



## MORAY LOCAL REVIEW BODY

28 JANUARY 2021

### SUMMARY OF INFORMATION FOR CASE No LR246

**Planning Application 20/00622/APP – Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place, Lossiemouth**

#### **Ward 5 – Heldon and Laich**

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

The proposal is contrary to the provisions of the Moray Local Development Plan (MLDP) 2020 because the use of a domestic garage as a sweet workshop including sales to customers would result in a business use which would involve visiting members of the public to the site and would be detrimental to the residential character and amenity of the site and adjoining neighbouring properties and is therefore contrary to policies DP1, PP1 and PP2 of the MLDP 2020.

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**.

No Further Representations were received in response to the Notice of Review.

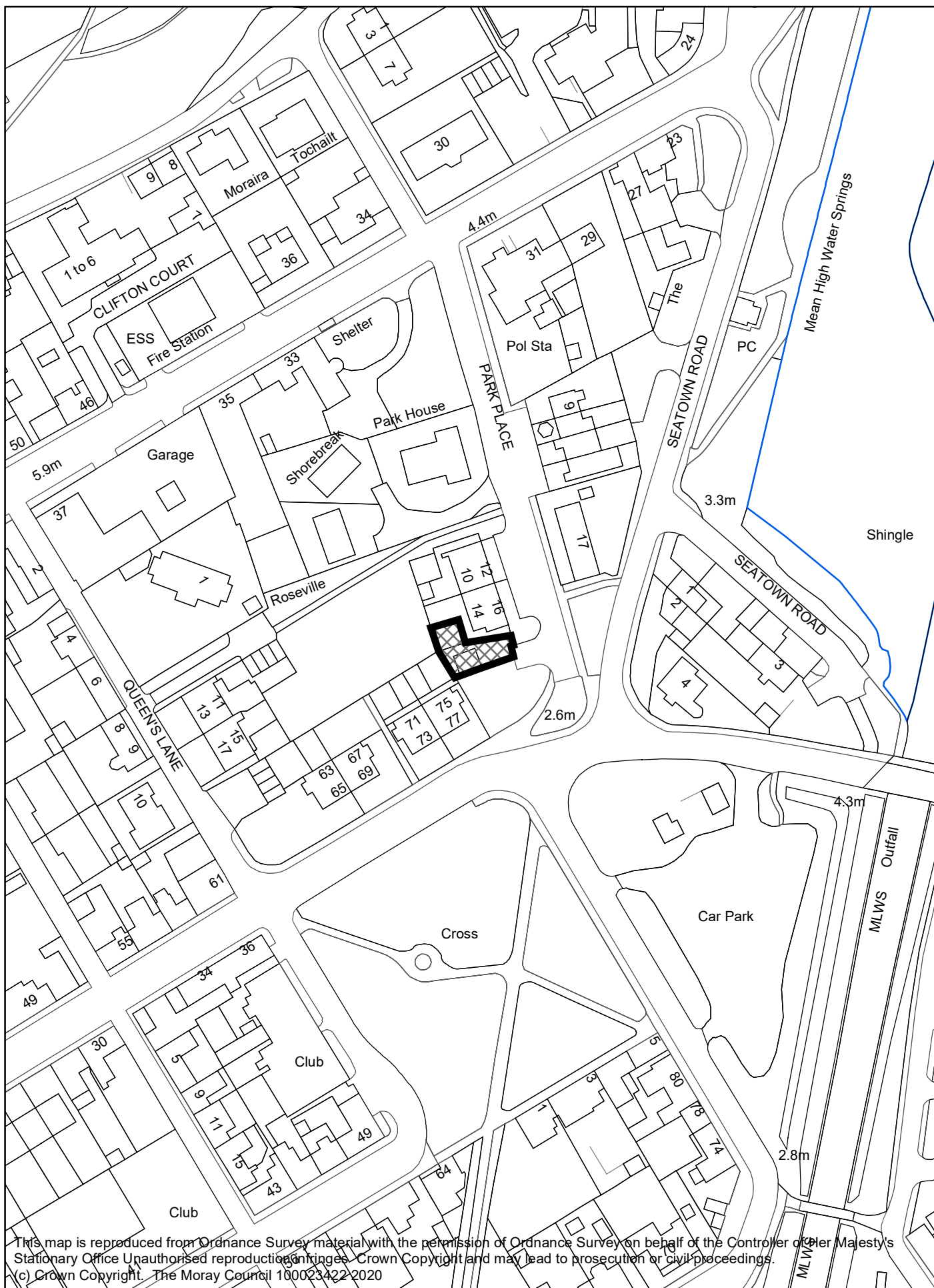
At the meeting of the Moray Local Review Body (MLRB) on 17 December 2020, the MLRB determined that it did not have sufficient information to make a decision and deferred consideration of the Review to request further representation from the Appointed Officer on a plan that had been circulated to the Moray Local Review Body (MLRB) ahead of the meeting which included information that was not before the Appointed Officer at the time of determination.

The Appointed Officer's response to the additional information can be found at **Appendix 3**.





# Location plan for Planning Application Reference Number : 20/00622/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

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 100258419-001

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)

Convert existing domestic garage to sweet workshop

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

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

10/02/2020

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Applicant understood no consent was required.

## 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

## Agent Details

Please enter Agent details

Company/Organisation:	Plans Plus		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	Plans Plus Offices
Last Name: *	Keir	Building Number:	
Telephone Number: *	01343 842635	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Urquhart
Mobile Number:		Town/City: *	By Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 8LG
Email Address: *	ctkplans@aol.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Phil	Building Number:	14
Last Name: *	Jeremiah	Address 1 (Street): *	Park Place
Company/Organisation		Address 2:	Lossiemouth
Telephone Number: *		Town/City: *	Moray
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV32 6DW
Fax Number:			
Email Address: *	ctkplans@aol.com		



## Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

14 PARK PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6DW

Please identify/describe the location of the site or sites

Northing

870470

Easting

323591

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

0.03

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)

Domestic Garage

## 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? *      <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? *      <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? *      <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? *      <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? *      <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? *      <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *      <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

Normal recycling bins

## 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

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

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Don't Know

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

18

If Class 1, please give details of internal floorspace:

Net trading spaces:

18

Non-trading space:

0

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Preparation of sweets for sale

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Colin Keir

On behalf of: Mr Phil Jeremiah

Date: 19/05/2020

☒ 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 principle 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.

