

Agenda Item	6.7
Report No	PLS 092/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 05 December 2018

Report Title: 18/03445/FUL: Cairngorm School of Dance
Unit 17 – 7 Spey Valley Business Park,
Dalfaber Industrial Estate, Dalfaber Drive, Aviemore.

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use of Units 6, 7 and 8 from Class 4 to Class 11

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Referred by majority of local ward members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is to change the use class of three existing units (permitted as Use Class 4 Business) to Class 11 (Assembly and Leisure) to relocate the Cairngorms Dance School into the units within Dalfaber Industrial Estate. The dance school has 150 students in total who will be attending the school at various times of the day, ranging from 13.15 to 19:45 Monday to Friday and 10:00 to 12:15 on Saturdays. No detail has been provided on the numbers attending each class.
- 1.2 The three units are in situ and appear to be serviced in terms of foul and surface water drainage. There are 7 parking spaces associated with the units to the frontage.
- 1.3 Pre Application Consultation: No pre application advice was sought prior to submission.
- 1.4 Supporting Information:
- Supporting Statements
 - Letter of Support from Landlord
 - School of Dance 2018/19 Timetable
- 1.5 Variations: Submission of amended Site Layout Plan with a drop off zone denoted.

2. SITE DESCRIPTION

- 2.1 The site is located to the eastern side of Aviemore within recently constructed units at Spey Valley Business Park in Dalfaber Industrial Estate. The site comprises three units which form part of Unit 17 to the northern side of the estate. The area surrounding the site currently comprises the recently built units and an area of hardstanding and parking alongside a number of businesses.
- 2.2 Immediate neighbouring business which share access includes bike hire, electrical contractors, funeral directors, Highland Homecare, café, engineering firm and associated yard, laundrette and Kilted Fudge production/distribution facility.
- 2.3 Other businesses utilising the public road network within the wider industrial estate include two garage/MOT servicing, Howdens Joinery, Cairngorm Brewery, kitchen/bathroom showroom, timber and builders merchants and yard and tour operators.

3. PLANNING HISTORY

- 3.1 04.08.2016 16/02283/FUL - Proposed provision of class 3 cafe facility within class 4 unit Granted
- 3.2 01.09.2014 2014/0107/DET - Erection of 12 industrial units (Class 4); re-development of warehouse to 4 offices (Class 4) and 3 units (Class 4) Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 23.08.2018

Representation deadline: 04.09.2018

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Transport Planning Team** does not support the application due to a significant shortfall in parking, and that there are known existing parking issues within the industrial estate with demand being met by on-street parking within the estate or on nearby residential areas. Following the submission of an amended site plan which denoted a drop off area and additional supporting information outlining the times at which the development would be utilised a further response was received on 18.09.2018 comments summarised:

Transport Planning would not intend to formally object, however concerns previously raised relating to the detail and location of the development proposed are maintained. The site is located within an established industrial estate, and while there may not be HGV movements within the curtilage of the site, there will be considerable movement on the roads leading to the site. Parking provision is clearly limited and any overspill parking from the proposed development could exacerbate existing on-street issues

Restriction of hours of operation/access for the development may help to alleviate concerns, however in practice is difficult to monitor/enforce.

5.2 **Cairngorms National Park Authority** confirm that the application was not to be called in. The Policy Team at the Park were also consulted but did not respond.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan (2015):**

Policy 2 – Supporting Economic Growth

Policy 3 – Sustainable Design

Policy 8 – Sport and Recreation

Located within Aviemore and Vicinity Settlement Area and allocated site ED 1

6.2 **Supplementary Guidance**

Supporting Economic Growth Non-Statutory Guidance

Sustainable Design Non-Statutory Guidance

Sport and Recreation Non-statutory Guidance

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Highland Council Roads and Transport Guidelines for New Developments

7.2 Scottish Government Planning Policy and Guidance

n/a

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) Siting and Design
- c) Access and Servicing
- d) Use Class Order
- e) any other material considerations.

Development plan/other planning policy

8.4 The site is located within Aviemore Settlement Area and allocated site ED 1 identified as Employment Land/Economic Development within the established Dalfaber Industrial Estate. The allocation states that the existing industrial estate and Cairngorm Technology Park provide opportunities for economic development proposals to support the economy of Aviemore and the surrounding area; there is an area of 0.5Ha to the north of the site which will allow future expansion of the site if the current site reaches capacity. It is noted within the allocation that the area is currently used for informal recreation and that pedestrian links through the site should be protected.

