appendix 2 – Planning Handling Report (pages 31 – 36)

Appendix 3 – Planning Services File (pages 37 – 61)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 62 – 67)

Appendix 5 – Further Representations from Interested Parties (pages 68 – 74)

Appendix 6 – Comment from Applicant/Agent in response to Further Representations from Interested Parties (page 75)

Appendix 7 – Draft Planning Conditions (pages 76 – 77)

Pages 1 to 77, with the exception of pages 61 and 68 to 77, can be viewed at [https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) and inserting the planning reference "19/398/PIP".

All other documents can be viewed at <https://www.orkney.gov.uk/Council/C/LRC2020.htm> and referring to the relevant meeting date.

On Wed, 24 Jul 2019 at 17:28, Jamie Macvie <[jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)> wrote:

**Classification: NOT PROTECTIVELY MARKED**

Hello Craig

Katie forwarded your query. Thanks for the form and plan – exactly what was required to provide a response.

You'll have noted paragraphs 3.19 and 3.20 of the 'Housing in the Countryside' Supplementary Guidance:

*3.19 The definition of an existing housing group is where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic curtilage boundaries.*

*3.20 The infill site will:*

- 1. Be within a housing group as defined above.*
- 2. Be located in between two of the occupied and independent dwelling houses with the infill site sharing boundaries with these two dwelling houses.*
- 3. Accord with and enhance the housing group, with a similar plot size, development density and design.*
- 4. Allow for an independent dwelling house and curtilage.*

Also relevant is the Definitions section, which defines an existing housing group:

*5.06 Existing Housing Group is defined as an existing housing group where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic curtilage boundaries.*

You have noted that an application has been submitted for Muirhouse (19/229/PP), but that has not yet been determined. Subject to it being approved, until such time that it is completed and brought into use, it cannot be regarded as an 'occupied dwelling house' for the purposes of the policy provision.

And discounting Muirhouse in the meantime, irrespective of other parts of the guidance, the proposed site therefore cannot be defined as being within a housing group.

As such, it fails the test of Policy 5E (vi) as infill development.

I've kept that to the point, but if there's anything else or you'd still like a meeting just let me know.

Regards

Jamie



**From:** [phil\\_sands](#)  
**To:** [Angela.Kingston](#)  
**Cc:** [Committees](#)  
**Subject:** Re: Planning App 19.398.PIP - Notice of Review  
**Date:** 17 August 2020 10:23:49

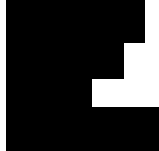
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Hi Angela,

Please find below my objections to the Planning Application Review 19/398.PIP.

Kind regards,

Phil Sands



The proposed development **does not comply** with the the following sections of the Orkney Local Development Plan (2017) (quoted text refers to the original OIC Planning Department refusal documentation):

Policy 1, Sections i & ii - Criteria for all development. The existing housing in the area is considered not as a housing group, but as “scattered rural development with no tangible impression of a housing group.”

Policy 2, Sections i, ii & iii - Design. The site has “no distinct relationship with other buildings or structures or with the landscape within which it is proposed to be set, with no location justification...”

Policy 5E - Single Houses and new Housing Clusters in the Countryside. The site “...fails to address the necessary conditions as detailed in the OIC ‘Supplementary Guidance: Housing in the Countryside’”.

Policy 9G, Sections i & ii - Natural Heritage and Landscape. The proposal would have “... a generally negative impact upon the local landscape as incongruous development...”

Policy 14, Section C - Transport, Travel and Road Network Infrastructure. (This relates to the access that was initially proposed.). The amended access results in light pollution with the potential for vehicle headlights to be shone into the existing windows of an adjacent home (Muirhouse) from a distance of approximately 7.5 metres.

