



Garioch Area Committee Report – 19 March 2019

Reference No: [APP/2019/0037](#)

Full Planning Permission for Change of Use from Workshop (Class 4) to Soft Play Centre (Class 11) at Unit 3, Ground Floor, Building 1, Advertising House, Burghmuir Circle, Blackhall Industrial Estate, Inverurie, Aberdeenshire, AB51 4FS

Applicant: BECS Centre
Agent: James Greig - Architect

Grid Ref:	E:376235 N:821832
Ward No. and Name:	W11 - Inverurie And District
Application Type:	Full Planning Permission
Representations:	1
Consultations:	2
Relevant Proposals Map	Within Inverurie settlement, BUS2
Designations:	
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 2017 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 The proposal is to change the use of the ground floor level of Unit 1 of Building 1 of Advertising House, Burghmuir Circle, Blackhall Industrial Estate, Inverurie from Workshop (Class 4) to a Soft Play Centre (Class 11). The proposed change of use will provide inclusive play space for children from the local community. The inclusive soft play centre would offer adapted play to allow those with additional support needs to integrate with mainstream children. A separate 'Sensory Room' will be available for use by children with limited communication and sensory disorders.
- 2.2 Building 1 was previously occupied by Craigdon Mountain Sports and more recently by Langstane Press for advertising printing of clothes and gifts. In 2017, the building was sub-divided into two units with the distribution warehouse to the south-east being designated 'Unit 2' and currently being used as a Gymnastic Club following the grant of planning approval for the change in its use in November 2017 (APP/2017/2268). 'Unit 1' to the north-west, currently comprises of a ground floor workshop area and first floor office space. This proposal would result in the 312 square metres of ground floor space being used for the soft play centre. The first floor of the unit will remain as office space.
- 2.3 The proposed change will have no impact on the outward appearance of the building as no external alterations are to be made. Internally alterations will be limited to the removal of a small section of partition wall, and the replacement of existing kitchen units in the kitchen and sanitary ware in the toilet. Parking is allocated immediately outside the building and six spaces are provided, allowing for two spaces for staff, and four available for dropping-off and picking-up.
- 2.4 The site lies within the Business Land allocation BUS2 within the Inverurie Settlement boundary in the 2017 Local Development Plan. As a BUS site it is reserved for business uses. This BUS2 area is a well-established business site brought forward within the 2006 Local Plan. It is approximately 11ha in size and presently accommodates significant land allocations for retail (Morrisons), as well as a hotel (Strathburn Hotel). This BUS site therefore does already include a range of business uses, some service industries, some food processing activities and some office and storage uses. In the immediate area to the east of the proposed site is a food processing plant and to the west across the road there are nursery/crèche facilities as well as a veterinary

practice. To the north there are a number of business units housing automotive, building and plumbing services.

2.5 There are a further nine established business sites identified for the settlement of Inverurie, as well as a further two strategic reserve sites. While the site is identified as established employment land within the 2017 LDP it is not however listed in the 2016 Employment Land Register as the site has been built out. The summary of land allocations included within the 2017 LDP identifies a plentiful supply of employment land allocated within the Inverurie – Blackburn Area.

2.6 Advertising House is made up of two existing buildings namely Buildings 1 and 2. Building 1 has previously been the subject of a planning approval resulting in its subdivision and a change in its use from Warehouse (Class 6) to Gymnastics Club (Class 11):

APP/2017/2268 – Full Planning Permission for Sub-Division and Change of Use of Warehouse (Class 6) to Form a Unit for Gymnastic Club – Building 1, Unit 2, Advertising House. Approved November 2017.

Building 2, which has a shared curtilage with Building 1, has also been the subject of previous applications, including:

APP/2016/0595 – Full Planning Permission for Alterations and Extension and Relocation of 2 No. Parking Spaces - Fly Cup Catering Ltd, Unit 2, Advertising House. Approved 6 May 2016.

APP/2011/3184 – Full Planning Permission for Change of Use of Ground Floor Store and Showroom Unit to form Cooking Training Facility and Café - Unit 2, Advertising House. Approved 16 November 2011.

2.7 These approvals have established a range of uses even within the common curtilage of the development site.

2.8 Prior to the submission of the planning application the applicant approached Roads Development to establish requirements relating to necessary parking requirements associated with the proposal.

