

## PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 7th April 2021

Contact: Ranald Dods ☎ 01835 825239

Ref: 21/00486/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th April 2021, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th April 2021, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mr Stephen Lamb

**Agent:** Border Architects Ltd

**Nature of Proposal:** Part Change of Use of ground floor to Class 10 and alterations to form additional office space from attic floor

**Site:** 3 Rowan Court Suite 3 Cavalry Park Peebles Scottish Borders EH45 9BU

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

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|---------------------------------------|---|--|
| <b>Comments provided by</b>           | <b>Officer Name and Post:</b>   | <b>Contact e-mail/number:</b>  |
|                                       | Trish Connolly<br>Forward Planning Section  | <a href="mailto:tconnolly@scotborders.gov.uk">tconnolly@scotborders.gov.uk</a><br>01835 825010 |
| <b>Date of reply</b>                  | 25/05/2021  | <b>Consultee reference:</b>  |
| <b>Planning Application Reference</b> | 21/00486/FUL  | <b>Case Officer:</b><br>Ranald Dods  |
| <b>Applicant</b>                      | Mr Stephen Lamb   |  |
| <b>Agent</b>                          | Border Architects Ltd   |  |
| <b>Proposed Development</b>           | Part Change of Use of ground floor to Class 10 and alterations to form additional office space from attic floor |  |
| <b>Site Location</b>                  | 3 Rowan Court Suite 3 Cavalry Park Peebles Scottish Borders EH45 9BU  |  |

***The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.***

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| <b>Background and Site description</b> | The application proposes the part Change of Use of ground floor accommodation to Class 10 and conversion of the attic space to form office space on Business and Industrial Use (Strategic High Amenity) site zEL2 Cavalry Park as allocated within the Scottish Borders Local Development Plan 2016.  |
| <b>Key Issues (Bullet points)</b>      | <ul style="list-style-type: none"> <li>• Policy ED1: Protection of Business and Industrial Land</li> <li>• Policy PMD3: Land Use Allocations</li> </ul>  |
| <b>Assessment</b>                      | <p>These proposals must primarily be assessed against Policy ED1 of the Scottish Borders Local Development Plan (LDP) 2016 which seeks to protect this Strategic High Amenity site zEL2 and Policy PMD3 – Land Use Allocations which aims to ensure that sites allocated within the LDP are developed for their intended use and that any alternative use is subject to appropriate justification. It is also noted that other relevant Development Plan policies will also apply in the consideration of this planning application.</p> <p>In terms of Scottish Planning Policy (SPP), paragraph 93 states that the planning system should: “<i>allocate sites that meet the diverse needs of the different sectors and sizes of business</i>” and paragraph 28 makes reference to supporting “<i>the right development in the right place; it is not to allow development at any cost</i>” which consequently requires consideration of matters such as relevant policy and land use allocations as identified in the adopted LDP.</p> <p>In terms of the LDP, Policy ED1 identifies the Cavalry Park site (zEL2) as a Strategic High Amenity site, and it is one of only two Strategic High Amenity sites in the Scottish Borders. The aim of the policy is to maintain a supply of business and industrial land allocations in the Scottish Borders. The policy states: “<i>Development on Strategic High Amenity Sites will be predominantly for Class 4 use. Other complementary commercial activity e.g. offices, call centres and high technology uses may be acceptable if it enhances the quality of the business park as an employment location</i>”.</p> <p>The proposed Class 10 Use as part of this planning application does not conform with the requirements of Policy ED1. To support this proposal would set an</p> |

undesirable precedent and would undermine the Council's strong position on business development at this location. It would also result in the loss of valuable ground floor High Amenity Business Land within Peebles which is a scarce resource.

The Council carries out an annual Employment Land Audit. The purpose of the Audit is to monitor business / industrial land take-up across the Scottish Borders. This helps the Council ensure it has a sufficient land supply within the LDP. The most recent Employment Land Audit carried out by the Council in the Spring of 2019 identified that there is no immediately available employment land in Peebles, and 0.7ha available employment land between 1-5 years. It is not considered this is sufficient land to meet the anticipated demand. Consequently it is vital that existing employment land supply is retained and further land is allocated for this purpose. The protection of the application site for business uses and the identification of further employment land at Eshiels has been taken forward into the proposed new Local Development Plan. The development of a Class 10 Use at this location, would ultimately lead to the loss of ground floor allocated business and industrial land and the proposal would therefore be contrary to policy.

