

## 4. Relevant planning history

### 4.1. Application history

- 4.1.1. **15/00822/PPP permission in principle granted 30 Mar 2016, expired 29 Mar 2019** [APRV15] for 10 flats over 3 levels. Supported by Tree Survey and Arboricultural Impact Assessment (AIA), but without ecology or bat surveys. Evaluated against 2011 LDP without consultation from either SBC's Tree Officer or Ecologist. 9 conditions imposed, with condition 7 identical to condition 7 in 19/00182/PPP. This did not aggrieve the applicant then and they did not appeal. Permission expired without the applicant submitting any Applications for Matters Specified in Conditions (AMC).
- 4.1.2. **19/00182/PPP permission in principle granted 5 Mar 2021 expired 4 Mar 2024** [APRV19] for same development as 15/00822/PPP. Supported by bat [ECOL2] and ecology [ECOL3] surveys (the same surveys used to support applications: 20/00275/FUL and 22/00422/AMC), but with a tree report [Tree1] covering woodland adjacent to but not including the application site and without AIA (i.e. not a single tree was identified for felling in this permission). Evaluation against 2016 LDP, again without consultation from SBC's Tree Officer. Conditions 1–9 reimposed, conditions 10–14 added on recommendation of SBC's Ecologist. Tree survey for the site, AIA and Arboricultural Method Statement deferred to strengthened condition 6. SBC did not publish the bat or ecology surveys, so the public was unaware of, and unable to comment on, the full environmental impact of the proposal.
- 4.1.3. **20/00275/FUL application withdrawn on officer's recommendation 22 Apr 2020** [RFS20] for seven 5-bedroom houses in woodland adjacent to the site for 19/00182/PPP, to the East. See the diagram at 2.6 above for the relationship between 19/00182/PPP and 20/00275/FUL.
- 4.1.4. **22/00422/AMC detailed request re 19/00182/PPP refused 19 May 2022** [RFS22]. Refused under delegated powers for failure to comply with LDP 2016 Place Making and Design policies PMD2 & PMD5 and Environmental Protection policies EP1, 2, 3, 7, 9, 10 & 13, and failure to comply with conditions 1, 3, 5–7 and 9–14 (i.e. 11 of the 14 conditions).
- 4.1.5. **24/00030/FUL section 42 re 19/00182/PPP condition 2 refused 9 Dec 2024** [RFS24]. Refused by Committee for failure to comply with LDP 2024 Environmental Protection policies EP11 & EP13, and NPF4 Policy 6.
- 4.1.6. **24/00031/FUL section 42 re 19/00182/PPP condition 7.** This application.
- 4.1.7. **24/00247/FUL section 42 re 19/00182/PPP conditions 2 & 7.** Undecided.

### 4.2. Planning permission in-principle extinguished.

- 4.2.1. In refusing 24/00030/FUL, the Committee re-appraised the principle of this development in light of the current, materially changed SDP. That refusal confirmed that the principle of this development on this site was extinguished with the 4 Mar 2024 expiry of 19/00182/PPP.

**4.2.2.** The principle of this application is identical to the principle considered in 24/00030/FUL and there has been no change to the SDP since the 9 Dec 2024 refusal. The current application should be refused for the same reasons – see our 19 Dec 2024 objection [[PCC2](#)] for detailed reasoning.

#### **4.3. There are no expert reports available to support this application**

- 4.3.1. No expert reports have been submitted to support this application.
- 4.3.2. **Trees.** The Tree report for 19/00182/PPP expired 3 Oct 2019 [[Tree1](#), pg 3]. That report was for an adjacent site (not the site under consideration) and did not contain an AIA (i.e. did not identify trees or woodland to be felled).
- 4.3.3. **Bat & Ecology.** The Sep 2019 bat survey [[ECOL2](#)] and Nov 2019 ecology survey [[ECOL3](#)] submitted in support of 19/00182/PPP, 20/00275/FUL and 22/00422/AMC expired 3 to 5 years ago, according to CIEEM [[ECOL9](#)].
- 4.3.4. **Flood Risk Assessment (FRA).** New data [[NRFA1](#)] invalidate the FRA for 19/00182/PPP which underestimated peak flows by 44% (see section 8.2).

#### **4.4. Two expert reports conclude refusal required**

4.5. Peebles Community Council commissioned two chartered experts to provide independent assessments of the proposal. Both conclude that refusal is necessary. Those reports are presented in sections 6 [[ExpertF](#)] and 7 below [[ExpertE](#)].

#### **4.6. Expiry of PPP twice and refusal of AMC indicates the PPP can't be implemented**

- 4.6.1. Permission in principle was first granted a decade ago on 30 Mar 2016.
- 4.6.2. But when the full scale of tree loss and environmental impact became known, the AMC application received 500 objections and was refused for failing to comply with 7 LDP Environmental Protection and 2 Placemaking and Design Policies and 11 of the 14 conditions (including condition 7). The decision notice highlighted fundamental conflicts between the design in principle and the reality of the proposal.
- 4.6.3. *“1. The design, layout and details of the proposed development would not respect the character or appearance of the conservation area, the setting of the listed building and the locally designated landscape.*  
*...*  
*2. The proposal would result in the loss of trees over and above what was accepted in the planning permission in principle.”* [[RFS22](#)]
- 4.6.4. No further AMC applications were submitted, and PPP expired 4 Mar 2024.
- 4.6.5. The applicant has been unable to bring forward a design which integrates into the conservation area landscape and has an acceptable degree of tree loss. The raft of environmental and placemaking policy failures that resulted in refusal are fundamental to this proposal for flats in this ecologically sensitive woodland on the Tweed SAC. The PPP appears unimplementable and this section 42 for the same development should be refused.

4.6.6. In the absence of competent (up to date) reports, consideration of the true scale of the proposal's landscape, ecology and arboricultural impacts against the materially strengthened SDP leads to the same conclusion – that permission must be refused. Our assessment (see section 10 below) shows multiple failures against 10 NPF4 policies and 12 LDP2 policies.