2.9 The Applicant has submitted a “Planning and Parking Statement” in support of the application which explains the provision made and requirements with reference to the proposed use. The applicant advised within this statement that the soft play centre will be open between 0930 and 1630 hours daily and will be used by up to 60 pre-school and school aged children (up to the age of 14 years) each day spread over a number of sessions up to 2 hours in duration. Special needs groups will arrive and be picked up by a minibus as groups from local nurseries. Six dedicated parking spaces are to be provided – with 2 being used for staff and the remaining four being used for visitor / customer parking. The maximum visitor/customer parking requirement is expected to be 10 spaces, which will mean a shortfall of 6 dedicated spaces. However, 4 of the 7 parking spaces serving the adjacent gymnasium are to be used during the mornings and early afternoons due to the different operating hours of the two premises. Any shortfall in car parking provision is expected to be accommodated by the 30 parking spaces serving adjacent business premises with the shared curtilage of buildings 1 and 2.

3. Representations

3.1 A total of 1 valid representation (objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The issue raised can be summarised as follows:

- *The proposals would exacerbate the existing traffic congestion in the area.*

4. Consultations

4.1 **Infrastructure Services (Roads Development)** has advised that discussions were held with the applicant's agent prior to the application and is content with what has been proposed and justified in terms of car parking provision. It is aware this proposal only involves the ground floor of the unit and has no further comments to make.

4.2 **Infrastructure Services (Contaminated Land)** has commented that there are no issues associated with the development.

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. The proposed

development is not significant in terms of impact on Employment Land requirements.

5.3 Aberdeenshire Local Development Plan 2017

Policy B1: Employment and Business Land

Policy RD1: Providing Suitable Services

5.4 Other Material Considerations

None.

6. Discussion

- 6.1 The proposal is for the subdivision of a business unit and associated change of use from its current Class 4 use as a Workshop to Class 11 (Assembly and Leisure) use as a Soft Play Centre. The key issues for consideration are whether the proposed use is acceptable in principle and whether the new use is capable of being appropriately serviced.

Policy B1: Employment and Business Land states:

1. We will approve new employment uses on land allocated or identified in the plan for business” within the LDP settlement statements.
 2. We will not approve non-employment uses on these sites.
 3. 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 whereby there is no reasonable prospect of it ever becoming marketable for business development or it is poorly located for employment use.
 4. Where considered under bullet 3 then “The alternative use must benefit the local community and must not prejudice the strategic employment land requirement.
 5. We will not allow houses, even if also designed as workplaces, on land identified in the plan specifically for business uses.
- 6.2 While Policy B1 does not set out what is defined as business use, the glossary to the 2017 LDP does state that employment land / employment uses are “normally classes 4, 5 and 6 of the Use Classes Order”.
- 6.3 In terms of Policy B1 the proposal seeks to utilise part of a building which is vacant and currently listed under Class 4 use. It seeks a change of use for the ground floor (312 square metres) of the vacant part of the building. While the glossary to the 2017 LDP identifies that employment land/ employment uses are “normally classes 4, 5 and 6” it can be accepted that other uses can provide employment opportunities. Furthermore, where a property lies vacant, alternative uses can be considered particularly where such a use might be of “benefit the local community”. Given the scale of this proposal it will “not prejudice the strategic employment land requirement.” The proposed development will 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 curtilage of Advertisement House (buildings 1 and 2) and the wider BUS2 site, the proposed change will

result in a minor change with no adverse effect, either individual or cumulative.

- 6.4 Notwithstanding the above, it is considered that the proposal does not accord with the requirements of Policy B1. However, the Planning Service is aware of the support for this type of facility within Inverurie and the benefits that having an inclusive soft-play centre would bring to the local community. This, along with the possibility of the unit being capable of returning to employment use in the future means the proposal can be supported as an acceptable departure.
- 6.5 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 waste management provision. There is currently water and drainage servicing the building. There is not anticipated to be any extraneous waste management requirements from this new business.
- 6.6 Car parking provision was identified as a potential concern and the applicant's agent discussed this matter with Roads Development prior to the submission of the application, and provided a 'planning and parking' justification statement in support of the application. Infrastructure Services (Roads Development) has advised a parking survey was carried out which showed that there was sufficient parking within the car park to accommodate the proposed change of use. It has no further comments to make.
- 6.7 One valid letter of representation was received in respect of this application. The primary issue raised in this representation was the potential impact that the proposal would have on the traffic volume in the immediate vicinity of Burghmuir Circle and Burghmuir Road. While it is acknowledged that the roads in and around the Blackhall Industrial Estate experience traffic congestion during the morning and evening "rush-hour" periods like many other industrial estates, the proposed Soft Play Centre is not anticipated to generate an unacceptable level of additional traffic to the area during these times. In addition to this, Roads Development advised that it is satisfied with the provision of car parking space at the site and had no comment to make on this matter.
- 6.8 To conclude, the proposal is considered to be an acceptable departure to Policy B1 of the 2017 Local Development Plan. It is of limited scale, provides additional benefits and is capable of being reversed in the future. In addition, the proposal meets the requirements set out by Policy RD1. There are no material considerations that would justify refusing the application.