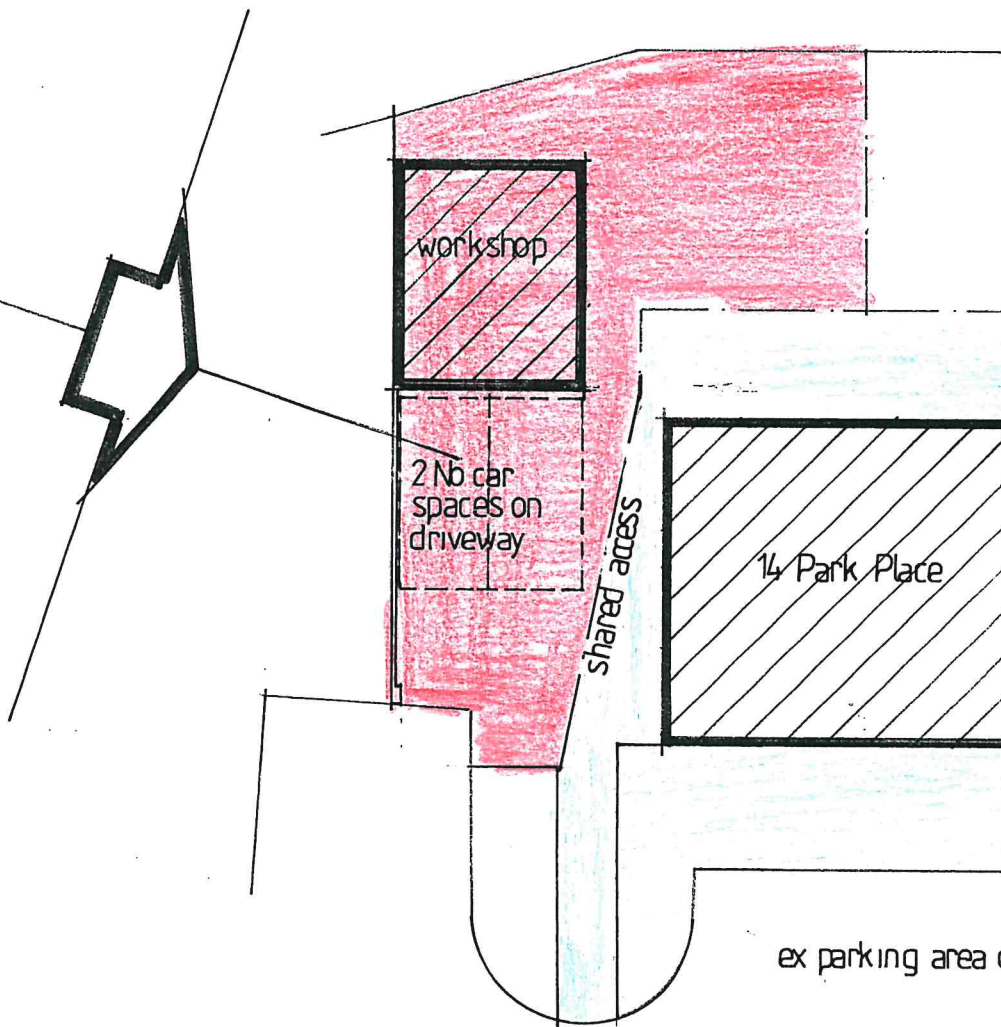
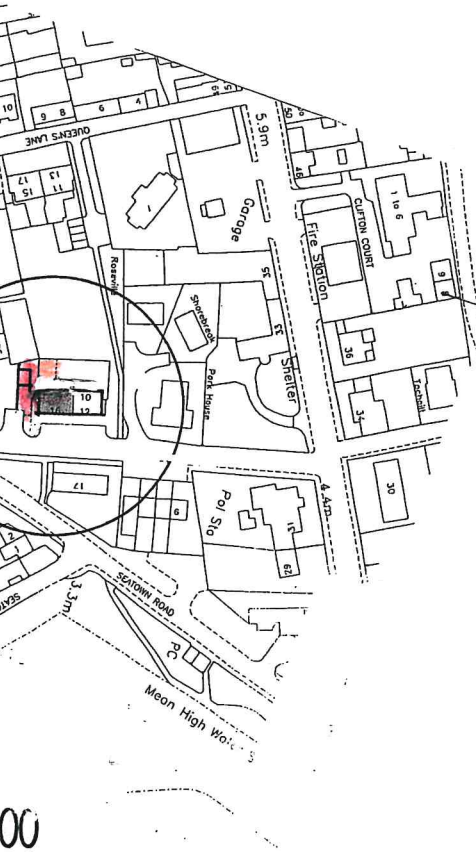
Declaration Name: Mr Colin Keir

