

**Application for Planning Permission for change of use from Class 4 to Class 10
(Educational School of Dance).**

3 ROWAN COURT, CAVALRY PARK, PEEBLES

on behalf of

Fiona Henderson School of Dance (FHSD)

8th July, 2024



Fig 1: East elevation of 3 Rowan Court

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1.0 INTRODUCTION AND BACKGROUND

- 1.1 This application seeks planning permission for the change of use of 3 Rowan Court in Cavalry Park from Class 4 (business) to Class 10 (education). The applicant is a long established (40 years) and well-known school of dance which has been located in Peebles for 25 years. **Fiona Henderson School of Dance (FHSD), a well-established locally and regionally important Dance School needs to secure 3 Rowan Court in order to provide a more suitable environment and on a long term secure basis for its future successful operation in the provision of dance education.**
- 1.2 3 Rowan Court comprises a detached, single storey office pavilion of timber frame construction with a masonry and render exterior finish. The accommodation extends to 217.36 sqm NIA (261.3 GIA). The roof is pitched and tiled and windows are double-glazed. 11 car parking spaces are included with the ownership of the unit.
- 1.3 The proposed layout of the premises is provided within the floor plan prepared by Border Architects. The existing layout is shown below. No external alterations are required and no structural internal alterations are required. New signage will be required which will be of the same dimensions as the former occupant's (DDL Care Ltd) sign. A separate application will be made for advertisement consent, as required.

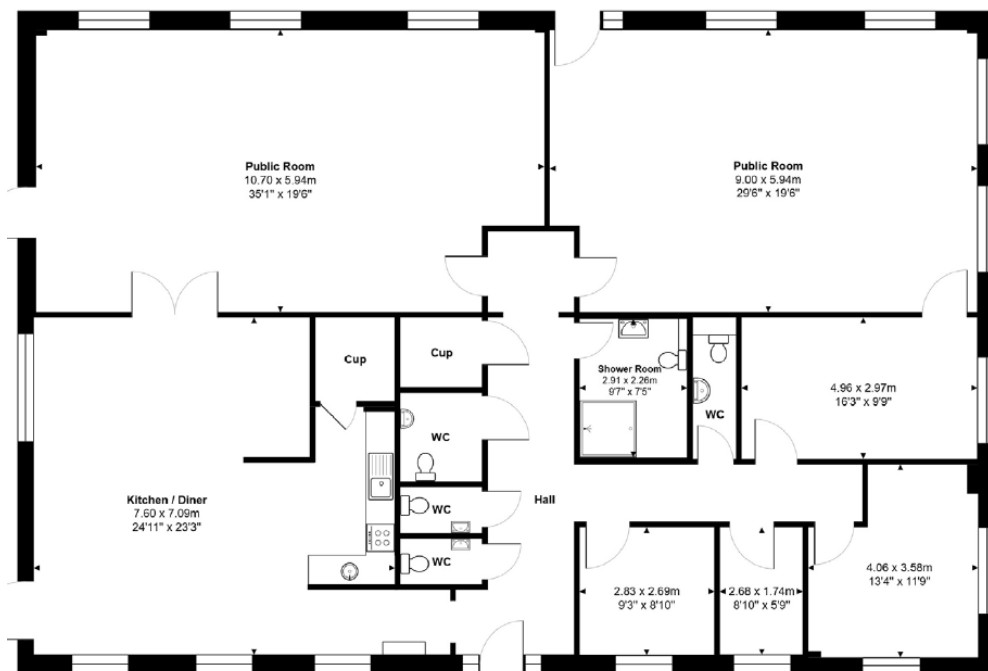


Fig 2: Existing Layout of 3 Rowan Court. Credit: Cullen Kilshaw Sales particulars

- 1.4 The unit was most recently occupied by DDL Care Services Ltd and is being sold after the business announced it was to cease trading in November 2024. It is understood that the building has been available for sale off market since the end of 2024, and more recently has been advertised by agents on the commercial property market.



Fig 3: 3 Rowan Court in Cavalry Park. Credit: Cullen Kilshaw Sales particulars

- 1.5 Planning application 21/00486/FUL was made by DDL Care Services Ltd for change of use of c. 75% of the ground floor of 3 Rowan Court from Class 4 use to Class 10 use. The proposal included making alterations to form additional class 4 office space within the roofspace of the unit.
- 1.6 The above-noted application was the subject of an appeal to the Local Review Body (LRB) (reference 21/00015/RREF) in August 2021. The LRB upheld the appeal. Condition 1 of the permission required that the Class 10 use on the ground floor must not be operational until the proposed Class 4 accommodation, to be created in the loft, was completed and available for occupation. This was in order to maintain the supply of business and employment floor space (class 4) in Cavalry Park.
- 1.7 A section 42 application, 22/01464/FUL, was submitted seeking variation of that condition to allow a longer timeframe within which the additional class 4 office space had to be provided. The applicant cited lack of economic viability of the provision of the floorspace, in terms of construction costs and the resulting market value. (Please refer to comments at section 3.34). The Planning Authority approved the application, stating that the class 4 floorspace should be completed and available for occupation, within three calendar years of the date upon which the Care Provider commenced offering its services from the unit. That floor space has not been provided as DDL Care Services Ltd ceased trading in November 2024.

- 1.8 Granting the section 42 application meant that a new planning permission for the development was created, and conditions 2-4 imposed previously within 21/00486/FUL were included in the new permission. Condition 3 of 22/01464/FUL provides that within a six month period of the cessation of the Class 10 use on the ground floor the use shall revert to Class 4 Business Use and any proposals for uses outwith Class 4 shall require new planning applications. This planning application is thus submitted for the required change of use despite the most recent use being Class 10.
- 1.9 The Application comprises the following documents.

