



## MORAY LOCAL REVIEW BODY

25 MARCH 2021

### SUMMARY OF INFORMATION FOR CASE No LR253

**Planning Application 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin, Moray, IV30 6AG**

#### **Ward 6 – Elgin City North**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 December 2020 on the grounds that:

The proposed change of use is contrary to Moray Local Development Plan 2020 DP1 (i)( a), DP5, Elgin I5 and DP (ii)(a &e) for the following reasons:-

1. The proposal would introduce an incompatible use into an established industrial area and would create conflict with other existing uses.
2. The proposal fails to provide for safe access and parking and would give rise to conditions that are detrimental to the safety of road users and pedestrians.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**

At the meeting of the Moray Local Review Body (MLRB) on 25 February 2021 it was noted that the Applicant had included a Safety Statement that was not before the Appointed Officer at the time of considering the original planning application therefore the MLRB agreed to defer the case until the next meeting of the MLRB to allow the Appointed Officer the opportunity to consider and comment on the Safety Statement.

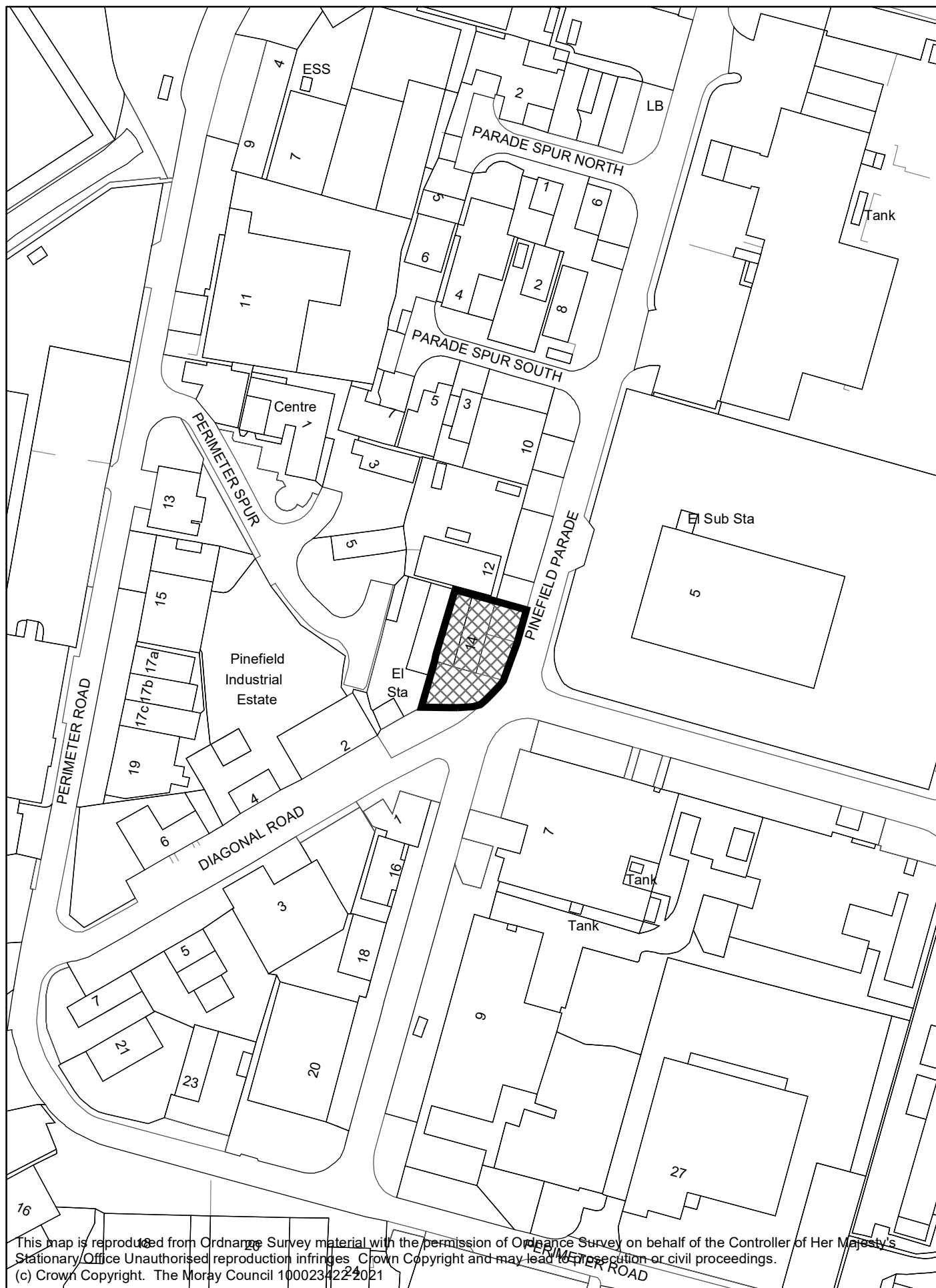
The Safety Statement can be found in **Appendix 2**.

The response to the Safety Statement can be found at **Appendix 5**.





**Location plan for Planning Application Reference Number :  
20/01419/APP**









# **APPENDIX 1**

## **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100318740-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

change of use from office workshop. proposal usin it as an kids club and fitness for my personal training sessions and my fitness classes like circuits and fitbox adding in some equipment weights, treadmill, rower and bike. i work with kids with learning difficulties so doing fun sessions with them. no planning is needed as I'm taking the building as it is no alterations will be taking place. this building will help me continue my work over the winter and beyond. this building is perfect

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="pinefeild parade"/>
First Name: *	<input type="text" value="lauren"/>	Building Number: <input type="text" value="14"/>
Last Name: *	<input type="text" value="hambly"/>	Address 1 (Street): * <input type="text" value="47 st margrets crescent"/>
Company/Organisation	<input type="text" value="exhale lhfitness"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="lossiemouth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="iv316rf"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="14 PINEFIELD PARADE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6AG"/>

Please identify/describe the location of the site or sites

<input type="text"/>	
Northing	<input type="text" value="862362"/>
Easting	<input type="text" value="323023"/>

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

95.40

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

office/workshop the building has an workshop area that's like a normal hall and two offices one small one and one big open plan

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☐ Yes  
☐ No, using a private water supply  
☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

as there wont be any rubbish as its not going to have food or juice apart from the clients brining there own if there was to be rubbish I would take it home myself

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr paul melrose

Address:

14 pinefeild parade, 14, 14 pinefeild parade, elgin, moray, iv306ag

Date of Service of Notice: \*

20/10/2020

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Miss lauren hambly

On behalf of:

Date: 20/10/2020

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☒ Yes ☐ No ☐ Not applicable to this application



Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.  
☐ Elevations.  
☒ Floor plans.  
☐ Cross sections.  
☐ Roof plan.  
☐ Master Plan/Framework Plan.  
☐ Landscape plan.  
☐ Photographs and/or photomontages.  
☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☒ Yes ☐ N/A

Other Statements (please specify). (Max 500 characters)

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss lauren hambly

Declaration Date: 20/10/2020

## **Payment Details**

Online payment: 433379

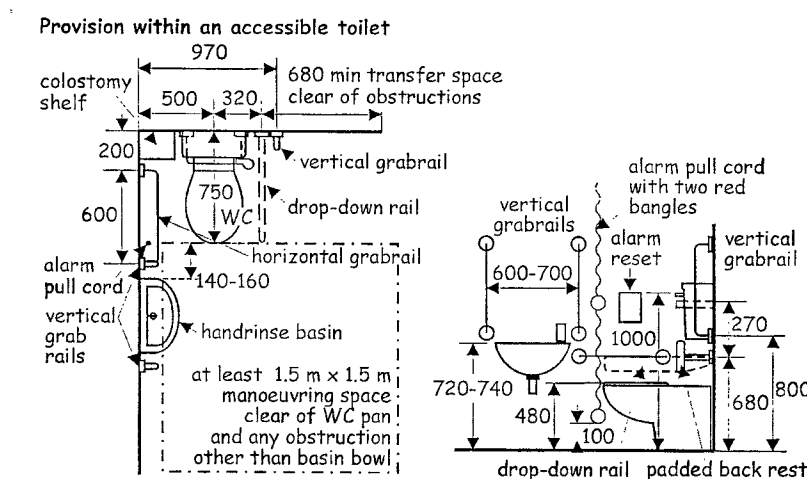
Payment date: 21/10/2020 12:34:51

Created: 21/10/2020 12:34

New toilet fittings to be re-connected to the existing drainage within the building at present. Existing extractor fans to be utilised for both the ladies and the gents toilets. Staffing levels will remain at Males 1 and Female/Disabled 2.

All new doors to be minimum of 800mm clearunobstructed width between door face and jamb.

