



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

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 cresent"/>
Company/Organisation	<input type="text" value="exhale lhfitness"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	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="REDACTED"/>		

Site Address Details

Planning Authority:

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

Northing

Easting

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 bringin 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 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: 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

STAGGERED PARTITIONS to be constructed with 97x47 tw timbers at 600mm crs with double top and bottom rails of 147x47 tw post. 50mm offset provided to allow 100mm glasswool sound deadening between posts. Finished on both sides with 12.5mm plasterboard with all joints taped, filled and sanded ready for decoration.

Partitions (general) to be 97x47mm tw posts at 600mm crs with double top and bottom rail and centre dwang with 12.5mm plasterboard finish to both sides with all joints taped, filled and rubbed down in preparation for decoration.

New ceilings formed with 197x47 Grade C24 tw posts at 400mm crs with joist direction as indicated on plan. Finished with 12.5mm plasterboard below with all joints taped, filled and rubbed down ready for decoration. 200mm glasswool insulation between joists and 150mm laid over at 90 degrees to joists.

All partitions to have glasswool sound deadening between posts. Ceiling in main store to remain open as per existing layout of present.

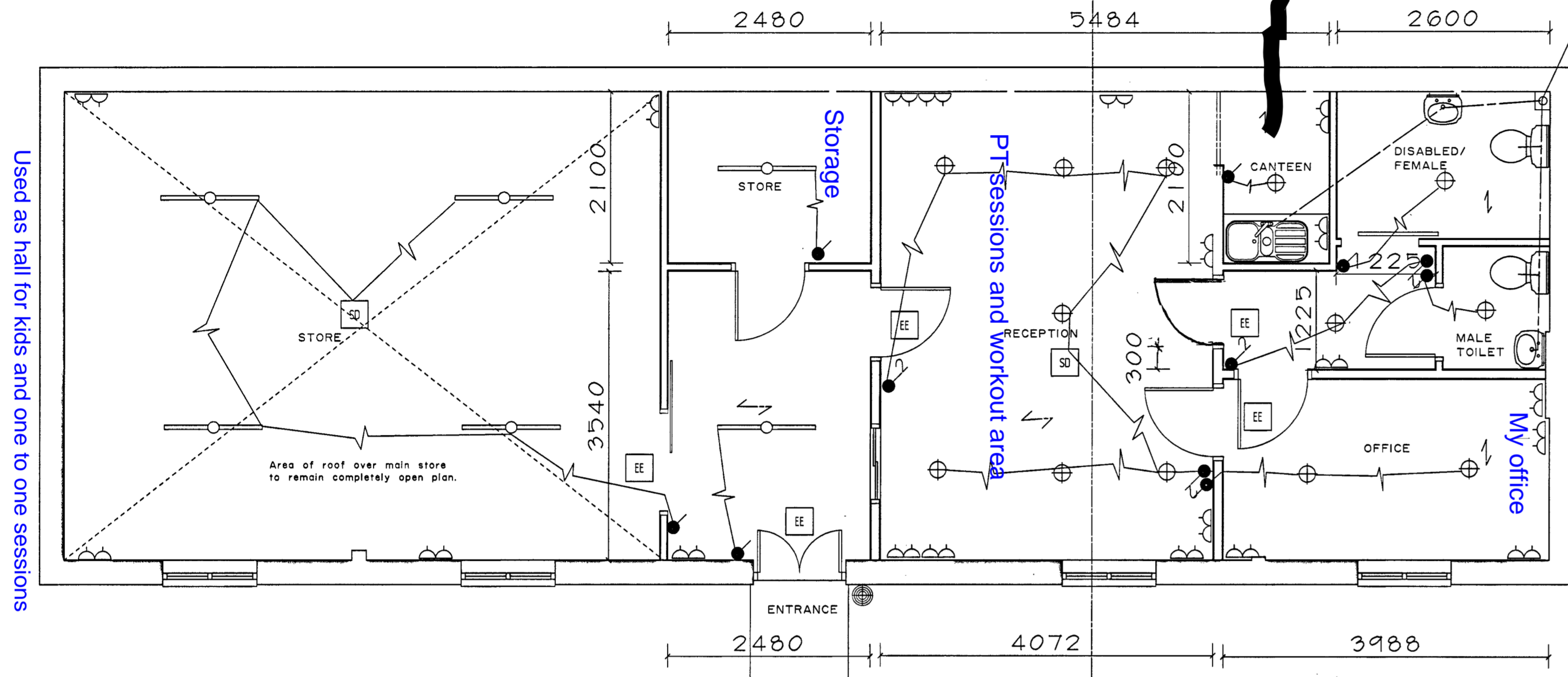
New toilet fittings to be re-connected to the existing drainage within the building at present. Existing extractor fans to be utilised where possible and coupled with light switches but with isolator switch over-rides.