Document	Author/ Ref
Planning Statement	Ericht Planning
Sales Particulars	Cullen Kilshaw
Business Plan	FHSD
Business Plan Financial Appendix <u>Commercially Confidential</u>	FHSD
Existing Floor Plan	Provided within Sales Particulars.
Proposed Floor Plan	Border Architects
Noise Assessment (to follow within c. 14 days of submission)	Ellendale Environmental

2.0 THE APPLICANT – FIONA HENDERSON SCHOOL OF DANCE (FHSD).

- 2.1 FHSD was established in 1985 and is one of the largest and longest established dance schools in the country. Initially the school rented various halls in Peebles on an hourly basis. The School is currently based on Old Church Road in Peebles within the Peebles Business and Arts Hub (former Halyrude Primary School). **The School has been based in Peebles for 25 years.**
- 2.2 FHSD is a leading dance education provider across all age groups from pre-school to adults and offers formal education and examinations under the following bodies:
- SQA (Scottish Qualifications Authority)
 - BATD (British Association of Teachers of Dance)
 - SDTA (Scottish Dance Teachers Alliance)
 - Acrobatic Arts
 - JR Classical
- 2.3 FHSD is an approved SQA (Scottish Qualifications Authority) examination centre, the same as a high school or college, and the organisation is approved by the SQA to offer formal SQA qualifications in Dance at National 5 and Higher levels in Ballet, Tap, Jazz, Highland and Contemporary. FHSD is one of only a few dance schools in Scotland which offer these

- SQA dance qualifications, and the *only one* in the Scottish Borders. These strong links to the national education system is the reason that it is firmly asserted that the proposed use of 3 Rowan Court is Class 10 – education.
- 2.4 SQA accreditation means FHSD is officially recognised by the Scottish Government's examination organisation as having met the rigorous requirements to offer SQA accredited exams. This is a major additional offering to the School's 'normal' dance exams which other dance schools offer. This gives FHSD the same status as Peebles High School - both having a unique SQA centre number.
 - 2.5 The Dance School is experiencing year on year growth in numbers of SQA students, attracting more pupils from across, and outwith, the Scottish Borders. The School's future development plans include seeking SQA approval to offer *additional* subjects and qualifications to provide further opportunities for its current and future pupils including Advanced Higher Dance and Musical Theatre courses.
 - 2.6 FHSD offers over 70 classes per week in a wide variety of dance genres: Ballet, Tap, Modern and Jazz, Highland, Scottish National, Acro, Street, Contemporary and Musical Theatre. Of the School's **430 pupils**, over 350 are based in Peebles and Tweeddale area and are of school age and 80% of these pupils take one or multiple subjects of dance and/or musical theatre classes and examinations.
 - 2.7 FHSD's academic year is anchored around dance tuition, pupil development, examinations, performances and community events. Unlike some other dance schools, the applicant offers a full diet of dance exams every year. In 2025/6 its school timetable has 11 full days of examinations across different subjects and grades with many pupils taking more than one examination per year. The School also offers private lessons and tuition throughout the year.
 - 2.8 FHSD is a multi-award-winning school including a national recognition award for 'Innovation in Teaching'. Awards include the following notable achievements:
 - 2021: Overall winner of UK Dance School of the Year;
 - 2020: Imperial Society of Teachers of Dancing 'Innovation in the teaching of Dance' award;
 - 2019: UK Dance School of the Year Silver Winner (up to 300 pupils);
 - 2018: UK Dance School of the Year Gold Winner (up to 200 pupils);
 - 2017: UK Dance School of the Year Finalist.
 - 2.9 FHSD is also passionate about staff professional development and has developed its own bespoke Dance Teacher training programme allowing young people to train as future dance teachers and sit professional dance teaching qualifications from age 16-25.
 - 2.10 The **National Performance Framework** (NPF) is Scotland's wellbeing framework and sets the vision for the kind of Scotland it is desirable to live in. Whilst the framework is under review, the 11 National Outcomes remain in operation. These relate to important strategic issues including Children and Young People, Communities, Culture, Economy, Education,

Environment, Fair Work and Business, Health. The proposal for the Dance School at 3 Rowan Court directly addresses all these outcomes in its provision of education and qualifications for young people, and others, in the arts sector (dance) through excellence in teaching and support. The Dance School enhances and maintains the health of all who attend the school, both in terms of mental health and physical health; health being a priority at both national and local government levels. The Dance School is one of the arts resources at the very heart of the Tweeddale community, and the business supports jobs directly and indirectly, as noted in this Statement. FHSD also contributes to raising the wider profile of Peebles such as through their sell-out performances at the Edinburgh Festival Fringe. 3 Rowan Court offers an environmentally sustainable and long term option for the School where it can continue, and grow, its powerful role in the education of dance in a sustainable manner into the future.

3.0 PLANNING POLICY CONTEXT AND ASSESSMENT OF APPLICATION

3.1 The proposal is subject to detailed assessment in this section and robust justification is provided as to the acceptability of the proposal in terms of policy within NPF4, the LDP and other material considerations.