Mini kitchen be left as is

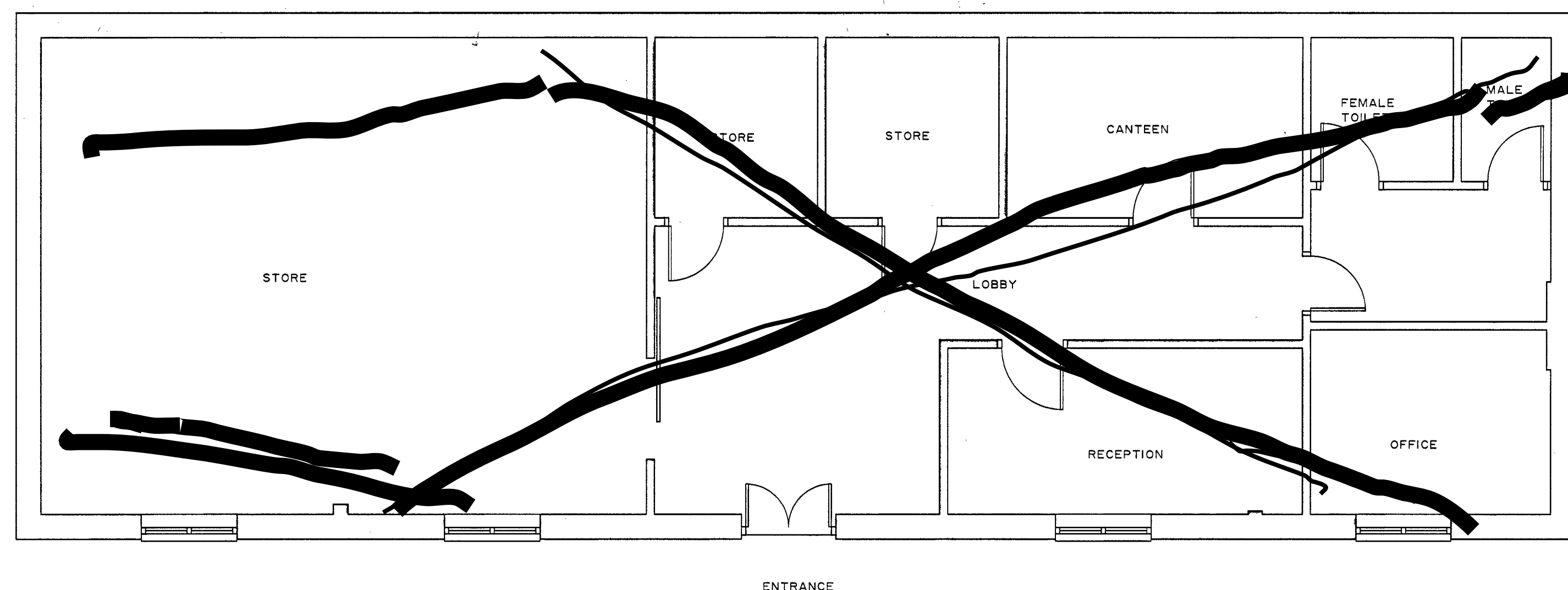


Counter / hatch  
Bottom of counter / hatch opening to be  
750mm above floor with knee recess below at  
least 700mm high and 500mm deep, and min  
900mm wide. 900x1200mm clear manoeuvring  
space provided in front of counter / hatch

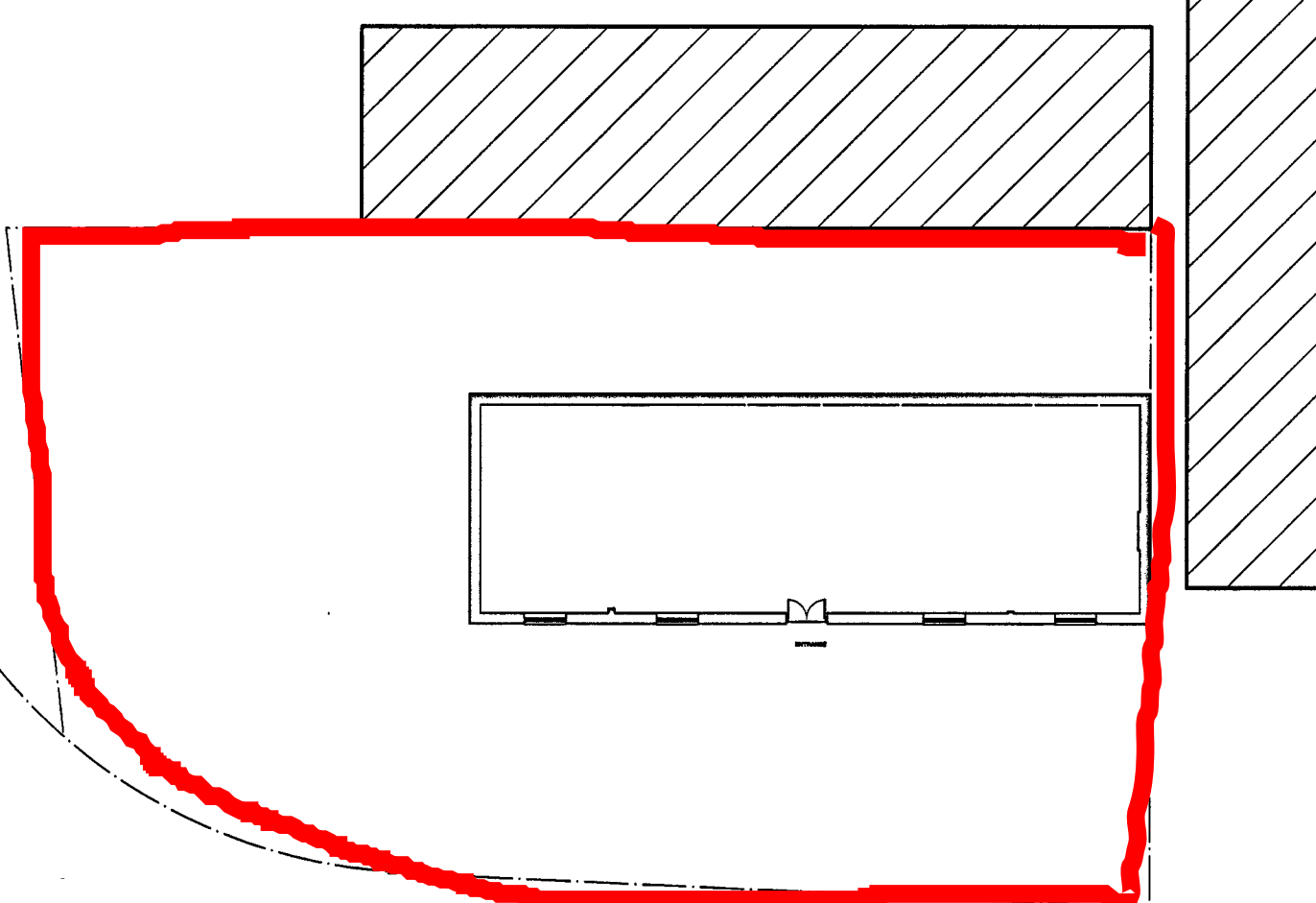
**Emergency lighting**  
Emergency lighting installed in accordance with BS5266: Part 1: 2005 as read in association with BS5266: Part 7: 1999 (BS EN 1838: 1999) Installation contractor to provide certification confirming compliance with above standards

**Signage**  
Exits to be clearly indicated by means of signs complying with BS5499: Part 1: 1990 and BS5499-4:2000 displayed immediately above the exit opening. Directional signs complying with above located between 2-2.5m above floor positioned in conspicuous positions where exit door cannot be seen directly.

