



## Garioch Area Committee Report – 27 August 2019

Reference No: APP/2019/1329

**Full Planning Permission for Change of Use from Industrial (Use Class 5) to Gym (Use Class 11) at Units 3 and 4, Craigearn Business Park, Kintore, Aberdeenshire, AB51 0TH**

**Applicant: Garioch Gymnastics Club**  
**Agent: Portico Design**

Grid Ref:	E: 379210 N: 814866
Ward No. and Name:	W12 – East Garioch
Application Type:	Full Planning Permission
Representations:	2
Consultations:	4
Relevant Proposals Map Designations:	Within Kintore settlement, BUS3
Complies with Development Plans:	No
Main Recommendation:	Grant



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This application seeks full planning permission for a change of use from industrial (Use Class 5) to gym (Use Class 11) at Units 3 and 4, Craigearn Business Park, Kintore. The site forms part of the BUS3 designation which is allocated in the Aberdeenshire Local Development Plan 2017 as safeguarded / reserved for employment uses. An application was received in 2007 (Application Reference APP/2007/2361) for the erection of this industrial building and a condition was placed on the permission to limit the use to Class 4 (business) and Class 5.
- 2.2 The application site is located to the south east of the settlement of Kintore. Jim Reid Service Centre is located to the north, Wee Rascals Too nursery is located to the north east, Morrison Way access road is located to the east with industrial units beyond, Jim Reid Vehicle Sales is located to the south and the B987 public road is located to the west of the application site. The residential properties, Mayfield and Rockville, are located approximately 30 metres across the B987 to the west. The A96 Aberdeen to Inverness Trunk Road is located approximately 0.5 mile to the south.
- 2.3 The proposed hours of operation would be 08:00 to 22:00 Monday to Sunday and there are no external changes proposed to the building to facilitate the new use and parking will be as existing. No new connection to a public water supply is required and no new drainage arrangements are required.
- 2.4 Relevant Planning History
- APP/2009/1767 – Erection of Illuminated Signage. Approved 16/07/2009.
  - APP/2007/2361 – Erection of 4 no Industrial Workshops (for Class 4 Business Use and / or Class 5 General Industry) with Ancillary Offices, and one Car Sales Unit (sui generis use), together with associated open storage of cars, in connection with the Car Sales Unit, and car parking. Approved 19/02/2008.

## 2.5 Supporting Information

- The agent has provided a written response dated 01/07/2019 to the objector's comments to the proposal.
- A supporting email was received from the Agent on 02/07/2019.

## 3. **Representations**

3.1 A total of 2 valid representations (2 objections) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *Safety concerns;*
- *Volume of traffic and congestion;*
- *Increase in traffic and parking.*

## 4. **Consultations**

4.1 **Infrastructure Services (Archaeology)** confirms that no archaeological mitigation is required in this instance.

4.2 **Infrastructure Services (Environmental Health)** confirms that it has no objections to the proposal providing conditions relating to the noise level and the hours of operation are placed on any permission granted.

4.3 **Infrastructure Services (Roads Development)** confirms that upon receiving further information regarding hours of operation, staff numbers, gymnasts and spectators, it confirms that the parking proposed is sufficient.

4.4 **Infrastructure Services (Transportation)** confirms that it has no objections to the proposal subject to a condition to be placed on any permission for a Travel Plan to be developed and approved by Transportation.

## 5. **Relevant Planning Policies**

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long-term public interest. The goal is a prosperous and

socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

## 5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

## 5.3 Aberdeenshire Local Development Plan 2017

Policy B1: Employment and business land  
Policy P1: Layout, siting and design  
Policy C1: Using resources in buildings  
Policy C4: Flooding  
Policy RD1: Providing suitable services

## 5.4 Other Material Considerations

None

## 6. Discussion

- 6.1 The key issues in the determination of this application are the principle of development, the impact on the character and amenity of the surrounding area and neighbouring properties, and the consideration of any technical matters.