3.2 In accordance with section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, ***planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.*** Assessment of the proposal is made under the following headings:

1. **Policy Assessment** against **NPF4 and LDP policy**.
2. Assessment of numerous other **Material Considerations** including:
 - The educational function which the Dance School has in conjunction with schools in the Scottish Borders.
 - The significant **wider community benefits** provided by the Dance School.
 - The long-established nature of the dance School in the community of Peebles.
 - The lack of suitability, and long-term security, of the School's existing premises which are occupied on the basis of a 'licence to occupy'.
 - The lack of alternative suitable premises or land available in, or close to, Peebles.
 - The Dance School's robust Business Plan and its need for larger and more environmentally sustainable premises with suitable parking.
 - The most recent use of the majority (75%) of the ground floor of 3 Rowan Court approved as Class 10 (non-residential institution – Day Care Centre).
 - The length of time the unit has been available for sale (December 2024).
 - Two approved applications (2023) for new office blocks for class 4 space in the Park have not been built, suggesting sufficient supply of Class 4 space exists.
3. A review of **Planning History** in Cavalry Park confirms a number of notable approvals for exceptions to conforming uses including Class 10 and Class 11 uses.

(1) POLICY ASSESSMENT

3.3 Key policies relevant to the proposal include:

NPF4

Policy 26 - Business and Industry

Scottish Borders Local Development Plan (2024)

PMD3 - Land use allocations

ED1 - Protection of business and industrial land

IS7 - Parking provision and standards

3.4 The location of Cavalry Park within Peebles is shown below, together with the location of 3 Rowan Court. (See aerial image on page 4 also).

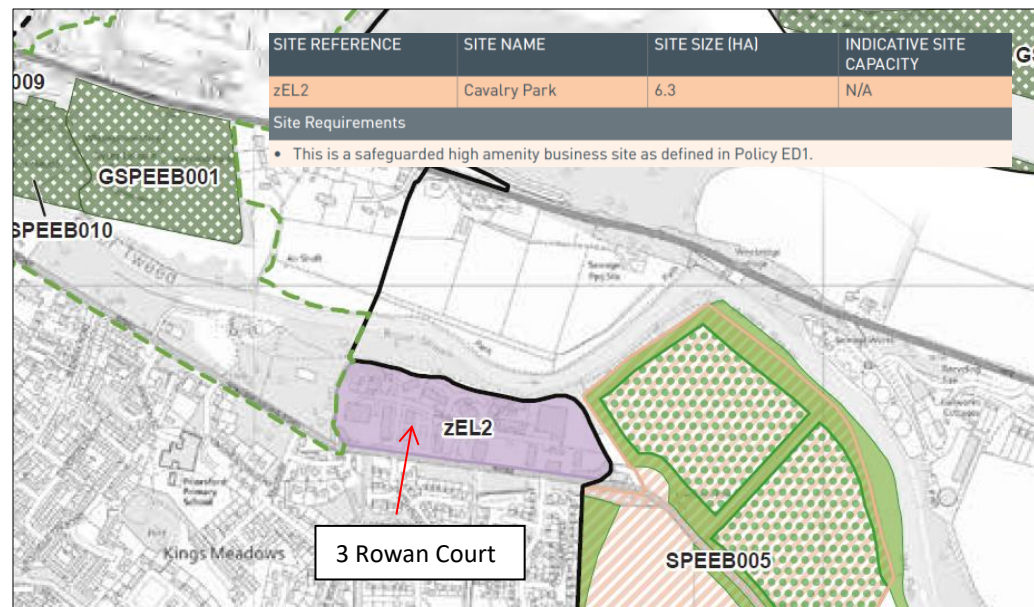


Fig 4: Location of 3 Rowan Court within Cavalry Park. Credit: Scottish Borders LDP (2024)

- 3.5 **NPF4 Policy 26** includes the provision that Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. The policy notes that other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- 3.6 **LPD Policy PMD3** aims to ensure that sites allocated in the Local Development Plan are developed for their intended use and that any alternative use is subject to appropriate justification. The explanatory policy narrative provides examples of the types of uses that might be considered to offer significant community benefits, and could therefore be justified an exemption; these include a health or sporting facility and a school (educational) or employment use. In this regard, the proposed use provides a strong

educational role in dance as well as providing significant community benefits in addition to health and wellbeing benefits.

3.7 The policy itself provides that development will be supported for the uses allocated within the LDP settlement profile maps. Any other use on allocated sites will not be supported unless the applicant can demonstrate:

- The proposed use is ancillary to the use within the allocation.
- There is no reasonable prospect of the land/ building becoming available for/ being used by the allocated use within the LDP period.
- The alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use in the allocation.
- The proposal is otherwise acceptable under the criteria for infill development.

3.8 The significant community benefits offered by FHSD include:

- FHSD supports other dance-related activities in schools within Tweeddale such as the Dance Club at Peebles High School and the Dance Club at Priorsford Primary School.
- FHSD supports Live Borders 'Active Schools Programme' which provides opportunities for local children to try dance classes, in many cases for the first time.
- FHSD also have a working relationship with Scottish Borders Council Social Services and receives referrals for children to attend classes on a bursary basis.
- FHSD engages the services of other local businesses such as SCB Transport on a regular basis and books 7-8 days at the Eastgate Theatre every year for dance and musical theatre performances. FHSD is a key customer of the Eastgate, something which is particularly important in the current difficult financial circumstances at the theatre.
- FHSD has a strong record of charity involvement and actively supports *Inspiring Life* - a Peebles-based charity supporting mental health, particularly through the expression of the arts and dance.
- FHSD supports *Borders Children's Charity* and has raised over £1000 for both charities at its 40th Year anniversary celebration ball earlier in 2025.
- FHSD runs an annual Christmas advent appeal for Peebles Foodbank and it also supports Tweed Togs.
- FHSD prides itself in training and developing their teaching staff with several undertaking further teaching qualifications through the school. Former pupils of FHSD have gone on to study dance, drama or musical theatre full-time at College/University.
- FHSD plays an integral part in its local community – in 2025 they have, or will be, providing young dancers/performers for events at Tweed Green Nursing Home, Riverside Nursing

Home, Polish Festival at the Polish Map of Scotland, St Ronan's Games Week Over 60's event, Peebles Community Festival, and technical assistance and equipment to support Peebles Beltane Festival, Kingsland Primary School and Peebles Orchestra. In the past it has also supported larger community events such as Peebles Hogmanay Torchlight procession and Beltane concerts.

