

**SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY**

**RESPONSE TO FURTHER INFORMATION REQUEST BY**

**DDL CARE SERVICES**

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Development: Planning Permission for Part Change of Use  
Ground Floor to Class 10 and Alteration to Form Additional  
Office Space from Attic Floor (21/00486/FUL)

Location: 3 Rowan Court, Suite 3, Cavalry Park, Peebles,  
EH54 9BU

Date: 22<sup>nd</sup> September 2021

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## 1.0 RESPONSE TO FURTHER INFORMATION REQUEST

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- 1.1 This document is a statement by DDL Care Services in respect to the Review which was deferred by the Local Review Body at their meeting on 16<sup>th</sup> August 2021 for the purpose of seeking further information on the following matters:
  - DDL Care Hub Business Plan
  - Cavalry Park List of companies
- 1.2 The background to this is that our Local Review submission included new documents related to the above points, and the LRB wished to seek the comments of the following Council departments on their content:
  - Planning
  - Economic Development
  - Social Work
- 1.3 We have been invited to respond to the comments of these parties. At the time of writing, we have not received any comments from Economic Development, so this document can only respond to the comments of the other two parties.
- 1.4 Before considering these comments, it is important to highlight that the submitted Business Plan is not a business plan in the sense of including detailed financial projections, marketing and operational plans. DDL Care do have a more detailed Business Plan, but the submitted document was written by DDL in direct response to a request of the Health & Social Care Partnership in the form that they required.
- 1.5 DDL submitted the Business Plan to the Local Review Body simply to provide a helpful overview of the nature of the operation as proposed.
- 1.6 We provide a response to the Council's Social Work Department below, and in our view they do not raise any matters to suggest the planning permission should be refused. Indeed, they identify DDL as a quality service provider. The matters raised in their response relate to the operation of the facility in terms of the care regime, and are not in our view particularly material to the town planning matters which the LRB is concerned with.
- 1.7 Notwithstanding this, we recognise that the LRB will be keen to understand if the proposed use is one that should be considered favourably from a care point of view, and in that regard DDL have received supporting correspondence from the following parties, which we think it is important that the LRB should be aware of.
  - Robert McCulloch Graham – Chief Officer of Integrated Joint Board (IJB) Health and Social Care Partnership (HSCP).
  - Peebles & District Community Council
  - David Mundell MP
  - Other Supporting Correspondence

1.8 Robert McCulloch Graham has indicated that he wishes DDL to communicate the following to the LRB:

***“DDL Care Services, are a well respected commissioning partner of the Health and Social Care Partnership of the Scottish Borders. Their intentions to widen their service within Peebles and Innerleithen is an exciting development and I am sure it will be welcomed by our more vulnerable families within that area.***

***Keeping people both mentally and physically active fits with the first objective of the Integration Joint Board’s Strategy, and the range of activities proposed by DDL based in people’s homes, in community venues and their own premises would I am sure be very attractive to a lot of residents.***

***I would therefore be supportive of their application for building permission to allow this first step towards their vision.”*** (full correspondence attached)

1.9 Peebles and District Community Council have provided the following comments, in summary (full correspondence attached):

- ***We have reviewed the information on the planning portal and researched the quality service of DDL, and believe the plans are worthy of support.***
- ***The officer’s report says that the proposal would set an undesirable precedent. The precedent has already been set several times, with permissions for a Training Centre, Gym, Beauty Therapy, a Dental Surgery and a Nursery.***
- ***To say there will be a loss for the future is wrong. There will be the conversion of currently unused space into useable office space in the attic.***
- ***DDL own the building, and to move premises would be costly and disruptive.***
- ***Policy ED1 allows for “an alternative use that offers significant community benefits that are considered to outweigh the need to maintain the original proposed use”. No-one could argue that DDL Care Services are not providing a vital service to their clients.***
- ***The proposals are designed to expand their care provision, which will relieve pressure on the NHS and services historically provided by SBC***
- ***10 jobs will be created. Where is the loss in that?***

1.10 David Mundell MP has provided the following comments:

***I am therefore supportive of the proposal for a care hub at 3 Rowan Court, Peebles and urge that the appeal by DDL Care Services be upheld.***

***I believe that the range of services that DDL Care are seeking to provide within the community would be of considerable benefit to many adults and older people locally who are at risk from social isolation, impaired mobility due to inactivity and other physical and mental health problems.***

- *All care needs will be accommodated, no one will be excluded because of a need for equipment or have a special requirement.*
- *a nutritious meal and snacks throughout the day while engaging in the social opportunities being offered.*
- *invite the local Children's Nursery to engage with participants, it is a proven fact that this interaction benefits both generations through friendships and play.*
- *a Sensory Garden with raised beds to allow participants to plant flowers or vegetables to stimulate their mental and physical health by remaining active.*
- *challenge people by becoming more active through the use of IT tools, other activities, discussions and interaction with others.*
- *supervised mobility, and free movement throughout the Care Hub, which will increase mobility and strengthen muscles.*
- *an exercise room offering armchair aerobics, stretching, yoga or Thai Chi to help reduce falls and strengthen muscle function.*
- *showering facility for those with no access to shower or those requiring support to shower*
- *A therapy room will facilitate health services such as District Nurse visits, Opticians, Podiatry, and other holistic treatments.*
- *a secure, caring, safe environment to interact with other participants and staff.*