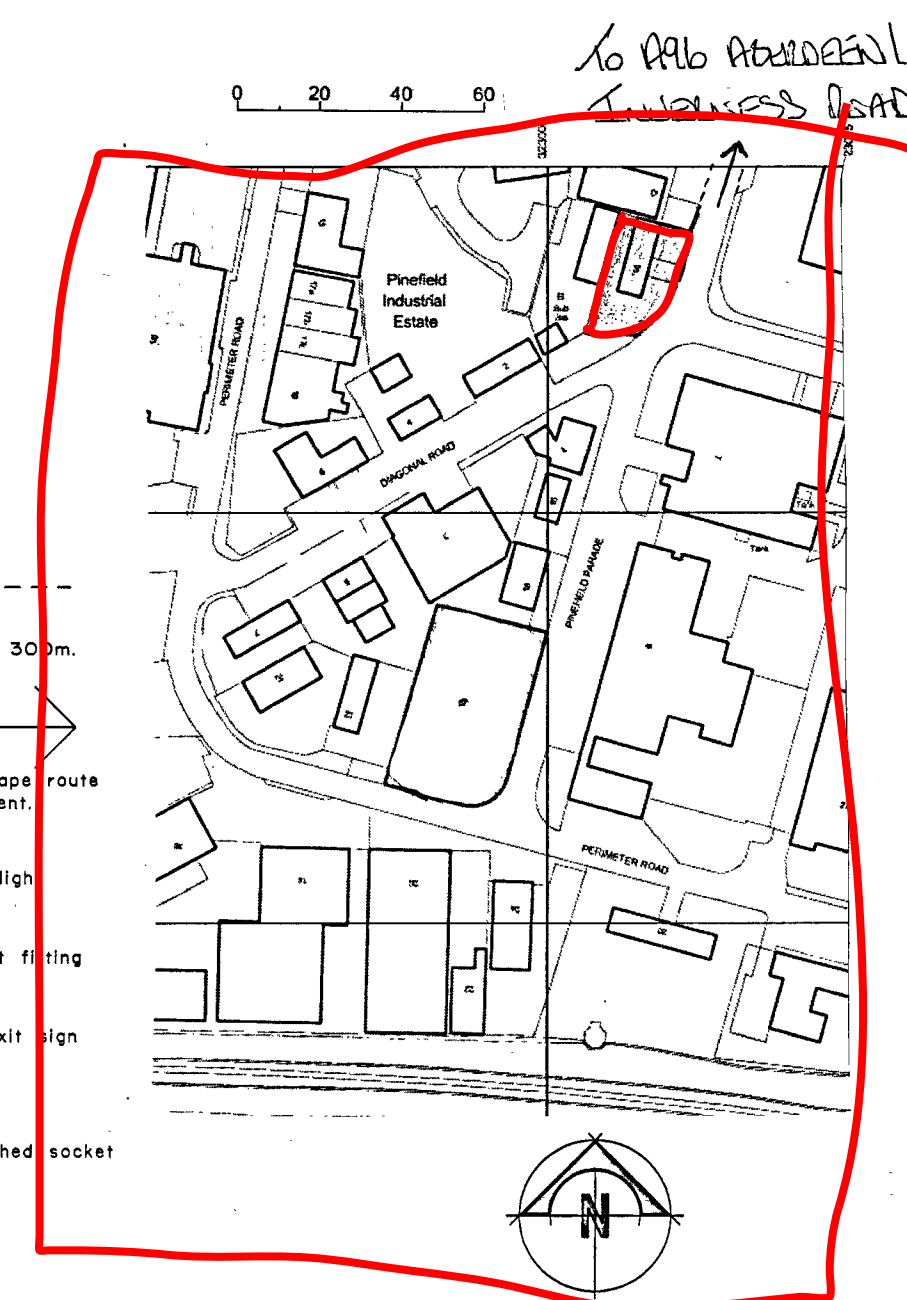
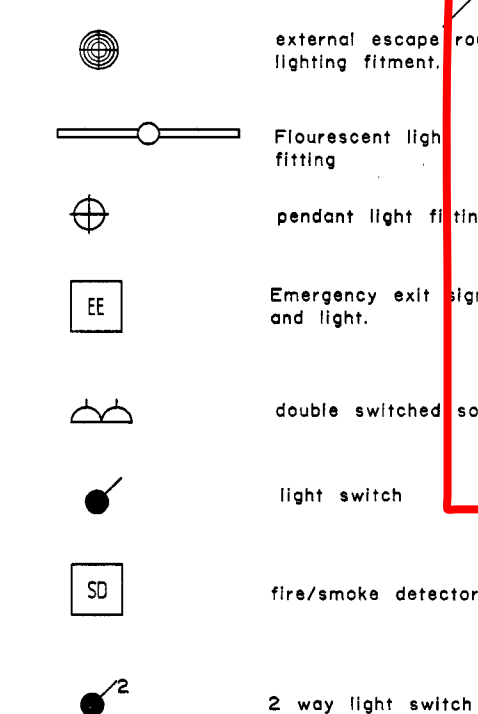
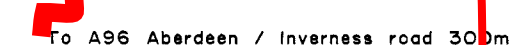
**Fire detection**  
Smoke alarms conforming to BS EN 14604: 2005 , all with an integral standby supply in accordance with BS 5839: Part 6: 2004 to be installed to provide min grade D fire detection and alarm system. All units interconnected and wired into regularly used lighting circuit electrically protected at consumer unit.



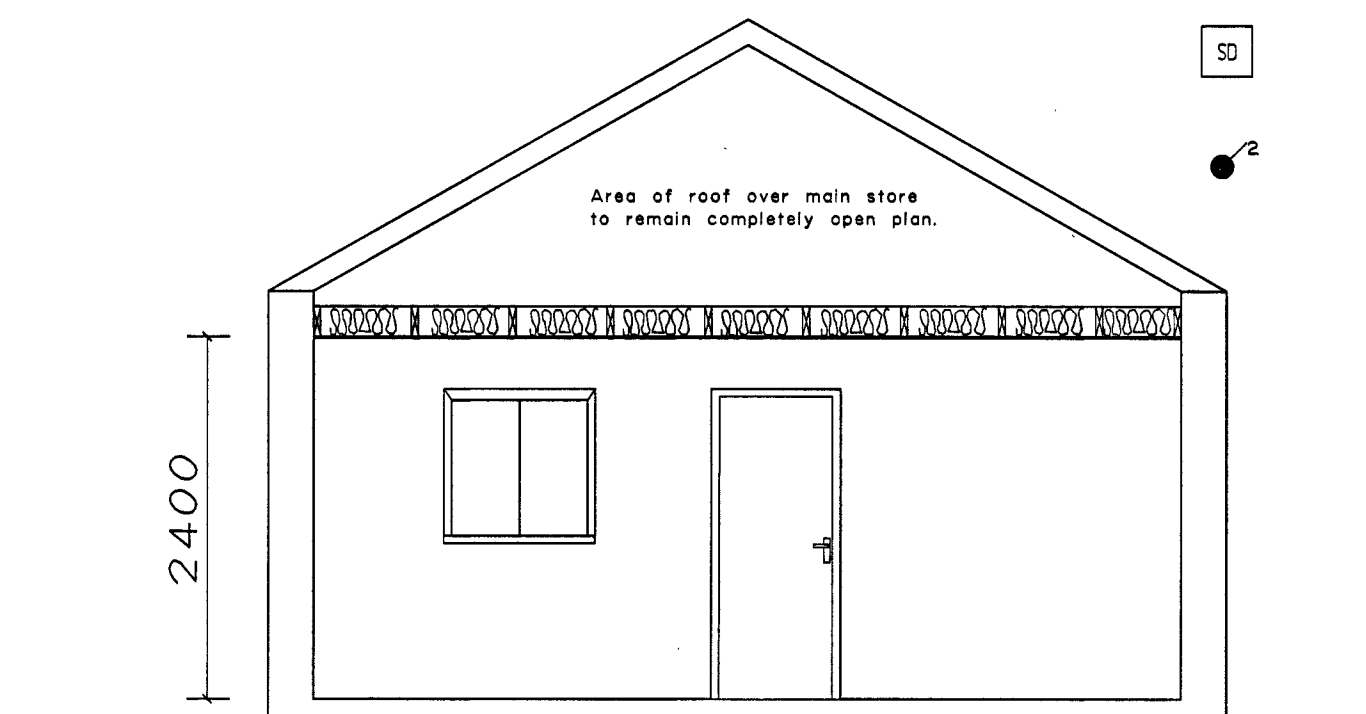
GROUND FLOOR PLAN (EXISTING LAYOUT).



