

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00056/FUL

APPLICANT : Two Rivers Veterinary Practice Ltd

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Change of Use from Class 4 to Class 2 Veterinary Practice

LOCATION: 2 Rowan Court
Cavalry Park
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A Location Plan	Location Plan	Refused
Plan 1	Existing Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Flood Risk Officer: No objection

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 1000 years. That is the 0.1% annual risk of a flood occurring in any one year.

However, the Council does have its own flood mapping for this area which is more accurate than the SEPA maps. Based on the information held this site is outwith flood envelope and is therefore not at risk from flooding. Given the above I have no objections to this proposed change of use.

Roads Planning Service: No objection

Environmental Health: No response

No representations were received.

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan (2016)

Policy PMD3 - Land use allocations
Policy ED1 - Protection of business and industrial land
Policy ED3 - Town centres and shopping development
Policy IS7 - Parking provision and standards
IS8 - Flooding

National Planning Policy Framework 4 (2023)

Policy 1: Tackling the climate and nature crises
Policy 22: Flood risk and water management
Policy 26: Business and Industry

Recommendation by - Stuart Small on 16th March 2023

This application seeks planning permission for the change of use of 2 Rowan Court, Cavalry Park, Peebles from Class 4 to Class 2. The proposal is to allow Two Rivers Veterinary Practice to relocate to larger premises. Cavalry Park is allocated as a Strategic High Amenity Site (zEL2) in the LDP. 2 Rowan Court is located on the western side of Cavalry Park and comprises a floorspace of approximately 280 square metres. No internal or external alterations are proposed as part of this application.

Assessment

Site History

When outline planning permission was granted for Cavalry Park a planning condition was attached to the consent controlling the type of uses permitted within the development. 2 Rowan Court was approved in planning application 03/00394/FUL under the agreement that the buildings were to be within Class 4, 5 and 6.

Principle

The key policies against which the proposal is assessed Policy PMD3, ED1 and ED3 of the LDP and Policy 26 of NPF4.

Policy ED1 of the LDP rigorously protects strategic business and industrial sites for employment use. In regards to Strategic High Amenity Sites the policy states that Development 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. The occupation of this unit by a veterinary practice is not one which would be complimentary to Class 4, 5 or 6 uses nor would it enhance the wider Cavalry Park site.

Scottish Borders Council publish an annual Employment Land Audit (ELA) to monitor land supply, take-up and status of business and industrial land within the Scottish Borders. The latest ELA published was in 2021 and it identified that there is no immediately available employment land in Peebles with 0.7ha available employment land between 1-5 years. This is not considered to be sufficient land to meet future demand and therefore it is imperative that the existing employment land supply is retained. The development of a Class 2 use at this location, would result in the loss of allocated business and industrial land at a time when there is a known need for business and industrial land.

It was suggested to the applicant that providing marketing evidence which demonstrates that the proposed unit is no longer viable for a Class 4, 5 or 6 use would assist in supporting their application. However, the applicant advised in the Supplementary Planning Statement that 2 Rowan Court had not been marketed or advertised for 6 months prior to the submission of the application and for that reason I am unable to determine that this unit is no longer viable for its intended Class 4, 5 and 6 use. This unit provides much needed business and industrial floor space within Peebles and the proposal for a change of use is therefore contrary to Policy ED1 of the LDP.

Policy PMD3 of the LDP states that other use types on allocated sites will be refused unless the developer can demonstrate the following:

- a) it is ancillary;
- 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;
- c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use.

Criterion a) and b) are not relevant to this particular proposal. In regards to criterion c), the applicant has stated in the accompanying planning statement that the proposal would offer significant community benefits in light of the significant ongoing requirement for the management and treatment of small animals (pets) within the Peebles and the surrounding area, as well as the equine and farm services offered by the practice's vets. It is acknowledged that Two Rivers Veterinary Practice do provide an important service which is of benefit to the community of Peebles and its surrounding area but nevertheless I do not consider this benefit to outweigh the need to maintain the original proposed use. As there is a lack of available business and industrial floorspace within Peebles the loss of existing supply cannot be outweighed in this instance. For this reason, the proposal does not satisfy any of the exceptions allowed under Policy PMD3 of the LDP.