*As they have set out for me, these services would seek to provide:*

*Given the loss of care facilities in Tweeddale over recent years, such as the Dunwhinny Day Care facility, the reduction in services provided by the NHS at Firholm and the loss of the SBC operated facility first at Hay Lodge Hospital and subsequently at Victoria Park, it does seem to me that there is a clear need for services in the community such as those being proposed by DDL Care Services.*

*My understanding is that DDL Care Services' proposal is to provide a care hub which would offer a broad range of services including a therapy room, exercise room, main hub room, quiet room, kitchen area, showering and bathing facilities and transportation to and from the facility for its clients.*

*I am writing in support of the appeal against the refusal of a planning application lodged by DDL Care Services, who are seeking to create a care hub at 3 Rowan Court, Peebles.*

- 1.11 We have also provided a separate attachment that contains supportive communications from users, their families, other health care professionals and people living in the Peebles community associated with DDL's existing operation.

## Response to Scottish Borders Council Social Work Department

- 1.12 We have included the full response of the Social Work Department below in quotations, inserting our comments in red type below each paragraph.

*“The main issue with the supporting paper is that we believe it is making a business case and not a planning proposal. The HSCP have not commissioned this, yet DDL are proposing a business case as though it is of financial benefit to the HSCP.”*

We are not exactly sure what this comment means, and we think there may be a misunderstanding here. As we have indicated above, the Business Plan has been presented in the format specifically requested by the Health and Social Care Partnership. For the sake of clarification, DDL is a private Care at Home company, who would work with service users directly and would not be reliant on the Scottish Borders Council or HSCP for client referrals or commissioning.

The DDL operation will be of financial benefit to existing care and social services as people using their services are less likely to need visits paid for by the social work department.

*“It is also written as if it is entirely in line with the HSCP strategic plan but there are elements which are not at this point in time. The proposal makes claims but does not provide the evidence behind those claims.”*

This response does not say what claims are being referred to, so it is impossible to provide a response on this point. However, we would refer to HSCP’s (Robert McCulloch Graham’s) support for the DDL Care Hub and their vision. We reiterate that the Business Plan was requested by HSCP, and they have indicated no dissatisfaction with it.

*“The planning aspects of it are considerable as the Hub is not only a building based service. The hub is proposing a Hub and spoke style of delivery with additional staffing to provide therapeutic input as well as nursing and AHP staffing.”*

The Care Hub is a building-based service which will operate from 10.00 hrs to 15.00 hrs Monday to Friday for service users using the facilities. To begin with it will employ 1 manager, up to 8 qualified support/care staff with a minimum qualification of SVQ3 level in Health and Social Care, a part time driver who will collect service users from their homes and then return them home around 16.00 hrs. It is anticipated that this will link in with other services within Cavalry Park and they will come to the Hub to see services users such as a hairdresser, beauticians, dentists, opticians, fitness trainers etc.

As part of the Hub, in the therapy room the local District Nurses have expressed an interest in what we are proposing, and they have asked if they could have a secure cupboard to keep some of their supplies in i.e., bandages and dressings. The Hub will not employ nursing or AHP staff but will act as one location where they can undertake visits directly with their service users if they attend the Hub.

*“It is offering services that are described as being to the benefit of the HSCP, but the paper does not set out how the HSCP has been involved in the planning paper presented;*

*what the funding approach for the proposal would look like. What are the operating hours, will it have overnight workforce etc..”*

The Business Plan was requested by the HSCP, and they support it. See our comments above on operating hours etc.

*“The Paper sets out a proposal for a one-stop-shop and, given the critical and individual level of need, we think that part needs further clarity for planning purposes e.g. a range of professionals, equipment and medication is proposed to be stored and used. Given the high level of needs, then what type of equipment is proposed and what would a ‘spa’ like range of services be as this would be critical for building i.e. flooring, glass usage, sound proofing, track & hoists etc.....”*

This is perhaps more detail than required by the LRB to determine this application, but DDL is content to provide the following further information.

There will be a training suite for all our moving and handling training and the equipment involved will be as follows.

- Profiling Bed
- Mobile Hoist
- Mackworth Stand Aid
- Arjo steady
- Free standing bath for training purposes only (will not be plumbed in)
- Aqua Joy Bath Lift
- Elk Mangar emergency lifting cushion

No medication will be stored on the premises and only those attending the Hub with prescribed medication will be supported to take this medication. As part of the Hub, there would be showering facilities on the premises as many service users cannot access their baths/shower in their own homes. Users can have a shower when they attend the hub along with a hairdressing chair within the shower room.