Declaration Date: 19/05/2020

## **Payment Details**

Cheque: Plans Plus, 015363

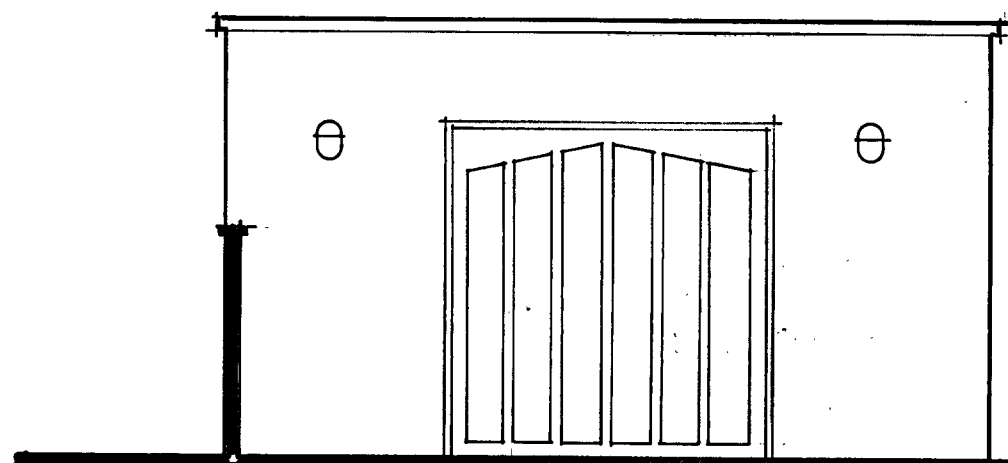
Created: 19/05/2020 11:13



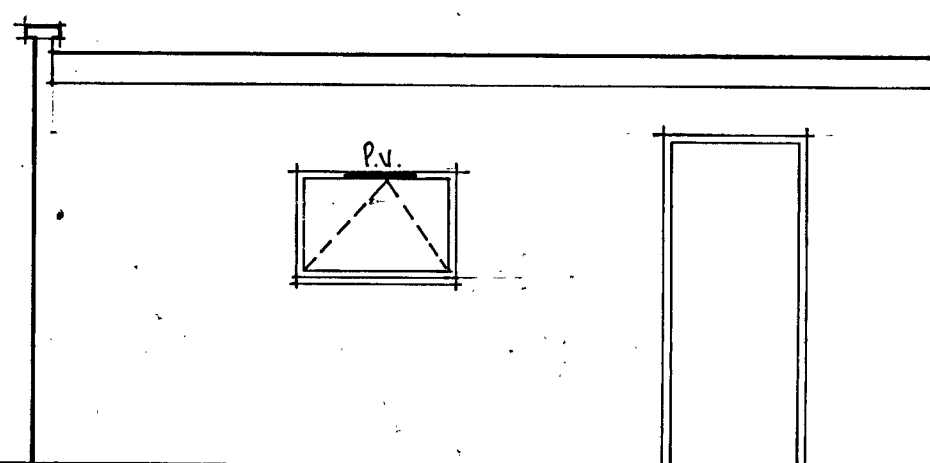
Site plan 1:200



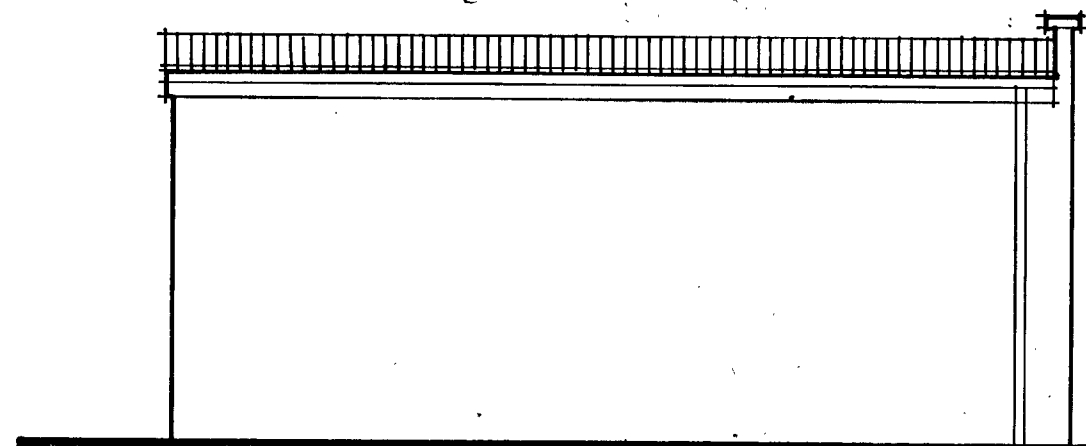




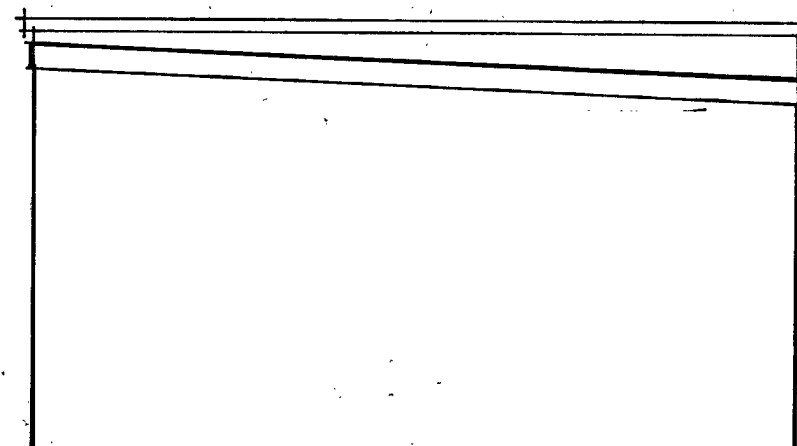
Front elevation 1:50



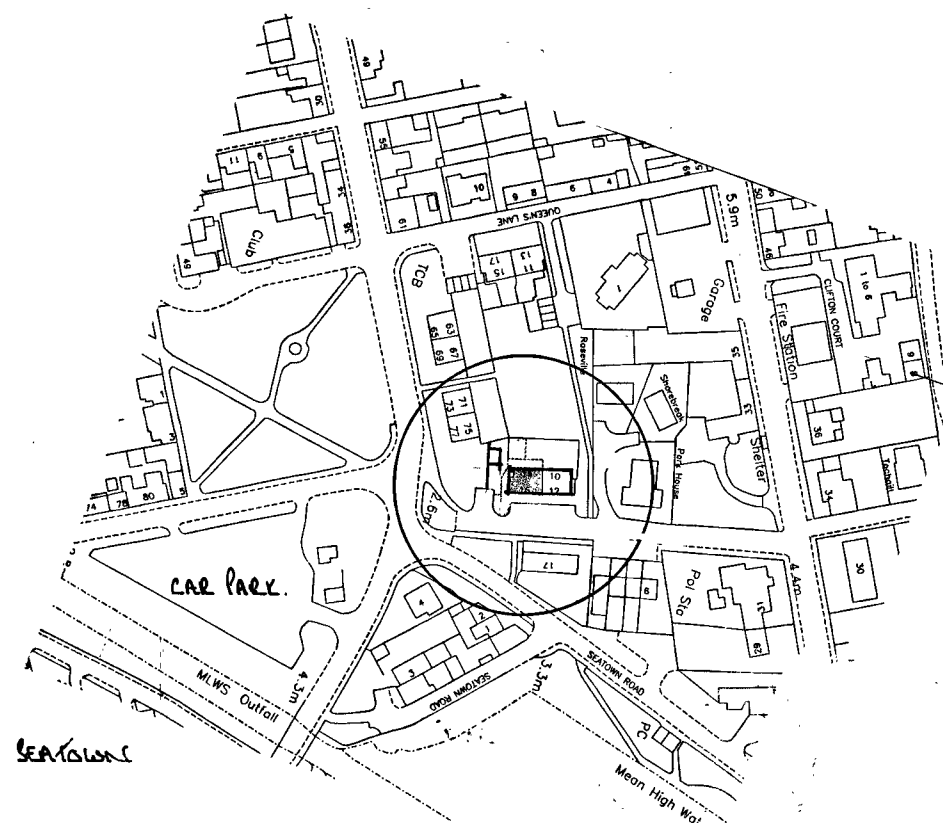
Side elevation 1:50



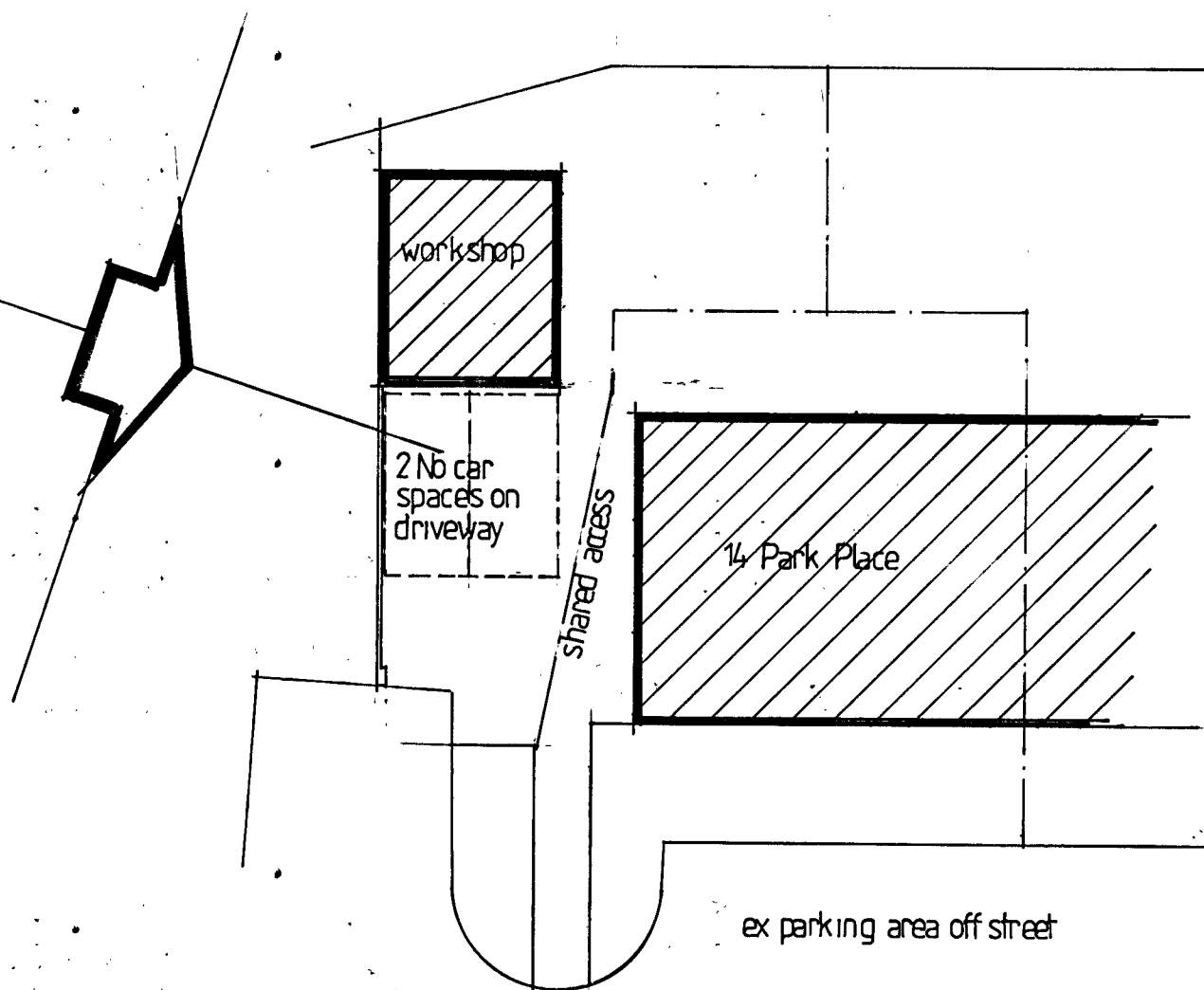
Side elevation 1:50



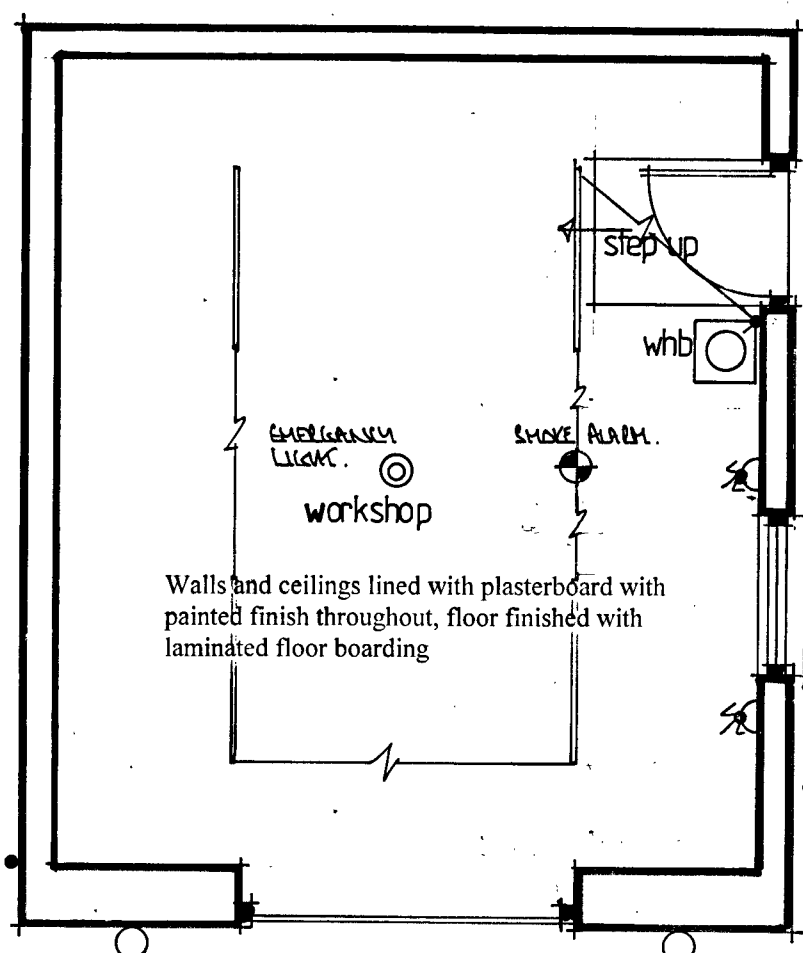
Rear elevation 1:50



Location plan 1:2500  
Lossiemouth



Site plan 1:200



Floor plan 1:50

Proprietary wash hand basin with waste water collection bottle below for manual emptying into house drainage. Hand sanitizer and paper towel dispensers located above basin position.

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

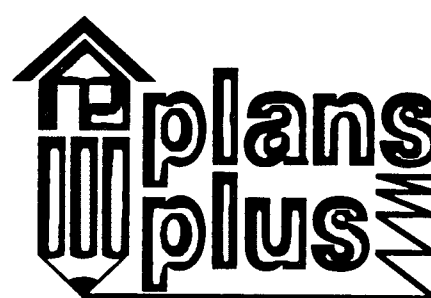
CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

CROWN COPYRIGHT. ALL RIGHTS RESERVED.  
LICENSE NUMBER 100041145

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE.  
CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS  
GIVEN DIMENSIONS ONLY TO BE USED.  
DO NOT SCALE PLANS.

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

CLIENT Mr P Jeremiah	SCALE 1:50	DRAWN BY IR	DATE May 2020
PROJECT CoU of detached residential garage to workshop for confectionary business at 14 Park Pl, Lossiemouth, IV31 6JW			PROJECT No. 19-80



## ARCHITECTURAL DESIGN CONSULTANTS

TELEPHONE No. 01343 842635  
MOBILE No. 07766 315501  
EMAIL: ctkplans@aol.com  
WEB: www.plans-plus.co.uk  
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG





# design consultants

Phone: 01343 842635  
Fax: 01343 842785  
Mobile: 07766 315501  
Email: [ctkplans@aol.com](mailto:ctkplans@aol.com)  
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

## **PLANNING / DRAINAGE STATEMENT**

**PROJECT :- CHANGE OF USE OF DOMESTIC GARAGE TO  
SWEET WORKSHOP AT 14 PARK PLACE LOSSIEMOUTH.**

### **PROJECT NUMBER 19-80**

This is a simple application to turn a domestic garage into a small sweet workshop. The building will look exactly the same externally with only linings applied to the floor, walls and ceiling.