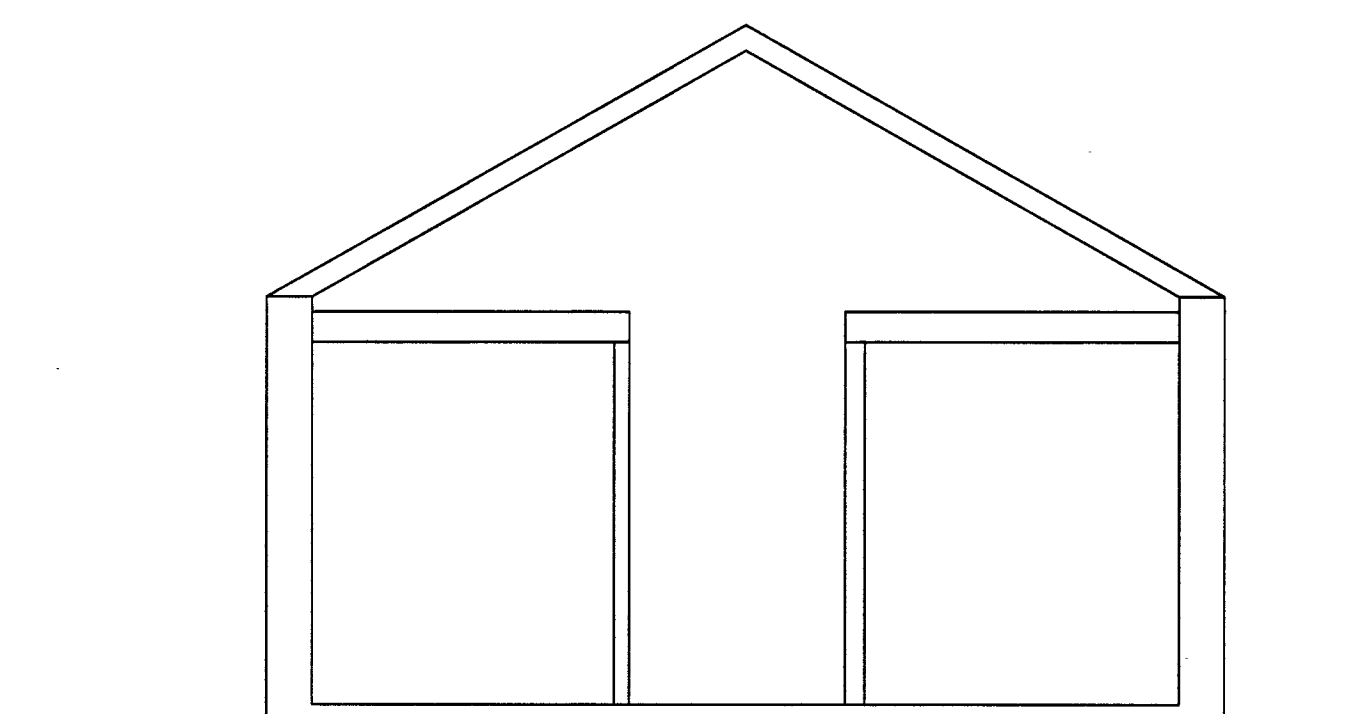
SITE PLAN 1-200



LOCATION PLAN 1-1250



CROSS-SECTION, A-A



EXISTING CROSS-SECTION.

[illegible]

Crown copyright all rights reserved License No. 100041145

No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART)  
ARCHITECTURAL  
DESIGN CONSULTANTS  
Main Street Offices, Urquhart, By Elgin IV30 8LG.  
Tel No 01343 842635 / 07766 315501 [ctkplans.aol.com](mailto:ctkplans.aol.com)

Project		Project No.
INTERNAL ALTERATIONS TO 14 PINEFIELD PARADE, PINEFIELD INDUSTRIAL ESTATE, ELGIN, MORAY, IV30 6AG.		13-69-D-1
Client	Drawn By	Scale
NJS (SCOTLAND) LTD.	COLIN T KEIR	1-50.



## The plan for the premises statement

Fitness classes would be running such as circuits, hiit training and boxercise and glow Fitness, these classes would have about 6 people attending, they will be promoted to walk if nesseeary but as these classes are done at 7pm they would have plenty space to park and walk over seen as the industrial estate is quite

Kids classes will be fun fitness and sports, children would either be dropped at the door and parent leaves straight away no hanging around the premises, or a meet up point would be organised and with correct procedures myself and assistant would drive the kids to the premises and there for only 2 cars would be parked up

Parents would be promoted to walk to keep fit and as they are responsible then there child would be safe to come to after school club. There is safe path to walk on opposite the premises so they would only need to cross the road with a parent.

The small cv equipment will be used for my pt sessions and 1 to 1 sessions if they wish to use it, it's not a traditional gym it's just for personal training clients and my kids 1 to 1 fitness and people who have anxiety issues.

I'm the only member of staff going to be in the building unless I have my Saturday football assistant helping out time to time

Children will be getting dropped off and picked up

Possibly in time il have a walking school bus so children will come after school as a group

The building can take 4 cars out the front and there is various spaces across the road where people can park

Clients if it personal training then it would be just myself and the client so 2 in the building

Operating times will be possibly 8 am till 9pm at night



# **Consultee Comments for Planning Application 20/01419/APP**

## **Application Summary**

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## **Consultee Details**

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally





# Consultation Request Notification – Development Plans

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	24th November 2020
<b>Planning Authority Reference</b>	20/01419/APP
<b>Nature of Proposal (Description)</b>	Change of use from office workshop to kids club and fitness club at
<b>Site</b>	14 Pinefield Parade Elgin Moray IV30 6AG
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133000330
<b>Proposal Location Easting</b>	323023
<b>Proposal Location Northing</b>	862362
<b>Area of application site (M<sup>2</sup>)</b>	95
<b>Additional Comments</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QILA0RBGM3U00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QILA0RBGM3U00</a>
<b>Previous Application</b>	96/00644/FUL
<b>Date of Consultation</b>	10th November 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Exhale Lhfitness
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Lisa Macdonald
<b>Case Officer Phone number</b>	01343 563479
<b>Case Officer email address</b>	<a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a>
<b>PA Response To</b>	<a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a>

## NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**PLEASE COMPLETE AND RETURN WITHIN 48 HOURS**  
to [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

## **MORAY COUNCIL PLANNING CONSULTATION RESPONSE**

**From: Development Plans**

**Planning Application Ref. No: 20/01419/APP**

**Change of use from office workshop to kids club and fitness club at 14 Pinefield  
Parade Elgin Moray IV30 6AG for Exhale Lhfitness**

**Ward: 06\_17 Elgin City North**

### **DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN**

*(For Structure/Local Plan Comment)*

		<b>Page No</b>	<b>Policy No(s)</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	<b>Departure from Moray Local Development Plan 2015</b>		DP5 Business and Industry  DP1 Development Principles	X  X	
<b>2</b>	<b>Further Discussion Required</b>				

**REASONING FOR THIS DECISION:**

## POLICY COMMENTS

The proposal is for a change of use from workshop/office (class 4/5) to a fitness studio (Class 11) and kids club.

Leisure use attracting significant footfall require to be assessed under Policy DP7 Retail/Town Centres. However, in terms of the floor area and the description it appears footfall is likely to be relatively modest in this case.

Pinefield is an established industrial estate and Policy DP5 Business and Industry applies. Part c) of the policy states that industrial estates will primarily be reserved for Class 4, 5 and 6. However, part e) Other Uses allows uses, including Class 11, to be considered in relation to their suitability to the industrial area, compatibility with neighbouring uses and the supply of serviced employment land.

Pinefield has evolved from a military barracks to a busy industrial estate with an extensive mix of uses. There are large scale industrial and manufacturing uses on the estate but also smaller industrial units, garages and building suppliers. In addition to this there are a small number of “other uses” within the industrial estate including a gym, rifle club, dog day care and the Pinefield SEBN education campus. As these uses are not grouped together they appear incongruous and out of keeping with the industrial uses. This is an important industrial estate within Elgin and ensuring this remains predominantly industrial is important. Further non-conforming uses would erode the industrial character to an unacceptable level.

Immediate neighbours to the proposed site include builder’s workshops, copper works and a sign workshop. On the opposite side of the road are Key Line building supplies catering to trade customers and William Wilson plumbing merchants which also has a showroom open to the public. Therefore, there is an element of uses that are open to the visiting public but these are very different in character to the proposed gym primarily servicing the building trade rather than having a leisure function. The lack of pavements, limited parking and predominantly industrial uses also make the site an unsuitable location for visiting members of the public. This is a particular issue for those walking or children being dropped off given the high level of HGV movements across the industrial estate and site location close to key junctions.

Within Moray there are long standing issues with the supply of serviced employment land but supply in Elgin has increased in recent years with the servicing of land at Barmuckity. However, there remains limited choice of serviced sites across the town. It is noted that the site and unit is of a size that is likely to restrict the potential for larger scale industrial and manufacturing uses and is likely to accommodate only smaller business. Whilst the loss of the site is unlikely to have significant impacts on the overall supply of serviced employment land in Elgin it is necessary to be mindful of the cumulative impacts of such proposals on supply and the “stepping stone” smaller units such as this play for new businesses starting out.

Taking the above into consideration on balance the proposal is not supported by policy DP5 as it would be out of character with the surrounding uses and would increase the number of non- conforming uses to a level that would move the estate away from being predominantly industrial. The location is not suitable for visiting members of the public due

to lack of pavements/ limited parking.

As discussed above the proposal is considered to be out of character with the surrounding uses and we have concerns about the safety of those walking to the site. This means the proposal is also a departure from DP1 Development Principles part (i)a). The limited parking, lack of pavements on the industrial estate and location close to key junctions are also issues that mean achieving the requirements of part (ii) a) and e) is difficult.

