



ENVIRONMENTAL SERVICES

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Our reference: LR/LRB253

Your reference: LR253

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

04 February 2021

Dear Madam

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

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

I refer to your letter dated 27th January 2021.

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

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

Yours faithfully

Diane Anderson
Senior Engineer

Local Review

LRB Ref 253

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

Response from Transportation, Moray Council

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

Local Review

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

Transportation
04 February 2021

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Documents

TMC01 Transportation Consultation Response dated 20th November 2020

TMC02 Site photographs



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



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



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



EXISTING 4.7M WIDE ACCESS AND OPEN SITE FRONTAGE



STREETVIEW IMAGE SHOWING PROXIMITY TO JUNCTIONS

Lissa Rowan

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

Dear Lissa Rowan,

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

Yours Sincerely,

[REDACTED]

Lissa Rowan

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

Dear Lissa

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

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

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

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

Thanks

[REDACTED]

Sent from my iPad

Lissa Rowan

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

Hi there,

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

Yours,

[REDACTED]

Sent from my iPhone

Lissa Rowan

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

Dear Madam.

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

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

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

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

Yours Sincerely

[REDACTED]
[REDACTED]

Lissa Rowan

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

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