

Application for Planning Permission for change of use from Class 4 (office)
to Class 2 (Veterinary Practice)

2 ROWAN COURT, CAVALRY PARK, PEEBLES

on behalf of

Two Rivers Veterinary Practice Ltd

13th January, 2023

1.0 INTRODUCTION

- 1.1 This application seeks planning permission for the change of use of the whole premises of 2 Rowan Court in Cavalry Park from Class 4 (office) to Class 2 (veterinary practice). 2 Rowan Court is located on the western side of Cavalry Park adjacent to the main entrance, as shown below.

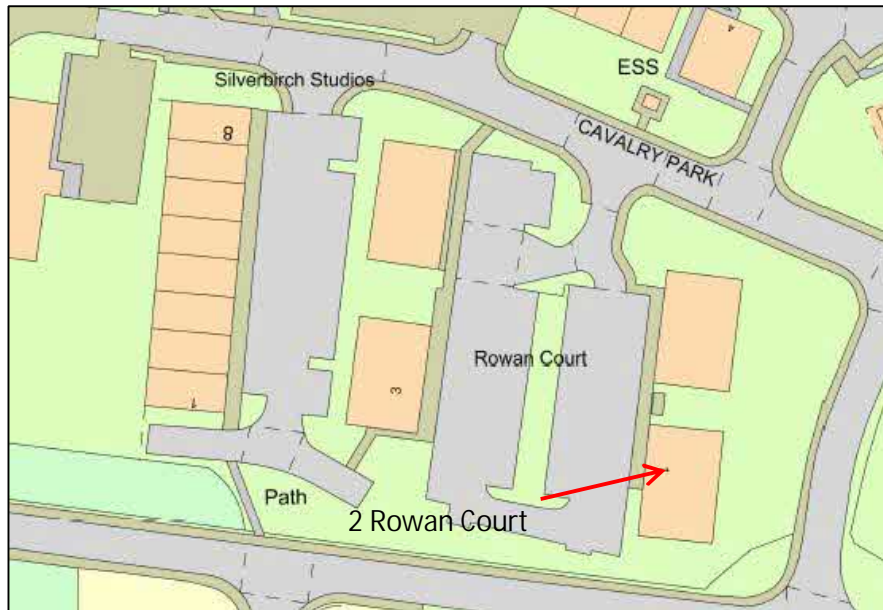


Fig 1: Extract from Location Plan

- 1.2 The premises, extending, in total, to approximately 280 sqm GIA, benefit from planning permission 03/00394/FUL "Erection of two office units (amendment to previous consent 02/01924/FUL". It is understood, from review of more recent applications in Cavalry Park which are available to view online, that this 2003 permission is for class 4 uses. More recently, in October, 2006, under application 06/01787/FUL permission was granted for change of use of suite 2 from class 4 office to class 2 (chiropractor clinic).
- 1.3 The unit comprises 7 suites, with suite 1 divided into 3 smaller suites. No structural internal alterations are proposed and no external alterations are proposed under this application.
- 1.4 The layout of the unit is presented overleaf with the main entrance from the car park (western elevation) being at the lower edge. There are 10 car parking spaces relating to 2 Rowan Court.