8.5 Due to the site being located within the industrial estate consideration requires to be given to Policy 2 – Supporting Economic Growth with specific reference to 'Protecting existing sustainable economic activity'. This part of the policy outlines that proposals for alternative use of sites or buildings currently in, or last used for economic or employment purposes will only be supported where this promotes sustainable use of the land in accordance with Scottish Planning Policy and other LDP policies where it can be satisfactorily demonstrated that it is not practical for

financial or other reasons to continue with the existing or last economic development or employment use. It is also stated that proposals will be considered favourably where they are compatible or complementary with existing business use in the area, and support the vitality and viability of the local economy of the Park. It cannot be argued that this development is compatible and complementary with the existing business uses and in this regard the development would not support the broader economy of the park as it involves the loss of three starter units. This is further emphasised within the CNPA Supporting Economic Growth non-statutory Planning Guidance.

- 8.6 A letter of support from the landlord of the units has been received. This outlines that the owner has been trying to market the units as Class 4 since early 2016 with no success. No further information has been submitted by the applicant to demonstrate that this is the case. An online search to establish the current marketing of the units has not established that this is the case and there is no signage outside the units indicating that they are for let. It is therefore not considered that it has satisfactorily been demonstrated that it is not practical to retain the use of the units for economic purposes.
- 8.7 Where there is a reduction of economic opportunity the Supporting Economic Growth Guidance outlines that justification must be sought that there will be no adverse impact on the local economy or visitor experience based on economic viability and lack of need for the existing business or facility.
- 8.8 The applicant has submitted a supporting statement which outlines the operation of the business and includes class times, with a statement regarding parking provision. It is noted within the supporting statement which was submitted on 25 June 2018 that an area of the building will also be leased out by Cairngorms School of Dance to third parties for dance, music, health or exercise purposes. It is therefore not clear on the numbers which this additional use would generate and whether other parties will be attending the site, and at what times. It cannot therefore be assessed whether the dance school letting out space within the units will conflict in terms of the parking issues which have already been identified. The supporting information does not satisfactorily demonstrate that there will be no adverse impact on the local economy or the lack of need for the existing business or facility. The supporting information does however; give an overview of the business operation and how it is envisaged the site will be accessed by clients, the majority of which would appear to be children.
- 8.9 All planning applications are assessed against Policy 3 – Sustainable Design, this outlines a number of criteria against which all developments are assessed. As the building is already in place and serviced and that there are no changes to the external design the only relevant criteria is that the development should promote sustainable transport methods and reduce the overall need to travel. It is not considered that the proposals would have an impact on amenity enjoyed by neighbours given the industrial/business nature of the surrounding area. With the exception of travel the development would appear to largely comply with the provisions of Policy 3.
- 8.10 As the proposal is for a dance school, this is considered to comprise a sport/recreation use, therefore consideration has to be given to Policy 8 – Sport

and Recreation of the CNPA LDP. This states that for such developments that facilities will be supported where they demonstrate best practice in terms of sustainable design, and where there are no adverse environmental impacts on the site or neighbouring areas, and that they will meet an identified community need, and maintain and maximise all opportunities to link into the existing path network. The development is not considered to be contrary to Policy 8 as the proposal is unlikely to significantly detrimentally impact on its surroundings.

- 8.11 As noted above, while the proposal may not be contrary to Policy 8, it is considered to be contrary to Policy 2 as it has not been satisfactorily demonstrated that the reduction in economic opportunities within Aviemore would not have an adverse impact on the local economy. It should be noted that even if it had been demonstrated that an alternative use for the unit could be supported, that the siting of a dance school where the predominant users are children would be compatible with the surrounding industrial and business land uses.

Siting and Design

- 8.12 As described above, the site is located within a busy industrial estate. A number of businesses, including Cairngorm Brewery, timber merchants, joinery company, garage and servicing facilities and large yard areas for storage and distribution are dominant throughout the industrial estate with HGVs utilising the entire route from Dalfaber Drive which cars and walking/cycling children would also use. It is not considered that locating a dance school with a recreation and leisure facility within an industrial estate demonstrates appropriate siting where the primary clients are children. The development is likely to come into direct conflict with surrounding land uses, particularly in the afternoons where there is likely to be increased activity in terms of vehicular movements across the entire area. The change of use would not comply with the economic allocation of the industrial area for business and industry and is therefore contrary to the CNPA LDP.
- 8.13 The sites location within such an area gives rise to a conflict in road users, and therefore a road safety issue, with the potential for large HGVs and other vehicles reversing and manoeuvring on the main route to the proposed facility. There are a large number of dropped kerbs and accesses providing access to all businesses across the industrial estate which would require to be used by children and clients travelling by public transport/on foot/cycling. Due to the distance from the nearest bus stops on Grampian Road, and the nearest residential areas to the site it is considered likely that children will be dropped off requiring a higher level of site parking than is currently available. This shortfall in parking has led to reservations from the Transport Planning Team which are summarised in the consultations paragraph above.
- 8.14 In order to address the concerns over parking from the Transport Planning Team it has been argued by the developer within the supporting information that many local children will walk to the facility, or utilise public transport. This is presented as a justification for the significant reduction in available parking outside the unit. The main road into the industrial estate is Dalfaber Drive which is approx. 450m (1400ft) away from the development. The main bus route serving Aviemore is located on Grampian Road, the nearest stop being located some 3040ft away (approx. 927m, or 0.5 miles) from the proposed site. Having reviewed class times, many children