## Principle

6.2 The application site is situated within Craigearn Business Park within the settlement of Kintore. The site forms part of the BUS3 designation which is allocated in the Aberdeenshire Local Development Plan 2017 as safeguarded / reserved for employment use. There are a variety of existing uses within the business park including two nurseries, car sales and oil and gas related businesses. This proposal is for a gymnastics centre which is defined as Use Class 11 (Assembly and Leisure) however the current use of the building is Use Class 5 (General Industrial). As such, the proposal is in conflict with the requirements of Policy B1: Employment and business land, which aims to ensure retention of existing business land. The policy is explicit in stating that the 'non-employment uses' will not be supported on sites identified for employment use unless:

- 1) there is a constraint on the site whereby there is no reasonable prospect of it ever becoming marketable for employment development; OR
- 2) the site is poorly located for employment uses and an alternative land use would benefit the surrounding area and community.

In either of these cases, the applicant must also demonstrate that the non-employment use:

- a) will not prejudice the strategic employment land requirement; AND
- b) would be compatible with neighbouring employment uses; AND
- c) will respect the character and amenity of the surrounding area and is landscaped accordingly.

6.3 In terms of Policy B1, the proposal seeks to utilise a currently vacant building that is currently Use Class 5. The agent has produced evidence for the site that the property has been vacant and marketed for let since November 2018, with very little interest and only 1 viewing by an industrial user and that there are numerous other vacant industrial units in the Kintore area. The agent confirms that the applicant has considered other units in the area, but these have been unsuitable due to price, size, accommodation and industrial neighbours. Furthermore, the agent confirms that the applicant has explored other viable options within the local area and why these have not been successful.

6.4 It is considered that the property has been vacant for a reasonable amount of time and that it would be better to consider uses other than class 4 and 5 if it means that the building will be brought back into use. It is also considered that the proposed use as a gymnastics centre would be of a benefit to the local community as a new facility. While the glossary to the Aberdeenshire Local Development Plan 2017 identifies that employment land / employment uses are "normally classes 4, 5 and 6", it is accepted that other uses can also provide employment opportunities.

6.5 It is recognised that the building is of a reasonable scale, with a floor space of 770m<sup>2</sup> and this proposal would remove 'business' opportunities from the application site. However, it is not considered to be of a significant scale and not considered to prejudice the strategic employment land requirement. There are a number of vacant units within Craigearn Business Park advertised for lease or sale and there are a further three identified BUS sites within the

surrounding area that would mean that the settlement of Kintore would still have significant opportunities to develop business opportunities within one of the other BUS sites.

- 6.6 The proposed development would not introduce a conflicting or bad neighbour use in relation to other businesses operating nearby. Given the range of businesses and other uses already established and operating within the wider BUS2 site, the proposed change will result in a minor change with no adverse effect, either individual or cumulative.
- 6.7 Notwithstanding the above, it is considered that the proposal would not comply with the requirements of Policy B1: Employment and business land. In terms of the principle, the proposed development is not considered strategically or regionally significant or require consideration of cross-boundary issues owing to the small-scale nature of the proposal and therefore does not have to be considered against the Strategic Development Plan. The Planning Service is aware of the potential benefits to health and wellbeing of the local community for those who would use the facility. The proposal is therefore considered to constitute an acceptable departure to Policy B1: Employment and business land.

#### Layout, Siting and Design

- 6.8 Policy P1: Layout, siting and design of the Aberdeenshire Local Development Plan 2017, aims to ensure that all development is of a high quality, appropriate to its setting and does not adversely impact on the character of the area. As no external changes are required to facilitate the buildings new use, it is considered that the proposed change of use would respect the character of Craigearn Business Park and would not erode the amenity of any of the neighbouring businesses or the surrounding area. The proposal would therefore comply with Policy P1: Layout, siting and design.

#### Technical Matters

- 6.9 Roads Development has confirmed that the provision of 28 car parking spaces is acceptable and there is ample room within the site to accommodate the level of parking which will be required by this change of use application. Transportation confirms that it does not object to the proposal however, it recommends that a condition relating to the submission of a travel plan be placed on any permission granted. It is therefore considered that the proposal is acceptable in terms of Policy RD1: Providing suitable services.
- 6.10 In terms of water supply, no new connection to a public water supply is required. Similarly, no new drainage arrangements are required. The proposal therefore satisfies the requirements of Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.
- 6.11 Environmental Health has no objection to the proposal subject to conditions relating to noise and the hours of operation being placed on any permission granted. Furthermore, it makes the observation that irrespective of any grant of planning permission, the proposed development would remain subject to other statutory legislation. In particular, the grant of planning permission would not prevent the Council from subsequently investigating complaints concerning activities arising from the development that could amount to a

“statutory nuisance” as defined in section 79(1) of the Environmental Protection Act 1990.

