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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held via on Monday, 11th January, 2021 at 10.00 am

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small.
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer, Solicitor (Fraser Rankine), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 December 2020.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of reports by the Chief Planning and Housing Officer on an application for planning permission requiring consideration by the Committee.

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

3.0 **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2019/20**

3.1

The Planning and Development Standards Manager gave a verbal summary on the feedback received from Scottish Government to the Annual Planning Framework which had been previously circulated to Members of the Committee. This was the ninth Planning Performance Framework (PPF) prepared by Scottish Borders Council for its Planning Service and covered the period 1 April 2019 to 31 March 2020. The PPF system was established in 2012 and was intended to provide a rounded approach to assessing the progress and improvement of planning service delivery across Scotland. It focussed on addressing some of the Scottish Government's key performance markers and made reference to key statistics, using examples to illustrate good practice being used locally. The format and headings of the report followed a template agreed by Scottish Government and highlighted both performance and good practice to demonstrate service direction, targets and outcomes in the context of both national indicators and local corporate initiatives. It was highlighted that it was not simply about measuring speed of decision-making, although that was undoubtedly a factor, it was also a reflection and review of service improvements and driving up the quality of development generally.

3.2

The report submitted to Scottish Government set out the work and activities of the wider Planning, Housing & Related Services division in delivering the Council's corporate priorities. It also highlighted continuing improvement in performance in the challenging budgetary environment and adapting the service to meet the needs of the Borders. The period of the review was just coming to an end as the pandemic began, so while there was a slight overlap, the full effect of the pandemic upon service delivery would be more fully reported in the next PPF. The Performance Markers RAG (Red/Amber/Green) report issued by Scottish Government in respect of the previous year's PPF awarded 13 Green, 1 Amber and 1 Red RAG ratings, an increase of one Green marker rating from the previous year, and it was reported that there had been further improvement since that last

review. The elimination of that last red reflected the continuation of the positive improvement journey the Planning Service had been on in recent years. The one Red marker received in 2019 related to the time taken to process applications that had an accompanying legal agreement, which was slower than the previous year and the Scottish average. The service, in partnership with legal service, had made a concerted effort to reduce the timescales and had managed the processing of these critical contributions to essential infrastructure using planning processing agreements. As a result, that marker had now moved from red to green.

- 3.3 The table at the end of the letter circulated indicated the position for each of the review periods since the system began in 2013 and despite some challenging circumstances, had resulted in the best outcome since the system was introduced, with greens virtually across the board. Mr Hayward acknowledged the continued hard work and commitment of staff to the delivery of not just a high quality service but also of high quality outcomes.

DECISION NOTED

4. APPEALS AND REVIEWS.

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION NOTED that:-

- (a) **there remained outstanding four appeals previously reported on which decisions were still awaited when the report was prepared on 22 December 2020**

• Land North West of Willowdean House, Foulden	• Hutton Hall Barns, Hutton (Shed 5)
• Land North East of Burnside, Lower Green, West Linton	• Hutton Hall Barns, Hutton (Shed 6)

- (b) **the decision of the Appointed Officer had been upheld in respect of the formation of a dormer at 19 Myrescroft, Ancrum, Jedburgh.**
- (c) **the decision of the Appointed Officer had been overturned (Subject to conditions and informatives) in respect of the Erection of a dwellinghouse together with access, landscaping and associated works Land North East of East Neuk, Morebattle.**
- (d) **there remained one review previously reported on which a decision was still awaited when the report was prepared on 22 December 2020**

• Garden Ground of Clifton Cottage, High Street, Kirk Yetholm
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- (e) **there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 24th September 2020 and related to sites at:**

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
• Crystal Rigg Wind Farm, Cranshaws, Duns	•

The meeting concluded at 11.05 am

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APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/01382/PPP	Residential development comprising five Dwellinghouses and associated access	Redundant Station Yard and associated grounds - Dolphinton

Decision: Approved subject to a legal agreement addressing contributions towards Education and Lifelong and affordable housing, and the following conditions and informatives:

1. No development shall commence until the details of: the layout, siting, design and external appearance of the buildings; the means of access thereto; appropriate parking provision within the site; refuse and recycling bin storage and; the landscaping and boundary treatments of the site, have been submitted to and approved in writing by the planning authority.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. The number of houses forming part of the development hereby approved shall be limited to a maximum of five.
Reason: To ensure a satisfactory form of development which contributes satisfactorily to the setting.
4. No development shall commence, unless otherwise agreed in writing with the planning authority, until a scheme to identify and assess potential contamination on site has been submitted to the planning authority for prior written approval. No construction work shall commence until the scheme has been submitted to and approved by the planning authority. Once approved, it shall be thereafter implemented in accordance with the approved scheme.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of and/or supplement(s) to those documents. That scheme should contain details of proposals to investigate and remediate potential contamination and must include:

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the planning authority prior to addressing parts b, c, d and, e of this condition;

thereafter,

b) where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site and assessment of risk such contamination presents;

c) remedial strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works and proposed validation plan);

d) submission to the planning authority of a validation report (should remedial action be required) which will validate and verify the completion of works;

e) submission, if necessary, of monitoring statements at periods to be agreed with and for such time period as is considered appropriate by the planning authority.

Written confirmation from the planning authority, that the scheme has been completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required prior to the commencement of development. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

5. No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The surface water drainage arrangements shall be based on sustainable drainage techniques. And surface water run-off rates shall not exceed existing levels

Reason: To ensure an adequate water supply is available and that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. Landscaping

With regards to Condition 1 above, the landscaping scheme to be submitted at the detailed planning stage shall include details of the following, if proposed:

- i. existing and finished ground levels in relation to a fixed datum, preferably ordnance;
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored;
- iii. location and design, including materials, of walls, fences and gates;
- iv. soft and hard landscaping works;
- v. existing and proposed services such as cables, pipelines, sub-stations;
- vi. other artefacts and structures such as street furniture, play equipment;
- vii. a pedestrian link to the existing bus stop and pedestrian/cyclist link to the wider countryside;
- viii. a programme for completion and subsequent maintenance.

2. Layout

With regards to Condition 1 above, the maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, that may result in the need for the road to be constructed to an adoptable standard. However, if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.

Parking provision would be either 225% for curtilage parking or 175% for communal parking. Pedestrian provision shall be incorporated into the design.

NOTE

1. Mr Deryck Hogge, Resident spoke against the application
2. Mr Ruairaidh Thompson, Agent spoke in support of the application.

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