will be attending the site from 3pm onwards; a time when the industrial estate is at its busiest with outgoing deliveries and incoming customers attending the site out with working hours.

- 8.15 It should also be acknowledged that Aviemore is a winter resort and that the pavements within the industrial estate are unlikely to be a priority route in terms of gritting in the winter. Again, this gives rise to further concern in terms of road safety and the potential for further conflict with large vehicles along the entirety of the route from Dalfaber Drive up to the application site.
- 8.16 It is noted that there is a need for this facility within a central location (Aviemore). However, to introduce such a facility with very limited parking, where it is argued children will walk/cycle a relative distance from the main village, residential areas and transport hubs is not considered appropriate. The site is located within an area allocated as Economic Development and such a use is directly contrary to the allocated land uses of the site. The siting of the dance school at this location is not considered to be compatible with the surrounding land uses and businesses and gives rise to road safety issues as described above. The siting is therefore inappropriate and cannot be supported in this location.
- 8.17 With regard to design, there are no external alterations proposed with the exception of signage which would require the submission of an application for Advertisement Consent. There are no significant issue with regard to the design, the main concern is therefore appropriate siting as outlined above.

Access and Servicing

- 8.18 Issues with regard to access are largely covered above. There is existing access from Dalfaber Road into the industrial estate which includes footpaths throughout; therefore walking to the unit from surrounding residential areas and bus stops is possible however the distance which children would be required to walk, and the potential for conflict with large vehicles raises road safety issues as described in the paragraphs above. Transport Planning have identified an issue with regard to a lack of parking associated with the unit. 7 spaces are indicated which was considered a significant shortfall over the likely number of people who would attend the unit. Children will be attending classes from 3pm onward from surrounding settlements out with Aviemore. The main form of transportation to the site is therefore likely to be by car, particularly in the winter months. The developer has amended plans, with support from the site owner to provide a drop off/additional parking area adjacent to the site. The Transport Planning Team were asked to consider the amended proposals, however are still of the view that parking is insufficient and that children will require to walk a significant distance through an industrial estate to reach the facility and therefore question whether siting is appropriate. The concern over vehicular and pedestrian conflict as outlined above is therefore further emphasised by the Roads Authority.

Use Class Order and Permitted Development

- 8.19 The Town and County Planning (Use Classes)(Scotland) Order 1997 sets out the use classes of buildings. Some changes of use are permitted development and would therefore not require planning permission. In this instance, it should be

noted that many of the units within vicinity of the site have permission as Class 4 units which is defined as Business, specifically this would relate to offices, research and development of products or light industry. There is a permitted change to Use Class 6. This is defined as Storage and Distribution where the unit would be under 235sqm. While the immediate neighbouring businesses may not generate large and frequent vehicular movements at present they may do so in future and the Planning Authority would not have control over this. The developer argues that the adjacent uses are compatible with the dance school at present, while the Planning Authority do not agree with this as detailed above, under permitted development rights further road safety issues may arise which the Planning Authority has no control over. This emphasises the need to retain the industrial and business useage within an industrial estate and that assembly and leisure facilities should remain within the core of the village centre where land uses such as shops and residential with the main transport links would be more compatible.

Other material considerations

8.20 There are no other material considerations.

Non-material considerations

8.21 None

9. CONCLUSION

9.1 The site is located within a well established industrial estate which is allocated for economic development/employment land with potential for further industrial expansion to the rear of the site. The proposed leisure and assembly use is therefore contrary to the land use allocated as defined within the CNPA LDP.

9.2 It is not considered that the use of the units for a dance school is compatible with the surrounding business and industrial land uses and there is potential for conflict between the users of the facility and large vehicles and traffic arising from within the industrial estate due to the distance of the proposed site from the main village core and transport routes. Furthermore, there is a significant shortfall of parking within the site which raises further concern from a road safety perspective, particularly where it is argued users, predominantly children will walk/cycle/use public transport to access the facility, this raises further road safety concerns particularly for the winter months within a winter resort, the development is therefore contrary to Policy 3 – Sustainable Design as the development fails to demonstrate that there is an appropriate and safe means of access to users and that the overall need to travel has been reduced.