In addition, the proposed development **does not accord with all of the development criteria** as required in the Supplementary Guidance: Housing in the Countryside (2017) document, specifically:

- i. The reinstatement or redevelopment of a former dwelling house. **There is no evidence of a former dwelling house on the site.**
- ii. The conversion of a redundant building or structure. **There is no evidence of a redundant building or structure on the site.**
- iii. The replacement of an existing building or structure. **There is no evidence of an existing building or structure on the site.**

iv. The re-use of brownfield land, where the previous use is evident on site. **There is no evidence that the site is brownfield land.**

v. The subdivision of a dwelling house or its residential curtilage. **There is no evidence of a dwelling, or it's residential curtilage on the site.**

vi. Single house infill development within existing housing groups. **There is no evidence of of four or more occupied and independent dwelling houses which relate to each other and are viewed as a group.** The proposed site is not connected to any other existing curtilage. If the approved house at Lower Valley is built then the proposed house would be connected to its curtilage. **The proposed house not connected to any of the existing surrounding, scattered properties.** To clarify, the property at Muirhouse is separated from the proposed house by land and two tracks, neither the tracks nor land are owned by the applicant. It is not connected Lash nor Ha. It is not connected to the curtilage of the recently built property at Lower Valley, being connected to that property's access track only, not its curtilage.

vii. The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement (including agricultural workers or crofters). **There is no evidence of a 24-hour supervision needed for a rural business.**

viii. The provision of a single dwelling house to allow for the retirement succession of a viable holding. **There is no evidence of retirement succession.**

Sent from my iPhone

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I would like to again object to the proposed development as it does not comply with any of the points in section 5E – Single Houses and new Housing Clusters in the Countryside, from the Orkney Local Development Plan (2017)

The proposed application does not meet any of the following from the Supplementary Guidance: Housing in the Countryside (2017) or (2020) as it is not:

The reinstatement or redevelopment of a former dwelling house.

- ii. The conversion of a redundant building or structure.
- iii. The replacement of an existing building or structure.
- iv. The re-use of brownfield land, where the previous use is evident on site.
- v. The subdivision of a dwelling house or its residential curtilage.
- vi. Single house infill development within existing housing groups.

Further to point vi, the proposed site would not be located between two 'occupied and independent dwelling houses' there are currently no occupied properties at either Lower Valley or Muirhouse.

The proposed infill site would only share a boundary with one other property, the site at Lower Valley. Two access tracks create a clear divide between the proposed infill site and Muirhouse.



There has already been subdivision of the curtilage in this area to create further housing. The applicant previously owned Lower Valley and divided the site and sold as two plots. As the applicant also owns further land at the location, as shown in blue on the attached plan, approval of one site would most likely lead to further applications and development of the area.

The application also fails to meet point vii, and viii, as it is not:

- vii. The provision of a single dwelling house for a rural business where 24-hour supervision is an operational requirement (including agricultural workers or crofters). Or
- viii. The provision of a single dwelling house to allow for the retirement succession of a viable holding.

I feel that as the application fails to meet the above criteria it should remain refused.

Eric Malcolm

 <b>LAND REGISTER OF SCOTLAND</b>	Officer's ID / Date	TITLE NUMBER
	3691 20/11/2012	<b>OAZ8495</b>
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m	
	Survey Scale 1/2500	

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**From:** [Ingrid Eunson](#)  
**To:** [Committees: Angela Kingston](#)  
**Subject:** Planning App 19.398.PIP - Notice of Review  
**Date:** 22 August 2020 21:19:58

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Dear Ms Kingston et al,

Firstly I have to praise the planners for their appropriate interpretation of the Orkney Housing Policy. With reference to this I would draw your attention to my previous letter of objection.

The planning Department firmly rejected the plans and even at pre-planning told the developer that it was not appropriate. The professional view of the planners in assessing this application in line with the Orkney Housing Policy was well considered and upholds the concerns of both myself and the other objectors.

The concerns are unanimous amongst professionals and objectors and relate directly to the proposal's failure to comply with the Orkney Housing Document on many points

I feel the persistence of the developer to take this in front of councillors, despite having the proposal rejected twice and the legislation explained clearly to them, indicates a certain arrogance and disregard for wasting the councillors' time and tax payers' money!

Regards

Ingrid Eunson



From: [REDACTED]  
 To: [Committee: Angela Knapton](mailto:Committee@OrkneyPlanning.com)  
 Cc: [REDACTED]  
 Subject: FW: New House in Smoogro  
 Date: 25 August 2020 11:34:40  
 Attachments: [image003.png](#)