There are no drains for either foul or rainwater. All the rainwater downpipes exist and the small wash hand basin has a collection bottle below which is emptied when required.

Only the applicant's wife will be working in this area.

2 car parking spaces can still be retained on site although there is generous additional parking in front of the house as this is now a *cud de sac*.





## Planning Statement

1	The proposed use of the premises is a workshop/shop for the re-packaging and sale of sweets. This will include both online orders and walk in customers.
2	The proposed hours of operation are from 11am to 5pm
3	The premises will be open Monday to Saturday.
4	There will normally be 1 staff member on the premises but 2 during busy periods.
5	Difficult to estimate customer numbers but hoping for 6-10 per day. We also operate a delivery service which reduces the number.
6	We have no odour extraction equipment as no cooking is carried out on the premises.
7	As described above all business is takeaway



# **Consultee Comments for Planning Application 20/00622/APP**

## **Application Summary**

Application Number: 20/00622/APP

Address: 14 Park Place Lossiemouth Moray IV31 6DW

Proposal: Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at

Case Officer: Shona Strachan

## **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 - Adrian Muscutt, CLO





Thursday, 25 June 2020



Local Planner  
High Street  
Elgin  
IV30 1BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: 14 Park Place, , Lossiemouth, IV31 6DW**  
**PLANNING REF: 20/00622/APP**  
**OUR REF: DSCAS-0016909-LF2**  
**PROPOSAL: Retrospective consent to convert existing domestic garage to sweet workshop (including sales)**

**Please quote our reference in all future correspondence**

## Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Badentinan Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by Moray West Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.



SW Public  
Published  
To find out more about connecting your  
property to the water and waste water supply visit:



### So, how are we doing?

We'd love to know what we're doing well or could do better.  