9.3 It should be noted that the Planning Authority is supportive of the diversification of the dance school and appreciate that a larger facility is required in order to accommodate more children and adults. The applicant was given the opportunity to withdraw the application and advised that the Planning Authority would be happy to provide advice on alternative locations. This would still be the case should the application be refused.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1. The application site is located within a well established industrial estate which is within a site allocated as Employment Land for Economic Development within site ED1: Dalfaber Industrial Estate. A change of use of the units to Assembly and Leisure (dance school) is not considered to be compatible or complimentary with the surrounding industrial and business activity in the area and results in the loss of units which are for economic and employment purposes. The application does not support the vitality and viability of the economy of the park and is therefore contrary to policy 2 Supporting Economic Growth of the Cairngorms National Park Local Development Plan (2015).
2. The proposal fails to demonstrate that there is an appropriate means of access and sufficient space for off-street parking; and, the development does not reduce the overall need to travel within Aviemore as required under the provisions of Policy 3 – Sustainable Design of the Cairngorms National Park Local Development Plan (2015) as the location of the site within Dalfaber Industrial Estate gives rise to road safety issues due to the potential conflict between industrial and business users and the dance school users who will predominantly be children.

Signature: David Mudie
Designation: Area Planning Manager – South/Major Developments
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - BP 02 Rev A - Proposed Site Layout Plan
Plan 2 - 002 Rev C – General Plan
Supporting Statements

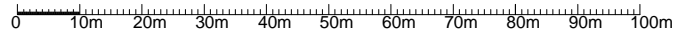
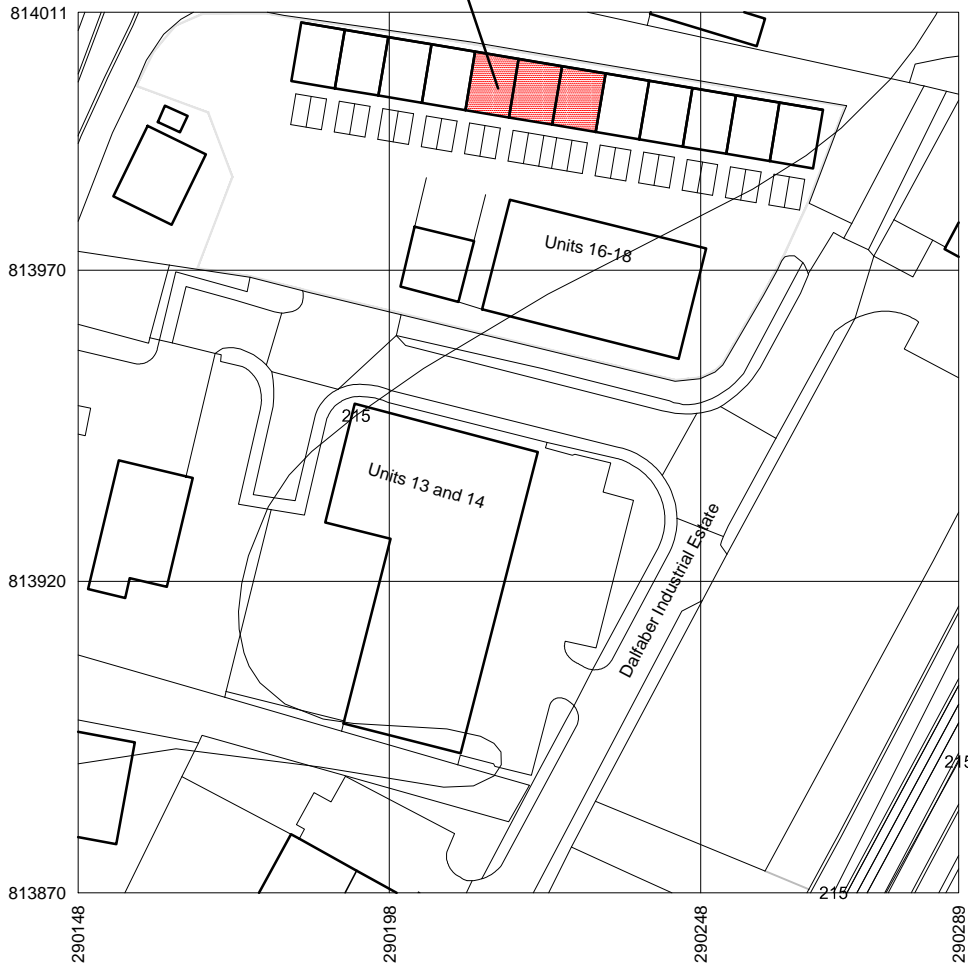
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LOCUS OF PROPOSALS - UNITS 6, 7 and 8



PROJECT
UNITS 6, 7 and 8, DALFABER INDUSTRIAL ESTATE, DALFABER, AVIEMORE, INVERNESS-SHIRE, PH22 1ST.