Existing toilets to be replaced with new WC seats and WHB's. All new drainage connected back into the existing SVP drainage point including new waste from sink in small canteen. All fittings to have deep seal traps fitted and pipework to be 38, 50 and 100mm pvc pipes.

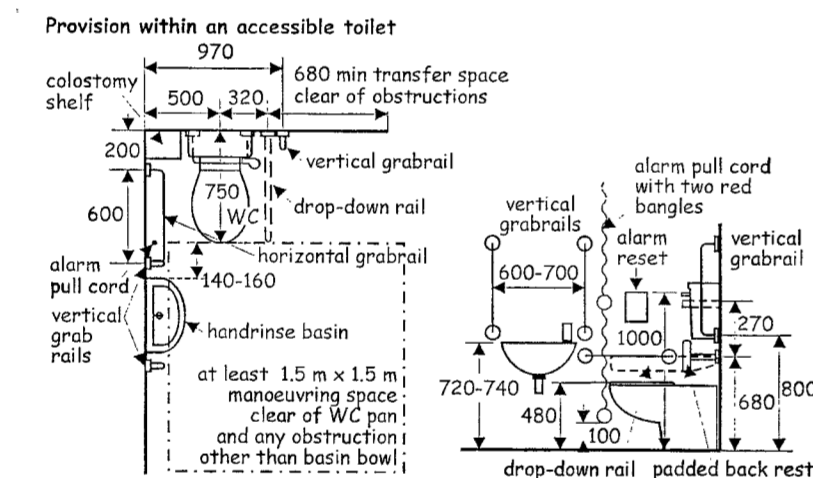
Both toilets and staff area to have mechanical extraction fans fitted. Existing fans to be utilised where possible and coupled with light switches but with isolator switch over-rides.

All new doors to be minimum of 600mm clearunobstructed width between door face and jamb.

Mini kitchen be left as is



GROUND FLOOR PLAN (PROPOSED LAYOUT)



Ventilation
Canteen, disabled wc, and male wc each to incorporate a 100mm dia mech fan capable of providing min 3 air changes per hour and each discharging to external air via air tight ducts. Wc fans coupled to light operation.

Reception room (23.60m²) to retain ex 1.15m x 1.15m window providing 1.05 m² opening area, along with 11000mm² trickle ventilation.