We promise we're listening,  
[click here](#) to tell us...



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## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for



permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	8th July 2020
<b>Planning Authority Reference</b>	20/00622/APP
<b>Nature of Proposal (Description)</b>	Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at
<b>Site</b>	14 Park Place Lossiemouth Moray IV31 6DW
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133003876
<b>Proposal Location Easting</b>	323591
<b>Proposal Location Northing</b>	870470
<b>Area of application site (M<sup>2</sup>)</b>	300
<b>Additional Comment</b>	RAF Lossiemouth Noise Zone 63dBA
<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=QAM8QYBGLMQ00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAM8QYBGLMQ00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	24th June 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Phil Jeremiah
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	14 Park Place Lossiemouth Moray IV31 6DW
<b>Agent Name</b>	Plans Plus
<b>Agent Organisation Name</b>	Plans Plus
<b>Agent Address</b>	Main Street URQUHART By Elgin Moray IV30 8LG
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**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: 20/00622/APP**

**Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth Moray IV31 6DW for Mr Phil Jeremiah**

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 | X                                    |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

### Condition(s)

All operations at the development shall be carried out and permitted between 1000 - 1800, Monday to Saturday and at no other times without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

**Contact:** James Harris  
**email address:**  
**Consultee:**

**Date.....**6/7/20.....  
**Phone No** .....

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply

with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using “redaction” software to avoid (or mask) the display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.



# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	8th July 2020
<b>Planning Authority Reference</b>	20/00622/APP
<b>Nature of Proposal (Description)</b>	Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at
<b>Site</b>	14 Park Place Lossiemouth Moray IV31 6DW
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133003876
<b>Proposal Location Easting</b>	323591
<b>Proposal Location Northing</b>	870470
<b>Area of application site (M<sup>2</sup>)</b>	300
<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=QAM8QYBGLMQ00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAM8QYBGLMQ00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	24th June 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Phil Jeremiah
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	14 Park Place Lossiemouth Moray IV31 6DW
<b>Agent Name</b>	Plans Plus
<b>Agent Organisation Name</b>	Plans Plus
<b>Agent Address</b>	Main Street URQUHART By Elgin Moray IV30 8LG
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

## 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:** Transportation Manager

**Planning Application Ref. No:** 20/00622/APP

**Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth Moray IV31 6DW for Mr Phil Jeremiah**

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

**Please**

- |   |                                     |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <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 | <input checked="" type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>            |

*It is noted that this proposal is retrospective in nature.*

#### **Condition(s)**

1. Two existing car parking spaces shall be retained, and made available for use by residents and customers throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

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

Planning consent does not carry with it the right to carry out works within the public road boundary.

On street parking should be located out with the adjacent turning hammerhead at the end of Park Place.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

**Contact:** AG

**Date** 15 July 2020

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

**Consultee:** TRANSPORTATION

**Return response to**

**[consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)**

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/>. (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.



## **REPORT OF HANDLING**

<b>Ref No:</b>	20/00622/APP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth Moray IV31 6DW		
<b>Date:</b>	17/08/20	<b>Typist Initials:</b>	FJA

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	06/07/20	No objection with a condition recommended to control the hours of operation
Transportation Manager	15/07/20	No objection subject to condition requiring the retention of car parking provision
Contaminated Land	25/06/20	No objection
Scottish Water	26/06/20	No objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1 Placemaking	Y	
PP2 Sustainable Economic Growth	Y	
DP1 Development Principles	Y	

### **REPRESENTATIONS**

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Legislative Framework

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:

### Proposal

Retrospective planning consent is sought to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth

The garage is an existing structure which has the design and appearance of a domestic garage with a footprint of approximately 5.0m x 5.9m.

Supporting information provided with the application identifies that: The proposed use of the premises is a workshop/shop for the re-packaging and sale of sweets. This will include both online orders and walk in customers. The proposed hours of operation are from 11am to 5pm. The premises will be open Monday to Saturday. There will normally be 1 staff member on the premises but 2 during busy periods. Estimated customer numbers 6-10 per day. The business also includes delivery element which will reduce the number of walk in customers.

### Site Characteristics

14 Park Place Lossiemouth is a four in a block property in a residential cul-de-sac. The garage is located to the side and rear of the property 14 Park Place and is accessed via Park Place. The cul-de-sac terminates beyond this property and there is an area of green open space adjacent to the property/garage to the east. There are adjoining neighbouring properties/gardens to the west and south east.

### Policy Assessment

#### Impact of the development (Policies DP1, PP1, PP2; MLDP 2020)

Policy DP1 requires that the scale, density and character of a development must be appropriate to the surrounding area and create a sense of place. Proposals must also not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

Policy PP1 and PP2 promote promotes good design principles to create successful and vibrant places while safeguarding the natural and built environment.

The use of the existing domestic garage as a sweet workshop which will include direct sales to customers will result in activity of customers coming and going to the garden of this property. This activity is not a typical use that would be found in the garden of a residential property. The incidents of customer activity would be detrimental to the overall amenity and enjoyment of the adjoining neighbouring properties, particularly the use and enjoyment of rear garden spaces where higher levels of residential amenity are expected. On this basis the proposal is considered to result in an unacceptable change of use and is contrary to the provisions of policies DP1, PP1, PP2; MLDP 2020.

#### Access and Parking (DP1 (ii) and PP1 (vi); MLDP2020)

The Transportation Section has raised no objection to the proposal subject to the retention of onsite parking; subject to compliance with condition the proposal would be acceptable in relation to the access and parking requirements of the aforementioned policies.

It is noted here that there are no consultee objections or public representations made on the proposal.

## RECOMMENDATION

The application is recommended for refusal.

## OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

## HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

## ADVERT

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

## DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

## DOCUMENTS, ASSESSMENTS etc. \*

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

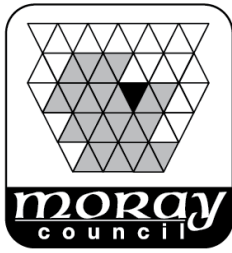
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement	
Main Issues:	The statement advises: The proposed use of the premises is a workshop/shop for the re-packaging and sale of sweets. This will include both online orders and walk in customers. The proposed hours of operation are from 11am to 5pm. The premises will be open Monday to Saturday. There will normally be 1 staff member on the premises but 2 during busy periods. Estimated customer numbers 6-10 per day. The business also includes delivery element which will reduce the number of walk in customers.	

## S.75 AGREEMENT

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

DIRECTION(S) MADE BY SCOTTISH MINISTERS (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**

**[Heldon And Laich]  
Application for Planning Permission**

TO     Mr Phil Jeremiah  
         c/o Plans Plus  
         Main Street  
         URQUHART  
         By Elgin  
         Moray  
         IV30 8LG

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:-

**Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth Moray IV31 6DW**

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

Date of Notice:                      **17 August 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 proposal is contrary to the provisions of the Moray Local Development Plan 2020 because the use of a domestic garage as a sweet workshop including sales to customers would result in a business use which would involve visiting members of the public to the site and would be detrimental to the residential character and amenity of the site and adjoining neighbouring properties and is therefore contrary to policies DP1, PP1 and PP2 of the MLDP 2020.

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

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

Reference	Version	Title
		Site and location plans
19~80		Elevations and floor plans

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**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**





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 100313336-001

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.