CLIENT
CAIRNGORM SCHOOL OF DANCE

SCALE 1:1250 @ A4
DATE JULY 2018

TITLE
LOCATION PLAN

DRAWN
SM

PROJECT No.
DBC1379-18

DRAWING No.
LP 01

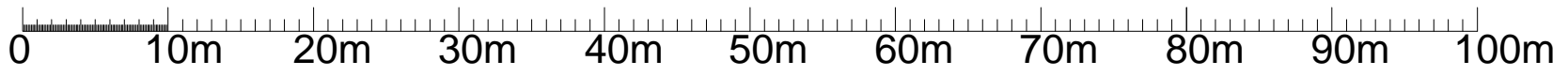
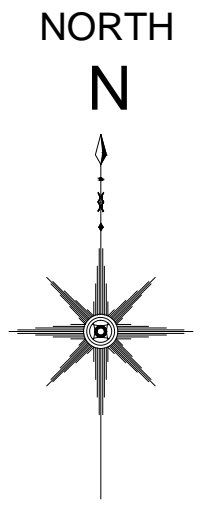
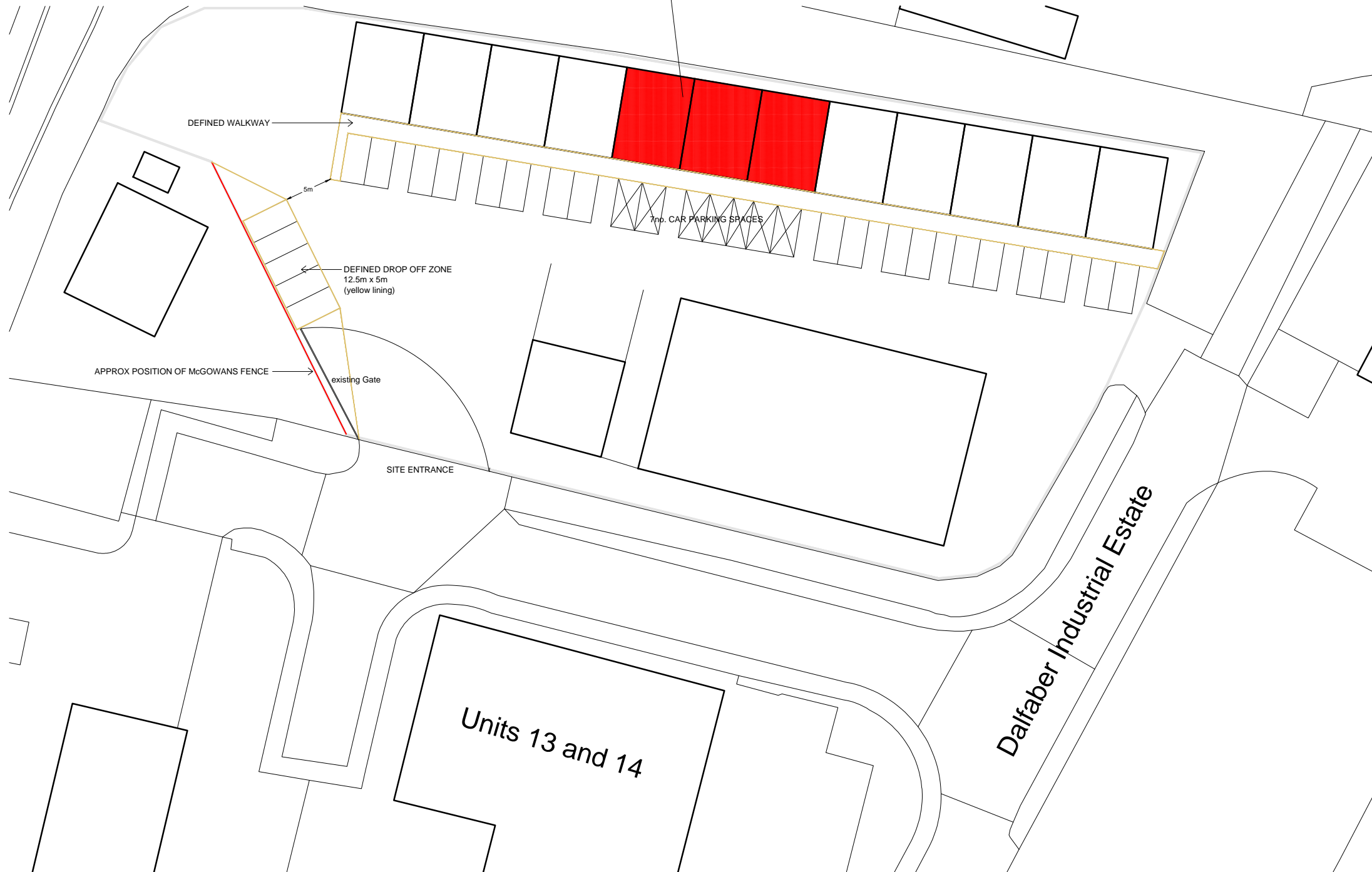
REVISION No.



