

Peebles & District Community Council
Planning Report
Tue 10 December 2024

1.0 General

- 1.1 **Tweedbridge Court** – No change
- 1.2 **Baptist Church Building** – No change
- 1.3 **Victoria Park Centre** – Councillor Tatler may be able to update

2.0 Planning Applications - Current Interest

Wind farms¹

- 2.1 **Leithenwater** – 24/00512/S36 / ECU00004619 – Awaiting decision. SBC S36 deadline 5 Mar 2025.
 - 2.1.1 5 Jul 2024 RSPB requests 3 turbines deleted or moved, disagreeing with EIA report findings on impact to golden eagle and citing impact to (red-listed) Black Grouse and breeding Curlew.
 - 2.1.2 1 Aug 2024 landowner Raeshaw Farms object, citing multiple NPF4 policy failures e.g. “policy [3 biodiversity] requirement for betterment”
 - 2.1.3 23 Oct 2024 Belltown Power reject RSPB’s request “NatureScot did not raise any concerns” (see NatureScot’s advice 15 Jul 2024).
 - 2.1.4 22 Nov 2024 “Just a quick email to say thank you to yourselves and the rest of Royal Burgh of Peebles & District Community Council for submitting a formal consultation response to the ECU. It’s great to see further support for Leithenwater Wind Energy Hub. Kind regards, Ben. Benjamin Thorne, Belltown Power UK Limited”
 - 2.1.5 CARES funding request for legal advice on Community Benefit & Ownership Memoranda of Understanding (MOU) submitted.
- 2.2 **Scawd Law** – 23/00013/S36 / ECU00002111 – Awaiting decision. SBC S36 deadline now 5 Mar 2025.
 - 2.2.1 2 Feb 2024 NatureScot strongly advise turbines 7 & 8 removed from ridge to protect golden eagles/meet NPF4 biodiversity policy.
 - 2.2.2 19 Sep 2023 Rt Hon David Mundell MP objects.
 - 2.2.3 20 Feb 2023 Walkerburn and District Community Council paper.
- 2.3 **Bowbeat, extend operational period by 5 years to 14 Aug 2030** – 24/00571/FUL. Approved at planning committee meeting 9 Sep 2024.
- 2.4 **Cloich Forest** – ECU00003288 – Awaiting decision.
 - 2.4.1 6 Sep 2024 Midlothian Council objects on biodiversity, landscape and transport (route pinch points) grounds especially at Howgate.
 - 2.4.2 2 Sep 2024 Howgate Community Council submissions

Other

- 2.5 **Variation of conditions of expired Planning Permission in Principle 19/00182/PPP** – Kingsmeadows House (Grantown Homes) Ref Nos: **24/00030/FUL Refused**, 24/00031/FUL & 24/00247/FUL Awaiting decision.
 - 2.5.1 **9 Dec 2024 planning committee refuse 24/00030/FUL.**
 - 2.5.2 **Recommendation awaited for 24/00031/FUL and 24/00247/FUL**
 - 2.5.3 Circa 249 objections, including from this Community Council.

¹ Information on Community Benefits and Community Ownership available in the Scottish Government Good Practice Principles and the Local Energy Scotland website