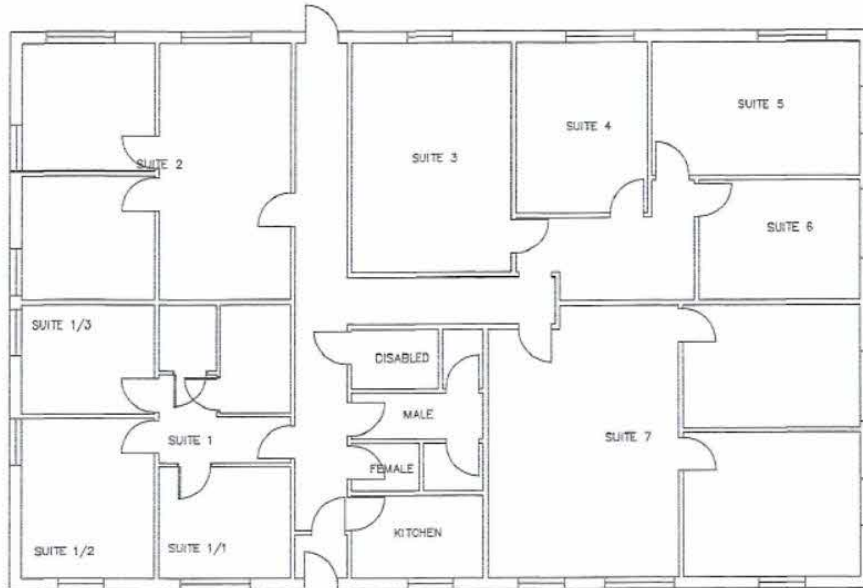


Fig 2: Layout of 2 Rowan Court

- 1.5 The premises are occupied by 7 separate businesses, according to the seller Pearson Donaldson Properties, as noted below. It is evident that the majority of the uses fall within Class 2.

Suite	Occupier	Use	Use Class
1A	Pearson Donaldson Properties (Vacant Unit)	Vacant (Previously occupied by financial advisor).	-
1B	Carol Henderson Therapies	Complementary Therapy – consulting	2
1C	Red Circles Locksmith	Locksmith	4
2	First Psychology Ltd	Psychology – consulting	2
3	Cambridge One	Dietician – consulting	2
4	JRW Chartered Accountants	Accountancy Services	2
5	K Graphic Design	Graphic Design	4
6	Holistic Therapies by Lesley	Complementary Therapies	2
7	JRW Chartered Accountants	Accountancy Services	2

- 1.6 Missives have been signed for the purchase of 2 Rowan Court. Conclusion of the sale is set at 31st March 2023, at which point the property will be sold with vacant possession to the applicant by the seller.
- 1.7 On 20th December 2022 the applicant received a letter from Pearson Donaldson Properties (PDP), the seller, confirming that there were 7 separate occupiers of the property. PDP stated that they would be consulting with these tenants and offering them alternative accommodation, with this process being completed by 13th January 2023. The provision of necessary notice and relocation of certain businesses is being handled by the seller/ his agent. It is understood that the seller owns other property within Cavalry Park, including 1 Rowan Court which has vacant units and it is understood that suites in this building may be offered.
- 1.8 Whilst neither the details of the consultation process nor the outcome are available to the applicant, PDP's letter states: *"A number of leases in 2 Rowan Court will be coming to an end shortly with some of the smaller businesses intending to work from home in the wake of the pandemic and the current cost of living crisis which created a very natural exit of some businesses no longer requiring premises. We also plan to relocate as many as possible of our current business customers at 2 Rowan Court elsewhere within our portfolio of offices at Cavalry Park"*.

2.0 PHOTOGRAPHS OF 2 ROWAN COURT



Fig 3: West elevation with main entrance



Fig 4: West elevation and southern elevation



Fig 5: East elevation facing main access road into Cavalry Park



Fig 6: East elevation and south elevation



Fig 7: South elevation facing Kingsmeadows Road

3.0 SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

3.1 The key adopted policies in the determination of this planning application are considered to be ED1 – Protection of Business and Industrial land and PMD3 – Land Use Allocations.

Protection of Business and Industrial Land

3.2 In terms of ED1, the unit is located within the Cavalry Park Strategic High Amenity business and industrial site. The allocation is shown below and this allocation is repeated in the Proposed LDP (2020), albeit the wording of proposed policy ED1 differs slightly between the two Plans.