- The proposed new dance studio will also provide a home for the newly formed South of Scotland Youth Ballet Company. This newly established Community Interest Company has been created to develop and nurture Ballet across the whole of the South of Scotland region. It is attracting dancers from East Lothian, Berwickshire, Tweeddale, South Lanarkshire, Midlothian and Dumfries and Galloway to come and receive expert ballet tuition in Peebles.
- The new studios will also provide a home for Stardust Performance Arts, a local musical theatre company which has over 80 pupils attending weekly tuition in dancing, singing and acting. This is one of the largest and fastest growing children's musical theatre group in the Scottish Borders.

- 3.9 **LDP Policy ED1** seeks to ensure an adequate supply of business and industrial land. "Business" is noted to refer to Class 4 which covers offices associated with class 4 businesses, light industry and research and development whereas Class 5 refers to general industrial and Class 6 is storage and distribution. High Amenity Business Sites are protected for class 4 use.
- 3.10 The policy notes that in terms of High Amenity Business sites "other high quality complementary commercial activity may be acceptable as well as non-industrial business/**employment generating** uses if it can be demonstrated, amongst other points, that it enhances the quality of the site as an employment location. The proposed use must respect the character and amenity of the surrounding area, be landscaped accordingly and demonstrate that it is compatible with neighbouring business and industrial sites.
- 3.11 **In terms of employment**, FHSD employs six members of staff and provides numerous opportunities for its senior pupils to be paid as part-time class assistants in younger dancers' classes. It also provides volunteering opportunities for high school pupils undertaking their Duke of Edinburgh awards and is registered to provide work experience placements. There are clear employment benefits.
- 3.12 As noted, no external alterations are required other than a change of signage on the building. The proposed use is able to be implemented with no detrimental impact upon the character of Cavalry Park or the amenity of other occupants of the Park or the housing to the south of Kingsmeadows Road. A Noise Impact Assessment is being completed by Ellendale Environmental and will form part of this application to demonstrate no detrimental impact upon the amenity of other Cavalry Park occupiers or the residential use over 50 metres to the south.

- 3.13 In terms of IS7, the premises have 11 car parking spaces associated with the ownership. This is an adequate number for FHSD.

Reversion to Class 4 use

- 3.14 As is normal practice in Cavalry Park when 'exemption uses' are approved, the applicant would expect the permission to include a planning condition stating that the class approved would be for that specific named use only and that within six months of the end of the occupation of the applicant the permitted use would revert to class 4, with any new proposal for uses out with class 4 needing new planning approval.
- 3.15 In summary, the proposal is considered able to comply with the above noted NPF4 and LDP policies. The proposal is considered to be wholly justified at 3 Rowan Court on account of matters including:
- The breadth of community benefits which this long-established, locally based business provides.
 - The educational benefits which FHSD provides.
 - The provision of local employment and the growing nature of the business.
 - The compatibility with the surrounding uses within the Park which include a range of educational (nursery) use, numerous class 1A(2) uses and class 4 uses.
 - The compatibility with neighbouring residential use to the north of the public road.
 - The lack of detrimental impact on the visual character as there is no requirement to alter the building externally. Any alterations will be of a 'cosmetic' nature such as decoration, ballet barres, dance flooring, installation of sound and TV equipment and frosted window film, where required, for privacy and child protection and safeguarding.
 - It is understood that there has been no other formal offer to purchase the unit in 2025. The property became available for sale at the end of 2024.
 - The availability of two permissions (2023) to create class 4 office blocks in Cavalry Park which have, thus far, not been implemented. It is considered that were there a supply shortage for class 4 office space, there would have been incentive for development to have commenced.

(2) OTHER MATERIAL CONSIDERATIONS

- 3.16 Having assessed the proposal in terms of adopted policy, regard is now turned to the extensive number of Other Material Considerations which require to be taken into account in assessing this application.

(i) Lack of Suitability of FHDS's Current Leased Premises

- 3.17 The Applicant currently leases space at 'Peebles Business and Arts Hub' on Old Church Road in Peebles (on the site of the former Halryude Primary School). This arrangement has based on a series of short-term 'licence to occupy' agreements which offers little long-term stability in terms of future security or business growth potential for the Dance School in the implementation of their Business Plan.

