



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

For Office Use Only:

Application Number: 15/01498/FUL

10 DEC 2015 SH

Date Registered:

PLANNING APPLICATION

To: _____
Ack: _____
File: _____
Comment/Con: _____
Ref No: _____

1. Name and Address of applicant	Name and Address of Agent
Ms K. McFADZEAN 5, KITTLEGARY VIEW PEEBLES Post Code EH45 9LZ Tel. No. _____ E-mail address _____	M. S. SIM 3, CASTLECRAIG GARDENS BLYTH BRIDGE Post Code EH46 7DH Tel. No. _____ E-mail _____

2. Full Postal Address of Application Site (edged in red on the site plan)

6, CHERRY COURT, CAVALRY PARK, PEEBLES.

Is this address a flat?
Yes No

3. Brief Description of Proposed Development

CHANGE OF USE FROM CLASS 4 TO CLASS 2
(BEAUTY THERAPY SALON).

4. Type of Application (tick one box only)

(a) Full application for new building works and/or a change of use and/or engineering works

(b) Full application for a change of use not involving any building works

(c) Planning permission in Principle

(d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)

(e) Application for removal or variation of a condition on a planning permission previously granted (Please indicate reference number of previous application)

(f) Application for renewal of a limited period permission (Please indicate reference number of previous application)

(g) Application for renewal of an unimplemented permission (You need only answer Questions 17 and 18) (Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

(a) State the reference number and date of the planning permission in principle _____

(b) State which of the conditions are submitted for approval as part of this application:

All Conditions (please tick) or Condition Numbers

6. Pre-Application Discussion and Consultation

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes No

If yes, please complete the following information about the advice you were given:

Officer Name: Date:
 Council Reference:

(b) Has Pre-Application Consultation taken place (for MAJOR developments: See Notes for Guidance)?

Yes No

If Yes, a Pre-application Consultation Report should accompany this application

7. Site Area

8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)

..... N/A hectares

Yes No

9. Existing/Proposed Uses

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
CLASS 4.	CLASS 2.

10. Commerce and Business

(A) Floorpace

Please indicate the total amount of floor space (in square metres) to which this application relates

Existing -	Proposed -
AS EXISTING	

(B) Employment

Please indicate the number of staff employed on the site (part time)

Existing -	Proposed -
5	5

(C) Traffic Flow

What is the anticipated traffic to be the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles, except those used by individual employees driving to work)

Existing -	Proposed -
AS EXISTING.	

(D) Industrial Processes

In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed

(Handwritten: /)

(E) Storage of Hazardous Substances

Will the proposal involve the use of storage of any materials of a type and quantity defined as hazardous substances? If YES, please state materials and quantities below

(Handwritten: /)

11. Car Parking

Please indicate car parking facilities/spaces:

Existing: 10

Proposed: —

12. Accesses and Rights of Way (Please tick those that apply)

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road Vehicular Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

13. Trees

Will the proposed development involve the felling of any trees?
(If YES, please indicate positions on plan)

Yes

No

14. Drainage and Water Supply

(A) Please state how surface water will be disposed of: N/A

(B) How will foul sewage be dealt with? ALL AS EXISTING.

Mains sewer Septic Tank and Soakaway Other (Please specify).....

(C) From where will the proposed development receive its water supply?

Public mains supply Private source

Where the water supply is from a private source, has any testing or analysis been undertaken?

Yes No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

15. Materials

Please state type and colour of materials to be used (if known)

	EXISTING	PROPOSED
External walls	N/A	
Windows		
Roofs		

16. Additional Information

Is there any additional information you wish to give in support of this application?

MANY UNITS AT CAVALRY PARK WERE VACANT FOR 2 YEARS, ATTRACTING NO INTEREST FROM CLASSES 4, 5 & 6, UNTIL OTHER OR CLASS 1 & 2 BUSINESSES BEGAN TO TRADE THERE, AND TURNED THE AREA INTO A VIBRANT BUSINESS PARK, WHICH NOW CONTRIBUTES TO THE COMMERCIAL AND ECONOMIC LIFE OF THE LOCAL COMMUNITY. PREMISES OF A SUITABLE SIZE AND ADAPTABILITY AROUND THE HIGH STREET ARE VERY DIFFICULT TO OBTAIN. THE COSTS INVOLVED TO CONVERT EXISTING COMMERCIAL PREMISES IN THE CENTRE OF TOWN ARE PROHIBITIVE TO A START-UP BUSINESS OF THIS NATURE.

