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## Moray Local Review Body

Thursday, 16 May 2024

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 16 May 2024 at 09:30.**

### BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests \***
- 3 **Minute of meeting dated 14 March 2024** **5 - 8**
- 4 **LR300 - Ward 7 - Elgin City South** **9 - 68**  
Planning Application 23/01973/APP – Proposed off street car parking space at St Hilda, 31 West Road, Elgin
- 5 **LR301 - Ward 6 - Elgin City North** **69 - 134**  
Planning Application 23/01971/APP – Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent, Elgin
- 6 **LR302 - Ward 6 - Elgin City North** **135 - 186**  
Planning Application 23/01822/APP – Convert domestic summer house to beauty room at 15 Chanory Road, Elgin, IV30 1XH

## **Summary of Local Review Body functions:**

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

## **Watching the Meeting**

**You can watch the webcast live by going to:**

**[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)**

**Webcasts are available to view for 1 year following the meeting.**

**You can also attend the meeting in person, if you wish to do so, please come to the High Street entrance door and a member of staff will be let into the building.**

## GUIDANCE NOTES

- \* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.
  
- \*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

# MORAY COUNCIL

## Moray Local Review Body

### SEDERUNT

Councillor Marc Macrae (Chair)  
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)  
Councillor Juli Harris (Member)  
Councillor Sandy Keith (Member)  
Councillor Paul McBain (Member)  
Councillor Draeyk van der Horn (Member)  
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	<a href="mailto:committee.services@moray.gov.uk">committee.services@moray.gov.uk</a>



**Minute of Meeting of the Moray Local Review Body**

**Thursday, 14 March 2024**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

**PRESENT**

Councillor Amber Dunbar, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Draeyk van der Horn, Councillor Sonya Warren

**APOLOGIES**

Councillor Neil Cameron

**IN ATTENDANCE**

Mrs MacDonald, Senior Planning Officer as Planning Adviser, Mr Hoath, Senior Solicitor and Mrs Smith, Solicitor as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

**1 Chair**

Councillor Macrae, being Chair of the Moray Local Review Body, chaired the meeting.

**2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 21 and 23 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

**3 Minute of Meeting dated 18 January 2024**

The Minute of the meeting dated 15 February 2024 was submitted and approved.

**4 LR299 – Ward 6 – Elgin City North**

**Planning Application 23/01371/APP – Retrospective consent to convert part of garage to hair salon at 22 Duffus Crescent, Elgin**

A request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the provisions of the Development Plan because:

- (i) The salon as a class 1 (shop use) is an incompatible use within a residential property.
- (ii) The salon within the private residential property is incompatible with the residential area, and the traffic movements with their associated noise and disturbance would have a significant adverse impact on the character and residential amenity of the surrounding residential properties.

The proposal is therefore contrary to National Planning Framework 4 (NPF4) Policies 16 b) and 14 c) and Moray Local Development Plan (MLDP) 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Dunbar, having reviewed the case in detail and visited the site of the application, noted the reasons for refusal however stated that she was of the view that, in terms of NPF4 Policy 16b) the proposal would contribute to providing and enhancing local infrastructure facilities and services and improve the residential amenity of the surrounding area. In terms of NPF4 Policy 14c), Councillor Dunbar believed the proposal was not detrimental to the area and is consistent with the 16 qualities of successful places. In terms of policies DP1 (Development Principles) (i) a) Councillor Dunbar stated that, in her opinion, the character of the proposal is acceptable and supports a walkable neighbourhood and in relation to PP2 (Sustainable Economic Growth) of MLDP 2020, stated that the proposal would contribute to the economic growth of the area and supports the Moray Economic Strategy. Taking all the above into consideration, Councillor Dunbar moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 23/01371/APP as, in her opinion, the proposal complies with policy 14c) (Design, Quality and Place) part c) and policy 16 (Business and Industry) part b) of NPF4 and policies DP1 (Development Principles) (i) a) and PP2 (Sustainable Economic Growth) of MLDP 2020.

Councillor van der Horn agreed to second Councillor Dunbar's motion stating that having a hair salon in a residential area should not be precluded.

Mrs MacDonald, Planning Adviser advised that, during the consultation period, the Transportation Section had suggested transportation conditions should the application be approved and sought clarification as to whether Councillor Dunbar's motion to grant planning permission would be subject to the suggested conditions from the Transportation Service.

In response, both Councillors Dunbar and van der Horn agreed to add the conditions from the Transportation Service to their motion.

Mrs MacDonald, Planning Adviser further highlighted that granting planning permission for this planning application would mean that the property could be used for class 1a use (shops, and financial, professional and other services) and sought clarification as to whether Councillors Dunbar and van der Horn wished to add a condition to ensure that the use be restricted to a hair salon and that only residents of the property could work there.

In response, both Councillors Dunbar and van der Horn agreed to add a condition to ensure that the use be restricted to a hair salon and that only residents of the property be permitted to work there.