- 3.18 The 'Peebles Business and Arts Hub' benefits from planning permission 17/00207/FUL Change of use of school to auction house, business hub (Class 4 & Class 6 uses) and food production (Class 5 use). The use restriction was unknown to the applicant when the lease was taken on. **The moving of FHSD to 3 Rowan Court would render class 4 space available at this location.**
- 3.19 The building on Old Church Road has not been comprehensively modernised in terms of insulation and energy efficiency. Further information is provided in the financial appendix to the Business Plan provided as part of this application. The building does not have the space or layout to support FHSD's future development and growth plans in accordance with the Business Plan. The space, including toilets, is shared with other tenants including a yoga studio, tenants of several storage rooms, tenants of garage lock-ups at the Hub as well as occasional tradesmen and customers of the Peebles Auction House. Parking is limited, with the small car park frequently becoming congested.
- 3.20 Child protection and safe-guarding issues are a material consideration in the School's requirement for a detached, sole occupant (as opposed to shared) premises. From 1st April 2025, all organisations working with children and young people must legally ensure all the adults working in the same space hold a PVG certificate issued by Disclosure Scotland. All FHSD staff hold this PVG certificate. Shared premises, including shared toilets, are far from ideal. Currently young children need to be chaperoned to the toilet when other building occupants are present, thus disrupting classes.
- (ii) **Lack of Suitable Alternative Premises**
- 3.21 The Applicant has been looking for suitable premises in Peebles for three years and despite constant searching there have simply been no suitable properties which have come to market. Many verbal discussions have taken place with commercial estate agents.
- 3.22 The Dance School's requirement for suitable premises comprises three dance studio spaces and tuition rooms for private tuition and examinations. In addition, the premises must include staff office accommodation, meeting space and adequate changing and toilet facilities for the school pupils. The School requires appropriate access arrangements and sufficient car parking. The property at 3 Rowan Court building meets all these requirements.
- 3.23 Classes are held seven days a week. A town centre high street building, were such available, would not be suitable in terms of the necessary accommodation (type and physical space) nor parking arrangements.
- 3.24 Comment is provided overleaf on the limited properties currently on the market (rental and sale).

ADDRESS	SIZE (NIA unless stated)	COMMENTS
3 Rowan Court Most recent use – class 10 Conforming use – class 4	217.36 m ² (2,340 ft ²)	Has established Class 10 use. Significant planning history in Cavalry Park of non-conforming uses accepted as being complementary to the other uses in the Park. Location is highly accessible for pupils, teachers, examiners and customers. Has adequate parking/ drop off space. Is ready to occupy by FHSD with only cosmetic internal changes and revised signage required. Presents an immediate, viable and affordable opportunity for the FHSD. No major redevelopment required. Presents the only opportunity in Peebles for the School that has been seen in over 3 years of active searching. Sustainable opportunity in terms of energy use and heat retention due to being highly insulated. Detached single-occupant building ensuring child protection and safeguarding requirements can be met.
2 High Street, Innerleithen (ground floor) Class 1A	103.86m ² (1,118 ft ²)	The property lies outwith Peebles away from pupil and customer base. It is within the Town Centre boundary and offers only c. half the space required, and has an unsuitable accommodation layout. No dedicated parking is available. Available for rental, not purchase. The proposed use would not be acceptable in a town centre location.
37 High Street, Peebles (ground floor) Class 1A	139.91 m ² (1506 ft ²)	The property is within Town Centre boundary and core activity area. It offers less space than that required and has an unsuitable accommodation layout. No dedicated parking is available. Available for rental, not purchase. The proposed use would not be acceptable in a town centre location.
Boiler House, March Street Mills, Peebles High Amenity Business Site Class 4 – part of MPEEB007	LGF: 303 m ² (3,261 ft ²) GIA GF: 237 m ² (2551 ft ²) GIA	The property of traditional stone construction lies within the March Street Mills site, which is undergoing development for housing. The location <i>within</i> a housing development is not a suitable location for a Dance School. The property is split between lower ground and ground floor/ mezzanine level and does not offer a suitable layout. The building has been stripped out to shell and requires full

		redevelopment, including contamination investigation and potential remediation. The redevelopment costs would likely extend to several hundred thousand pounds and would present a high risk and unaffordable venture for FHSD. 9 parking spaces are available shared between the Boiler House and Engine Shed. 4 or 5 parking spaces associated with this building would be insufficient.
Engine Shed, March Street Mills, Peebles High Amenity Business Site Class 4 – part of MPEEB007	LGF: 63 m ² (678 ft ²) GIA GF: 67 m ² (721 ft ²) GIA	The property of traditional stone construction lies within the March Street Mills site, which is undergoing development for housing. The location <i>within</i> a housing development is not a suitable location for a Dance School. The property is split between lower ground and ground floor/ mezzanine level and does not offer a suitable layout. The building has been stripped out to shell and requires full redevelopment, including contamination investigation and potential remediation. 9 parking spaces are available shared between the Boiler House and Engine Shed. 4 or 5 parking spaces associated with this building would be insufficient. The floorspace is significantly too small for the requirements of FHSD.

3.25 Under LDP **Policy ED4** it is noted that Community and Cultural facilities could be supported in certain circumstances in core activity areas (a designation relevant to Peebles), where it can be demonstrated that the proposal would make a positive contribution to the vitality and viability of the town centre. The aim of the designation is to encourage public activity within the central parts of town centres. Core Activity Areas aim to ensure a range of commercial uses and development which increases footfall in town centres.

3.26 In this regard, a town centre location is not suitable for the Dance School on account of several reasons including:

- The FHSD premises cannot offer an “active frontage”.
- The premises would not directly contribute to town centre footfall. Many of the classes are beyond 5pm.
- Lack of parking and drop off facilities.
- Lack of property of sufficient size being present in a town centre location.
- Many town centre premises have residential use above or immediately adjacent.

(iii) Long established local business with requirement to be located in Peebles

3.27 Some 80% of the customers who attend the Peebles dance studio live in or around Peebles. Almost all the FHSD pupils attend schools in Peebles and many pupils walk

straight from their schools to FHSD for their classes. For the type of business which the FHSD is, location is a critical factor.