SPP paragraph 69 states: *"Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve"*.

Furthermore, SPP paragraph 71 states: *"Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. ...."*

It could be understood there may be a degree of pressure to allow a more flexible range of uses within the Cavalry Park if there was no business activity taking place however, that is not the case. It is therefore critical that the site is safeguarded for future high amenity business development.

In respect to LDP Policy PMD3 Land Use Allocations, that policy states: *"Any other use on allocated sites will be refused unless the developer can demonstrate that:*  
*a) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or*  
*b) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or*  
*c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and*  
*d) the proposal is otherwise acceptable under the criteria for infill development"*.

The supporting information provided by the applicant provides reason as to why their business is expanding, but it does not confirm why this specific site over any other potential site should be supported for the proposed use. The Forward Planning Section would have expected the applicant to have carried out a search for other potential sites / buildings for the proposed use.

In respect to the application submitted, it is considered that it raises a number of

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|                                 | <p>issues/questions in relation to the proposed changes that are not dealt with in the application submission and its supporting statement.</p> <ul style="list-style-type: none"> <li>• The application makes reference to proposed additional office space; however it is not additional office space that is proposed but rather replaced office space.</li> <li>• Is this replacement office space to be used by the applicant or will it be available for other businesses to benefit from?<br/>If the proposal is for the latter, it is suggested that any business occupying the converted attic space would want a more prominent entrance that confirms their presence at that location, including a suitable pedestrian access from the adjacent carpark.</li> <li>• The application drawings include a kitchen and dining area, the exact intention of how this space is to be used has not been confirmed. Is this space proposed as a café? and if so, it is assumed this will be for use by the clients of the day centre only as opposed to being open to the public.</li> </ul> <p>If it was the case that planning controls could be put in place which could ensure the office element on the upper floor would be implemented, then the proposal could be considered more favourably, i.e. there would remain a net office floor space within the building whilst also ensuring the care unit could operate. However, if this is not able to be controlled then it is not considered the proposal can be supported.</p> <p>In summary, the use of a day care centre proposed as part of this planning application does not conform with the requirements of Policy ED1. Whilst replacement office space is proposed, to support the proposal would result in the loss of ground floor high amenity business land within Peebles which is a scarce resource.</p> |   |  |  |
| <b>Recommendation</b>           | <input checked="" type="checkbox"/> <b>Object</b>  | <input type="checkbox"/> <b>Do not object</b> | <input type="checkbox"/> <b>Do not object, subject to conditions</b> | <input type="checkbox"/> <b>Further information required</b> |
| <b>Recommended Conditions</b>   |  |   |  |  |
| <b>Recommended Informatives</b> |  |   |  |  |

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

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|--|--|--|---|
| <b>Comments provided by</b>  | Roads Planning Service   | <b>Contact e-mail/number:</b>  |   |
| <b>Officer Name and Post:</b>  | Paul Grigor<br>Roads Planning Officer  | <a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a><br>01835 826663 |   |
| <b>Date of reply</b>   | 15 <sup>th</sup> April 2021  | <b>Consultee reference:</b>  |   |
| <b>Planning Application Reference</b>  | 21/00486/FUL   | <b>Case Officer:</b> Ranald Dods   |   |
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| <b>Background and Site description</b>   |  |  |   |
| <b>Key Issues (Bullet points)</b>  |  |  |   |
| <b>Assessment</b>  | <p>I have no objections to the proposed development, the site is well stocked in terms of parking.</p> <p><b>It should be noted as a result of restrictions on travel due to the Coronavirus pandemic at the time of writing, no site visit has been undertaken and the comments made above are based purely on the information submitted with this application and local knowledge.</b></p> |  |   |
| <b>Recommendation</b>  | <input type="checkbox"/> Object  | <input checked="" type="checkbox"/> <b>Do not object</b>                                   | <input type="checkbox"/> Do not object, subject to conditions |
|  |  |  | <input type="checkbox"/> Further information required         |
| <b>Recommended Conditions</b>  |  |  |   |
| <b>Recommended Informatives</b>  |  |  |   |

Signed: KJP