17. Declaration

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach FOUR copies of the application forms and enclose the application fee of £401.00, together with:

- Four sets of the necessary plans and drawings
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (see Notes for Guidance for further information)

Signed [redacted] on behalf of MS. K. MCFADDEAN Date 9.12.2015

18. Please complete Certificate A and Certificate B (please tick ONE box in each)

CERTIFICATE A under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner¹ of all of the land to which the application relates
- OR
- The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner¹ of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served
ANDY & MOIRA PEARSON	PREMIER SIPS 40 ROWAN COURT, PEEDLES EH15 9BU	9/12/2015

Signed [redacted] on behalf of Ms. K. MCFADDEAN Date 9/12/2015

CERTIFICATE B under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served

Signed [redacted] on behalf of MS. K. MCFADDEAN Date 9/12/2015

¹An owner includes anyone with a lease on the land that has at least seven years left to run

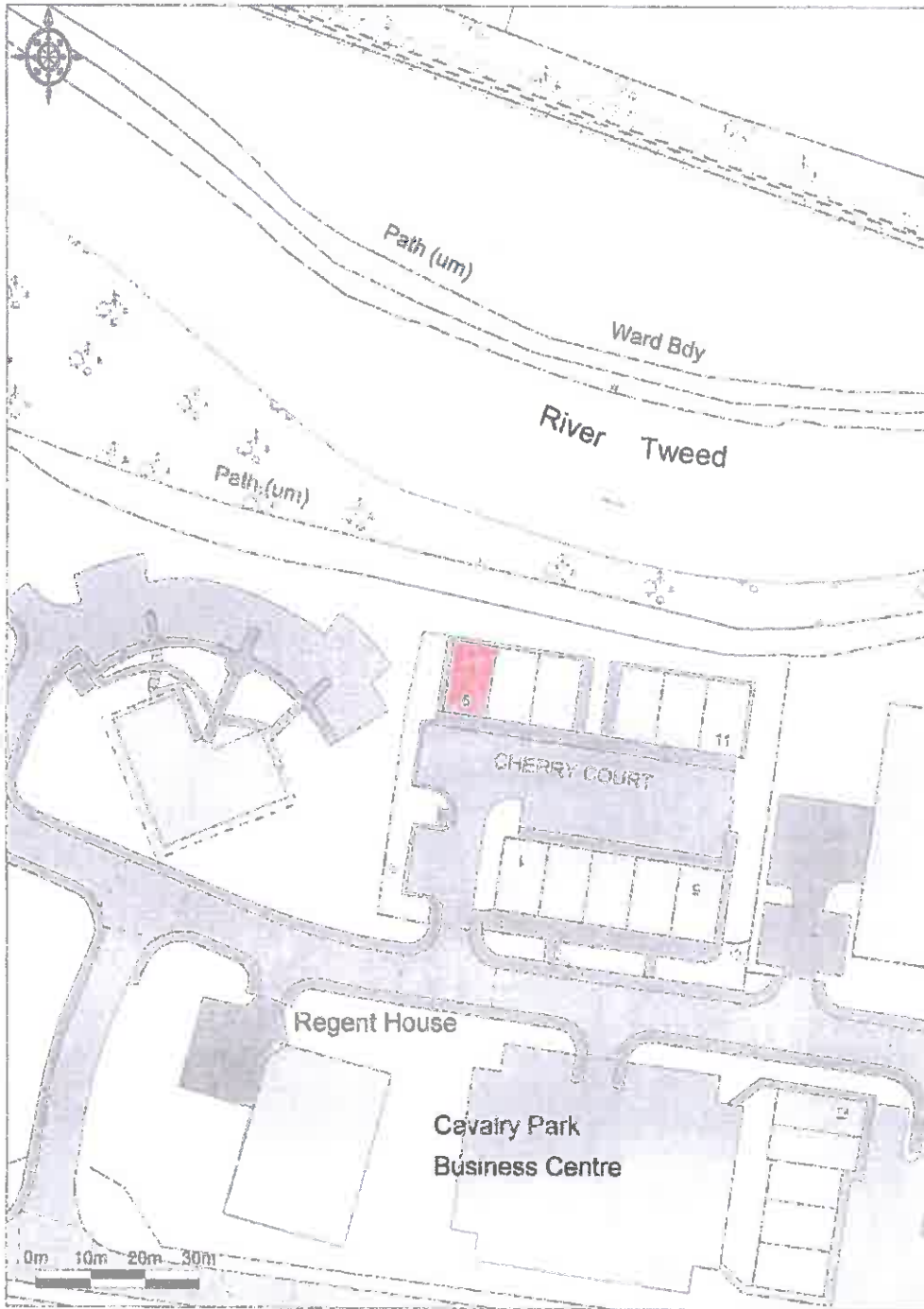
15/01498/FUL

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

6, CHERRY COURT, CASTLEY PARK, PEBSDALE
LOCATION PLAN. SCALE 1:1250.



Promap

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Town and Country Planning (Scotland) Act 1997

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ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S
STATIONARY OFFICE. C CROWN COPYRIGHT.
ALL RIGHTS RESERVED. LICENCE NUMBER 100042662
M.S.SIM, ARCHITECTURAL CONSULTANTS.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 08/01574/FUL

**To : Pearson Donaldson Properties Ltd per Domus Limited 24 Winton Terrace Edinburgh
EH10 7AP**

With reference to your application validated on **22nd September 2008** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 3 No office units with associated parking and landscaping

at : Land East Of EBSEurope Ltd Cavalry Park Peebles Scottish Borders

the Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 **subject to the following condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated.

**Dated 21st November 2008
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

 
.....
Planning & Building Standards

Application reference : 08/01574/FUL

SCHEDULE OF CONDITIONS

- 1 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 2 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

- 3 Before any part of the permitted development is commenced, the trees to be retained on the site and those adjacent to the northern boundary of the site shall be protected by a chestnut paling fence at a location to be agreed by the Local Planning Authority and the fencing shall be removed only when the development has been completed.