(iv) **Material Community Benefits**

- 3.28 These have been outlined in detail in the Policy Analysis section above.

(v) **Employment**

- 3.29 Employment has been outlined in the Policy Analysis section above.

(vii) **Length of time 3 Rowan Court has been available.**

- 3.30 It is understood that DDL Care Services Ltd ceased trading in November 2024 and that the building would have been available, off market, since that time. Formal marketing by an agent commenced more recently in mid-2025.

Note on feasibility and viability of Loft Conversion to Class 4 space in 3 Rowan Court

- 3.31 The planning approvals for DDL Care Ltd to operate Class 10 (care hub) space on the ground floor of 3 Rowan Court included a condition requiring conversion of the loft of the building to class 4 office space.
- 3.32 The conversion work has not carried out by DDL Care Ltd. and the company subsequently achieved a revised planning permission requiring the conversion work to be completed in a longer timescale, up to 3 years from when they first occupied the unit, rather than prior to occupation. DDL Ltd. confirmed that the conversion project was neither economic nor affordable. The 3 year period was not reached before the company ceased trading towards the end of 2024.
- 3.33 When FHSD occupies the building, it is necessary to be upfront that it would not be possible or practical to provide third party office space in the loft. The space is not required by FHSD, and, crucially, it would not be possible to rent these out to a third party because they would need to access the accommodation via the main entrance and hallway as a “common area” used by student children and young people attending the Dance School. This would present unacceptable child protection and safe-guarding issues. From 1st April 2025, all organisations working with children and young people must ensure all the adults working in the same space hold a PVG certificate issued by Disclosure Scotland. All FHSD staff hold this PVG certificate. It would not be reasonable or practical to anticipate that third party users and potential visitors of converted office space in 3 Rowan Court’s loft would hold such a certificate.
- 3.34 The current roof to 3 Rowan Court comprises a series of hybrid double Howe and truncated trusses. Their design is complex and the individual timbers that make up the trusses are small in cross section. They support the sarking board and concrete tiles above, and the plasterboard ceiling below. **Their design could not easily be altered were the roof space needing to be used for anything other than access for maintenance.**
- 3.35 The formation of habitable office space at first floor level would require the entire roof structure to be redesigned and a new structural floor to be formed where the current

ground floor ceiling sits. Due to the spans involved, (rafters and floor trusses), a **completely new steel structure would have to be introduced**. The roof and new floor would essentially be hung from the new steel frame and supported on the existing external walls. New rafters would need to be introduced and, due to their size, part of the roof would need to be opened up to get them in. Rafters would need to be doubled up either side of the roof windows and trimmed.

- 3.36 Externally, the steel frame would require a minimum of 4 new concrete pad foundations to support columns that would rise above the first-floor ceiling to support the new first-floor joists and the rafters at high level.
- 3.37 Unless Building Standards were agreeable to a digression, an accessible lift would be required under Building Standard 4.2.7 as the floor area at both ground and first floor would be greater than 100m². In accordance with the RICS Code of Measuring Practice, floor space which has headroom under 1.5m is excluded from the calculation of gross internal floor area. This means that there would be less useable floor space created than may appear by viewing the approved floor plan under application 21/00486/FUL owing to the coombd nature of the ceiling at first floor level, whereby the wall/ ceiling junction is only 0.9m high.
- 3.38 A further reduction in this space would occur due to the necessary deduction of a new stairwell, a lift, WCs and kitchenette area. The usable net internal area would not be as significant as a simple floor plan may indicate. The works described above could only be executed within an unoccupied building and would take a minimum of 16 weeks to complete. Lastly it should be noted that, the resulting office space would be not be nearly as attractive, commercially, as ground floor office space.
- 3.39 It is repeated, for the avoidance of doubt, that the applicant's proposed occupation of 3 Rowan Court will result in only a small reduction in class 4 space as compared to the situation which has existed under the most recent occupation by DDL care Ltd (class 10 use). Only ¼ of their ground floor space was available as an office for Valley Landscaping Ltd and the loft space remains undeveloped due to the economics of the project. Further, vacating class 4 space on Old Church Road would make that available for other class 4 occupiers.
- 3.40 To summarise, a wide range of Material Planning Considerations, listed below, have been explained in this section which, together with the comments made under the policy assessment in the previous section, indicate support should be given to this proposal for change of use of 3 Rowan Court to allow the applicant to operate the FHSD.
- (i) Lack of Suitability and long term future security and sustainability of FHSD's current premises;
 - (ii) Lack of suitable alternative premises;
 - (iii) Long established local business with a key requirement to be located in Peebles;
 - (iv) Supports health and wellbeing of its many pupils of all ages.
 - (v) Material community benefits;

- (vi) A business focused on education which provides notable employment;
- (vii) Availability of two Class 4 development sites in Cavalry park which has not been developed.
- (viii) Unrealistic prospect of class 4 office space being created within the loft in the future regardless of occupier at 3 Cavalry Park.