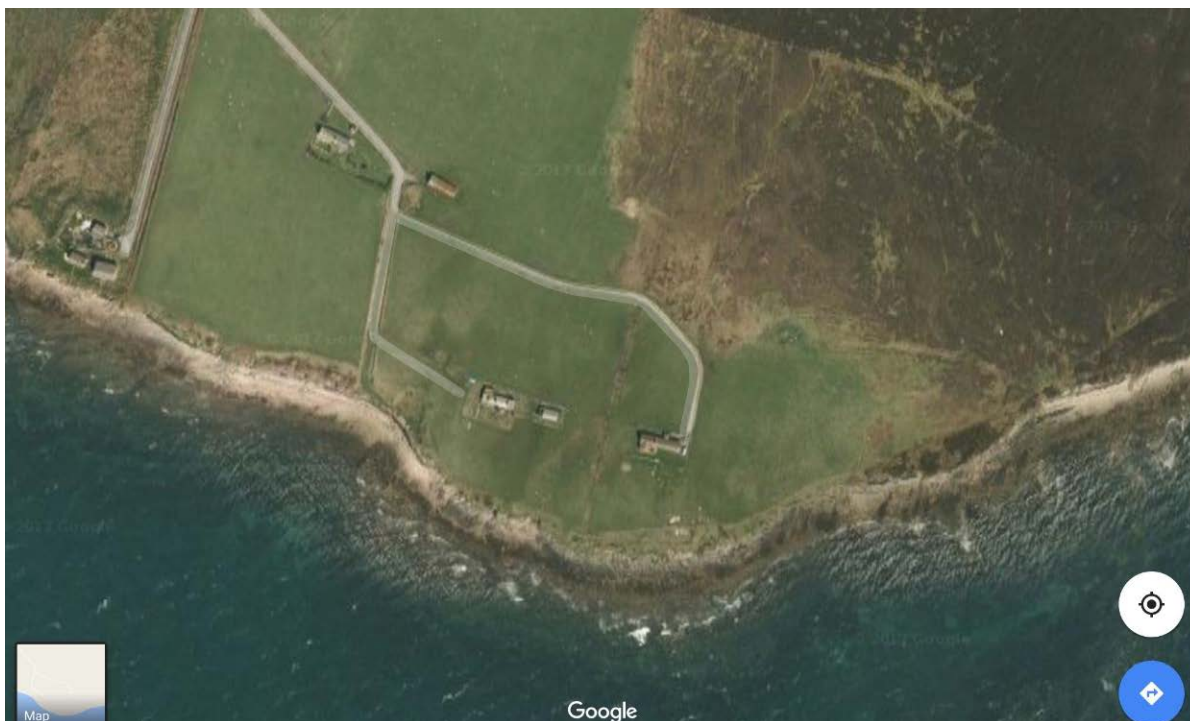
Dear Orkney Planning,

I am writing with regard to the appeal for the home in Smoogro Road, Orphir.

[https://planningandwarrant.orkney.gov.uk/online-applications/files/9B143140C2FE075AA846C0AD74A42612/pdf/19\\_398\\_PIP-Notice\\_of\\_Review-349411.pdf](https://planningandwarrant.orkney.gov.uk/online-applications/files/9B143140C2FE075AA846C0AD74A42612/pdf/19_398_PIP-Notice_of_Review-349411.pdf)

Some brief background on our own position.

- We have owned Lash since 1977 when my parents purchased it from Erland Clouston, my mothers cousin. My mum, Mary Bateman-Champain is the granddaughter of Skipper Clouston, one time owner of Gairsay.
- As children we have holidayed in Orkney consistently over the years since 1972.
- The area where Lash is positioned is quiet and full of wild life and has been farmed every year since 1977.
- To say we love Orkney and this particular area would be an understatement.
- A picture below provides some idea of what the area looked like when we first purchased Lash.



We are not against any development in this area;

- It is positive to see Muirhouse being developed.
- We have seen a new large home built where the bar was for Valley, now named Lower Valley. This is much larger than the original building was.
- We hope to see the original Valley home developed next year.
- This will leave us with 5 homes; Ha, Valley, Lower Valley, Muirhouse and Lash, all located in an area where there once was simply three homes, Ha, Valley and Lash.
- The proposed development would be too much and would likely lead to more if approved.

The proposed development **does not comply** with the the following sections of the Orkney Local Development Plan (2017) (quoted text refers to the original OIC Planning Department refusal documentation):

Policy 1, Sections i & ii - Criteria for all development. The existing housing in the area is considered not as a housing group, but as "scattered rural development with no tangible impression of a housing group."

Policy 2, Sections i, ii & iii - Design. The site has "no distinct relationship with other buildings or structures or with the landscape within which it is proposed to be set, with no location justification..."