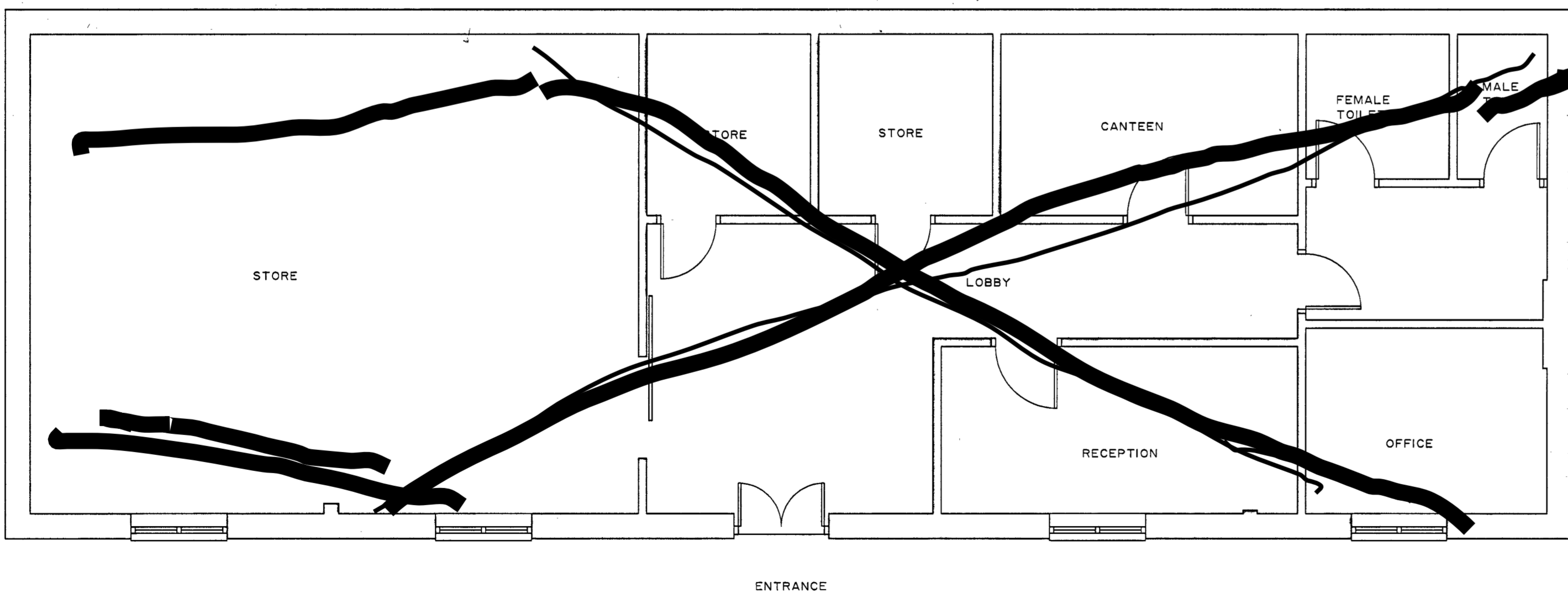
Office (8.80m²) to retain ex 1.15m x 1.15m window providing 1.05 m² opening area, along with 4000mm² trickle ventilation

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.

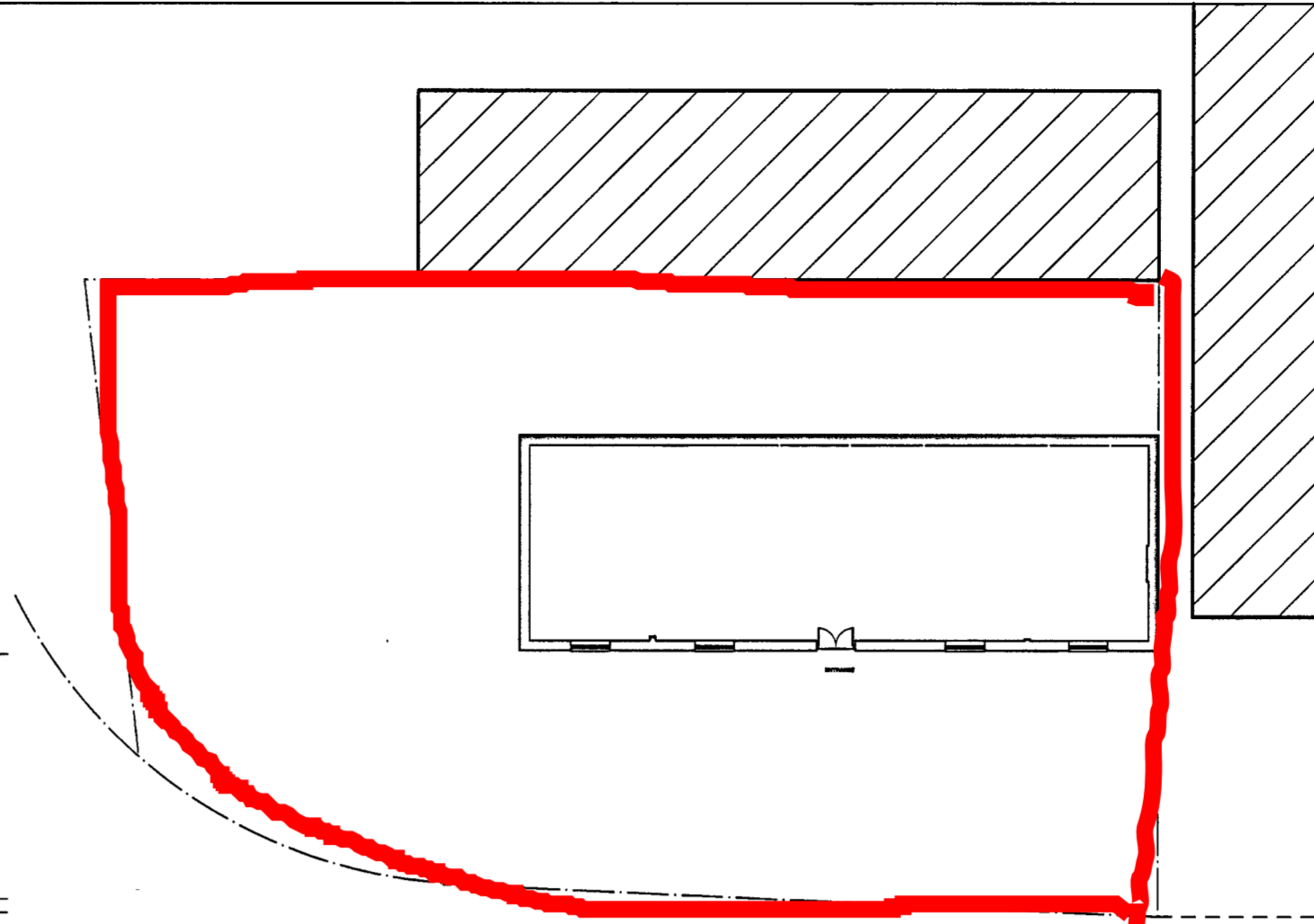
Emergency lighting
Emergency lighting installed in accordance with BS5266: Part 1: 2005 as read in association with BS5266: Part 2: 1999 (BS EN 1838: 1999) Installation contractor to provide certification confirming compliance with above standards