During the period of construction of the development:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 4 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
 - I. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - II. location of new trees, shrubs, hedges and grassed areas

- III. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - IV. programme for completion and subsequent maintenance.
 - V. Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
- 6 The premises shall be restricted to a use within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or to any other purpose in Class 6 (limited to no more than 235 square metres) of the Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997.
Reason: To ensure that the use remains compatible within the site.
- 7 The existing bullnose kerbing at the end of the existing bellmouth must be replaced with 150mm x 125mm square channel kerbing to the specification of the Local Planning Authority before the offices become operational.
Reason: In the interests of road safety.
- 8 The position of 'Office 2' to be agreed on site with the Local Planning Authority before any works commence on site.
Reason: To safeguard the existing trees adjacent to the northern boundary of the site.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

It is possible that archaeological artefacts will be encountered when works are undertaken on site. Any such evidence found on the site should be brought to the attention of Scottish Borders Council for consideration.

Measures should be taken to prevent the flow of water onto the public road.

All work within the public road boundary must be completed by a contractor on Scottish Borders Council's approved list (attached) after obtaining the appropriate road opening permit (form attached).

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU



*Planning and
Economic Development*

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address:

The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire. NG18 4RG

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 10/01098/FUL

**To : Pearson Donaldson Properties per Tweed Homes Rowan Court Cavalry Park Peebles
EH45 9BU**

With reference to your application validated on **4th August 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 4 no office units

at : Site 5 Cavalry Park Kingsmeadows Road Peebles Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 1st October 2010
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 10/01098/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
8375-P01	Site Plan	Approved
8375-P04	Floor Plans	Approved
8375-P03	General	Approved
8375-P05	Elevations	Approved
8375-LOC	Location Plan	Approved
8375-P02	Site Plan	Approved