chartered architects
interior designers

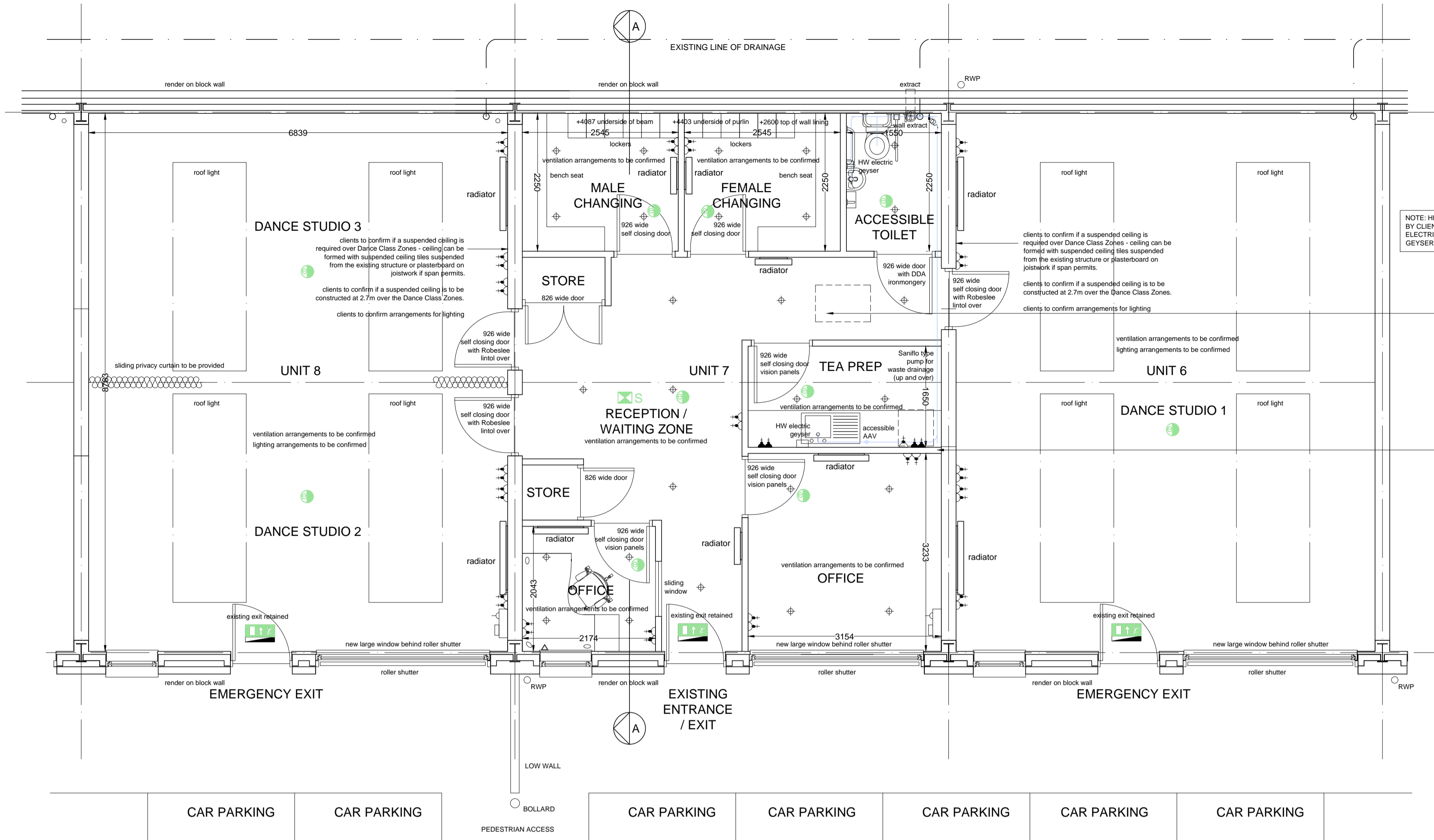
LOCUS OF PROPOSALS - UNITS 6, 7 and 8

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PROJECT UNITS 6, 7 and 8, DALFABER INDUSTRIAL ESTATE, DALFABER, AVIEMORE, INVERNESS-SHIRE, PH22 1ST.		
CLIENT CAIRNGORM SCHOOL OF DANCE	SCALE 1:500 @ A3	DATE JULY 2018
TITLE PROPOSED BLOCK PLAN	DRAWN SM	
PROJECT No. DBC1379-18	DRAWING No. BP 02	REVISION No. A

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NOTE: HEATING SYSTEM TO BE CONFIRMED BY CLIENTS - CURRENTLY SHOWN TO BE ELECTRIC RADIATORS WITH HOT WATER CIRCULERS BESIDE SINK AND WBS.