Signage
Exits to be clearly indicated by means of signs complying with BSS499: Part 1: 1990 and BSS499-4:2000 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.

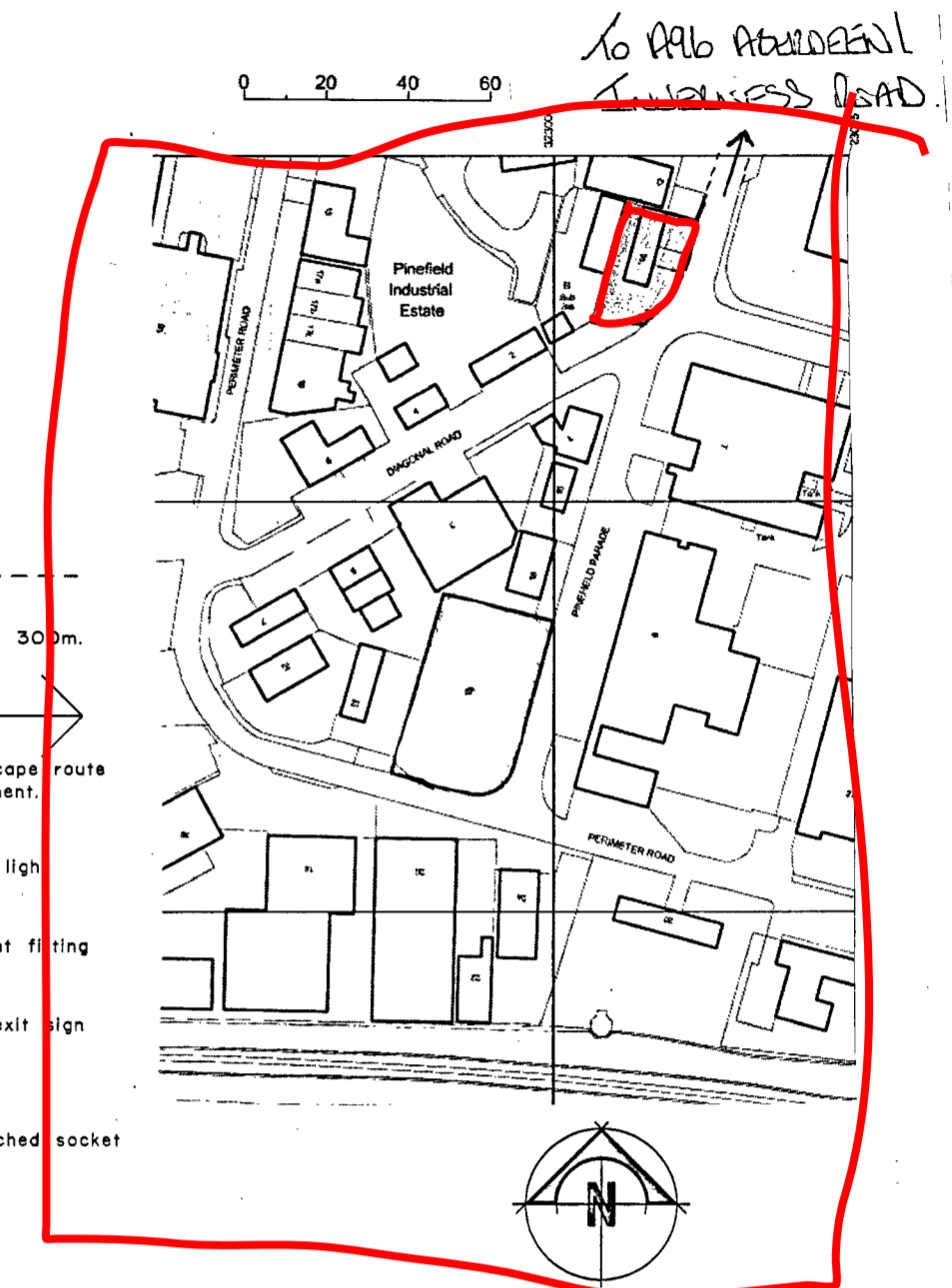
Fire detection
Smoke alarms conforming to BS EN 14604: 2005, all with an integral standby supply in accordance with BS 5839: Part 6: 2004 to be installed to provide min grade D fire detection and alarm system. All units interconnected and wired into regularly used lighting circuit electrically protected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



