



Garioch Area Committee Report – 13 March 2018

Reference No: APP/2018/0216

Proposal: Full Planning Permission for Change of Use from General Industrial (Use Class 5) to Gymnastics Club (Use Class 11) at Unit 9, Burghmuir Place, Blackhall Industrial Estate, Inverurie, Aberdeenshire, AB51 4FW

Applicant: Garioch Gymnastics Club
Agent: Portico Design

Grid Ref:	E:376128 N:821897
Ward No. and Name:	W11 – Inverurie and District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	3
Relevant Proposals Map Designations:	Within the settlement of Inverurie, BUS2
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.9.1 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 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 of a vacant unit at Blackhall Industrial Estate, Inverurie. The proposal would result in the subdivision of Unit 9 and a change of use from class 5, general industry, to class 11, assembly and leisure. The existing warehouse would provide accommodation for a local gymnastics club which would fall under class 11.
- 2.2 The existing building is currently one unit. The proposed development would involve subdividing the existing unit to create two separate units and would involve changing the use of the eastern section from class 5 to class 11 in order to accommodate the proposed use. The western section would remain class 5 and could accommodate a business within this use class at a future date. The existing access to the building from Burghmuir Place would service both of the proposed units. An existing 1.8 metre high chainlink fence has been erected along the north, south and east boundary of the site. It is proposed to subdivide the area of hardstanding to the south of the building by erecting a 1.8 metre high chainlink fence and gates which would match the existing. It would be erected along the west boundary of the application site, while a new pedestrian access gate would be created to the existing chainlink fence to the south boundary and would provide access to and from Burghmuir Place.
- 2.3 The proposed change of use would have a limited impact on the external appearance of the building. The elevations of the building would remain unaltered. Internally, alterations would be carried out to subdivide the existing building into two separate units by building up the openings between the two separate warehouses. The functional use of the internal space would be arranged in a way that would be appropriate to the proposed change of use but would not require planning permission and will not be considered in this report. The total internal floor area of the gymnasium would be approximately 1250 square metres.
- 2.4 Parking would be allocated immediately south of the building and would provide parking for up to 15 cars, as stated by Roads Development. Access would be gained through the existing gates south west of the building from Burghmuir Place and through the new gates proposed to the west boundary of the application site.

- 2.5 The gymnastics club would be open 08:00 to 22:00, each day. The applicant has specified that the visitor population would generally be 14 gymnasts and between 2 and 3 members of staff. During peak times, Monday to Friday, 16:00 to 21:00 and Saturday, 09:00 to 16:00 there would generally be 32 gymnasts and between 4 and 5 members of staff. The applicant has also stated that members of staff would generally park on site, while gymnasts (mostly children) would be dropped off and picked up by their parents or guardians and are therefore unlikely to park.
- 2.6 The site lies within the Business Land allocation BUS2 within the settlement boundary of Inverurie and Port Elphinstone of the Aberdeenshire Local Development Plan 2017. A BUS area is a site that has been reserved for business uses. The BUS2 area is well established and accommodates a variety of uses that within the 11 hectare site. The uses surrounding the application site includes, Morrisons Supermarket, Strathburn Hotel, a veterinary practice, children's nursery/crèche, a car mechanic, plumbers merchants, bathroom showroom, food processing activities as well as some office and storage uses. It is evident that there is already a diverse range of uses within the BUS2 site.
- 2.7 There is no relevant site history for the application site, but one recent application of note in the surrounding area. APP/2017/2268 - Building 1, Unit 2, Advertising House, Blackhall Industrial Estate, Inverurie, was reported to GAC on the 31 October 2017 where planning permission for a change of use from a warehouse, class 6 to a gymnastics club, class 11 was granted with the decision issued on 9 November 2017.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Infrastructure Services (Environmental Health)** has no objection to the proposal. Environmental Health previously asked for a condition to be applied relating to noise, however, after further discussion it was considered that this condition would not be required.
- 4.2 **Infrastructure Services (Flood Prevention Unit)** has not responded at the time of writing this report.
- 4.3 **Infrastructure Services (Roads Development)** does not object to this application subject to a condition being applied, requesting that prior to the occupancy of development, off-street parking for 15 cars, surfaced in hard standing materials must be provided within the site.

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.

5.3 Aberdeenshire Local Development Plan 2017

Policy B1: Employment and business land

Policy P3: Infill and householder developments within settlements (including home and work proposals)

Policy RD1: Providing suitable services

5.4 Other Material Considerations

None.

6. Discussion

6.1 The key issues under consideration for this application are whether the proposed use is acceptable in principle and the impact it would have on the amenity of the neighbouring units and surrounding area.