(3) RELEVANT PLANNING HISTORY IN CAVALRY PARK

- 3.41 Lastly, this assessment turns to the extensive and relevant planning history in Cavalry Park whereby numerous exceptions to policy have been granted upon the merits of each application. The permissions comprise both delegated Officer Decisions and Local Review Body Decisions. Local Review Body decisions are made by a quasi-judicial Committee of the Council.
- 3.42 Whilst each case, including this application, must be decided upon its merits, there are certainly aspects of numerous cases which are directly relevant to the current proposal. The permitted changes of use in Cavalry Park where Class 4 is the conforming use, do include Class 10 and Class 11. The Applicant's submission addresses many of the points raised by Officers and LRB in their decisions to approve these applications. Key cases are summarised below.
- 3 Rowan Court, Suite 3 - 21/00486/FUL and 21/00015/RREF. CLASS 10**
- 3.43 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 Care 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 class 10 use was considered to be a complementary use to other uses within the Park.**
- 3.44 The permission had a requirement to provide class 4 space by means of a loft conversion prior to the class 10 care use coming into effect. DDL made an application to allow the provision on the class 4 space to be provided, not prior to commencement of the care use but within three calendar years of the date of commencement of operation of the approved Class 10 use. The application set out that provision of the class 4 space as proposed was not economically viable and would not increase the unit's capital value. The DDL business ceased trading in advance of three years of occupation.
- 3.45 Permission 22/01464/FUL, granted on 29/11/22 provided by way of planning condition that *"within a six month period of the cessation of the Class 10 use on the ground floor, or subject to any alternative period agreed in writing with the planning authority, the use shall revert to Class 4 Business Use and any proposals for uses outwith Class 4 shall require new planning applications"*.

Unit 5, Elm Court 18/01756/FUL CLASS 11

- 3.46 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 2016 LDP.
- 3.47 The Officer's report stated Cavalry Park is defined in policy ED1 as a Strategic High Amenity site. That designates the area as being for predominantly class 4 use. Although a gym falls within class 11, in this instance, ***"the gym is taken to be a complementary use which enhances the quality of the business park as an employment location"***. As other activities fall within class 11, a condition was used restricting the use to only a gymnasium. The unit would also revert to its original use on cessation of the use as a gym.

Suite 2, Unit 2 Rowan Court 06/01787/FUL. CLASS 2, NOW 1A(2)

- 3.48 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.

Suite 2, Unit 2 Rowan Court 23/00056/FUL and 23/00016/RREF. CLASS 1A(2)

- 3.49 Much more recently an application (ref 23/00056/FUL) was made on behalf of the Two Rivers Veterinary practice by the author for change of use of the whole of the premises at 2 Rowan Court from Class 4 to what was then Class 2 (now class 1A[2]). The application was refused by the Planning Authority in March 2023. The Local Review Body under appeal 23/00016/RREF upheld the appeal and granted permission on 22nd August 2023. Internal works are underway on the building at this time to create the veterinary practice.
- 3.50 The Local Review Body noted that a Class 1A use was not a Class 4 use which is predominantly required by Policy ED1 of the Local Development Plan on a Strategic High Amenity site such as Cavalry Park. **Members acknowledged that other non-Class 4 uses were currently operating within Cavalry Park**, which included a Class 1A Doctors and Class 10 Day Care Centre.
- 3.51 Members noted that the applicants operated a successful veterinary practice within Peebles Town centre where they had outgrown their current location and also caused traffic issues. The Review Body noted that there would be job creation prospects by relocating the business to these premises. Members accepted that there was high demand for a vets within Peebles where the business offered an important service to the community and the wider rural area. It was judged that the new premises would enable the business to grow and present more employment opportunities. The site was considered to be accessible and offered good parking provision. It was determined that the site represented a sensible location for a vets which would serve Peebles and the wider area by providing the community in accordance with the Place Principle promoted by Policy 15 of NPF4.
- 3.52 Members considered that the proposal complied with Policies ED1 and Policy 26 of NPF4 in that it **represented an employment use which would be compatible with the business function of Cavalry Park**. It was also accepted that the development demonstrated that it would generate **community benefits which allowed an exception to be considered under**

Policy PMD3, provided the use was limited to that specifically applied for, and in the event the veterinary practice ceasing to trade, the premises would return to a Class 4 use.

06/02165/FUL 1 Silverbirch Studios. CLASS 10

- 3.53 This application for change of use from office (Class 4) to adult education and training studio (Class 10) was approved in December 2006. The Officer's report states ***"This is a relatively straight forward change of use from office to adult education training facility. The site is located within an area of land covered by the retention of employment uses. While not strictly falling within the uses classes 4, 5 and 6 of the use classes order as identified in the Finalised Local Plan, it is considered that the use of this single unit would be similar to that of the children's nursery and would complement the other uses"***.

Kingsmeadows Nursery, Cavalry Park. CLASS 10

- 3.54 The Nursery has existed in the Park for many years, the principle of the Nursery use of employment land having been addressed and established as suitable within applications for numerous consents on the site, both for the permanent and temporary uses over many years from 1999 onwards.

Unit C, 6A Elm Court 08/01525/FUL. CLASS 10

- 3.55 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). The original permission for development of the Elm Court units was for use as class 4 and class 2 space, for office and business use (**07/01467/FUL**). It is acknowledged that the above mentioned approved class 10 space reverted to class 2 and class 4 office accommodation space under application **10/01066/FUL** in September 2010 but none the less this case provides another clear example of a non-conforming use having been approved within the Park.

3 Cherry Court - 15/00275/FUL and 15/00011/RREF. CLASS 2, NOW 1A(2)

- 3.56 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).
- 3.57 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.
- 3.58 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 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.