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 has been carried out as part of the development of the proposals set out above. It is included as Appendix 1 and has identified a positive impact if the application is granted.

- 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 has been advertised as a Departure from the valid Local Development Plan.
- 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

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, provides a valuable resource to the local community and is capable of being reversed in the future. In addition the proposal fully meets the requirements set out by Policy RD1.

Stephen Archer
Director of Infrastructure Services
Author: Kenny Macdonald (Planner)
Date: 08/02/2019

Appendix 1 - EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Infrastructure Services
Section	Development Management
Title of the activity etc.	APP/2019/0037 - Change of Use from Workshop (Class 4) to Soft Play Centre (Class 11)
Aims of the activity	<p>The proposal involves a change in the use of the ground floor of an existing from its current use as a workshop to a Soft Play Centre.</p> <p>The proposed development would provide a safe and inclusive play space for children (up to the age of 14 years) with additional support needs and allow them to integrate with mainstream children.</p>
Author(s) & Title(s)	Kenny Macdonald (Planner)

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Not applicable
Internal consultation with staff and other services affected.	Not applicable
External consultation (partner organisations, community groups, and councils).	Not applicable, although the application has been subject to statutory consultation as part of the planning process. This has resulted in no representations to the proposal.
External data (census, available statistics).	Not applicable
Other (general information as appropriate).	A supporting statement has been submitted with the application which details the aims and customer base of the proposals.

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	No

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.				
	Positive	Negative	Neutral	Unknown
Age – Younger	Y			
Age – Older			Y	
Disability	Y			
Race – (includes Gypsy Travellers)			Y	
Religion or Belief			Y	
Gender – male/female			Y	
Pregnancy and maternity			Y	
Sexual orientation – (includes Lesbian/ Gay/Bisexual)			Y	
Gender reassignment – (includes Transgender)			Y	
Marriage and Civil Partnership			Y	

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	If the application is granted, there are likely to be positive impacts on children with additional support needs/disabilities and their families. These would include the provision of a safe and inclusive play space for the children allowing them to integrate with mainstream children. Currently there is not an inclusive soft play centre within Aberdeenshire	

Stage 7: Have any of the affected groups been consulted?	
If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
These should be included in any action plan at the back of this form.	Mitigating Steps	Timescale
	There is no mitigation necessary by Aberdeenshire Council.	N/A

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	Not applicable.

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?
The proposal would provide a facility where children with additional support needs can play in a safe and inclusive manner alongside children without such support needs.

Stage 11: What equality monitoring arrangements will be put in place?	
These should be included in any action plan (for example customer satisfaction questionnaires).	None

Stage 12: What is the outcome of the Assessment?		
Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	The proposal would provide a safe and inclusive play space for children with additional support needs and integrate with mainstream children, thus promoting a greater equality and inclusiveness.	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen
	N/A	

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

N/A

Stage 14: Sign off and authorisation.

Sign off and authorisation.	1) Service and Team	Infrastructure Services	
	2) Title of Policy/Activity	APP/2019/0037 - Change of Use from Workshop (Class 4) to Soft Play Centre (Class 11)	
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Kenny Macdonald Position: Planner Date: 08/02/19 Signature:	Name: Bruce Strachan Position: Senior Planner Date: 08/02/19 Signature:
		Name: Position: Date: Signature:	Name: Position: Date: Signature:
	4) Consultation with Service Manager	Name: Mairi Stewart Date: 08/02/19	
	5) Authorisation by Director or Head of Service	Name: Robert Gray Position: Head of Planning and Building Standards Date: 08/02/19	Name: Position: Date:
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.	Date: 08/02/19	
	7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk	Date: 08/02/19	
(Equalities team to complete) Has the completed form been published on the website? YES/NO			Date:

Comments for Planning Application APP/2019/0037

Application Summary

Application Number: APP/2019/0037

Address: Building 1 Advertising House Unit 3 Burghmuir Circle Blackhall Industrial Estate Inverurie
Aberdeenshire AB51 4FS

Proposal: Change of Use from Workshop to Soft Play Centre (Class 11) Ground Floor

Case Officer: Kenny Macdonald

Customer Details

Name: Mr Stephen Soper

Address: 15 Gordon Place Rothienorman Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I note the requirement for a parking plan but see no mention of the issue of increased traffic on the Burghmuir and the Circle due to people dropping off etc?

The traffic on Burghmuir has become increasingly ridiculous and gets mentioned on Northsound and in social media regularly. A lot of traffic cuts from Burghmuir by the Strathburn around the circle to cut back in by Morrisons. No mention is given to the operating hours but previous planning decisions/developments have only exacerbated the traffic issues in Inverurie.

This application seems to avoid any question of traffic overload/management?