6.2 In order to determine the merits of this application it will be assessed against Policy B1: Employment and business land, Policy P3: Infill and householder developments within settlements (including home and work proposals) and Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.

Policy B1: Employment and business land states:

- We will approve new employment uses on land allocated or identified in the plan for business as set out in the settlement statements of the Aberdeenshire Local Development Plan 2017.
- We will not approve non-employment uses on these sites.
- Existing land used for business, usually identified as BUS within settlement statements, will be retained for this use unless there is a constraint on the site where there is no reasonable prospect of it ever becoming marketable for business development or it is poorly located for employment use.
- Any alternative use on BUS land must benefit the local community and must not prejudice the strategic employment land requirement.
- It must respect the character of the area and be compatible with nearby uses.
- Proposals for the change of use of business use will not normally be permitted if it removes all business land opportunities within the settlement.

6.3 Policy B1 does not clearly define what business use is. However, the glossary of the Aberdeenshire Local Development Plan 2017 clearly states that employment land and employment uses are normally classes 4, 5 and 6 of the Use Classes Order, which could be defined as industrial, business and other employment uses.

6.4 Unit 9 lies within allocated business land BUS2 as outlined in the Aberdeenshire Local Development Plan 2017. There are 9 BUS areas within the Inverurie and Port Elphinstone settlement boundaries. While the proposed change of use would remove business opportunities from the application site, the remaining units in Blackhall Industrial Estate, coupled with the fact that there are a further 9 identified BUS sites within the surrounding area would mean that the settlement of Inverurie and Port Elphinstone would still have significant opportunities to develop business opportunities within one of the other BUS sites. The existing unit is also being subdivided and would still allow for business opportunities to be established in the section of the unit that would remain vacant.

6.5 In this instance, it is considered that the proposal does not accord with the requirements of Policy B1: Employment and business land. However, given that the site is currently vacant and there are pressures for this type of facility within Inverurie and the surrounding area, providing a permanent venue for this type of activity would retain leisure uses within the area. Furthermore, Blackhall Industrial Estate already accommodates a variety of different uses and use classes and is not defined by one single use. The proposal would result in an additional use that would retain an established local gymnastics club within the local community. In the future, this unit could be easily returned to an employment use through minor internal alterations and a change of use. Therefore, the Planning Service can support this planning application as an acceptable departure. The proposed change of use would respect the character of Blackhall Industrial Estate and would not erode the amenity of neighbouring properties or the surrounding area; therefore complying with Policy P3: Infill and householder developments within settlements (including home and work proposals).

6.6 Under Policy RD1: Providing suitable services identifies the need to ensure that appropriate services are provided for new development. The necessary services and infrastructure to serve this development relate to access and

parking, water and waste water, as well as was management provision. There is currently water and drainage servicing the building. Waste collection would remain as existing and it is not anticipated to be any extraneous waste management requirements from the proposed change of use.

- 6.7 In terms of car parking, the agent submitted details on behalf of the applicant detailing staff and pupil numbers and opening times at the request of Roads Development. As detailed, the proposed peak times of the proposal would be out with the peak business hours of neighbouring businesses within Blackhall Industrial Estate. Therefore the proposal is unlikely to cause conflict in relation to car parking within the area. Roads Development is satisfied with the information provided by the agent and has no objection to this application subject to a condition being applied should planning permission be granted. Therefore it is considered that the proposal would satisfy the criteria outlined in Policy RD1: Providing Suitable Services.
- 6.8 In light of the above, the proposed development would make use of a vacant unit which may otherwise remain vacant. The proposed change of use would not cause an undue impact to neighbouring units or businesses and the proposal could be reversed at a future date if desired. Therefore, it is considered that the proposed development is an acceptable departure from the Aberdeenshire Local Development Plan 2017. Further to this, the proposal accords with the information detailed in Policy P3: Infill and householder developments within settlements (including home and work proposals) and Policy RD1: Providing suitable services and is recommended for approval.

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 equality impact assessment is not required because the grant of permission in this case would not have a differential effect on any of the 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. No representations have been received and 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 condition:-**

1. The development hereby approved shall not be occupied unless off-street parking for 15 cars, surfaced in hard standing materials has been provided in accordance with the details shown on the approved plans. Once provided, the parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

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

The proposed development is of a limited scale, would not have an undue impact to neighbouring businesses and is capable of being reversed in the future. Further to this, the proposal complies with Policy P3: Infill and householder developments within settlements (including home and work proposals) and Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
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Date: 23/02/2018