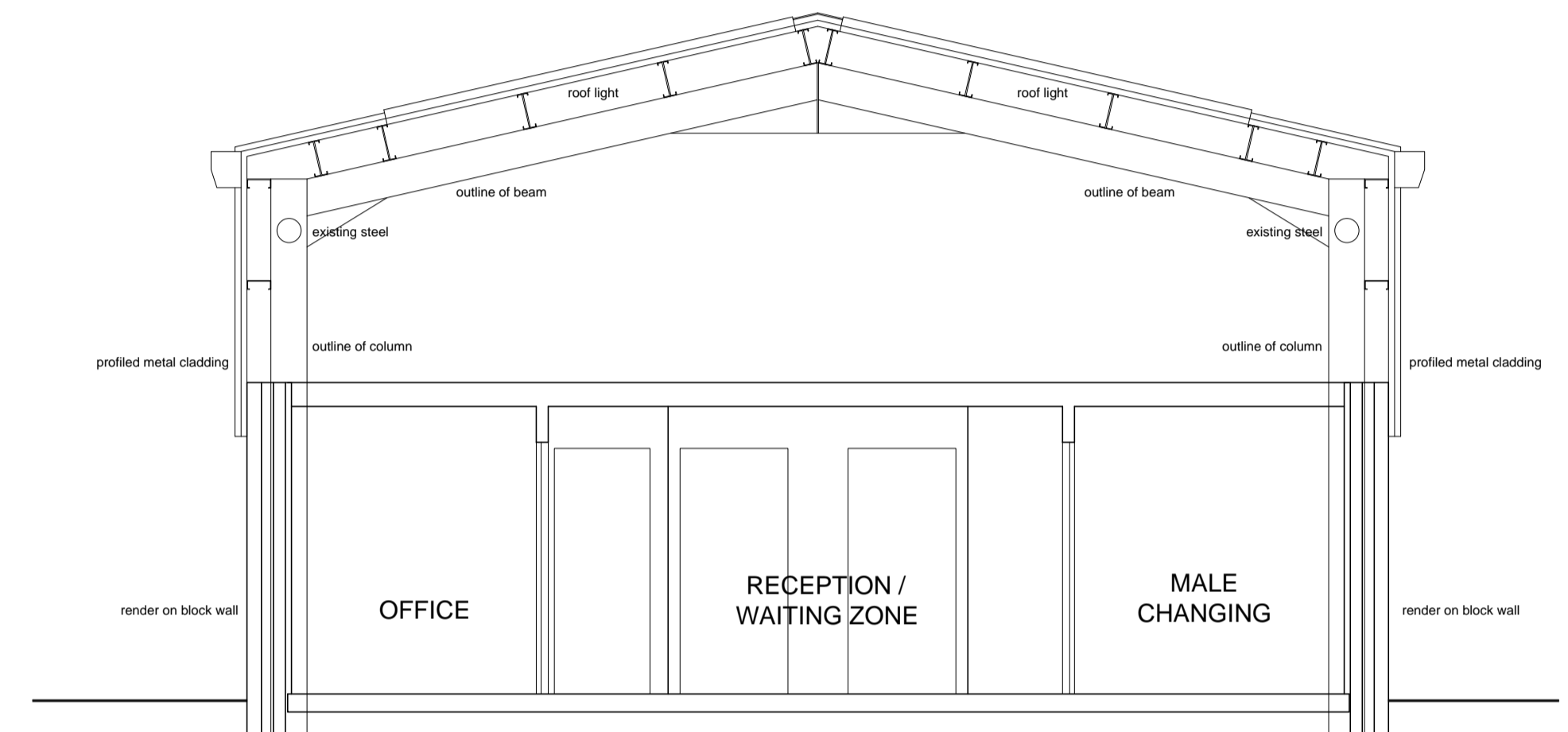
form new 900x600mm ceiling hatch into roof void and fit Ramsay ladder

form new accommodation as shown in 75x40mm timber studs @ 600mm centres with insulation between studs and plasterboard taped and filled for decoration (moisture resistant board and vapour check in toilet areas).

suspended ceiling to be formed over a height of 2.4m in timber joistwork to suit spans with plasterboard finish taped and filled for decoration (moisture resistant board and vapour check in toilet areas).