Policy 26 part c) of the NPF4 states that other employment uses will be supported on allocated sites where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area. The primary function of Cavalry Park is provide suitable units for businesses operating under Class 4. To grant permission for a change of use to Class 2 without any evidence to suggest it can no longer suitably accommodate a Class 4 use would prejudice the primary function of Cavalry Park. As a result, the proposal does not satisfy part c) of NPF4 Policy 26.

Policy ED3 of the LDP aims to prevent suitable town centre uses including Class 2 businesses being located in out of centre locations. In the Planning Statement and Supplementary Planning Statement the applicant has stated that there are no suitable premises for lease or for sale in the town centre of Peebles. It is also mentioned that the applicant has unsuccessfully managed to relocate to sites in South Parks and on Edinburgh Road. The applicant has contended that a town centre location is not suitable for Two Rivers Veterinary Practice due to the lack of available parking and lack of external space for waste and transporting larger animals.

The applicant has also highlighted the guidance set out in the Galashiels and Hawick Town Centre Core Activity Area Pilot Study and its guidance on the suitability of veterinary practices. This is assessment is only relevant to their suitability within Core Activity Areas and not town centres as a whole. Veterinary Practices are still considered to be best suited within a town centre or on the edge of a centre. While in ordinary circumstances, it would be my conclusion that a veterinary practice would be best suited to a town centre location, I do acknowledge that given the Two Rivers Veterinary Practices large client base and their need to expand that a town centre location may not be completely suitable in this instance. I also acknowledge the existing uses referred to as Class 2, though, aside from a chiropractor's use, there is no planning history demonstrating such uses are lawful within this building.

Fundamentally, the benefit of such premises for the applicant's requirements is fully acknowledged, as are the employment benefits, however, these must also be balanced with the need for the business park to remain available for Class 4 uses, if the principal policy objective of retaining it as a business (rather than a service) location is to be maintained. This is a relatively large building, comprising of multiple units, and its use for Class 2 would not only significantly reduce the availability of floorspace for Class 4 use, but would also potentially set an undesirable precedent that could affect decisions on the future of other units within the park. Therefore, on balance, it is considered that the conflict with planning policy is overriding.

Roads Issues and Parking Provision

The Roads Planning Service assessed the application and issued no objection. I am satisfied there would be no issues in relation to road safety and parking.

Services

No changes are proposed to the current water supply and drainage arrangements. Provision for waste and recycling facilities exist on the site.

Flood Risk

The Flood Risk Officer has raised no objection to the proposal and I am therefore satisfied that the development is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems.

REASON FOR DECISION:

The development would be contrary to Policy 26 of the NPF4 and Policy PMD3 and Policy ED1 of the Local Development Plan 2016 in that the use as a veterinary practice (falling within Class 2 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, would be a commercial activity that would not be complementary, or ancillary, to the Cavalry Park Strategic High Amenity Site and a use such as that would prejudice its primary function. Furthermore, it would ultimately lead to the loss of allocated business and industrial land when there is a known need for such sites. Other material considerations, including the applicant's need for new premises, are fully acknowledged but, on balance, do not override the loss of the site to Class 4 uses, nor the potentially undesirable precedent that would result from the loss of this extent of floorspace to a non-compliant use.

Recommendation: Refused

- 1 The development would be contrary to Policy 26 of the NPF4 and Policy PMD3 and Policy ED1 of the Local Development Plan 2016 in that the use as a veterinary practice (falling within Class 2 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, would be a commercial activity that would not be complementary, or ancillary, to the Cavalry Park Strategic High Amenity Site and a use such as that would prejudice its primary function. Furthermore, it would ultimately lead to the loss of allocated business and industrial land when there is a known need for such sites. Other material considerations, including the applicant's need for new premises, are fully acknowledged but, on balance, do not override the loss of the site to Class 4 uses, nor the potentially undesirable precedent that would result from the loss of this extent of floorspace to a non-compliant use.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.