If a user attending the hub is faecally incontinent and are unable to weight bare there is equipment from the training suite to carry out any transfers and personal care needed. Regarding the building, each area of the Hub will have the correct type of flooring coverings and furniture in place to allow service users to be actively involved in that area for example in the arts and craft area there would be an anti-slip flooring which can be cleaned if any spills occur.

Other than the Support staff working directly with the care Hub, any other professionals will be employed by the Scottish Borders Social Work department, or the NHS or privately.

*“DDL are one of our commissioned care at home providers in the area of Innerleithen and Peebles. They are a good quality provider.*

*In this instance we do not believe the planning proposal or business case has been presented to HSCP and therefore the claims made in the report would need to be presented for HSCP consideration.*

As indicated above, there appears to be a misunderstanding here. The Business Plan has been presented to the HSCP at their request. They support its vision and wish to see the planning permission granted.

*There are a couple of sections which are important to clarify. In section 3.2 "Demise of Provision" this is in relation to Day centre closure. This is not a demise in provision, the provision is in accordance with the national and local personalisation agenda as we move towards supporting people to have greater choice and control on how they live well. It was a move from buildings based services towards a Local Area Coordinator model."*

This issue is perhaps not critical to the LRB's determination of the application. However, DDL consider that it is worth mentioning that the move from a buildings-based service to a local area coordinator model will not and cannot always meet the social, physical, and cognitive needs of all the service users it supports.

As a current private care provider, they have noticed a large number of service users who are not in receipt of the relevant support due to staff shortages, and there has also been a rise in social isolation following this change.

*"In section 3.3 the paper refers to RVS as a day service provision and that it does not cater for people with higher level needs. RVS are not a Day Centre and therefore do not require registration with the Care Inspectorate. However, people who would like to or choose attendance at a social centre can do this if their assessed needs can be met through Self Directed Support personal assistants for example."*

Again, this comment is not particularly relevant to the determination of the Review. It is agreed that RVS is a day service, not a day centre. However, it does **NOT** cater for people with higher care needs. DDL's operation does need to be registered with the Care Inspectorate.

DDL as a private care provider, have supported some of council service users to attend the RVS which they have paid for themselves.

- 1.13 In summary, we do not consider that there are any comments provided by the Council's Social Work Department which would suggest that planning permission should be refused.

### **Response to Scottish Borders Council Planning Department**

- 1.14 We have included the full response of the Planning Department below in quotations, inserting our comments in red type below each relevant section.

*“I note the list of companies in Cavalry Park provided by the appellant. I also note that they are uncertain of the nature of many the businesses. In any event, the nature of those businesses is predominantly class 4 or would be considered complimentary commercial activity to the Cavalry Park strategic high amenity site which would enhance the quality of the business park as an employment location. A day centre for the elderly does not fit comfortably within that definition.”*

The final sentence above perhaps highlights a misconception by the planning officer. **THIS IS NOT A DAY CENTRE FOR THE ELDERLY.** It is a Care Hub for people in need of care and this modern building provides an ideal location for such a facility. We can only speculate that this misconception might have led the planning officer to take a negative view of the application from the outset.

As indicated in our Review statement and the letter from the Peebles & District Community Council attached to this submission, there are numerous non-class 4 users at Cavalry Park e.g. Gym, Dental Surgery, Beautician, Training Centre and Nursery – all granted planning permission over recent years. Although some of those uses may be utilised by Cavalry Park occupants, it seems to us an exaggeration to suggest that they are somehow more consistent with the planning policy than DDL’s proposals. The planning policy allows for some flexibility and DDL’s proposed care service is ideally suited to this location and building.

The key point here, as explained in our original Review Statement, is that the Care Hub will provide a highly beneficial service in an accessible location and, due to the provision of further office space, will not mean the loss of existing class 4 space. Moreover, the facility will employ approximately 10 people. We cannot think of any reason why the Council would want to prevent such an economically and socially beneficial development, for which there has only been support by the community and those who have benefitted from DDL’s current services.

*“In terms of the document submitted as a “business plan”, this is not a detailed business plan which I might expect to see with an application in support of a sound business proposal. Rather it is a statement about what services would be provided by DDL Care Hub Ltd, what facilities would be provided within the building. Within the 11 page document, it is only at page 9 that any monetary figures appear and even then, the figures do not set out any start-up costs; profit and loss forecast; sourcing of finance; management of financial risks or cash flow forecasts. It does not provide any detailed analysis of how the business would be run in terms of things such as: staffing; suppliers; equipment or managing operational risk. No real detail is given of market research; customer profiling; competitor profiling; managing market risks; pricing or promotion and advertising. In short, this is not appear to be a business plan which can be relied upon.”*

As explained above, the Business Plan was requested by the HSCP to serve their purposes and is not required or intended to be a business plan that details financial matters’, or the other points referred to by the Planning Officer. **For the Planning Officer to suggest that the Business Plan is not to be relied upon is therefore fundamentally misconceived and wrong.**