

**Peebles
Civic
Society**

"Dedicated to the preservation, improvement and development of amenity in and around Peebles"

29th March 2024

24/00247/FUL | Application under Section 42 to vary planning conditions 2 and 7 of planning permission 19/00182/PPP (erection of residential apartments) to vary wording of conditions | Site In Grounds Of Kingsmeadows House Kingsmeadows Road Peebles Scottish Borders

The Peebles Civic Society **strongly objects** to this application for the following reasons.

We believe that application 24/00247/FUL is an attempt to use Section 42 to create a new planning permission and therefore period of validity without taking into consideration current planning policy, as three years have now passed and 19/00182/PPP has now expired. If the applicants wish to develop the site, a new planning application will need to be submitted, which takes into account NPF4 and the new Local Development Plan.

Our specific objections to varying planning conditions 2 and 7 remain and are set out below:

Condition 2

The Peebles Civic Society strongly objects to the applicant's request to remove the word "except" from the Condition 2, which currently states:

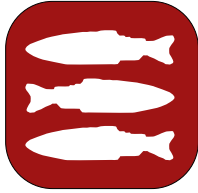
"No development shall commence until all matters specified in conditions have, where required, been submitted to, and approved in writing by the planning authority. Thereafter the development shall only take place except in strict accordance with the details so approved"

We can see no reason for changing the very clear wording of this condition and this appears to us to be an attempt to extend validity using a meaningless grammatical edit to the condition.

Condition 7

The Peebles Civic Society strongly objects to the applicant's requested changes to Condition 7. The applicants propose that the wording is changed to *"the woodland within [the] application site"* as they believe that this does not follow Circular 4/1998, as Condition 7 is not relevant to the proposed development area. We fundamentally disagree with this statement for the following reasons:

1. Circular 4/1998 explicitly gives the planning authorities the right to "impose conditions regulating the development or use of land under the control of the applicant even if it is outside the site which is the subject of the application".



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Therefore, they are incorrect to state that Condition 7 does not follow Circular4/1998

2. Considering the importance of the Kingsmeadows woodland (both ecologically and also its amenity value) and the strength of local opinion (as demonstrated in the around 500 objections to 22/00422/AMC), it is imperative that the impact of any future developments on the whole woodland are taken into account. Development sites within this important woodland habitat cannot be considered in isolation from the surrounding area.

The Peebles Civic Society believe that the points we have raised above make it very clear that this application should be refused. If the applicants wish to submit a new application, this can then be considered with regard to current planning policies.

Yours

Anthony Newton

(Secretary, Peebles Civic Society)