

Legal and Democratic Services
The Moray Council
High Street
Elgin

**For the attention of : Mrs Lissa Rowan
Committee Services Officer
Clerk to the MLRB.**

25/9/17

Dear sirs

Ref: Notice of Review Planning Application 17/00044/APP ref LR 189

I write in response to the Notice of Review that has been submitted to the Moray Local Review Body in respect of the above application.

I note the applicant's addendum to the Noise Impact Assessment. Reference is made to the operation merely a hobby, with no greater noise impact than grass cutting or hedge trimming. The sole basis for the appeal appears to rest with these assertions, which mostly repeat the findings already contained within the original document.

The Planning Department have already given due and detailed consideration to the applicant's proposal and no new evidence appears to have been submitted worthy of consideration.

I believe the appeal should be dismissed on the basis that a commercial activity such as is proposed would constitute an entirely inappropriate use of what was to be a domestic garage situated in a residential environment.

The reasons for the refusal already stated should be emphatically reaffirmed.

Thankyou

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tele. [REDACTED]

Email [REDACTED]

Your Ref. LR/LR189

14 Sept. 2017.

Lissa Rowan
Committee Services Officer
Clerk to the MLRB
The Moray Council
Elgin
IV30 1BX.

Dear Lissa

Notice of Review: Planning Application 17/00044APP

I refer to your letter of 11th Sept. re the above Notice of Review and ask you to note the following comments.

- 1) In the **Introduction** the applicant states that

1."The intended use of the garage is similar to activities that would normally be acceptable in a domestic garage."

Comment This statement is barely credible. In a quiet residential area one does not normally build a garage big enough and robust enough with a large upstairs containing three dormer windows allegedly for storage purposes simply to create a safe place in which to keep one's car or caravan.
This "garage" has clearly been erected with a commercial purpose in mind.

2. It is stated that "the amount of work in the garage will be very much less than in a commercial garage resembling domestic usage."

Comment How can this statement be reconciled with the applicant's continued advertising online for work converting vans under the business name Moray Van Conversions? (Copy of advertisement downloaded today, 14th Sept. and enclosed,) It also appears that the applicant has applied on line and been granted a VAT Registered Number. (Copy downloaded today, 14th Sept. and enclosed.)

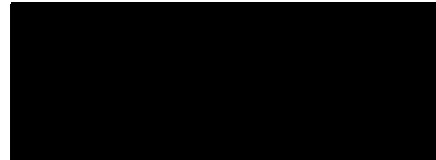
6) Level of Significance

Comment The applicant's stated intention under the heading Level of Significance again does not conform with his continued advertising for work in van conversions. It is clear that the "garage" will be much more than is claimed.

Conclusion There is nothing new in this appeal other than a long and unconvincing attempt by the applicant's architect to discredit the professionally conducted Noise

Assessment Report. The refusal to allow the original application was correct in concluding that this was an entirely inappropriate commercial proposal in a quiet residential area next to a lane used by children every day going to and coming from the adjacent Nursery/Primary School.

Yours sincerely




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Hilo Roofs

23 November 2016 ·

Moray Van Conversions, Banffshire are now installers for the HiLo Roof System!

If you're considering a HiLo and you're in the North East of Scotland, Colin has his own demonstrator which has just been fitted with a HiLo and he is more than happy to show it off 😊

Moray Van Conversions
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Cullen, Buckie
Banffshire, AB56 4RX
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Who? Moray Van Conversions

Where? ZIP City Street



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Dear Miss Rowan

Thank you for the consultation in relation to the planning application mentioned above. I would like to take the opportunity to make the following comments:

The applicant and also his representative make mention, on numerous occasions, to this being a hobby. I am unclear as to why an application to create a commercial premises is required. Surely logic would dictate that this be left as a hobby without the need for a commercial premises.

With regard to noise pollution and the description that the noise created would be no more than a resident doing DIY or gutting the grass. These are noises that you expect and understand happen when living in a residential area. They are not long term and potentially continuous everyday from 9am to 5pm. If someone is doing DIY or cutting their grass then it's generally a hobby not a business. You do not expect a commercial premises to be set up in a residential area creating unnecessary and unwanted additional noise potentially all day, Monday to Friday.

There are industrial areas in local surrounding towns where commercial regeneration would be welcomed. It is not vital to the success of this business that this commercial premises be set up in the proposed location and therefore the applicant should be encouraged to look at the possibility of obtaining premises in a more suitable industrial environment.

The application provides no structured reason why this business has to be set up in a residential area and it could quite easily operate successfully at an appropriate site.

Kind regards

[Redacted Signature]

Your ref LR/LR189

Dear Sir/Madam,

In our opinion nothing has changed to alter our original objections to this planning application and the change of use.

The addition of the wording "for the conversion of Volkswagen vans to camper vans" in the title is of no relevance to the application.

Mr Addisons supporting statement says that the van conversion is a hobby and he has no intention to turn it into a full time business , then why does he want a commercial licence ??
If the noise and nuisances level will be no more than from a domestic property why does he need a commercial license ??

We would confirm that the three reasons given for the original refusal are still valid and nothing has changed to suggest otherwise.

Yours Faithfully

[REDACTED]

Dear Lissa

With reference to the attached Notice of Review in connection with the above planning application I hereby make the following additional representation on behalf of Environmental Health in response to the Supporting Statement as submitted by Mantell Ritchie of the noise issues:

For the sake of clarification the Environmental Health Section did not reach the conclusion that metal cutting would occur in every hour of the working week, as described in the agent's supporting statement. The Noise Impact Assessment (NIA) provided on behalf of the applicant confirms this activity, when occurring, would exceed the background sound level by 28dBA at the neighbouring amenity (see page 10, point 3 – rating levels). Such a level of noise would not be capable complying with a typical planning condition that aims to ensure that the rating level of noise from a development would not exceed the background sound level by more than 5 dBA. The NIA also identifies that other activity identified as "router work", would just meet such a condition with no margin (see page 11, point 3 – rating levels). The Environmental Health Section were not satisfied that across the range of potential noise activities the development would not adversely impact the existing residential amenity.

Regards

James McLennan Ch.EHO MREHIS | Principal Environmental Health Officer | Development Services

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council