The proposed use would be more suited to a town centre location or an existing business area or opportunity site such as Edgar Road, Ashgrove Road or The Wards providing safe access could be achieved. Industrial Estates are recognised and purpose built industrial estates where the predominant use is Class 4, 5 and 6 whereas Existing Business Areas tend to have a mix of uses that have established over time and would more readily accommodate this type of proposal.

**Contact:** Rowena MacDougall

**email address:** Rowena.macdougall@moray.gov.uk

**Date:**.....7/12/20.....

**Phone No** .....

**Consultee: Development Plans**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	24th November 2020
<b>Planning Authority Reference</b>	20/01419/APP
<b>Nature of Proposal (Description)</b>	Change of use from office workshop to kids club and fitness club at
<b>Site</b>	14 Pinefield Parade Elgin Moray IV30 6AG
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133000330
<b>Proposal Location Easting</b>	323023
<b>Proposal Location Northing</b>	862362
<b>Area of application site (M<sup>2</sup>)</b>	95
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QILA0RBGM3U00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QILA0RBGM3U00</a>
<b>Previous Application</b>	96/00644/FUL
<b>Date of Consultation</b>	10th November 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Exhale Lhfitness
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Lisa Macdonald
<b>Case Officer Phone number</b>	01343 563479
<b>Case Officer email address</b>	<a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a>
<b>PA Response To</b>	<a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a>

## NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Environmental Health Manager

**Planning Application Ref. No: 20/01419/APP**

**Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade  
Elgin Moray IV30 6AG for Exhale Lhfitness**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/>             |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <b>x</b>                             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

**Reason(s) for objection**

**Condition(s)**

Informative note:

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992

**Further comment(s) to be passed to applicant**

**Further information required to consider the application**

**Contact:**

**Date.....**

**email address:**  
**Consultee:**

**Phone No** .....

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	24th November 2020
<b>Planning Authority Reference</b>	20/01419/APP
<b>Nature of Proposal (Description)</b>	Change of use from office workshop to kids club and fitness club at
<b>Site</b>	14 Pinefield Parade Elgin Moray IV30 6AG
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133000330
<b>Proposal Location Easting</b>	323023
<b>Proposal Location Northing</b>	862362
<b>Area of application site (M<sup>2</sup>)</b>	95
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QILA0RBGM3U00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QILA0RBGM3U00</a>
<b>Previous Application</b>	96/00644/FUL
<b>Date of Consultation</b>	10th November 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Exhale Lhfitness
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Lisa Macdonald
<b>Case Officer Phone number</b>	01343 563479
<b>Case Officer email address</b>	<a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a>
<b>PA Response To</b>	<a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a>

## NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 20/01419/APP**

**Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade  
Elgin Moray IV30 6AG for Exhale Lhfitness**

I have the following comments to make on the application:-

**Please**

- |     |   |                          |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below   | <b>x</b>                 |
| (b) | I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/> |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/> |

*This proposal is for a change of use from office workshop to “kids club and fitness club”. The supporting statement indicates that fitness classes would have approximately 6 clients, and with a one to one personal training session also provided. The proposal includes up to two members of staff.*

*The existing building is located within an Industrial Estate, and is located immediately adjacent to the junction of three busy Estate roads. There are no footways present, and there is evidence of inappropriate driver parking behaviour (over the public verge and located too close to junctions) throughout the Estate, as a result of an overall lack of parking availability. Due to the lack of footways (and likely obstructions within the grass verge) a safe, segregated route for pedestrians would not be available from any direction.*

*On site parking for 2no cars is presently available via the existing access arrangements. However the restricted width of the access and the fact that the kerbs are high restricts manoeuvring into the parking area. There would be scope to provide parking for a total of 4 vehicles via an alternative perpendicular parking arrangement but this would require the lowering of the full height kerbs across the full extents of the parking area and the reversing of vehicles into the spaces close to the junction.*

*Furthermore the site’s location immediately opposite a busy 3-way junction on street parking would not be available. Similarly, and critically the proximity to the junction would also mean that visiting vehicles would not be able to stop safely on the carriageway outside the building to drop off or pick up clients using the facility. The supporting statement states that “children will be getting dropped off and picked up not all parents drive”.*

*There is currently insufficient parking to accommodate the proposal, however even if works were undertaken to increase the number of parking spaces, this would not resolve Transportation's road safety concerns relating to the sites proximity to the adjacent public road junctions, and the inability of the clients to access the site by foot, be that as a result of being dropped off adjacent or from further afield.*

*The lack of safe access arrangements is a particular concern given the proposed development have vulnerable road users as customers and the fact that a high proportion of vehicles using the roads adjacent to the site are Heavy Goods and commercial Vehicles.*

### **Reason(s) for objection**

Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit), and part 'e)' (parking provision).

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 20 November 2020**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be a fantastic asset to the local community





# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: this will be brilliant for Lauren to be able to have more children's activities and clubs



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support that this application go ahead in order to provide a safe place for young people in Moray to be encouraged to take part in physical activities, not only important for physical health but mental health as well.



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: Mr

Address:

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Brilliant idea, would be very welcome by many people of all ages and also bringing business into Moray at a much needed time.





# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am totally in full support of the application. Elgin needs something like this for the community for the kids and for the general public. Not only would they have somewhere to go but also someone who is there for them as well. This is something that is needed. Elgin doesn't have much for the younger generation or for people who have disabilities or mental health all in one place. This needs to be approved



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support.



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As a sports lecturer at Moray College, I know how difficult it can be for sports providers to find suitable indoor facilities. I fully support this application which will extend the much needed sports/activity/physical exercise opportunities for local children.



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Believe this person deserves a chance and it will help lots of any kind of children and adults





# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Brilliant idea and great use of space for the community



# Comments for Planning Application 20/01419/APP

## Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This proposal would be fantastic for the children in the area who wish to take part in sports activities in a fun environment. Fitness is important for the wellbeing of children and adults alike. The opportunity to provide a small fitness area for teens and adults will allow them the opportunity to benefit their wellbeing and increase their confidence by managing to use this facility without being in a larger gym which can be anxiety provoking for many. This will give the area a much needed community boost, allowing children to socialise and for adults to be able to use their free time to attend classes that will be provided.



27 NOV 2020

Economy,  
Environment & Finance

22/11/2020

Sus/grads

PLANNING APPLICATIONS

20/0131/APL+ 20/01419/APL+ 20/01177/APL+  
20/01401/APL+ 20/01505/APL

TO ENSURE THAT ALL WILDLIFE  
FLOW & FLOW ON EACH SITE  
IS FULLY PROTECTED NO DISMOL-  
TION TO TAKE PLACE UNTIL IT  
IS ABSOLUTELY CERTAIN THAT  
BATS ARE NOT PRESENT YOU WILL  
BE FAMILIAR WITH THE REGISTRATION  
APPLICATIONS MUST ALSO BE!

WORK IN A CONSERVATION  
AREA IN ON OR ADJACENT



II

OR ADJACENT TO A LIGHT  
BUILDING MUST BE STRAIGHT  
TO LEAVING STAIRS

Yours fraternally



Stay Safe Stay Well!

## **REPORT OF HANDLING**

<b>Ref No:</b>	20/01419/APP	<b>Officer:</b>	Lisa Macdonald
<b>Proposal Description/ Address</b>	Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade Elgin Moray IV30 6AG		
<b>Date:</b>	16.12.2020	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

Approve, without or with condition(s) listed below		<b>N</b>
Refuse, subject to reason(s) listed below		<b>Y</b>
Legal Agreement required e.g. S,75		<b>N</b>
Notification to Scottish Ministers/Historic Scotland		<b>N</b>
Hearing requirements	Departure	<b>N</b>
	Pre-determination	<b>N</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	25/11/20	No objection – an informative is recommended in relation to health and safety and work place regulations.
Contaminated Land	17/11/20	No objection.
Transportation Manager	20/11/20	Objection: <ul style="list-style-type: none"><li>• The site is at the junction of three busy roads on an industrial estate</li><li>• There are no footways and no safe, segregated route for pedestrians from any direction</li><li>• There is evidence of parking over the public verge and too close to the junction</li><li>• There are two parking spaces available at present. There would be scope for providing 4 spaces if the kerbs were lowered across the full extent of the parking area and would still result in reversing close to the junction</li><li>• No on-street parking or safe drop off area is available due to the proximity to the junction.</li></ul>

