

Peebles & District Community Council
Planning Conveners Report
June 2022

1.0 General

- 1.1 **Local Development Plan 2** – No more information received. Questions arising:
- 1.1.1 Have SBC published the actual LDP submission to be considered and approved by Scottish Government?
 - 1.1.2 Did it go to full Council and would there therefore be a paper in an agenda pack?
 - 1.1.3 Could either Cllr Small or Cllr Tatler confirm this and provide a link to the document?
- 1.2 **Ballantyne Place** –SBC Enforcement have again contacted the owner of the site to have the debris removed.
- 1.3 **Crossburn Caravan Park** – SBC Enforcement have inspected the caravan site and compared the work being undertaken with the permissions granted within the licence. All work is being undertaken within the terms of the licence. **Now closed.**

2.0 Planning Applications - Current Interest

- 2.1 **Tweedbridge Court** 19/01471/FUL – At this time there is no scheduled start date. Apparently, Covid and other factors have led to this delay.
- 2.2 **Kingsmeadows House, Peebles – 19/00182/PPP** (New Flats)
- 2.2.1 Approved but pertinent to 20/01624/PAN and 22/00422/AMC
- 2.3 **Kingsmeadows House, Peebles – Erection of 14 apartments** – Kingsmeadows, Peebles – Ref No: 22/00422/AMC
- 2.3.1 **This proposal has been rejected by SBC.** However, 2.2 above will remain as current interest in case there are further developments.
- 2.4 **Cloich Windfarm** –21/01134/S36 – following another approach by the Chairman of Eddleston Community Council for support from PCC, the writer circulated our members suggesting a change from the neutral stance previously agreed. Only 6 of our 18 members responded. As there was no quorum to agree a change of our position. We retain our neutral stance.
- 2.5 **Scawd Windfarm – 20/00880/SCO** – No change
- 2.6 **Castle Venlaw – 21/00939/FUL 20/01493/LBC** (Revision to LBC 18/01286/LBC) – **18/01287/FUL** (Location of heat pumps)
- 2.6.1 Still rumbling on. SBC Planning and the developer have still not reached an agreement on the location of all the heat pumps.
 - 2.6.1.1 From SBC – With all due respect, it is not for us to prove..... Anyone with interest in this saga should look it up on the portal. **No follow up on portal since November last!** Councillor Pirone enquired as to the status, and it is apparently still under discussion and it is hoped that it will be concluded within the next 3 months.
- 2.7 **Change of use of pavement to form outside seating area** – 42 – 44 High St, Peebles – Ref No: 21/00597/FUL
- 2.7.1 Required to apply for a change of use.
 - 2.7.2 Owners rebuked for operating before the planning applications had been determined. Apologised and provided an explanation which some may find acceptable. However, the last dated document was

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03 September and therefore there appears to have been no follow up from SBC on the portal since September last!

2.7.3 Approved by SBC as of Sunday 05 June

2.8 **Edderston Farm change of use to Events Venue** – Ref No: 21/01327/FUL.

2.8.1 No change since January

2.9 **Erection of 3 no holiday pods** – Land East of Park Hotel, Innerleithen Road, Peebles – Ref No: 22/00091/FUL

2.9.1 No change since April

3.0 New Planning Applications

The writer recommends no action on any of the following subject to PCC agreement.

3.1 **Work to tree** – the Croft, chambers terrace, Peebles – Ref No: 22/00861/TCA

3.2 **Erection of Dwellinghouse and integral garage** – Site east of Dogcraig Cottage, Scotsmill, Peebles – Ref No: 22/00850/FUL

3.2.1 Applications for this site have been made several times over the last 20 years. In 1998, 1999, 2003 and 2020. In 2020, the Planning Officer refused the application. The developer went to local appeal and the local review body overturned the Planning officer's decision. As planning permission is now agreed in principle, then fundamentally the issue is to ensure that the proposals are in keeping with the location. The writer considers the development to be suitable.

3.3 **Replacement Windows** – 13A Rosetta Road, Peebles – Ref No: 22/00842/FUL

3.4 **Alterations and dormer extension to dwellinghouse** – 11 tweed Avenue, Peebles, EH45 8AS – Ref No: 22/00788/FUL

3.5 **Alterations to garage to form additional accommodation** – 15 Ballantyne Place, Peebles – Ref No: 22/00775/FUL

3.6 **Alterations to garage to form additional accommodation** – 22 Kittlegairy View, Peebles – Ref No: 22/00751/FUL

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

4.1 **Work to Trees** – Tweedbank, Greenside, Peebles – Ref No: 22/00745/TCA

4.2 **Replacement Windows and doors** – 24 Dean Park, Peebles – Ref No: 22/00732/FUL

4.3 **Extension to form sunlounge** – 2 Hamilton View, Peebles – Ref No: 22/00705/CLPU

4.4 **Erection of boundary fence (retrospective) and formation of door from existing window** – 30 Witchwood Crescent, Peebles – Ref No: 22/00677/FUL