## 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

## Agent Details

Please enter Agent details

Company/Organisation:	Plans Plus		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	Plans Plus Offices
Last Name: *	Keir	Building Number:	
Telephone Number: *	01343 842635	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Urquhart
Mobile Number:		Town/City: *	By Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 8LG
Email Address: *	ctkplans@aol.com		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Phil	Building Number:	14
Last Name: *	Jeremiah	Address 1 (Street): *	park Place
Company/Organisation		Address 2:	Lossiemouth
Telephone Number: *	07794 358931	Town/City: *	Moray
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV31 6DW
Fax Number:			
Email Address: *	ctkplans@aol.com		

## Site Address Details

Planning Authority:	Moray Council
Full postal address of the site (including postcode where available):	
Address 1:	14 PARK PLACE
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	LOSSIEMOUTH
Post Code:	IV31 6DW

Please identify/describe the location of the site or sites

--	--

Northing	870470	Easting	323591
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Retrospective Consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate sheet

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Map of area demonstrating other commercial businesses in the area. List of client visits to premises over 10 day period. Copy of planning refusal notice Copy of plan

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00622/APP

What date was the application submitted to the planning authority? \*

22/06/2020

What date was the decision issued by the planning authority? \*

17/08/2020

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is important that the Review Committee see for themselves the adequate parking available in this location and also the mixture of commercial and domestic properties.

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Keir

Declaration Date: 02/10/2020





# design consultants

Phone: 01343 842635  
Fax: 01343 842785  
Mobile: 07766 315501  
Email: [ctkplans@aol.com](mailto:ctkplans@aol.com)  
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

## PLANNING REVIEW

### **RETROSPECTIVE CONSENT TO CONVERT EXISTING DOMESTIC GARAGE TO SWEET WORKSHOP, INCLUDING SALES, AT 14 PARK PLACE LOSSIEMOUTH IV31 6DW.**

#### **PLANNING REFERENCE NUMBER 20/00622/APP**

The application was made retrospectively as the applicant was not aware that any consent was required for this low key proposal. The external finish of the garage remains the same with the up and over door retained at the front but in a permanently closed position. The side door also remains in the same place so the exterior has not changed at all.

The interior of the building has been lined with an impervious board for easy cleaning. A wash hand basin has also been provided. The inside is quite simple in terms of layout with some sweet jars on display and surfaces to bag the sweets from jars.

The property itself lies at the end of Park Place which is a cul du sec with a hammer head outside the applicants house for turning. This is a reasonably quiet area with only residents using the road for access. Either side of the access road are dedicated parking spaces for the 2 blocks of 4 flats. Parking here has no issues whatsoever.

The applicant has produced figures to show the volume of customers visiting the unit over a typical 10 day period in the summer months. You can quite clearly see that most of the trade has come from locals who are aware of the unit and visit by foot or bycycle. The vehicular movements are rare indeed.



Turning to the reason given for refusing this application, it is stated that this proposal would involve members of the public visiting the premises to pick up sweets. The applicant has provided height of summer figures for visitors which will undoubtedly drop over the winter months. There are houses that have more people and cars visit them in a day. This is a small scale proposal for someone trying to earn a few pounds but trying to do this properly.

The character of the area is best described as mixed. As in a mixture of residential and commercial. We have provide a map showing the surrounding area and there are hair dressers, nail technicians, Social Clubs (2) Garage, Bed and Breakfast establishments, a funeral parlour, hot food takeaways to name but a few. **It is impossible to describe this area as only residential. The evidence of commercial activity is all around.**

This is without doubt a small scale proposal and the recorded figures of vehicle and pedestrian movements stand testament to this. The map clearly identifies the mixed class use of this part of Lossiemouth and the low key use of the garage provides employment for just the applicant. This is not an Asda or Tesco supermarket just someone trying to provide a simple service and trying to do it by sticking to the rules.

With respect this little acorn is never going to blossom into a huge oak tree but at a time when businesses are closing every day, should support not be given to someone who is trying to buck the trend?? On behalf of our client we ask that you assess this project for what it is, look at the evidence and grant the applicant consent for this simple operation. What harm ??



## CUSTOMER NUMBERS USING CREATIONS SWEET TREATS

Date.	Walk & Cycle.	Park outside.	Park in Church St
Fri 14/8.		2	
Sat. 15/8.	5.	1	
Sun 16/8.	1.		1
Mon 17/8.	3		
Tue. 18/8.	3		
Wed 19/8.	3.	1.	1
Thu. 20/8.	3.	2.	1
Fri. 21/8.	4.	2.	1
Sat. 22/8.	5.	3.	2
Sun 23/8.	2.	2	

These figures are based on opening hours of 11am. To 6pm.  
Customers will occasionally call out with these hours for their convenience.

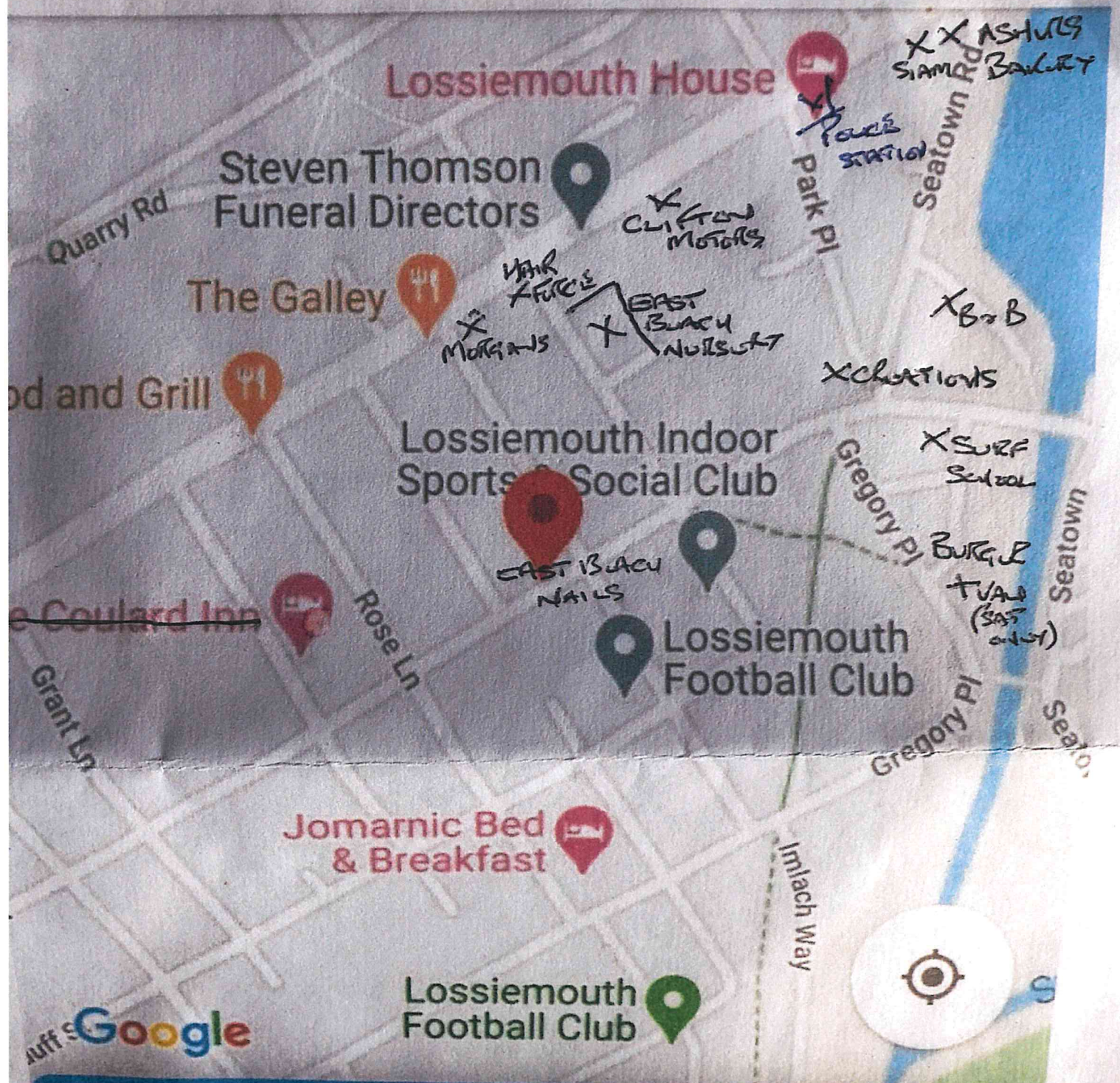
Deliveries from Royal Mail. Hermes, Menzies average about 4 per week .