		<ul style="list-style-type: none"> <li>• The lack of safe access arrangements is a particular concern given that the application identifies vulnerable road users including children as customers and that a high proportion of other road users on this road are Heavy Goods and commercial vehicles.</li> <li>• Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit), and part 'e)' (parking provision).</li> </ul>
Strategic Planning And Development	08/12/20	<p>Objection:</p> <ul style="list-style-type: none"> <li>• In relation to policy DP7 the proposed use will generate modest footfall therefore further assessment in relation to the impact on the town centre is not required.</li> <li>• The Pinefield Industrial Estate is an established industrial estate and policy DP5 which states that such sites will be reserved for class 4, 5 and 6 uses applies. Other uses including class 11 (assembly and leisure) are considered on their own merits in relation to suitability to an industrial area, compatibility with neighbouring uses and supply of serviced land</li> <li>• Pinefield houses large scale industrial and manufacturing uses alongside smaller commercial uses including garages and building supplies.</li> <li>• There are non-compliant uses on the Estate including a gym, rifle club, dog day care and education centre but these are not clustered and appear incongruous. Further non-conforming uses would erode the character of the industrial estate</li> <li>• Immediate neighbours to the site do have some access for visiting members of the public but these are focused on trade customers</li> <li>• The lack of footways, limited parking and surrounding industrial uses make this site an unsuitable location for visiting members of the public particularly the vulnerable user groups identified including children</li> </ul>



		<ul style="list-style-type: none"> <li>The site is small and its conversion to another use would not have a significant effect on the overall supply of serviced employment land in Elgin however the cumulative impact of such proposals can negatively affect over supply. Small units are also important for start-up businesses.</li> <li>The development would be out of character with surrounding uses and therefore is contrary to policy DP5 and DP1 (i)(a).</li> <li>Safe parking and access cannot be provided so the proposal is contrary to policy DP1 (ii) (a) and (e)/</li> <li>The proposed use would be better suited to a town centre location or an existing business area or opportunity site where a wider mix of uses are found.</li> </ul>
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP5 Business and Industry	Y	
Elgin - I5 Pinefield Industrial Estate	Y	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: TWELVE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p><b>Issue:</b> The majority of contributors expressed support for the development as a much need community asset and highlighted the potential benefits for vulnerable users.</p> <p><b>Comments (PO:</b> The comments of the contributors are noted. It is recognised that the applicant seeks to provide a beneficial service and this would be supported in the right location. However, the proposed location is unsuitable due to the incompatibility with surrounding uses and the lack of a safe access and parking.</p>		
<b>Issue:</b> impact on flora and fauna and built heritage.		

**Comments:** This application proposes a change of use only and no operational development. There will be no impact on flora and fauna or any listed buildings or conservation areas.

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### **The Proposal**

This application seeks planning permission to change the use of a building from a workshop to a gym. The supporting statement states that the building will not operate as a conventional gym. Classes will be run for children and other groups along with 1-to-1 personal training and private gym sessions for people with anxiety.

No physical changes are proposed to the building or the site.

### **The Site**

The site is a small unit on the Pinefield Industrial Estate. It sits on the junction of Pinefield Parade, Diagonal Road and Pinefield Crescent. There is a mix commercial industrial uses immediately surrounding the site including building merchants and a sign workshop. There are two parking spaces outside the building at present.

The Pinefield Industrial Estate is covered by the Elgin I5 designation in the Moray Local Plan 2020.

### **Principle of Development (DP1 (i)(a), DP5, Elgin I5)**

It is acknowledged that a number of representations have been made in support of the development and specifically the services offered. In a more suitable location such as the town centre or a business or opportunity site identified in the Local Plan it is likely that the principle of development would be supported. In this instance this is considered to be the wrong site for a development of this nature and it cannot be supported in this location.

Policy DP5 states that established industrial estates will be reserved for class 4, 5 and 6 uses applies. Other uses including class 11 (assembly and leisure) can be considered on a case by case basis in relation to suitability to an industrial area, compatibility with neighbouring uses and supply of serviced land. The Pinefield Industrial Estate is an established industrial estate with a strong industrial and commercial character. In the immediate vicinity of the application site there are builder's merchants, plumbing suppliers and a sign workshop. It is noted that some of these do involve regular access by visiting members of the public but these are principally trade and commercial operations. It is recognised that there are non-compliant uses found at Pinefield including a gym, a rifle club, dog day care facility and an education centre. None of these are immediate neighbours of the application site and all are spread throughout the industrial estate where the uses appear incongruous and unrelated to the principally industrial uses that characterise the rest of the estate.

It is acknowledged that the application relates to a very small unit and the proposed conversion in itself would not have a significant effect on the overall supply of serviced employment land in Elgin. However, over all supply can be significantly reduced by the cumulative impact of small scale proposals such as this. It should also be recognised that small units are also important for start-up businesses.

The proposed use is not compatible with the use of the industrial estate therefore is contrary to policy DP5 and DP1 (i)(a).

### **Access and Parking (DP (ii)(a &e))**

It is noted that the Transportation Manager objects both in relation to the access to the site and the proposed parking arrangements. There are currently two spaces in front of the building which offer access directly onto Pinefield Parade. There is no on-street parking available due to the proximity of the junction. The site is at the junction of three busy roads on the industrial estate. There are no footways and no safe, segregated route for pedestrians directly to the site.

There are two parking spaces available at present. Transportation advise that there would be scope for providing 4 spaces if the kerbs were lowered across the full extent of the parking area but this would still result in reversing close to the junction which is not acceptable. The applicant notes that for the most part only one member of staff would be present with two only present for some weekend classes. The applicant also states that gym use would be restricted to 1 to 1 personal training sessions or private gym sessions and that most classes are held in evening or at weekends when the industrial estate and the surrounding roads are quieter. However the proposal is considered in the round and safe access and parking must be provided at all times.

The lack of safe access arrangements is of significant concern as application identifies vulnerable road users including children as customers and a high proportion of other road users on this road are Heavy Goods and commercial vehicles. The applicant has suggested that concerns could be alleviated by allowing drop off only and encouraging walking to the site. However, there is no space for a drop-off area and walking to the site even with the support is not safe due to the lack of footways adjacent to the site. The applicant has suggested the possibility of a walking bus or a remote drop off point. The walking bus option is not acceptable due to the absence of footways. A remote drop off point may have some merit but no details of this option of have been provided and it is recognised that it would be impossible to prevent direct access to the site by latecomers or similar. The business is specifically targeted at children and other vulnerable groups but safe access for all users cannot be secured in this location where the road layout, lack of footways and nature of other traffic on the surrounding roads combine to produce a particularly dangerous set of road conditions. The proposal does not provide safe entry and exit for the use proposed and as such is contrary to policy DP1 (ii)(a) and fails to provide adequate parking contrary to policy DP1 (ii)(e).

### **Recommendation**

The proposal would introduce an incompatible use into the industrial estate which would contribute to the erosion of the industrial character of the site and lead to a loss of serviced employment land in Moray. Furthermore, the site does not have safe access for pedestrians or adequate parking and the development is likely to result in conditions that are detrimental to the safety of road users which is of particular concern in this instance as children and other vulnerable groups have been identified as client groups of the proposed development. The proposal is contrary to policies DP1 (i)( a), DP5, Elgin I5 and DP (ii)(a &e) and as such planning permission is refused.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

### **HISTORY**

Reference No.	Description	Decision	Date Of Decision
96/00644/FUL	Alter and refurbish the existing building at 14 Pinefield Parade Pinefield Industrial Estate Elgin Moray IV30 6AG	Permitted	19/06/96

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
PINS	Development specified in Schedule 3	10/12/20
Northern Scot	Development specified in Schedule 3	10/12/20

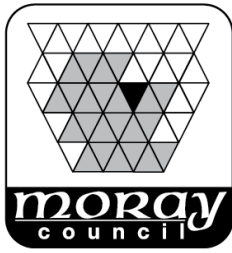
DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

<b>DOCUMENTS, ASSESSMENTS etc. *</b> <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Supporting Statement		
Main Issues:	Description of business and mitigation of parking issues <ul style="list-style-type: none"> <li>• Fitness classes offered in evening when the industrial estate is quieter</li> <li>• Children's classes could be organised so that parents just dropped children at the door or a remote drop-off point could be organised (<i>PO comment: no specific location has been identified for this</i>)</li> <li>• Walking to the site would be promoted. There is a footway on the opposite side of the road</li> <li>• The gym are would only be available for 1 to 1 personal training sessions or private gym sessions for people with anxiety and other issues that make use of a conventional gym difficult. Therefore there would only be two people in the building at a time.</li> <li>• The only time two members of staff will be present would be for football classes on a Saturday</li> <li>• A walking bus arrangement for children using the site could be established eventually</li> <li>• There is scope for 4 parking spaces at the site</li> <li>• The operating hours would be approximately 8 am – 9pm</li> </ul>	

<b>S.75 AGREEMENT</b>		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			





**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Elgin City North]  
Application for Planning Permission**

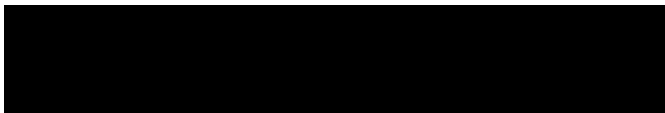
TO     Exhale Lhfitness  
         47 St Margarets Crescent  
         Lossiemouth  
         Moray  
         IV31 6RF

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Change of use from office workshop to kids club and fitness club at 14  
Pinefield Parade Elgin Moray IV30 6AG**

and for the reason(s) set out in the attached schedule.