There being no-one otherwise minded, the MLRB unanimously agreed to grant planning permission in respect of Planning Application 23/01371/APP as it is considered that the proposal complies with:

- NPF4 Policy 16b) as it would contribute to providing and enhancing local infrastructure facilities and services and improve the residential amenity of the surrounding area;
- NPF4 Policy 14c) as the proposal is not detrimental to the area and is consistent with the 16 qualities of successful places;
- MLDP 2020 Policy DP1 (Development Principles) (i) a) as the character of the proposal is acceptable and supports a walkable neighbourhood;
- MLDP 2020 Policy PP2 (Sustainable Economic Growth) as the proposal would contribute to the economic growth of the area and supports the Moray Economic Strategy; and
- subject to the following conditions and reasons:
  1. Within six months of the date of this decision notice the existing driveway shall be reconfigured and extended to provide four car parking spaces. The car parking spaces shall thereafter be retained within the site throughout the lifetime of the development for use by residents and customers, 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/customers in the interests of an acceptable development and road safety.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) and Article 3 and Classes 10 to 13a of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), the development hereby approved shall be used solely for a hair salon and for no other use or purpose.

Reason: To enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

3. The hair salon hereby approved shall only be operated by those permanently living at the house known as 22 Duffus Crescent, Elgin.

Reason: To ensure the scale of the activities at the premises is such that nuisance to neighbours is avoided.

4. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.



## MORAY LOCAL REVIEW BODY

16 MAY 2024

### SUMMARY OF INFORMATION FOR CASE No LR300

**Planning Application 23/01973/APP – Proposed off street car parking space at St Hilda, 31 West Road, Elgin**

#### **Ward 7 – Elgin City South**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 January 2024 on the grounds that:

The proposal seeks to form a new access onto the A96(T) Road to provide off-street parking for one vehicle and is contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals seek to form a new access onto the A96(T) road which is not permitted by MLDP2020 Policy PP3.
2. The proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.
3. The proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T) and this would fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires developments that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed

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.





Location plan for Planning Application Reference Number :  
23/01973/APP









## **APPENDIX 1**

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





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100651089-001

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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Proposed off street car parking space

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

## 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:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Joanna	Building Number:	31
Last Name: *	Inch	Address 1 (Street): *	West Road
Company/Organisation		Address 2:	Elgin
Telephone Number: *		Town/City: *	Moray
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV30 1SA
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:

ST HILDA

Address 2:

31 WEST ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 1SA

Please identify/describe the location of the site or sites

Northing

862694

Easting

320563

## Pre-Application Discussion

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

Yes  No

## 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.

## Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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

0

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)? \*

1

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, cycle spaces).