REASON FOR DECISION

Subject to compliance with the schedule of planning conditions, the proposed development will accord with Approved Scottish Borders Structure Plan Policies E13, I11 and N20, and Adopted Scottish Borders Local Plan Policies BE2, ED1,G1, G4, G7, Inf4 and NE4.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Planning Authority, and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the Council's Archaeology Officer should contact on site and the name of the archaeological organisation retained by the developer shall be given in writing to the Planning Authority not less than 14 days before development commences.
Reason: To safeguard a site of archaeological interest.
- 3 Prior to the commencement of development, the following details shall be submitted for the written approval of the Planning Authority:
 - i. a landscape proposals drawing based on approved Drawing 8375-P01 but including details of the landscaping treatment of the eastern boundary;
 - ii. a programme for completion and subsequent maintenance of both existing and proposed plantings.
 Thereafter the landscaping works shall be undertaken, completed and maintained in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 4 No trees or hedging within the site or on its boundary shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, all trees and hedging within the site and on its boundary shall be protected during the course of construction work in accordance with a scheme of details that shall first have been submitted to, and approved in writing by, the Planning

Authority prior to the commencement of development. The approved protective measures shall be maintained throughout the period of development. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.

Reason: To safeguard the visual amenities of the area because the existing trees and hedging make a valuable contribution to the visual amenity of the site.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 6 Prior to the occupation of the first building, the existing kerb at the end of the bellmouth shall have been replaced with a 10-inch bullnose kerb to delineate the end of the public road and the parking court shall have been completed with a bituminous type surface.

Reason: In the interests of road safety to ensure that appropriate parking provision is existing before the consented offices are occupied

- 7 The finished floor levels of the buildings hereby permitted shall be consistent with levels indicated on a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority before the commencement of development. Such details shall include:

- (i) the proposed finished floor levels of the consented buildings; and
- (ii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the proposed finished floor levels relative to the level of the existing streetscape.

Reason: To ensure that the consented development does not have an adverse impact upon the amenity of neighbouring properties or a detrimental impact upon the appearance of the surrounding area as a consequence of the ground levels within the site being raised to an inappropriate height.

- 8 Prior to their installation/application, precise details of (i) the roofing material and (ii) the finish of the external walls of the office buildings hereby consented, shall first have been agreed in writing by the Planning Authority.

Reason: The finished appearance of the roofs and walls requires further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 9 The use of the business premises hereby consented shall be limited to Use Classes 2 and 4 of the Town & Country Planning (Scotland) Use Classes Order 1997, as amended, and shall not be used for any other Use Class (including Use Classes 1 and 6) without the express written consent of the Planning Authority.

Reason: To ensure that the business use of the site is appropriate for this locality.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Works within the public road must be undertaken by a Council approved contractor (DC-8).

It is recommended that the Finished Floor Levels are raised to allow for sufficient freeboard above the increased depth of flooding resulting from the loss of compensatory storage that occurred when the Stanley Brash premises was constructed.

There is a need to take into account the potential for flooding arising from other sources such as road drainage, overland surface water runoff and surcharged culverts.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from

the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/00275/FUL

To : J T Ceramics Ltd 3 Cherry Court Cavalry Park Peebles Scottish Borders EH45 9BU

With reference to your application validated on **13th March 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Part change of use to form dental surgery suite

at : 3 Cherry Court Cavalry Park Peebles Scottish Borders EH45 9BU

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 22nd April 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Service Director Regulatory Services

APPLICATION REFERENCE : 15/00275/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Floor Plans	Refused

REASON FOR REFUSAL

- 1 The proposed change of use of part of the premises to dental surgery suite would be contrary to Adopted Local Plan Policy ED1 in that it is not a Class 4, Class 5 or Class 6 use, and the site (Cavalry Park) is safeguarded for employment uses in the Adopted Local Plan, having more particularly been identified as a Strategic Employment Site; a designation which requires that all other uses be resisted.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 15/00011/RREF

Planning Application Reference: 15/00275/FUL

Development Proposal: Part change of use to form dental surgery suite

Location: 3 Cherry Court Cavalry Park, Peebles

Applicant: J T Ceramics Ltd

DECISION

The Local Review Body reverses the decision of the appointed officer and grants unconditional planning permission for the reasons set out in this notice.

