

Comments for Planning Application 24/00247/FUL

Application Summary

Application Number: 24/00247/FUL

Address: Site In Grounds Of Kingsmeadows House Kingsmeadows Road Peebles Scottish Borders

Proposal: 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

Case Officer: Ranald Dods

Customer Details

Name: Mr Sam Coe

Address: Anchorlee, 6 Murray Place, Peebles, Scottish Borders EH45 8DJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Detrimental to environment
- Detrimental to Residential Amenity
- Listed Building
- Trees/landscape affected

Comment: Because planning permission 19/00182/PPP that this application refers to was granted after 2009 and before 2022, when the duration of planning permissions was regulated under the amended Town and Country Planning Act (Scotland) 1997 by way of direction rather than condition, the duration of this planning permission is incapable of being extended using Section 42 of the Act, which is to only do with amendment of conditions.

Therefore it is clear that the current application 24/00247/FUL is an attempt to make use of the alternative route of a Section 42 application to create a new planning permission and validity period, while avoiding reconsideration of the principle of development under current planning policy, by seeking to make spurious amendments to two of the original conditions. I have doubts whether the nature of the amendments sought constitute a proper use of the Section 42 regulation.

Referring to the proposed amendments to Conditions 2 and 7 of the original planning consent as set out in application 24/00247/FUL, I strongly object to these as follows:

Condition 2:

The original wording of Condition 2, while slightly ungrammatical, is perfectly understandable and

unambiguous. Therefore the proposed amendment is completely unnecessary and appears to be a contrivance to secure yet another period of PPP validity on a small and questionable technicality, which should be refused as such.

Condition 7:

Considering the landscape and wildlife importance of the existing historic woodland surrounding the B listed Kingsmeadows House as has already been vigorously highlighted in responses to previous planning applications on this site, the imposition of Condition 7 as originally worded is entirely reasonable and appropriate to the situation, and must not be diluted in the developer's interest. The applicant's argument for requesting the change in terms of Circular 4/1998 is misinformed and fails to appreciate the clear reason that has already been set out as part of Condition 7, this being an express condition under which (amongst others) the granting of planning permission was considered by the planning authority to be acceptable. No good reason has been given to justify the requested reduction in the area applicable to Condition 7, and accordingly this request should be firmly refused.

While a Section 42 application is normally only concerned with the issue of conditions attaching to a previous consent, Planning Circular 3/2022 states that this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has since lapsed or is incapable of being implemented. Therefore in addition to my objections as above, I wish to put forward the following material reasons why this application should be refused in consideration of the overall effect of a new planning permission being granted:

1. Planning permission 19/00182/PPP has now actually expired, and while the date of this application was only a few days before expiry, this is not an application to extend the duration of 19/00182/PPP.
2. Planning permission 19/00182/PPP is now incapable of being implemented, as application 22/00422/AMC for approval of matters specified in conditions was refused on 19th May 2022, and no further such application was made before the expiry of the timescales directed in the notice of consent, despite ample time being available for this to be achieved.
3. Planning permission 19/00182/PPP has not even been partially implemented.
4. Since approval of 19/00182/PPP, there have been significant material changes in applicable current planning policy, notably NPF4, which now has to be considered alongside the current Local Development Plan. NPF4 includes new national policies that are particularly relevant to this site, and that would be material to the consideration of the proposed amendment of Condition 7 in this application.
5. There has been a significant increase in community objections to the principle of the proposed

development since the original PPP application was approved.

Considering the above points, it would be appropriate for the current application to be refused, and for a fresh application to be submitted for consideration under current planning policy.