GROUND FLOOR PLAN (EXISTING LAYOUT)

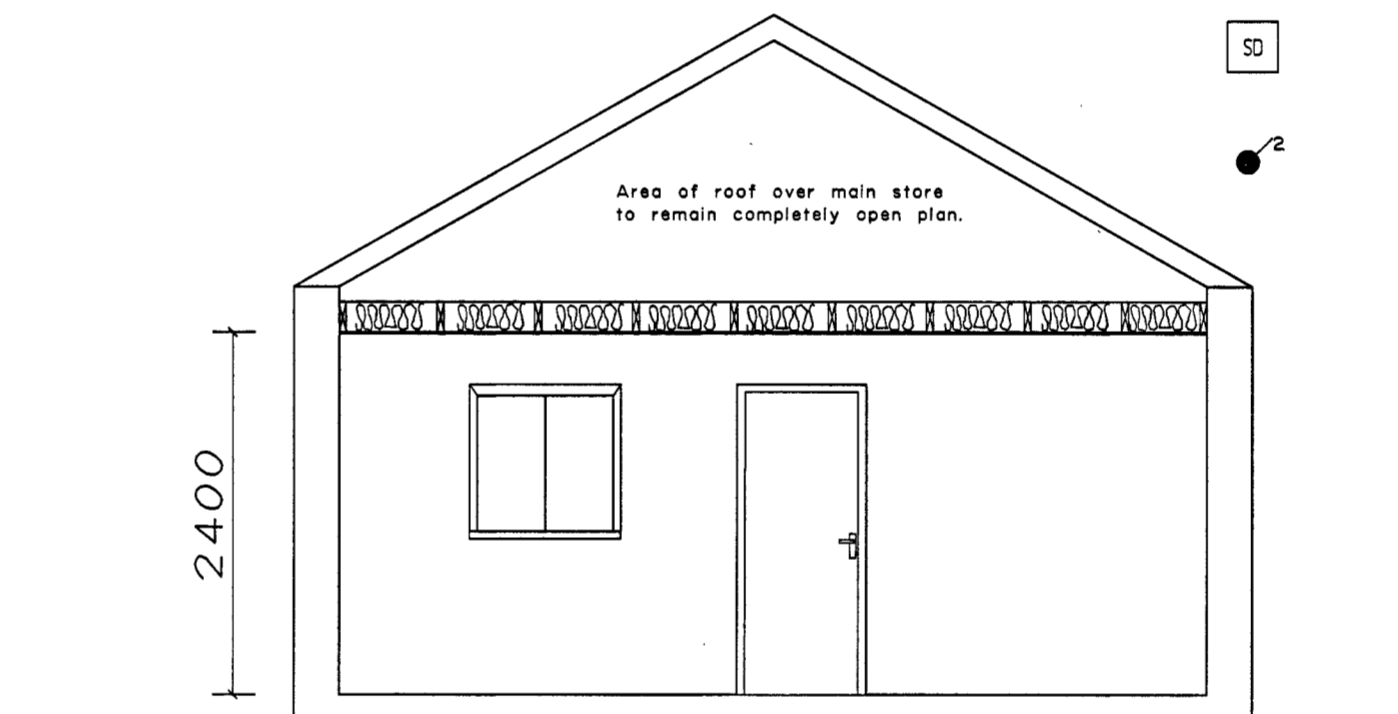


SITE PLAN 1-200

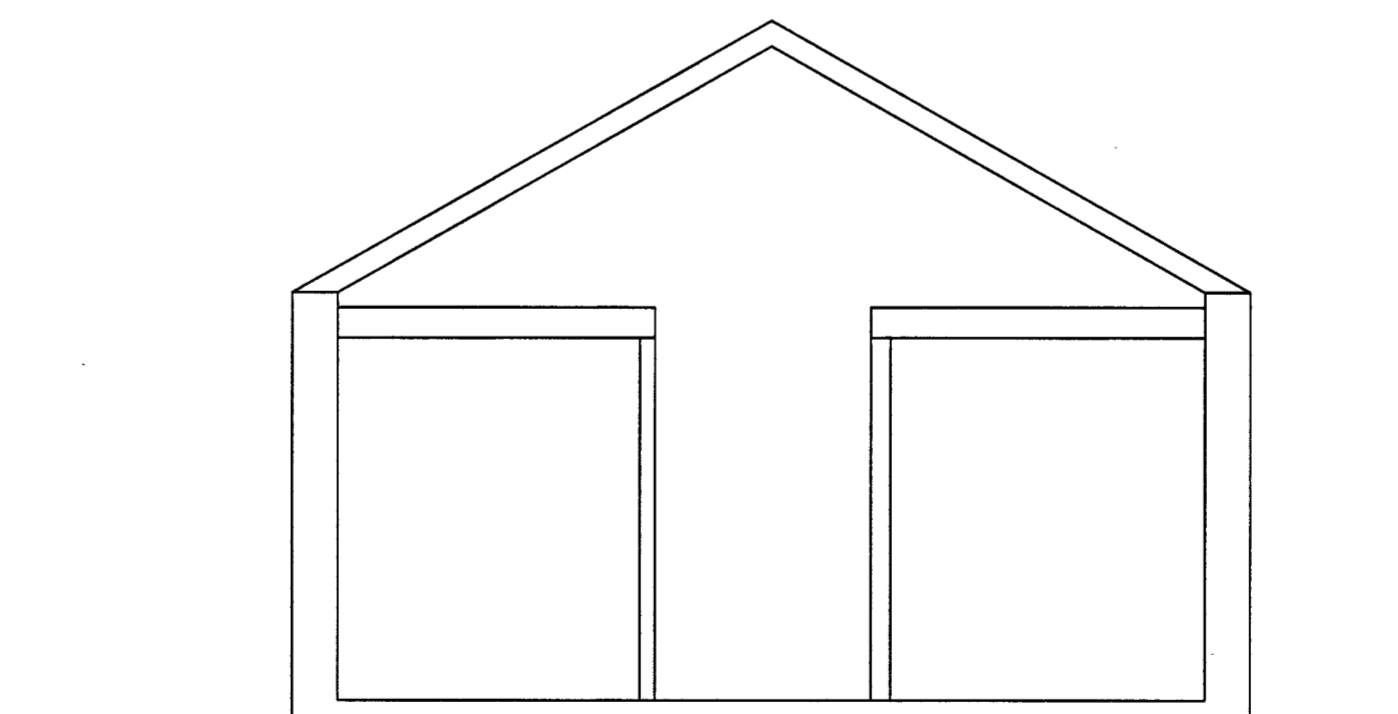


LOCATION PLAN 1-1250

- external escape route lighting fitting
- fluorescent light fitting
- pendant light fitting
- emergency exit sign and light
- double switched socket
- light switch
- fire/smoke detector
- 2 way light switch