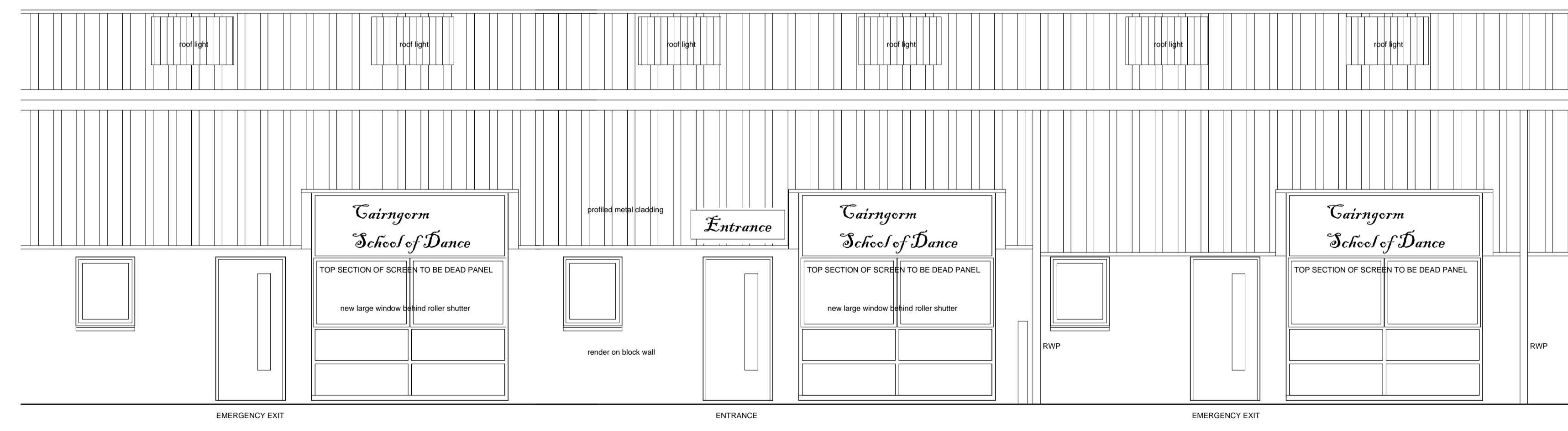
Note that access and mirror storage will be required in the ceiling void.

- FIRE, ELECTRICAL AND LIGHTING LEGEND**
- Direction Emergency Exit Sign (Over Door Unit)
 - Emergency Light
 - Smoke Detector
 - Banshee Fire Alarm Sounder
 - countertop / high level switched sockets
 - low level switched sockets
 - BT data outlet
 - downlight fitting
 - pendant light fitting

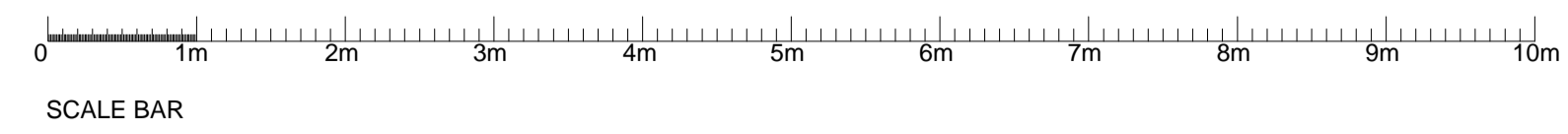


PROPOSED CROSS SECTION A-A

PROPOSED GROUND FLOOR PLAN



PROPOSED FRONT ELEVATION



PROJECT
UNITS 17 / 6, 7 and 8,
DALFABER INDUSTRIAL ESTATE,
DALFABER, AVIEMORE,
INVERNESS-SHIRE, PH22 1ST.

CLIENT
CAIRNGORM SCHOOL OF DANCE

TITLE
PROPOSED GROUND FLOOR PLAN, SECTION AND ELEVATIONS

	SCALE 1:50 @ A1	DATE JULY 2018
	DRAWN SM	
chartered architects interior designers	PROJECT No. DBC1298-17	REVISIONS C
	DRAWING No. 002	