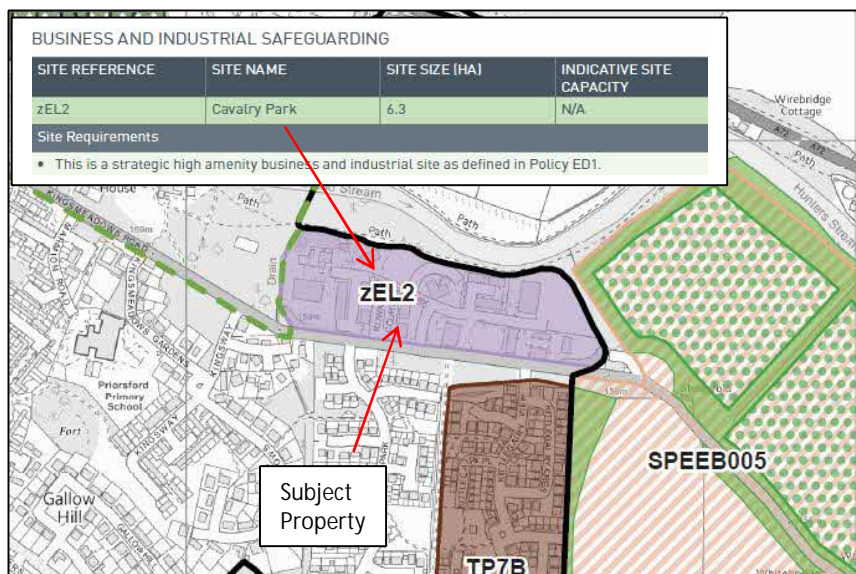


Fig 8: Extract from adopted Scottish Borders Local Development Plan (2016)

3.3 The policy in the adopted LDP (2016) is set out below:

POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

The Council aims to maintain a supply of business and industrial land allocations in the Scottish Borders (see Table 1). There is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land.

1. STRATEGIC SITES
The Council rigorously protects strategic business and industrial sites for employment uses.

a) Strategic High Amenity Sites
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.

- 3.4 The policy in the Proposed LDP (2020) is set out below:

POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

The Council aims to maintain a supply of business and industrial land allocations in the Scottish Borders (see Table 1). There is a presumption in favour of the retention of industrial and business use on High Amenity Business and Business and Industrial sites.

1. HIGH AMENITY BUSINESS SITES

The Council rigorously protects high amenity business sites for Class 4. Other high quality complementary commercial activity may be acceptable as well as non-industrial business / employment generating uses if it can be demonstrated that it enhances the quality of the high amenity business sites as an employment location, and provides a specific service for those businesses operating on the wider business site.

- 3.5 Turning to PMD3, in both the adopted and emerging Plans this policy states that development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps. These refer back to policy ED1, as set out above. Section (c) of PMD3 proceeds to state that any other use on allocated sites will be refused unless (c) “the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use”.

4.0 BACKGROUND INFORMATION AND ASSESSMENT OF APPLICATION

- 4.1 This application will provide much needed accommodation for this independent veterinary business. Two Rivers Veterinary Practice has surgeries in Biggar and Peebles and was established in 2005. Since then it has grown from a two vet practice to a six vet practice and from a team of six employees to twenty-six.
- 4.2 In the Peebles surgery, currently located in Old Town, there are two full time veterinary surgeons, two full time and one part time veterinary nurses and four part time receptionists. The Practice also provides training for veterinary students, veterinary nursing students and animal care assistant students who are at college and require practical placements to complete their courses. The Practice continues to grow their client base and provide veterinary services, covering a wide area of the Scottish Borders and South Lanarkshire, as well as attracting business from the Lothians and Edinburgh, although business development is now being hampered by lack of suitable premises.
- 4.3 The Practice has outgrown the current property internally. Further, there is no outside space and there is a lack of parking near the surgery. The main reasons that the current premises have become unsuitable are:

1. There is only space for one consulting room which is busy all day; the Practice has enough work to require two or, likely, three consulting rooms, so this aspect is materially limiting business growth.
 2. Physical space is cramped in the current building. The kennel area doubles as a staff room and laundry room, and a cupboard under the stairs has been converted to a small 'office' with computer terminal. This aspect is limiting further staffing and student placements.
 3. The sterile operating theatre is doubling up as a lab area, which means the Practice cannot work to desired standards in terms of sterility.
 4. Limited kennel space means that numbers of inpatients sometimes have to be limited, which may have an impact on animal welfare.
 5. Sick animals are currently walked outside in public areas to toilet by staff, as there is no outside space belonging to the practice.
 6. There is no external space for bins (recycling, general waste or offensive waste). This currently has to be transported back to Biggar every evening.
 7. There is no space for cold storage of animal bodies prior to being collected for cremation, thus, currently, deceased pets have to be transported to Biggar every evening.
 8. Parking in Old Town is very challenging which leads to owners regularly having to carry a sick or injured patient a considerable distance to the surgery.
 9. Vets need to move heavy equipment, such as the xray machine, but cars cannot be located near enough to the surgery to permit easy loading and unloading.
- 4.4 In terms of policy PMD3, the proposal for a veterinary consulting practice is considered to offer significant community benefits in light of the significant ongoing requirement for the management and treatment of small animals (pets) within Peebles and surrounding area, as well as the equine and farm services offered by the vets who are based at the Practice. In short, the continued availability of the Two Rivers Veterinary Practice is of material benefit, and necessary, to the community of Peebles and beyond. The proposal for the class 2 use is able to comply with PMD3 in this regard, particularly given the circumstances (material considerations) which face the Practice, as described.

- 4.5 In accordance with policy ED1, this proposal is for “other high quality commercial activity” which generates and sustains employment. The proposal will enhance the quality of the high amenity business site as an employment location.
- 4.6 2 Rowan Court provides an appropriate setting for high quality veterinary care with its dedicated car parking, ground floor layout and a large well ventilated modern space suitable for consulting and clinical use.
- 4.7 It is noted that the setting is in close proximity to a wealth of (class 2) health care providers (for people) who have chosen to locate in Cavalry Park, including four physiotherapist practices, chiropractors, podiatrists, sports massage, psychology services and two dental practices.
- 4.8 The Two Rivers Veterinary Practice has been seeking alternative premises for well over 5 years. Discussions and design progressed to an advanced stage over an extended period which began c. 5 years ago with regard to a site in South Parks, but the deal was unable to conclude which came as a serious setback for the Practice. A potential site on Edinburgh Road was more recently reviewed, but this was bought by a third party.
- 4.9 The Practice has no other location from which it can operate in Peebles. There are no other premises in Peebles of suitable size which have ground floor access, necessary window ventilation and parking. There are no opportunities to buy land and build a suitable property. With a client base in excess of 5,000, it is imperative that the proposed new home for the surgery comes to fruition, in order for the Practice to continue to operate safely and effectively, to continue to offer excellent service to the animal-owning population of Peebles and the surrounding areas, and to enable business growth, and consequent employment opportunities, as well as further training positions for young people.
- 4.10 The applicant is willing to accept a planning condition in respect of the class 2 use (veterinary surgery/ consulting clinic) stating the class 2 permission will be for that specific use only and, further, that within six months of cessation of that change of use, the use shall revert to class 4, with any new proposal for uses out with class 4 needing new planning approval. It is noted that this condition has been used in connection with other consents elsewhere in the Park where the original planning permission conditions required class 4 use.
- 4.11 It is noted that there is material planning history in Cavalry Park where units that were built for class 4 use have been granted consent for class 2 use. Such planning history, together with other notable changes of use, is set out below. In common with these permissions, the proposal for the veterinary practice is absolutely considered to be complementary to the wider business use of the Park, enhance

the quality of the Park as an employment location, offer significant community benefits and ensures employment retention in Peebles. It is in keeping with several other formally accepted and other established uses which are accommodated within the Park.