Church St









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

**REFUSAL OF PLANNING PERMISSION**

**[Heldon And Laich]  
Application for Planning Permission**

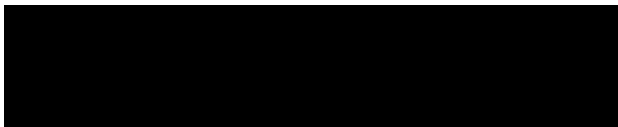
TO Mr Phil Jeremiah  
c/o Plans Plus  
Main Street  
URQUHART  
By Elgin  
Moray  
IV30 8LG

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:-

**Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place Lossiemouth Moray IV31 6DW**

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

Date of Notice: **17 August 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 proposal is contrary to the provisions of the Moray Local Development Plan 2020 because the use of a domestic garage as a sweet workshop including sales to customers would result in a business use which would involve visiting members of the public to the site and would be detrimental to the residential character and amenity of the site and adjoining neighbouring properties and is therefore contrary to policies DP1, PP1 and PP2 of the MLDP 2020.

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

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

Reference	Version	Title
		Site and location plans
19~80		Elevations and floor plans

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A



## **APPENDIX 3**

# **Appointed Officer's Response to New Information**



**Lissa Rowan**

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**Subject:** RE: LR246 - Notice of Review: Planning Application 20/00622/APP

**From:** Beverly Smith <Beverly.Smith@moray.gov.uk>

**Sent:** 05 January 2021 16:12

**To:** Lissa Rowan <Lissa.Rowan@moray.gov.uk>

**Subject:** RE: LR246 - Notice of Review: Planning Application 20/00622/APP

Hi Lissa,

See comments below:

[Additional Document: Customer Numbers Using Creations Sweet Treats](#)

The domestic garage has been altered to a sweet workshop including direct sales to customers and will result in activity of customers coming and going to the garden of this property. The additional information is a snap shot in time showing movements to the sweet workshop, following consideration of this information it is concluded that it does not provide any information to alter the assessment of the proposal, particularly noting that customer numbers is not a matter that can be controlled by planning condition if the use were to be approved. It is also noted that the layout of the workshop and the use proposed means that the proposal would permit a sweetshop in a garage and this use is considered detrimental to the residential amenity of the site and neighbouring properties.

[Additional Document: Map showing other commercial properties](#)

14 Park Place Lossiemouth is a four in a block property in a residential cul-de-sac. The garage is located to the side and rear of the property 14 Park Place and is accessed via Park Place. The reason for refusal makes reference to the proposal being detrimental to the residential character and amenity of the site and the surrounding area. The map provided showing commercial uses in the wider vicinity of the site does not provide any information which would alter this assessment. The residential character of the site and its immediate surrounds will be apparent to the LRB from their site visit/photos.

**Beverly Smith** B.A.Hons B.PL MRTPI | Development Management & Building Standards Manager | Economic Growth and Development

[beverly.smith@moray.gov.uk](mailto:beverly.smith@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [News page](#)

01343 563276 | 07854686097

For the latest service updates please visit our [Building Standards News](#) page

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**From:** Lissa Rowan <[Lissa.Rowan@moray.gov.uk](mailto:Lissa.Rowan@moray.gov.uk)>

**Sent:** 05 January 2021 09:50

**To:** DC-General Enquiries <[development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)>

**Cc:** [ctkplans@aol.com](mailto:ctkplans@aol.com)

**Subject:** LR246 - Notice of Review: Planning Application 20/00622/APP

Good morning

At the meeting of the Moray Local Review Body (MLRB) on 17 December 2020, the MLRB determined that they did not have sufficient information to make a decision. As such, the MLRB have deferred consideration of the above Review to request further representation from the Appointed Officer on new information (attached) that had been circulated to the Moray Local Review Body (MLRB) ahead of the meeting which included information that was not before the Appointed Officer at the time of determination.

Responses to this Procedure Notice should be sent to the Clerk of the MLRB, by email or post at the above address, **on or before 20 January 2021.**

The Notice of Review and associated documents can be viewed at [http://www.moray.gov.uk/moray\\_standard/page\\_65978.html](http://www.moray.gov.uk/moray_standard/page_65978.html). A copy of the documents can also be made available for inspection, on request, at the Access Point, Council Offices, Elgin

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

Kind regards

Lissa

**Lissa Rowan** | Committee Services Officer | Legal and Democratic Services

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

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