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- 2.6 **Edderston Farm change of use to Events Venue** – 21/01327/FUL – Awaiting decision. No change since 21 July 2023
- 2.7 **March Street Mills – 50 houses and flats, demolition of mill buildings** – Ref No: 23/00884/FUL and Ref No 23/00883/CON.
2.7.1 Full permission (23/00884/FUL) approved by PC 9 Sep 2024.
2.7.2 Conservation area consent (23/00883/CON) granted 5 Feb 2024
- 2.8 **March Street Mills – 2 houses and 12 flats, affordable housing** – Ref No: 24/00181/FUL – Awaiting decision. Outstanding matters re: flood levels. No change since 28 Aug 2024.
2.8.1 To satisfy condition 13 (affordable housing) of 23/00884/FUL.
2.8.2 PCC supported this application.
- 2.9 **Commercial storage yard comprising storage containers, Land West of Tweedview, South Park Industrial Estate** – Ref No: 24/01016/FUL – Awaiting decision.
2.9.1 27 Nov 2024 Plans for roads, lighting and landscaping submitted. The Lighting Impact Assessment correctly identifies the need to identify impacts to protected species. Defects in that assessment appear to include: reference to outdated (2014) Scottish Planning Policy (not NPF4); and failure to have CIEEM qualified assessment in accordance with guidelines. Landscape Maintenance plan proposes screen of trees and wildflowers to south and west. Defects in that plan appear to include: failure to perform assessment in accordance with BS 5837 Trees in relation to design, demolition and construction.
2.9.2 9 Oct 2024 Roads Planning: “Further information required: The development of this site should not prejudice access means to the substantive part of the overall allocated business and industrial site”
2.9.3 Over 50 public objections, including from this community council, chairman Mr Peter Maudsley, the Civic Society, Councillor Julie Pirone and Rt Hon David Mundell MP. Read objections on portal.
2.9.4 Next steps: planners will either deny the application or send it to the Committee for a decision with a recommendation it be approved.
- 2.10 **Irvine Plant Limited appeal against refusal of 23/00524/FUL** – Ref No: 24/00033/RREF. Appeal upheld 26 Nov 2024
2.10.1 **“CONCLUSION** After considering all relevant information, the Local Review Body concluded that the development provides significant economic benefits for the local area and the business cannot be accommodated elsewhere within Peebles. The development was considered to represent an exceptional form of development which is consistent with Polies PMD4 and ED7 of the Local Development Plan 2024 and Policy 26 of NPF4. Consequently, the application was approved, subject to conditions.”
- 2.11 **Twenty dwellinghouses, Land West of Horsbrugh Ford** – 19/00332/FUL Letter drafted to SBC requesting clarification (attached). Before finalising and sending, I'd like councillors' views on section 5.0.
- 3.0 New Planning Applications

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

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- 3.1 **24/01441/TCA – Work to trees – 13 Standalane View.** Trim branches and make safe large sycamore tree.
- 3.2 **24/01439/TCA – Work to tree – The Bank of Scotland 70 High Street.** Remove young sycamore hitting wall next to Cuddy.
- 3.3 **24/01431/FUL – Alterations and extension to dwellinghouse – 33 Standalane View.** Single-storey rear extension and attached garage converted to heated room.
- 3.4 **24/01427/FUL – Formation of off street parking – St Bernards 96 Old Town.** Safer for children, avoid damage and electric charging point.
- 3.5 **24/01412/CLPU – Extension to dwellinghouse – 4 Hamilton View.** 6 Dec 2024 officers decided proposed conservatory is **permitted development**.
- 3.6 **24/01409/FUL – Alterations and dormer extension to dwellinghouse – Wychwood 1 Springhill Road Peebles**
- 3.7 **24/01376/FUL – Alterations and extension to dwellinghouse and erection of garden office –Bracklyn 15 Crossland Crescent.** Single storey side and rear extension plus detached garden office building.
- 3.8 **24/01365/LBC – Alterations to form opening in boundary wall to form pedestrian access – Boundary Wall North Of Hay Lodge Park Off Neidpath Road.** Proposal to provide a 2.4m opening in the existing boundary wall to allow users of the car park and the school to access the crossing from the internal park path network. The scuncheons will be formed using recycled stone from the demolished opening with pointing to match existing.
- 3.9 **24/01349/TPO – Work to trees – Craigerne Woods.** Fell 2 lime trees with Kretzschmaria deusta (causes rot at base leading trees to topple) after survey of 75 trees.
- 3.10 **24/01347/PN (Prior Notification) – Formation of forestry track – Glentress Forest Soonhope Craig.** To create access tracks within the felling coupe to facilitate timber harvesting and extraction. The work is being undertaken to clear windblow from Storm Arwen and open up Public Footpaths and trails. Approved by officers 21 Nov 2024.
- 3.11 **24/01341/CLPU Replace 17 existing 250W solar panels with 16 new 450W solar panels Northgate House.** This Certificate of Proposed Lawful Use was **not permitted** by officers 20 Nov 2024.