CROSS-SECTION A-A



EXISTING CROSS-SECTION

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

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

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

Planning Authority Name	Moray Council
Response Date	24th November 2020
Planning Authority Reference	20/01419/APP
Nature of Proposal (Description)	Change of use from office workshop to kids club and fitness club at
Site	14 Pinefield Parade Elgin Moray IV30 6AG
Site Postcode	N/A
Site Gazetteer UPRN	000133000330
Proposal Location Easting	323023
Proposal Location Northing	862362
Area of application site (M²)	95
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QILA0RBGM3U00
Previous Application	96/00644/FUL
Date of Consultation	10th November 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Exhale Lhfitness
Applicant Organisation Name	
Applicant Address	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at 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

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)

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

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

Consultee: Development Plans

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

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.

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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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at 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:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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"/> |

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

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

Planning Authority Name	Moray Council
Response Date	24th November 2020
Planning Authority Reference	20/01419/APP
Nature of Proposal (Description)	Change of use from office workshop to kids club and fitness club at
Site	14 Pinefield Parade Elgin Moray IV30 6AG
Site Postcode	N/A
Site Gazetteer UPRN	000133000330
Proposal Location Easting	323023
Proposal Location Northing	862362
Area of application site (M²)	95
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QILA0RBGM3U00
Previous Application	96/00644/FUL
Date of Consultation	10th November 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Exhale Lhfitness
Applicant Organisation Name	
Applicant Address	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at 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 | <input checked="" 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 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
Consultee: TRANSPORTATION

Date 20 November 2020

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.

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 [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, 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
Mrs / Madam

PLANNING APPLICATIONS

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

TO ENSURE THAT ALL WILDLIFE
FLOWN & FOUND 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 LEGISLATION
APPLICATIONS MUST ALSO BE!

WORK IN A CONSERVATION
AREA IN ON OR ADJACENT

NOV 2020

II

OR ADJACENT TO A LIGHT
BUILDING MUST BE STRONG
TO HOLD STAIRS

Yours fraternally



Stay Safe Stay Well!

REPORT OF HANDLING

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

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
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"> • The site is at the junction of three busy roads on an industrial estate • There are no footways and no safe, segregated route for pedestrians from any direction • There is evidence of parking over the public verge and too close to the junction • 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 • No on-street parking or safe drop off area is available due to the proximity to the junction.

		<ul style="list-style-type: none"> • 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. • 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).
Strategic Planning And Development	08/12/20	<p>Objection:</p> <ul style="list-style-type: none"> • 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. • 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 • Pinefield houses large scale industrial and manufacturing uses alongside smaller commercial uses including garages and building supplies. • 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 • Immediate neighbours to the site do have some access for visiting members of the public but these are focused on trade customers • 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

		<ul style="list-style-type: none"> 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. The development would be out of character with surrounding uses and therefore is contrary to policy DP5 and DP1 (i)(a). Safe parking and access cannot be provided so the proposal is contrary to policy DP1 (ii) (a) and (e)/ 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.
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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>Issue: 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>Comments (PO): 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>		
Issue: 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 of 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

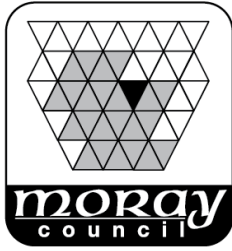
DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

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:	Supporting Statement	
Main Issues:	<p>Description of business and mitigation of parking issues</p> <ul style="list-style-type: none"> • Fitness classes offered in evening when the industrial estate is quieter • 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>) • Walking to the site would be promoted. There is a footway on the opposite side of the road • 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. • The only time two members of staff will be present would be for football classes on a Saturday • A walking bus arrangement for children using the site could be established eventually • There is scope for 4 parking spaces at the site • The operating hours would be approximately 8 am – 9pm 	

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

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

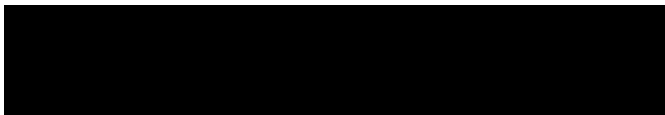
TO Exhale Lhfitness
47 St Margarets Crescent
Lossiemouth
Moray
IV31 6RF

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

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.