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- 4.5 **Alterations and Extension to Dwellinghouse** – 24 South Parks, Peebles – Ref No: 22/00661/FUL
 - 4.6 **Extension to Dwellinghouse** – 9 Eshiels holdings, Peebles – Ref No : 22/00651/FUL
 - 4.7 **Work to tree** – Peebles Hydro Grounds – Ref No: 22/00640/TCA
 - 4.8 **Alterations to Dwellinghouse** – 51 Whitehaugh Park, Peebles – Ref No: 22/00616/CLPU
 - 4.9 **Erection of Garage** – Apple tree Cottage, Craigearne Lane, Peebles – Ref No: 22/00605/FUL
 - 4.10 **Work to Trees** – Land at Craigearne Crescent, Peebles – Ref No: 00593/TPO
 - 4.11 **Work to Trees – Taeahi, Edderston Road, Peebles – Ref No: 22/00596/TPO**
 - 4.12 **Formation of a Race Event Zone with Vehicular Access Track and Footpaths and Foot bridge** – Glentress – Ref No: 22/00600/FUL
 - 4.13 **Replacement Windows and formation of replacement boundary wall** – Dunwhinny, 2 Springwood Terrace, Peebles – Ref No: 22/00585/FUL
 - 4.14 **Alterations and Extension to Dwellinghouse** – 23 Edderston Road, Peebles – Ref No: 22/00584/FUL
- 5.0 **Scottish Borders Community Council Network (SBCCN)**

James Anderson who took over the Chair from Colin McGrath has been appointed as an elected councillor and therefore the Chair is now vacant. Until there is another meeting of the SBCCN there is a hiatus. However, as usual with all voluntary organisations, this may be difficult to resolve.

6.0 The Proposed Additional High Street Pedestrian Crossing

No change

7.0 Peebles Parking Working group

No change

8.0 Common Good

Presumably a new group with a new Chair will be formed now that a new group of councillors has been voted in.

The black type is carried forward from the May meeting.

The committee meets on June 08, therefore taking place before our June meeting. The agenda pack is available through the SBC website. However, relating to Jedderfield the following bullets are now publicly available.

- The lease is agreed with Susanne McIntosh of Kailzie Equestrian Centre
- The lease is a Modern Limited Duration Agricultural Tenancy of 10 years duration. This tenancy arrangement type came into force in November

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2017. There is a minimum term of 10 years, but the landlord and their tenant farmer can extend the written tenancy arrangement at any time during that period.

- The lease entitles the tenant to grow grain and crops and graze sheep and ponies.
- Relating to a potential change of use. This may well come down to what activities are undertaken on the farm. If the use going forward is only to be for horses, then this should, we think be a change of use. The question arises as to how this could be enforced and how the interests of the Common Good are protected?
- A member of the public has postulated that this arrangement could potentially demonstrate a financial cost to the Common Good over the length of the lease, rather than provide an overall benefit. This is based upon the 10-year income being discounted until the house is refurbished, the cost of refurbishment to the Common Good of the buildings, the loss of investment income and the potential clawback allowed to tenants from their payments on the lease for the costs of improvements at the end of the tenancy. The writer has reviewed this and considers the concern to have merit. Trustees should review this possibility. The following points are considered important
 - Common Good assets when leased should be monitored to ensure that the condition does not deteriorate as in the case of Jedderfield during the last tenancy. Where necessary enforcement should force remedial work to be done. It is important to ensure that work is done timeously as it may be impossible later, for example if a tenant dies or becomes bankrupt.
 - A tenancy contract should include clauses to cap any potential clawback for improvements that may exceed the rental income over the period.
 - Clauses relating to clawback should ensure that improvements are declared and agreed annually and that there is a depreciation clause designed to allow for wear and tear.

From Last month.

It is worth noting though, that the writer as the representative of the PCC has some concerns.

1. The Common Good Committee discusses some subjects within private session that this writer considers should be visible to the public and sees no good reason for some aspects other than those that are commercially sensitive to be kept secret.
2. In relation to Jedderfield. Everything has been kept private and at the time of writing still is. Further, the chair has intimated (18-04-22) that he is not aware of what information may or may not be released and must consult with SBC. So far, no answer is forthcoming. This all appears to be wrong on several counts.
 - a. Surely the Chair of an independent committee representing the people of the town should ensure timely information is presented?

