Peebles & District Community Council Planning Report June 2024

1.0 General

- 1.1 30 May 2024: SBC declares Scottish Borders Housing Emergency to help make sure that "Everyone in the Scottish Borders has access to a home that meets their needs and is part of a sustainable community" The <u>full declaration</u> is available in SBC's minutes of 30 May (summary and recommendations appended to this report). Also reported on BBC News.
- 1.2 **Local Development Plan 2 –** Awaiting formal adoption.
 - 1.2.1 Scottish Ministers have directed SBC to make changes to reflect the new regulatory context (e.g. NPF4) before LDP2 can be adopted.
 - 1.2.2 E.g. Insert: "NPF4 states that LDPs should create healthier places, for example through land for community food growing and allotments."
 - 1.2.3 https://www.scotborders.gov.uk/plans-guidance/local-development-plan/2
- 1.3 **Tweedbridge Court** No change
- 1.4 **Peebles High School –** Sam Coe liaising with SBC and Parent Council
- 1.5 **Baptist Church Building** No change
- 1.6 Victoria Park Centre Councillor Tatler may be able to update

2.0 <u>Planning Applications - Current Interest</u>

- 2.1 Leithenwater Wind Energy Project Ref No: 24/00512/S36 / ECU00004619 Section 36 application submitted 4 Apr 2024. Representations closed 3 June. Awaiting decision. The community accepts the necessity for windfarms locally and that the expert consultation process is working. PCC's focus is on maximising associated financial benefits.
- 2.2 **Scawd Windfarm** 23/00013/S36 / ECU00002111 No change since 28 Feb 2024. Rt Hon David Mundell MP objected. NatureScot advised 2 Feb 2024 removal of turbines 7&8 required to meet NPF4 biodiversity policy. Walkerburn and District Community Council paper: http://www.walkerburn.com/Scawd%20Law/Scawd%20Law%20B-I%20Feb%202023.pdf
- 2.3 Variation of conditions of expired Planning Permission in Principle 19/00182/PPP Kingsmeadows House (Granton Homes) Ref Nos: 24/00030/FUL, 24/00031/FUL and 24/00247/FUL
 - 2.3.1 Circa 248 objections, including from this Community Council.
 - 2.3.2 SBC target date for decision: Fri 3 May 2024. Decision pending.
 - 2.3.3 24 May 2024 planners recommended approval of 24/00030/FUL.
 - 2.3.4 3 June 2024 withdrawn from Planning Committee meeting on recommendation of Chief Legal Officer¹:
 "Arriving at the office this morning, members, I became aware of representations that had been made regarding whether the planning permission in principle is still extant or whether it has expired. I have had time to consider certain elements of that, in terms of changes in the law and which law should be applied and I'm fairly confident that this legal decision should be made having regard to the law at the time the planning permission in principle

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¹ Meeting recording https://teams.microsoft.com/l/meetup-join/19%3ameeting YTU3YTIzYTktYzk5NS00MTY1LTkxOTltY2RkMWZiMzI5YmU3%40thread.v2/0?context=%7B"Tid

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was granted, so as of 2021. However, what's not clear to me is the impact of the fact that the section 42 variation notice, i.e. this application, was lodged certainly during the life of the PPP. The result of the deliberations on this is significant. It has the potential to be very significant. Chair, I'm not prepared to rush in giving advice on this without having the chance to properly consider that. You need to be confident [Chair], you need to be confident, elected members, that when you make decisions on this matter that you know what the legal playing field is and that if there are problems with the application, then they're dealt with properly. And I'm really sorry about this, Chair, because it's the morning of the committee. Clearly many members of the public have an interest in this application and I'm sorry that your time has been really wasted by having to come this morning. But I think it's important, and I suspect you agree that it's important, that we consider this matter properly. So, Chair, I'm inviting you to withdraw that item from the agenda."

- 2.4 Edderston Farm change of use to Events Venue 21/01327/FUL No change since 21 July 2023
- 2.5 **Rosetta Road Development of 100 Holiday lodges** Ref No: 23/01564/FUL & 23/01563/LBC Awaiting decision.
- 2.6 March Street Mills 50 houses and flats, demolition of mill buildings Ref No: 23/00884/FUL and Ref No 23/00883/CON.
 - 2.6.1 Original application was for 71 units. Now reduced to 50, with affordable housing in a separate application (see below).
 - 2.6.2 There were 19 objections including ours, 3 support comments and several general comments.
 - 2.6.3 Full permission (23/00884/FUL) still "Awaiting decision". It appears SBC is minded to approve and working through legal agreements.²
 - 2.6.4 Conservation area consent (23/00883/CON) granted 5 Feb 2024 (see appendix) contains the following statement: "The proposals are considered to secure the regeneration of an important brownfield site to provide housing to meet local needs and also retain employment use at the site. The development does impact on the existing allotments however it is felt that the proposal retains sufficient space for the allotment use at their current location in accordance with Greenspace Policy. Additional benefits will also be provided by seeking to transfer the allotment land to the Peebles Community Trust allowing the community to have stewardship of the function of the Key Greenspace."
- 2.7 March Street Mills 2 houses and 12 flats, affordable housing Ref No: 24/00181/FUL.
 - 2.7.1 The design statement describes this application for affordable housing as satisfying the requirement of draft planning condition 13 of 23/00884/FUL (which is "minded to grant").
 - 2.7.2 PCC supported this application.

3.0 New Planning Applications

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² SBC explain this process under "Release of Planning Permission" page 7 https://www.scotborders.gov.uk/downloads/file/1043/development-contributions-legal-agreements-guidance-note

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No action is recommended on the following, subject to PCC agreement:

- 3.1 24/00307/FUL Change of use of restaurant and offices and alterations to form 4 residential flats, 64 Northgate ("Panna").
- 3.2 24/00647/PPP Erection of dwellinghouse, Land South of 8 Eshiels Holdings. Site is wooded and contains hedgerows bordering agricultural field. Surveys indicate favourability for bats. Direct loss of 4 x ash and 1 x mature Douglas Fir. Three tree groups require partial removal (130 m², 63 m² and 58 m²) plus pruning of fourth group (64 m²).
- 3.3 24/00674/CLPU Alterations and extension to dwellinghouse, Whitehaugh Park. Conversion of garage to residential use, plus small extension.
- 3.4 24/00689/PN Reinforce and widen existing track Land at The Camps Woodland West of Portmore Reservoir Peebles Scottish Borders (approx. 3 miles north of Eddleston, NT25375002). Timber harvesting access. Reinforce and widen existing track to 4m plus uphill drainage ditch.
- 3.5 24/00571/FUL Bowbeat Windfarm S.42 application to extend the operational period of the wind farm by 5 years to 14th August 2030. Listed against Innerleithen Community Council, but <u>location</u> NT289470 appears equidistant to Peebles.

Subject to PCC agreement, no action is recommended for any of these minor applications (replacement windows, interior alterations or external redecoration):

- 3.6 24/00538/FUL Erection of garden office
- 3.7 24/00546/FUL and 24/00562/LBC Alterations to form driveway
- 3.8 24/00558/FUL Erection of garden gazebo with patio (retrospective)
- 4.0 <u>Previous Planning Applications removed from this report (No ongoing interest to PCC)</u>
 - 4.1 Minor applications (replacement windows, interior alterations or external redecoration): 24/00425/LBC; 24/00426/FUL; 24/00444/FUL; 24/00459/FUL; 24/00468/FUL; 24/00469/FUL.

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