Policy 5E - Single Houses and new Housing Clusters in the Countryside. The site "...fails to address the necessary conditions as detailed in the OIC 'Supplementary Guidance: Housing in the Countryside'".

Policy 9G, Sections i & ii - Natural Heritage and Landscape. The proposal would have "... a generally negative impact upon the local landscape as incongruous development..."

Policy 14, Section C - Transport, Travel and Road Network Infrastructure. (This relates to the access that was initially proposed.). The amended access results in light pollution with the potential for vehicle headlights to be shone into the existing windows of an adjacent home (Muirhouse) from a distance of approximately 7.5 metres.

In addition, the proposed development **does not accord with all of the development criteria** as required in the Supplementary Guidance: Housing in the Countryside (2017) document, specifically:

- The reinstatement or redevelopment of a former dwelling house. **There is no evidence of a former dwelling house on the site.**
- The conversion of a redundant building or structure. **There is no evidence of a redundant building or structure on the site.**
- The replacement of an existing building or structure. **There is no evidence of an existing building or structure on the site.**
- The re-use of brownfield land, where the previous use is evident on site. **There is no evidence that the site is brownfield land.**
- The subdivision of a dwelling house or its residential curtilage. **There is no evidence of a dwelling, or it's residential curtilage on the site.**
- Single house infill development within existing housing groups. **There is no evidence of of four or more occupied and independent dwelling houses which relate to each other and are viewed as a group.** The proposed site is not connected to any other existing curtilage. If the approved house at Lower Valley is built then the proposed house would be connected to its curtilage. **The proposed house not connected to any of the existing surrounding, scattered properties.** To clarify, the property at Muirhouse is separated from the proposed house by land and two tracks, neither the tracks nor land are owned by the applicant. It is not connected Lash nor Ha. It is not connected to the curtilage of the recently built property at Lower Valley, being connected to that property's access track only, not its curtilage.
- The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement (including agricultural workers or crofters). **There is no evidence of a 24-hour supervision needed for a rural business.**
- The provision of a single dwelling house to allow for the retirement succession of a viable holding. **There is no evidence of retirement succession.**

Kind regards,

*Mike Champain*

[REDACTED]  
[REDACTED]  
[REDACTED]

Planning Application 19.398.PIP – Notice of Review

Siting of a house

Lower Valley (Land Near)

Smooagro Road

Orphir

Orkney

Dear Angela Kingston,

Most of the points have been raised in previous objections and have already been addressed in the review submission.

In terms of curtilage, one important point to make is that a private access to a property does form part of its domestic curtilage.

Curtilage is not defined in the 1997 Act or 1992 Order but it is accepted to mean land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way. It need not be marked off or enclosed in any way.

The access track serving the new property at Lower Valley is part of the domestic curtilage of that property.

Also we would like to point out that being there since 1977 has no relevance to the present day with regards to this application.

From: Cindy Mackenzie  
On behalf of: Eileen Simonds

7 September 2020



## Appendix 7.

### 19/398/PIP – Notice of Review

01. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:

- A detailed layout of the site of the proposed development (including site levels as existing and proposed).
- The design and external appearance of the proposed development.
- Landscaping proposals for the site of the proposed development (including boundary treatments).
- Details of access and parking arrangements.
- Details of domestic curtilage to be associated with the house (not exceeding 1500 square metres).
- Details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

02. Any development pursuant to condition 01 above shall include full details of the proposed access to the site, including the junction with the public road, which shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services, and shall include with the junction of said access with the public road.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

03. A new passing place shall be constructed on the Smoogro Road. No development shall commence until the location and details of the passing place have been submitted to, and agreed in writing by, the Planning Authority in conjunction with Roads Services. Thereafter and prior to first occupation of the development, the passing place shall be completed fully in accordance with the approved detail.

Reason: In order to ensure the safety and free flow of traffic on the public road.

04. Any development pursuant to condition 01 above shall include full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

05. Any details pursuant to condition 01 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

06. Any details pursuant to condition 01 above shall include a detailed scheme of hard and soft landscaping works which shall be submitted to, and approved in writing by, the Planning Authority prior to any development works commencing on site. Details of the scheme shall include:

- All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- A plan showing existing landscaping features and vegetation to be retained.
- The location and design, including materials, of any existing or proposed walls, fences and gates.
- All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities.
- A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and for the avoidance of doubt.

07. The size, orientation and location of the dwelling house as shown on the approved plans is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.