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- b. The Chair must be ultimately responsible (jointly) as a Trustee for ensuring that good practice as laid down, is observed and that legalities are maintained. This cannot be delegated to non-trustees within SBC
 - c. The whole town seems to think it knows who the new leaseholder is. It appears that a new lease must be in place as reports note that the land is back in use. Further, contractors have been seen reviewing the property to consider how a new or improved access can be made. And yet, there is no official confirmation of the decision, let alone an explanation of how the decision, if it has been made, has been made!
 - d. If a lease has been executed, we are not aware of its duration. A long lease may be interpreted legally as a “disposal”. A disposal requires an 8-week consultation period.
 - e. A question has been raised by a member of the public over the type of use that a new leaseholder may put the farm too. Is it likely that a change of use may have been required?
 - f. Another member of the public has expressed concern that his own privately owned access road was being surveyed without his permission by a contractor considering new means of access.
3. **Common Good Land** – A Protocol issued by the Scottish Land Commission.
- a. Principle 5 states that “there should be improved transparency of information about the ownership, use and management of land, and this should be publicly available, clear and contain relevant detail”. [Clearly, in the case of Jedderfield, this could not be more opaque to the public at this time].
 - b. Principle 6 states that “there should be greater collaboration and community engagement in decisions about land”. [There was no community engagement on this issue].
 - c. Note: In the protocol, the word “must” it requires action underpinned by law. Where the word “should” is used the protocol, (which applies to councils, community council and other bodies) expects everyone involved to follow the approach described, unless it conflicts with legal duties.
 - i. When a disposal or change of use is assessed to be the best option, the local authority must consult with the community
 - ii. Local authorities should be transparent in communicating processes for leasing or disposing of Common Good land.
4. **PCC Representative on Common Good Committee** – The writer has been strongly informed by the Common Good Chair that no information promulgated with the private session is to be communicated with anyone whatsoever, including the PCC Chair. This is not tenable. It cuts the PCC completely out of some debates and leaves the PCC representative to provide only his personal view on a subject and not the view of the community.
- a. [Relating to 4 above, there are two items under private business in the agenda pack for the 08 June, and in the writer’s opinion neither](#)

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warrant the secrecy apart from some very limited commercial aspects which could be redacted.

Tweedlove

Question - Tweed Green is used for pitches and stalls that are hired out by the organiser and thereby draw an income. What return does the Common Good get?

9.0 Chambers Institution

We note the following:

1. Recent reports from the Pensioners Association relating to lack of cleaning and poor organisation of the Burgh Hall and related facilities. Hall, toilets, and Kitchen not cleaned. Toilet bins overflowing. Hall dirty and not set up.
2. During the hustings, the booking had not been recorded for one session and the hall was still locked on arrival.
3. Councillor Tatler identifying that a “Beneficiaries” Group will be set up at the next meeting of the Chambers Institution Trustees. The writer considers that
 - a. Tenants are not beneficiaries and have a vested interest that could be seen to be in conflict
 - b. There is nothing to stop a user group being set up, but this should be different from the beneficiary group
 - c. CIT Trustees cannot determine who should or should not be on the beneficiary group. This is for the beneficiaries.
 - d. The beneficiary group does not replace the requirement for community trustees to be appointed in line with the wishes of William Chambers and as confirmed in the Chief Financial Officers report of 29.04.14.
 - i. *“Assurance was received that there is no issue concerning the appointment of non-council trustees and that this can be seen as representing the wishes of Dr William Chambers, the terms of the Public Libraries Consolidation Act 1887 and the Chambers Institution Peebles Order Confirmation Act 1911.*
 - ii. *The option of abandoning the process [OSCR registration] has been considered and discounted given the previously stated support of the council and the time, effort, legal expense incurred by the trust and risk of reputational damage from abandoning the application”.*
4. It is worth reiterating some highlights from the last 6 years.
 - a. Chambers Institution Consultation from the Scottish Historic Buildings Trust, May 2016.
 - i. More than 1,000 engagements with public, etc.
 - ii. Major repairs needed
 - iii. Difficult access
 - iv. Etc.
 - b. Page Park Report 2016 – then nothing!

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- c. Minuted meeting of a member of the public with Robin Tatler – 25.11.19
 - i. All 6 councillors realise that they have failed to communicate and update
 - ii. Funding is already in place for
 - 1. Lighting and electrics
 - 2. Stage improvements
 - 3. New stage curtains
 - 4. Removal of false ceiling kitchen improvements
 - 5. Costs between £50K and £100K
 - 6. Work to start in February 2020
 - 7. The wider issues are expected to cost £9M
 - 8. Public to be informed in January [2020]
 - iii. Then nothing
- d. Renovation of Kitchens - 2021
 - i. Poor and seriously limited consultation and no attempt to consider a holistic management plan going forward
 - ii. How much did it cost? [at least £14K and some say much more]
 - iii. Noting the complaints
 - iv. Noting how Stow village hall did their upgrade [very professional]
- e. Robin Tatler – April 2022
 - i. that through the SBC access to the Westminster funded “Place Based – Build Back Better” grant that the CI had been awarded £100K
 - ii. No consultation and no attempt to look at the issues holistically
 - iii. No public communications to explain what the money will be spent on or any timeline
 - 1. Who applied for the grant?
 - 2. On what basis?
 - 3. What are the expected outcomes?
 - 4. How do they match with the Page Park proposals?

To reiterate from previous reports. Trustees and beneficiaries need to look at the buildings holistically and working together produce a cohesive business plan. This plan should consider current use, existing plans, future potential, and sources of income. It requires management and local knowledge. This writer considers that it is not realistic to farm out management to SBC officers to produce ad hoc plans in isolation and expect to produce optimum results. We need a Vision going forward and an effective business plan which SBC’s own documentation shows to be lacking.