DEVELOPMENT PROPOSAL

The application relates to the part change of use of the existing dental laboratory at 3 Cherry Court, Cavalry Park, Peebles to form dental surgery suite. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	1:1250
Office 1 Floor Plan	CC-wd03 rev J
Internal Alterations	01
Panel Details	02

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th June 2015 that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice, (b) Notice of Review and supporting papers, (c) Officer's Report of Handling, (d) Consultations and (e) List of Policies, the Local Review Body determined that it had sufficient information to determine the review. In coming to this conclusion, the

Review Body considered the applicant's request for further procedure in the form of one or more hearing sessions and a site inspection.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

:

- Local Plan Policies: G1, H2, H3, INF4 and ED1

Other material considerations the Review Body took into consideration were:

- Scottish Planning Policy
- Proposed Local Development Plan - Policy ED1(Protection of Business & Industrial land)

The Review Body were conscious that section 25 of the Planning Act requires planning decisions to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise.

The Review Body noted that the business unit lay within Cavalry Park, which is classified as a Strategic Employment Site in the Consolidated Local Plan. Members identified that Policy ED1 of the Local Plan was most critical to their deliberations, which stated:

"Development for uses other than Classes 4, 5 and 6 on strategic employment sites in the locations identified under Policy E13 of the Structure Plan will be refused."

Members concluded that as the proposal sought to introduce a use lying within Class 2 of the Town & Country Planning (Use Classes) Scotland Order 1997 the development was contrary to Policy ED1. The policy position is unequivocal in that all uses outwith classes 4, 5 & 6 will be refused. The development did not meet the policy's qualifying criteria and was therefore contrary to the Development Plan. The Review Body confirmed that the development was consistent with the other listed Development Plan policies.

In considering other material factors, the Review Body considered that these should be given significant weight in their deliberations. In the first instance, they acknowledged that Scottish Planning Policy was supportive of sustainable economic development and stated that planning authorities should "...give due weight to the net economic benefit of the proposed development." Members were content that this was a thriving business that was looking to expand its services and create employment for up to 8 new staff members. The economic benefits that would be generated by the development were in its favour.

The Review Body noted that Policy ED1 in the Proposed Local Development Plan now defined Cavalry Park as a Strategic High Amenity site, in which uses other than use class 4 would generally be refused. Members considered that this highlighted

there may be circumstances where alternative uses would be permissible and that the emerging policy position was not as restrictive as the existing Local Plan policy. In particular, the policy stated that a complementary use other than Class 4:

“...may be acceptable if it enhances the quality of the business park as an employment location.”

In this regard, Members considered, in detail, the nature of the business and its suitability at this location. In their view, the dental surgery was complementary to the existing business operation and would allow the business to grow and expand upon its specialist dental service. There were synergies in having the two elements of the business in the same location and it did not make practical or business sense for the business to be forced to consider a second premise elsewhere. The business would provide high quality services and employment and would, in Members' view, clearly enhance the quality of Cavalry Park as an employment location. The development's consistency with the emerging Local Development Plan policy was in its favour.

The Review Body also gave weight to how Cavalry Park was currently operating with a range of businesses, some in classes uses outwith the specified classes, which were flourishing and adding to the vibrancy of the business park. They also noted that another dental practice had been approved on the site in recent years.

The proposal would not involve the development of a vacant employment site and only required a modest portion of the floor space of the existing business to operate. Members noted that, in any event, there was a significant oversupply of such land within the Scottish Borders and the Peebles area and that there had been a low take-up of such land in recent years. The Review Body were satisfied that the development would not prejudice the availability of employment land at Cavalry Park, or the area more generally, and that this was also in its favour.

CONCLUSIONS

The Local Review Body concluded that, whilst the development was contrary to the Development Plan, there were a number of material factors that affect the balance of the decision in its favour. It was Members' determination that these matters outweighed the non-compliance with the Development Plan and that planning permission should be granted.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application

to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed... Councillor R Smith
Chairman of the Local Review Body

Date:... 25 June 2015