RELEVANT PLANNING HISTORY IN CAVALRY PARK

- 4.12 Within the context of the current application, the following approved applications are noted as material considerations.
- Suite 2, Unit 2 Rowan Court
- 4.13 In October, 2006, under application 06/01787/FUL permission was granted to change the use of this suite from class 4 office to class 2 chiropractor clinic.
- 3 Cherry Court - 15/00275/FUL and 15/00011/RREF.
- 4.14 It is noted that all 3 blocks, comprising 11 units, in Cherry Court were built under permission 08/01574/FUL, approved November 2008, with a planning condition requiring class 4 use. In June, 2015 the LRB approved an application for part change of use from a dental lab (class 4) to form a dental surgery suite (class 2).
- 4.15 The LRB noted that Policy ED1 in the (then) Proposed Local Development Plan 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 that there may be circumstances where alternative uses would be permissible. Members felt that this other complementary commercial activity would enhance the quality of the Business Park as an employment location.
- 4.16 Members felt unable to agree with the Officer's/ Economic Development's view that class 2 uses are generally not complementary to class 4 uses. Members were also unable to support the view that class 2 uses are necessarily more appropriately accommodated in town centres (out with prime retail frontages), where Economic Development had stated infrastructure is more conducive to the accommodation of visiting members of the public.
- 4.17 The issues with parking on and around Old Town and Peebles High Street are well known. In working hours it can be very difficult to secure parking space and double parking for loading and waiting is common. Given the nature of the proposed veterinary clinic, the location in Cavalry Park is essential to enable parking close to the clinic.

- Block 2, Unit 6, Cherry Court – Under 15/01498/FUL and 16/00013/RREF
- 4.18 Permission was granted for change of use of a complete suite from class 4 office to class 2 use (beauty therapy salon). The LRB approved the proposal for the change of use to the beauty salon in June 2016 (under the extant LDP) noting various vacant units were present in Cavalry Park and considered the proposed use to be complementary to other uses in the Park.
- 3 Rowan Court, Suite 3 - 21/00486/FUL and 21/00015/RREF.
- 4.19 This application for part change of use of ground floor to use class 10 and alterations to form additional office (class 4) space in attic floor was approved on 22nd October 2021. The LRB was of the view that the day centre for members of the public was in line with health and social care objectives in the area and that there was a clear local need for such a facility in the region. It was also recognised that the proposal would allow for job creation. Overall, the use was considered to be a complementary use to other uses within the Park.
- Unit C, 6A Elm Court
- 4.20 Under application 08/01525/FUL permission was granted in October 2008 for change of use from office (class 2 and class 4) to form a training centre (class 10). It is acknowledged that at the time of development of Elm Court the units were approved for use as class 4 and class 2 space, for office and business use, under 07/01467/FUL. It is also acknowledged that this class 10 space reverted to class 2 and class 4 office accommodation space under application 10/01066/FUL in September 2010.
- Unit 5, Elm Court
- 4.21 In February 2018, permission was granted under retrospective application 18/01756/FUL for change of use from class 6 storage use to gym (class 11). This use was, in 2018, assessed as being complementary to the predominant class 4 use under the extant 2016 LDP.

5.0 CONCLUSION

- 5.1 The proposal for change of use of 2 Rowan Court from Class 4 to Class 2 is considered to be acceptable and compliant with adopted and emerging Local Development Plan policy on the basis of the content of this statement. The key points may be summarised as:
- The proposal for class 2 use is considered to comply with Policy ED1 and Policy PMD3 for the reasons noted in this statement. The proposed use is considered to be complementary to other business uses within Cavalry Park and to enhance the quality of the Park as an employment location. Further, the proposal offers

significant community benefits through the provision of much needed animal health services for small animal owners, equine needs and farm services in the Peeblesshire area.

- Other material considerations which apply to the assessment of this proposal for the specified class 2 use include planning history in the Park. There are several other class 2 uses permitted (where class 4 was originally intended) which have been considered to comprise “other complementary commercial activity” and to “enhance the quality of the Strategic High Amenity Business Park as an employment location.”
- Suite 2, 2 Rowan Court was granted a Class 2 permission in 2006.
- Evidenced over five years of searching, there is a lack of alternative suitable premises or land in or near to the town for development of an appropriate building for the veterinary practice. A statement of reasons why alternative premises are now urgently required has been set out.
- The seller of the unit, Pearson Donaldson Properties, has informed the applicant that consultation has taken place with the seven existing occupiers with a view to discussing alternative premises for the businesses. 2 Rowan Court is being sold to the applicant at the end of March 2023 with vacant possession, missives to that effect having been agreed before the submission of this application.