Date of Notice:                      **17 December 2020**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposed change of use is contrary to Moray Local Development Plan 2020 DP1 (i)( a), DP5, Elgin I5 and DP (ii)(a &e) for the following reasons:-

1. The proposal would introduce an incompatible use into an established industrial area and would create conflict with other existing uses.
2. The proposal fails to provide for safe access and parking and would give rise to conditions that are detrimental to the safety of road users and pedestrians.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
		Floor layout site and location plan

**NOTICE OF APPEAL**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.





## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**



# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	miss	Ref No.	
Forename	lauren	Forename	
Surname	hambly	Surname	
Company Name	exhale lh fitness	Company Name	
Building No./Name	47	Building No./Name	
Address Line 1	st margrets crescent	Address Line 1	
Address Line 2		Address Line 2	
Town/City	lossiemouth	Town/City	
Postcode	iv316rf	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	moray council
Planning authority's application reference number	20/01419 app
Site address	
14 pinefeild parade elgin iv306ag	
Description of proposed development	
using 14 pinefeild parade as a kids and adults fitness doing PT sessions and kids 1 to 1 sessions	

Date of application

20/10/2020

Date of decision (if any)

17/12/2020

**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

**4. Nature of Application**

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐**5. Reasons for seeking review**

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☐

Assessment of review documents only, with no further procedure

☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

**7. Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☒

Is it possible for the site to be accessed safely, and without barriers to entry?

☐

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

i am seeking a review as i belive its been refused unfairly, yes 14 pinefiled parade is near roads but there will only ever be my car and a clients car on site, i have changed the way kids sessions would be run which will be 1 to 1 sessions so then theres no traffic concerns also i have looked into a mini bus agin for pick and drop off if i had a group of kids which means again no cars taking up the road, the building is a fair distance from the road so no kids would be in danger. the second issue is you stated that its an industrial unit and the area would not suit as it would reck the areas uses. which i know a lot of people that live in pinefeild and new elgin who all said having a place there would benifit the community and area. there are other areas of industrial that have had a gym type places. theres is a fitness place round the corner from 14 pinefeild parade fitson they got accepted plus there door is striaght leading on to a road yet they got a approved, same as there used to be a gymnastic place in the industrial unit across from burger king, you say that industrial units are made to stay industrial but yet those to places get approved, i feel this is a unfair treatment towards myself. i have liminated the issues to do with children sessions and cars and made it safer. i beg with you to review and change your desion im just trying to get started up and give something back to the community and help people get fit or help children with learning difficulties to have a safe space to play 1 to 1 in the premises .

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

i wish to include a new statement that limintes the road issue

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

lauren hambly

Date:

22/01/2021

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

14 pinefeild parade

Elgin

#### New statement on use

From previous the following changes will be made the building will be used for 1 to 1 sessions and PT sessions with that only 2 cars will be present in the car park. Also with later on I ran kids clubs then a mini bus will be used to collect children from designated place to the premises then taken back to the designated place for pick up after session ended I have spoke to parents who have an interest and they have said there happy for this to happen. This limits the traffic concern and kids being close to the road.

Also there will always be myself and my assistant with the children so then there safety is always adhered to.



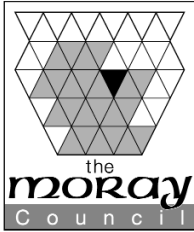




## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**





## **ENVIRONMENTAL SERVICES**

**Diane Anderson**

**Senior Engineer**

PO Box 6760  
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: [diane.anderson@moray.gov.uk](mailto:diane.anderson@moray.gov.uk)

Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Our reference: LR/LRB253

Your reference: LR253

Chief Legal Officer  
Per Ms L Rowan  
Committee Services  
The Moray Council  
High Street  
ELGIN  
IV30 1BX

04 February 2021

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 20/01419/APP CHANGE OF USE FROM OFFICE  
WORKSHOP TO KIDS CLUB AND FITNESS CLUB AT 14 PINEFIELD PARADE, ELGIN**

I refer to your letter dated 27<sup>th</sup> January 2021.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

**Diane Anderson**  
**Senior Engineer**

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**Local Review****LRB Ref 253****Planning Application Reference 20/01419/APP 14 Pinefield Parade Elgin - Change of use from office workshop to kids club and fitness club****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Miss Lauren Hambly and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/01419/APP Change of use from office, workshop to kids club and fitness club at 14 Pinefield Parade, Elgin, primarily for children with special needs such as anxiety issues.
3. Transportation received the consultation for planning application 20/01419/APP on 10<sup>th</sup> November 2020. A copy of Transportations consultation response dated 20<sup>th</sup> November 2020 is attached (TMC 01).
4. A supporting statement was submitted a part of the planning application detailing the proposed activities, including the number of children attending, staff numbers, and operating times etc. Fitness classes would have approximately 6 children attending, along with one to one sessions provided. Up to two staff are proposed. The applicant indicated that 4no car parking spaces were available within the site, and children to be dropped off independently by their parents.
5. Transportation's review of the available surfaced area within the site determined that only 2no car parking spaces are available within the site.
6. 14 Pinefield Parade is located within a very busy Industrial Estate, and positioned immediately opposite a key junction, as well as with a further junction located immediately adjacent to the south. It is also the primary route in and out of the Industrial Estate. There are no footways present within Pinefield Parade, and therefore access by foot would have to be undertaken directly on the carriageway or pedestrians would have to negotiate around parked cars within parking areas and via sections of grass verge.
7. Notwithstanding the fact that the drop kerbs could be extended to provide additional parking, the reversing manoeuvres into the site would be undertaken at a very sensitive location which would be subject to a high number of passing movements and from all directions. There is a likelihood that the visitor parking manoeuvres would result in driver confusion for those vehicles passing the site. Drivers exiting the site may also find it difficult to do so safely due to the extent of the area where vehicles may be approaching from, and also their view may be obstructed by a vehicle passing in another direction.
8. Site photos, including in-car driver views from vehicles exiting the site access are attached (TMC 02)

---

## Local Review

LRB Ref 253

### Planning Application Reference 20/01419/APP 14 Pinefield Parade Elgin - Change of use from office workshop to kids club and fitness club

9. Transportation also considers that as a result of the lack of parking and difficulty the vehicles would have manoeuvring into the car park (as a result of the proximity to the junctions), it would be likely that children arriving by vehicle would be dropped off and picked up at the side of the road. This could further result in driver confusion and also mean that the driver would have to step out of the vehicle into oncoming traffic (from multiple directions), in order to escort their child from the car into and out of the building.
10. Due to the lack of footways serving this unit, there is no safe segregated route for any clients arriving by foot. The presence of parked vehicles within the verge presents an additional barrier to any pedestrians trying to negotiate safely around the estate. Pedestrian access is also further compromised by vehicles within the Industrial Estate parking inconsiderately (too close to junctions), which is primarily due to an overall lack of parking provision throughout the industrial estate. The site also has an open frontage and therefore a child could potentially step directly onto the carriageway from the site.
11. Additionally due to the site being located within an Industrial Estate a high proportion of the passing vehicles are likely to be commercial, including LGV and HGV's. The nature of vehicles present would result in an even greater risk of significant injury to a pedestrian, and this is even more pertinent given the likely vulnerability of the customers.
12. Transportation considers that the proposed change of use is not compatible with the Industrial Estate use, and there would be considerable risk to the vulnerable users due to lack of segregated pedestrian footways, safe parking and drop off arrangements.
13. It is noted that a further supporting statement has been submitted, this time to support the Local Review. Whilst the proposals have now been amended to only include one to one sessions, and the use of a minibus to transport groups of children together, rather than by individual vehicles, Transportation considers that these measures would not be enforceable. Of particular concern would be if the unit was sold/rented to another operator in the future, that party may be unlikely to operate in a similar manner and comply with any condition. On the basis that any such condition is considered to be unenforceable, Transportation's objection still stands.
14. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation

04 February 2021

---

**Local Review**

**LRB Ref 253**

**Planning Application Reference 20/01419/APP 14 Pinefield Parade Elgin - Change of use from office workshop to kids club and fitness club**

**Documents**

TMC01      Transportation Consultation Response dated 20<sup>th</sup> November 2020

TMC02      Site photographs



IN CAR VIEW TO NORTH FROM SITE ACCESS (TOWARDS A96)



IN CAR VIEW TO EAST FROM SITE ACCESS (TOWARDS REIKET LANE)





IN CAR VIEW TO SOUTH FROM SITE ACCESS (TOWARDS DIAGONAL ROAD)



EXISTING 4.7M WIDE ACCESS AND OPEN SITE FRONTAGE





STREETVIEW IMAGE SHOWING PROXIMITY TO JUNCTIONS



**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 10 February 2021 00:56  
**To:** Lissa Rowan  
**Subject:** Planning Application 20/01419/APP – Use of 14 Pinefield Parade as a kids and adults fitness doing PT sessions and kids 1 to 1 sessions

Dear Lissa Rowan,

I am writing in support of Lauren Hambly's application to make use of 14 Pinefield Parade as a kids and adults fitness. I believe this will help benefit the community in numerous of ways. It will help fulfil Miss Hambly's dreams of teaching children and adults fitness, it will help increase children and adults in the community's health and wellbeing physically and mentally. It will help bring us together, especially during a time like this.

Yours Sincerely,

[REDACTED]



**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 10 February 2021 14:28  
**To:** Lissa Rowan  
**Subject:** 14 pine field

Dear Lissa

I feel having a gym/kids club at 14 pine field would be very beneficial as there is not much in Elgin as a wheelchair user I think Elgin lacks in that departments if the gym does open it will be wheelchair Accessable this will give disabled people a choice

I also believe it would help people with mental health issues aswell because I know that not everyone likes crowds people watching them etc

It would also mean people living in and around the pine field area wouldn't have to travel as far

Also I believe having a place like this would help kids/adults with special needs

Thanks

[REDACTED]

Sent from my iPad



**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 11 February 2021 10:38  
**To:** Lissa Rowan  
**Subject:** Lauren Hambly application

Hi there,

I wanted to show support for Lauren Hambly by writing you an email. I work with Lauren and she is very passionate in what she does and has a great vision for the future. If there is anything you could do to reconsider her application for fitness/kids club in your premises she would be very grateful indeed .

Yours,

[REDACTED]

Sent from my iPhone





**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 11 February 2021 00:08  
**To:** Lissa Rowan  
**Subject:** Review of proposal for Lauren Hambly

Dear Madam.

I am again writing a letter in support for [REDACTED] Lauren Hambly and the application made for use of a building for her to use for kids clubs/ gym sessions . I acknowledge the fact that the council are concerned over a matter of things with regard to this application but let me assure everything has been looked into for the safety of the public and children who are hoping to access this building. What [REDACTED] is trying to do is help the community help those who want to have access to a gym area where they won't be paying for a subscription regardless if they use it or not like they do with bigger modern gyms ,won't feel uncomfortable or self conscious thinking they are being watched. People who don't like big areas with lots of people in it won't have to worry if they make a mistake or overwhelmed about younger people than them looking at them with a look of you don't belong here. Helping people achieve their dream fitness, their ideal weight,boosting their self confidence is what [REDACTED] wants to do for people whether they have disabilities or mental health there would be no stigma attached just genuine care and support for each individual. [REDACTED]

[REDACTED] who has been determined to build up her own little business because of something she loves and is passionate about. [REDACTED]

[REDACTED] Having her own place would benefit so many not just her. She runs kids clubs ,she does football clubs and she could do so much more if she had a place if the weather wasn't good. Lauren has friends and family that are more than willing to help run it , she even has someone who is a licenced taxi driver willing to do pick up and drop offs for her kids clubs or her one to one sessions so the issue of inadequate parking or no walkways would not be an issue as it would be dealt with through the pick up drop off program. There are ways to deal with things that seem like obstacles if thought out properly. All kids , adults will always be 100% well looked after because that is what matters to Lauren the most the wellbeing of others. [REDACTED]

[REDACTED] This building whether it is in a field ,middle of the city or where it is beside other buildings used for storage or businesses the fact of the matter is once inside you forget the outside, you go there and you do what you are there for whether it's to let off steam at the punching bag or do some gentle exercising or your kids are running around having fun with nerf guns and other equipment the important thing is you are there and sometimes that's the biggest step for some people and to have someone like Lauren who understands both disabilities and mental health issues is something not a lot of places can offer to many. This is needed for the area,for the kids , for the community but most of all its needed for those individuals who are struggling to find something positive in their lives especially now with the current situation. All Lauren wants to do is make a difference to people's lives and she can only do this if her proposal is accepted. I hope you will read and understand what I have sent to you and I hope that you will see what this means not just to Lauren but the community too. Thank you for your time in reading this.

Yours Sincerely

[REDACTED]  
[REDACTED]



**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 10 February 2021 19:55  
**To:** Lissa Rowan  
**Subject:** Supporting lauren

Dear madam, i am writting to support n back laurens business. She has worked very hard to qualify as a personal trainer .i feel it would be beneficial to the elgin community for the young and old providing health & fitness in moray .pinefield / linkwood area dont have much affordable close ammenties .currently if anyone joins a gym they pay fees and its too expensive for single parents to not only go themselves but also for their children .oap cant afford the fees either whereby lauren is cheaper with no membership fees.its affordable close by and would boost peoples lifestyles in all walks of life .i fullu support her application. She is a dedicated enthusiastic hardworking young lassie .yours sincerley [REDACTED]





## **APPENDIX 4**

# **APPLICANT'S RESPONSE TO FURTHER INFORMATION**



**Lissa Rowan**

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**From:** Lauren Hambly [REDACTED]  
**Sent:** 17 February 2021 10:47  
**To:** Lissa Rowan  
**Subject:** Re: LR253 - Notice of Review - Planning Application 20/01419/APP

Hi I disagree with the transportation desision I have changed the original to now being a bus picking up and dropping off kids so there wouldn't be volumes of traffic yet there still trying to say its still not good enough no matter where you go in Elgin there will be roads and traffic iv made it safe as possible, I feel this is just excuses as they don't want that type of use even tho it helps the community

[Sent from Yahoo Mail for iPad](#)

On Wednesday, February 17, 2021, 10:31 am, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Dear Ms Hambly,

#### **Notification of Further Representations**

#### **Notice of Review: Planning Application 20/01419/APP - Change of use from office workshop to kids club and fitness club**

Further to my email of 27 January 2021, I would advise that 6 representations have been received in respect of your Notice of Review and are attached for your information.

If you wish to respond to these representations, this should be sent to the Clerk of the Moray Local Review Body (MLRB), by email at the above address, **on or before 4 March 2021**.

In the event of no response prior to the 14 day deadline, it will be assumed that you have no further comment to make.

If you have any queries, please do not hesitate to contact me on the details above.

Yours sincerely,

Lissa Rowan

Committee Services Officer

Clerk to the MLRB

**Lissa Rowan** | Committee Services Officer | Governance, Strategy and Performance Services

[lissa.rowan@moray.gov.uk](mailto:lissa.rowan@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

07971 879293

01343 563015 ***\*\*Please note I am working from home until further notice and cannot be contacted via this number\*\****







# **APPENDIX 5**

## **RESPONSE TO SAFETY STATEMENT**



**Lissa Rowan**

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**From:** Transport Develop  
**Sent:** 02 March 2021 12:10  
**To:** Lissa Rowan  
**Subject:** LR253 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin  
**Attachments:** 20\_01419\_APP-LRB\_-\_SAFETY\_STATEMENT-1330456 (1).docx

Hi Lissa,

**LR253 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin**

I can confirm that Transportation included in their further representation response to the Local Review for this proposal, a statement relating to the updated 'Safety Statement' submitted by the applicant (statement re-attached for the benefit of clarity). The relevant paragraphs are highlighted below:

13. It is noted that a further supporting statement has been submitted, this time to support the Local Review. Whilst the proposals have now been amended to only include one to one sessions, and the use of a minibus to transport groups of children together, rather than by individual vehicles, Transportation considers that these measures would not be enforceable. Of particular concern would be if the unit was sold/rented to another operator in the future, that party may be unlikely to operate in a similar manner and comply with any condition. On the basis that any such condition is considered to be unenforceable, Transportation's objection still stands.
14. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation's position remains the same in that it is considered that the proposed operations (as indicated within the safety statement) would not in fact be enforceable and therefore the basis of Transportation's objection would still apply.

"Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users"

Kind regards  
Andy

**Transport Development Team | Transportation**

[transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

0300 1234565

**moray**  
council