### Conclusion

- 6.12 To conclude, the proposal is considered to be an acceptable departure to Policy B1: Employment and business land of the Aberdeenshire Local Development Plan 2017. The proposal would constitute a modest loss of employment land and utilises an existing vacant building. It is also considered the proposed gymnastics centre provides a facility to the local community. The building is capable of being reverted into industrial use in the future and there are other employment land opportunities within the settlement of Kintore.
- 6.13 Furthermore, the points raised in representations have been considered and there are no material considerations that would justify a recommendation of refusal. It is therefore considered that the proposal is recommended as an acceptable departure from policy and that planning permission is approved.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Implications and Risk**

- 8.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal’s degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **10. Departures, Notifications and Referrals**

### 10.1 Strategic Development Plan Departures

None

### 10.2 Local Development Plan Departures

Policy B1: Employment and business land

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 11. Recommendation

### 11.1 GRANT Full Planning Permission subject to the following conditions:-

1. The use of the building hereby approved shall not be brought into use unless a Travel Plan for that building has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The use of the building shall not be brought into use unless the measures set out in its respective approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

2. The use hereby approved shall not operate outwith the hours of 08:00 and 22:00 hours Monday to Sunday.

Reason: In order to protect the amenity of nearby and adjoining residents.

3. The noise level due to the operation of the premises when measured at 1 metre from any window, door or other ventilation opening serving any adjacent residential property, shall not exceed 38 dB LAeq (1 hour).

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

### 11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.

The proposal is considered to be an acceptable departure to Policy B1: Employment and business land of the Aberdeenshire Local Development Plan 2017. The proposal would constitute a modest loss of employment land and utilises an existing vacant building. It is also considered the proposed gymnastics centre provides a facility to the local community. The building is capable of being reverted into industrial use in the future and there are other

employment land opportunities within the settlement. There are no material considerations that would justify refusing the application.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Victoria Grant (Planner)**  
**Date: 07/08/2019**

## Comments for Planning Application APP/2019/1329

### Application Summary

Application Number: APP/2019/1329

Address: Units 3 And 4 Craigearn Business Park Kintore Inverurie Aberdeenshire AB51 0TH

Proposal: Change of Use from Industrial (Use Class 5) to Gym (Use Class 11)

Case Officer: Victoria Grant

### Customer Details

Name: Mr Jim Reid

Address: Jlm Reid Vehicle Sales Unit 5 Craigearn Business Park, Kintore Inverurie

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our objection would be surrounding the safety issue & potential parking issues that could be caused by the increase in traffic and parking to an already busy shared car parking area which includes a drive through access route for our Car sales Centre.

This car park is already well used and can see that parents dropping children etc may cause a potential safety issue with cars, vans and trucks passing through the car park within an area which is zoned for industrial.

The twice weekly collection of waste by large trucks and the constant traffic caused by loading and unloading of delivery vans and trucks within this area also causes concern as the same attention is not often taken by general members of the public when entering this area and walking from their parked cars to the building.

This increase in traffic and parking will also cause staff members to add to the already heavy parking on roadside leading to the business park which may cause an issue with lorry's visiting the near by HGV repair garage.

Having been here for 10 years I feel that I am well placed to give my view on the daily traffic congestion this could add to.

Jim Reid

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Proposal: Change of Use from Industrial (Use Class 5) to Gym (Use Class 11)

Case Officer: Victoria Grant

### Customer Details

Name: Mrs Gail Reid

Address: Unit 1 Jim Reid Vehicle Sales Service Centre Kintore

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having received the neighbour notification of the request to change of use from industrial to leisure I felt that I had to voice my objection due to major safety concerns.

This area is very busy day to day with a constant stream of cars/vans coming and going.

Therefore if this is going to be a drop off point for people (mostly children) being dropped off for classes, I have no doubt that this would pose a huge safety risk and would be an accident waiting to happen. I fear that the majority of cases would be youngsters being dropped off and left unaccompanied to walk across a busy car park in what is already a very well used car park by other businesses within the area.

Already we have a problem with traffic volume at peak times making it a safety issue on the bend in the road opposite the nurseries. where are people going to park. I doubt there will even be enough spaces for the staff.

Mrs Gail Reid