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

- 3.12 **24/01289/PNWIN – Replacement windows – 5 Clement Gunn Square**

4.0 Previous Planning Applications removed from report (No ongoing interest to PCC)

No ongoing interest to PCC:

- 4.1 **24/01313/PN (Prior Notification) – Formation of forestry track –Land to the West of Cardrona.** Scottish Forestry give notice of their intention to form a new road for logging. Walkers on the Drove Rd above Kailzie will see this plantation to the East.
- 4.2 **24/01245/FUL – Alterations to form roller door – Silverbirch Studios, Cavalry Park.** Evolution BPS seek to expand workshop and distribution of

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bottling & packaging parts business. They note a 2013 refusal of similar application due to loss of parking, subsequently overturned on appeal.

They state this light industrial use is essential for their business to grow.

- 4.3 Revised design for mountain bike skills park, incorporating existing race event area, new trail link and associated landscaping, Glentress – Ref No: 24/01046/FUL. Letter of support submitted 2 Oct 2024 (see portal)
Awaiting decision. No change since 28 Oct 2024 (archaeology)

Minor (replacement windows, interior alterations or external redecoration):

- 4.4 24/01242/FUL – Erection of boundary fence – Eshiels Toll. Acoustic fencing due to A72 proximity. No trees felled (lower branches trimmed).
4.5 24/01211/FUL – Replacement windows and door – 10 Cross Street

5.0 Planning Permission in Principle (PPP)

Firstly, a planning permission in principle (PPP) is defined to be any permission granted subject to condition that planning is not to start until reserved matters (unique to each application) are approved by the authority. So a “full” (regulation 9) application granted with reserved matters meets the definition of PPP – not just regulation 10 (PPP) applications.

Secondly, where PPP is granted, there should be a successful regulation 12 application (AMSC) in the public register in respect of any suspensive conditions before construction begins.

At issue is whether the public is being afforded the right to comment properly on reserved matters applications, e.g. Horsbrugh Ford.

The relevant sections of the Act are:

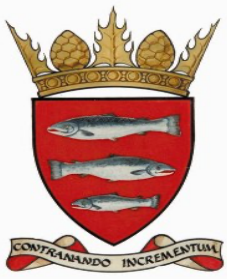
59 (1) “Planning permission in principle” is planning permission (granted in accordance with the provisions of regulations or a development order)—

(a) in respect of the carrying out of building, engineering, mining or other operations in, on, over or under land, and

(b) subject to a condition, imposed under section 37(1)(a), that the development in question will not be begun until certain matters (which may, but need not be, particularised in the application) have been approved by the planning authority or as the case may be the Scottish Ministers.

58 (4) This section applies to every planning permission with the exception of

(g) any planning permission in principle, within the meaning of section 59.



Community Council of the Royal Burgh of Peebles & District

Planning and Regulatory Services
Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

4 Dec 2024

Dear Planning and Regulatory Services

Query in respect of 19/00332/FUL

Erection of twenty dwellinghouses, Land West of Horsburgh Ford Cottages

At the Peebles & District Community Council (PCC) meeting of 14 Nov 2024, a question was raised that development at Horsburgh Ford appeared to be stalled. We were asked to look into the situation. It appears that the development in question is the one referenced above. After looking at this development on the portal, we have a number of questions and we would welcome any clarification officers can give:

1. Has this development stalled?

Are discussions underway to resume progress? Members of the public are keen to hear whether the site will be made good.

2. Do officers agree this is a Planning Permission in Principle (PPP)?

The permission dated 27 Mar 2021 imposes conditions 9 to 13 “No development shall commence until ... [various matters] ... have been submitted to and approved [in writing] by the planning authority”, meeting the definition of “Planning Permission in Principle” in section 59(1)(b) of the act, hence excluded from section 58 by (4)(g).

3. Were the suspensive conditions discharged before permission expired?

We see reference to an application for discharge of conditions in correspondence between officers and the agent dated 12 Sep 2023, but we cannot find any corresponding regulation 12 (AMSC) application in the public register on which the public had the opportunity to comment.

4. When did construction begin, and was it authorised?

We reference planning enforcement 23/00156/COND for breach of condition 9 decided 7 Mar 2024 because “Works now complied with.” It would appear that if works were in progress before this date they were unauthorised.

5. Was a NID received before the permission had expired?

The only Notice of Intention to Develop (NID) available on the portal was posted 9 May 2024 – after the planning permission had expired.

Are you able to provide an update that we can share with the community?

Yours faithfully
Peebles & District Community Council
Michael Marshall, PhD
Planning Convener