- Block 2, Unit 6, Cherry Court – 15/01498/FUL & 16/00013/RREF. CLASS 2, NOW 1A(2)**
- 3.59 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.
- Land to south of 3 Rowan Court 23/00499/FUL – Potential for new CLASS 4 space.**
- 3.60 This application for the erection of a class 4 business use office block was approved in November 2023. The Officer noted that there had been a loss of Class 4 space in Cavalry Park over the years through units being converted to other uses. The proposed building would introduce additional office space which would compensate for the reduction in floor space as a result of those various changes. Over 18 months has passed and there has been no known progress on the erection of this block, suggesting adequate supply of class 4 space.
- Land to west of 1 Rowan Court 23/00500/FUL – Potential for new CLASS 4 space.**
- 3.61 This application for the erection of a class 4 business use office block was approved in May 2023. The Officer noted that there had been a loss of Class 4 space in Cavalry Park over the years through units being converted to other uses. The proposed building would introduce additional office space which would compensate for the reduction in floor space as a result of those various changes. Over 18 months has passed and there has been no known progress on the erection of this block, suggesting adequate supply of class 4 space.
- Units 9&10 Cavalry Park Business Centre 22/00983/FUL Proposed Gymnasium CLASS 11**
- 3.62 An application was refused by the Planning Authority in August 2022 for change of use from existing class 4 office to class 11 commercial gymnasium. The application was refused by the Planning Officer.
- 3.63 In that case, the premises were not a detached unit, but rather comprised units at first floor level within the multiple-occupancy building called “Cavalry Park Business Centre” which lies some distance to the north east of detached 3 Rowan Court. In that case, the applicant had failed to provide information regarding **(a) their search for alternative premises, (b) Demonstration of lack of alternative premises (c) The provision of significant community benefits and (d) assessment of noise impacts to neighbours within the building. Further it was noted that the proposal was for a wholly commercial proposition.**
- 3.64 **All these points have been robustly addressed by the current applicant in their submission for an educational Dance School at 3 Rowan Court.** The application before the planning authority for the Dance School is materially different from the above proposal for a commercial gym, all as already set out within this Statement, but to summarise.
- The proposal is an educational use with significant educational benefits, albeit that FHSD is a successful long-established local business.

- The classes are pre-arranged formal dance classes, the majority of which are geared towards formal assessment/ examinations. There is no “walk-in” use by members of the public.
- The material community benefits of the dance school, in addition to the education aspect, have been set out.
- Noise Assessment has been conducted at the current premises and modelled at 3 Rowan Court and the results demonstrate that there is no detrimental impact upon other occupants of Cavalry Park or upon the residential use over 50 metres to the south.
- 3 Rowan Court is a detached building which will be wholly occupied by FHSD.

White Bridge Park, Kingsmeadows Road. Change of use from Class 4 business to CLASS 6 plant hire and builders' yard (retrospective) 23/00524/FUL and 24/00033/RREF

- 3.65 Whilst this application lies outwith the Strategic High Amenity site, it does lie to the immediate east. Information is included for completeness and to demonstrate the LRB's recognition of the need for a variety of different types of space for established local businesses in the Peebles area.
- 3.66 The application was refused in July 2024 for a wide number of reasons summarised below:
- The site was greenfield within the countryside and on land designated as a special landscape area. The land is not allocated for storage and distribution purposes.
 - The applicant had not demonstrated that there were no suitable alternatives allocated within the LDP.
 - No overriding economic and/or operational need for the operation to be located there was made.
 - Conflict with the development plan is not overridden by other material considerations.
 - The proposal fundamentally alters the character of the area and would be detrimental to the amenity of the surrounding area. The proposal is not compatible with the surrounding area.
 - Woodland had been lost and the applicant failed to demonstrate that the development would result in public benefits which would outweigh the loss of this woodland resource.
 - No overriding case for the development as proposed has been substantiated.
 - The applicant failed to prove that the development would not have an adverse effect on protected species which may be present on the site.
 - The above conflicts were not considered to be overridden by other material considerations.
- 3.67 At LRB, the development was judged to be supported by a strong business case that demonstrated the business is well established where it directly employs 16 members of staff and indirectly supports several other jobs and enterprises, particularly within the Tweeddale area. Members considered that there were no other suitable alternative sites that were allocated within the LDP that could successfully accommodate the business. Overall, Members were satisfied that a compelling economic case had been provided to

justify that the development represents an established and sustainable job generating business.

4.0 **CONCLUSION**

- 4.1 This detailed Supporting Statement, together with the Applicant's Business Plan, demonstrates that a proposal to locate the Fiona Henderson School of Dance at 3 Rowan Court is able to meet with the provisions and intentions of the Local Development Plan in terms of being an exception to class 4 use. Occupiers in Cavalry Park are wide ranging and include the long established Nomad Beat Music, a registered charity with a passionate team of music educators delivering music lessons and outreach group sessions to people of all ages, abilities and needs. That use is considered to be directly comparable in many ways to FHSD, particularly in its educational aspects and working with young people.
- 4.2 The several Other Material Considerations outlined herein further strengthen the case for granting permission for FHSD to be located in the Park. A major consideration is lack of suitable premises in Peebles for the School and the long (40 year) established nature of the business, of which 25 years have been based in Peebles.
- 4.3 It must also be recognised that many non-conforming uses have been granted permission over the years to locate in Cavalry Park as justifiable exceptions in planning terms, both at Officer level and at Local Review Body.
- 4.4 Granting permission to FHSD to operate at 3 Rowan Court will secure the long term future of the Dance School and ensure it can continue its crucial role in dance education, working with schools and in the community from a safe and sustainable building in the town.

APPENDIX 1:**3 ROWAN COURT IMAGES****Fig 1: East (front) Elevation****Fig 2: West (rear) Elevation**



Fig 3: North and west elevations



Fig 4: North elevation



Fig 5: South elevation



Fig 6: South and east elevations and parking



Fig 7: Bin store adjacent to north elevation.