## 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: Ms Joanna Inch

Date: 08/11/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Colin Keir

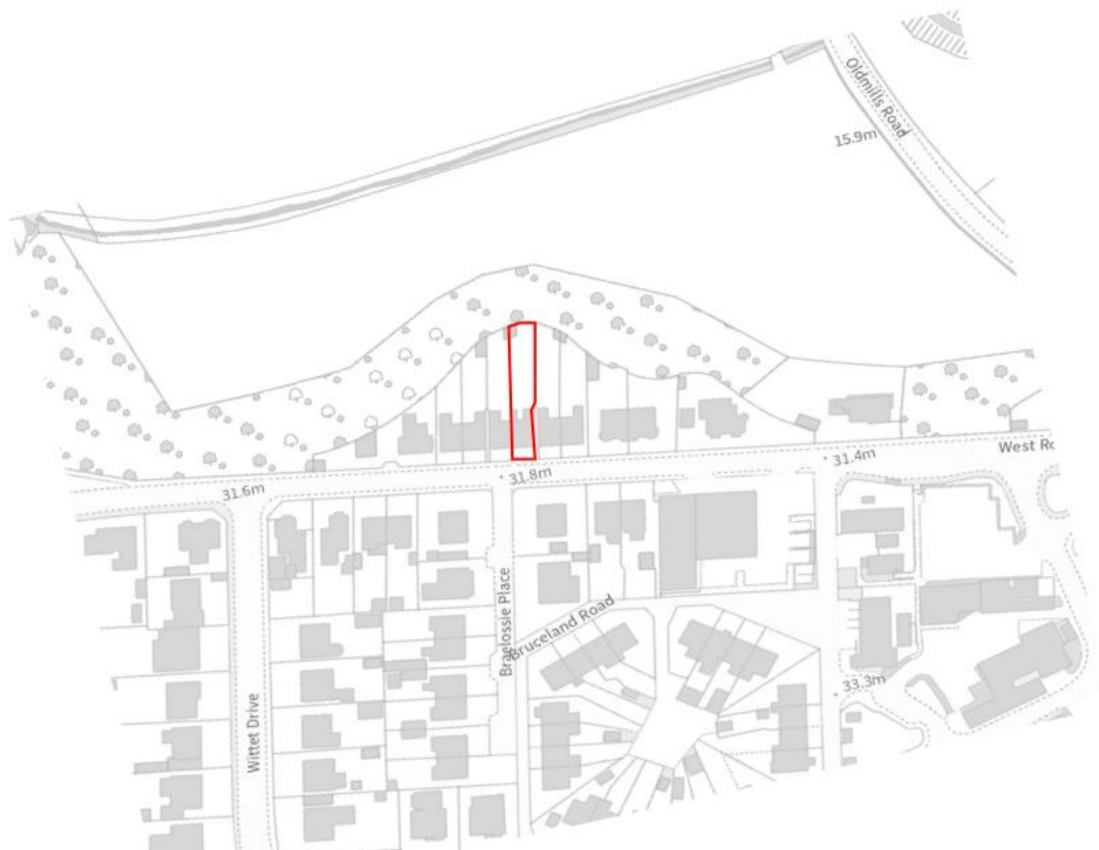
Declaration Date: 08/11/2023

**Payment Details**

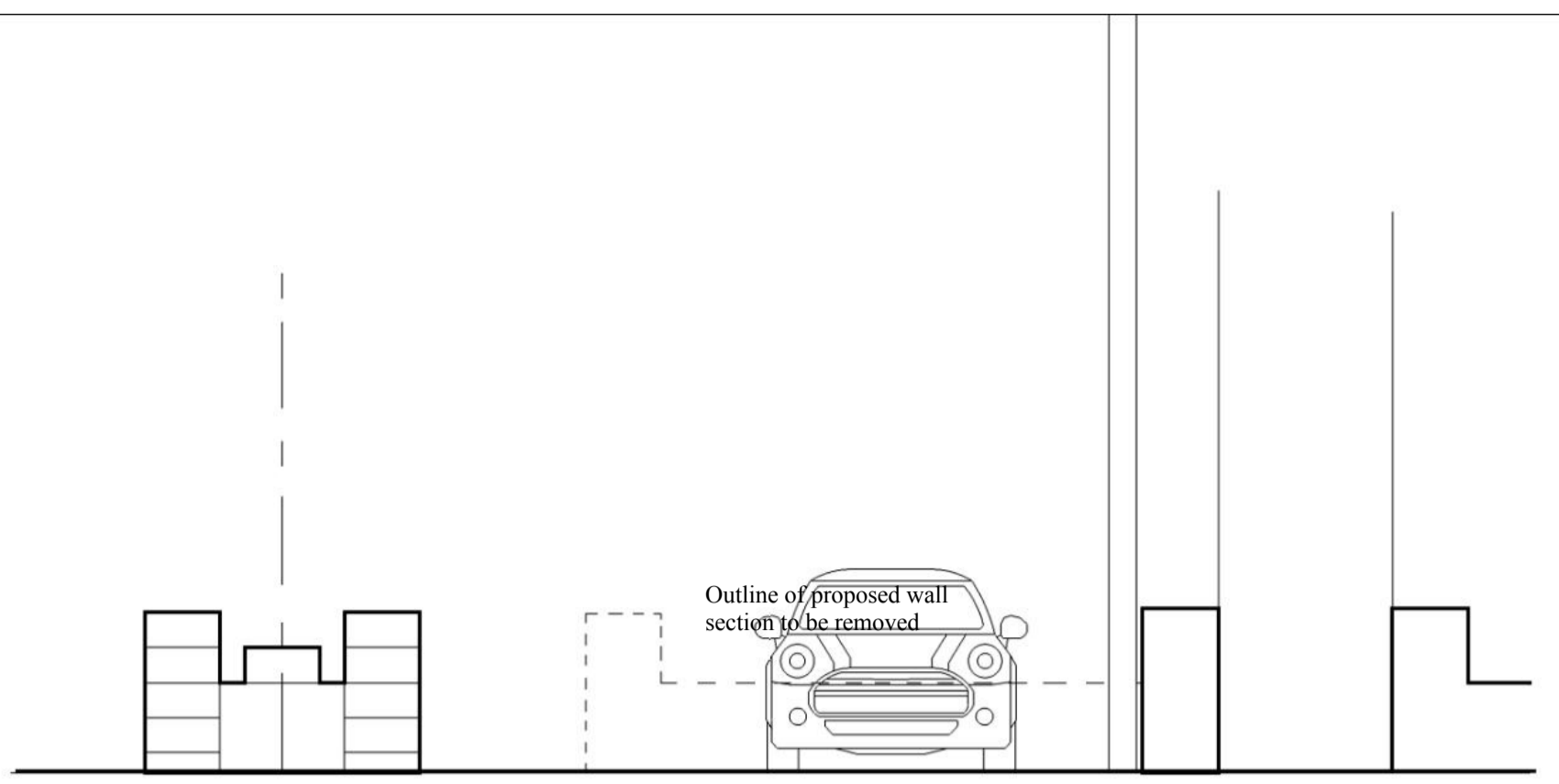
Cheque: Plans Plus, 014887

Created: 08/11/2023 15:05

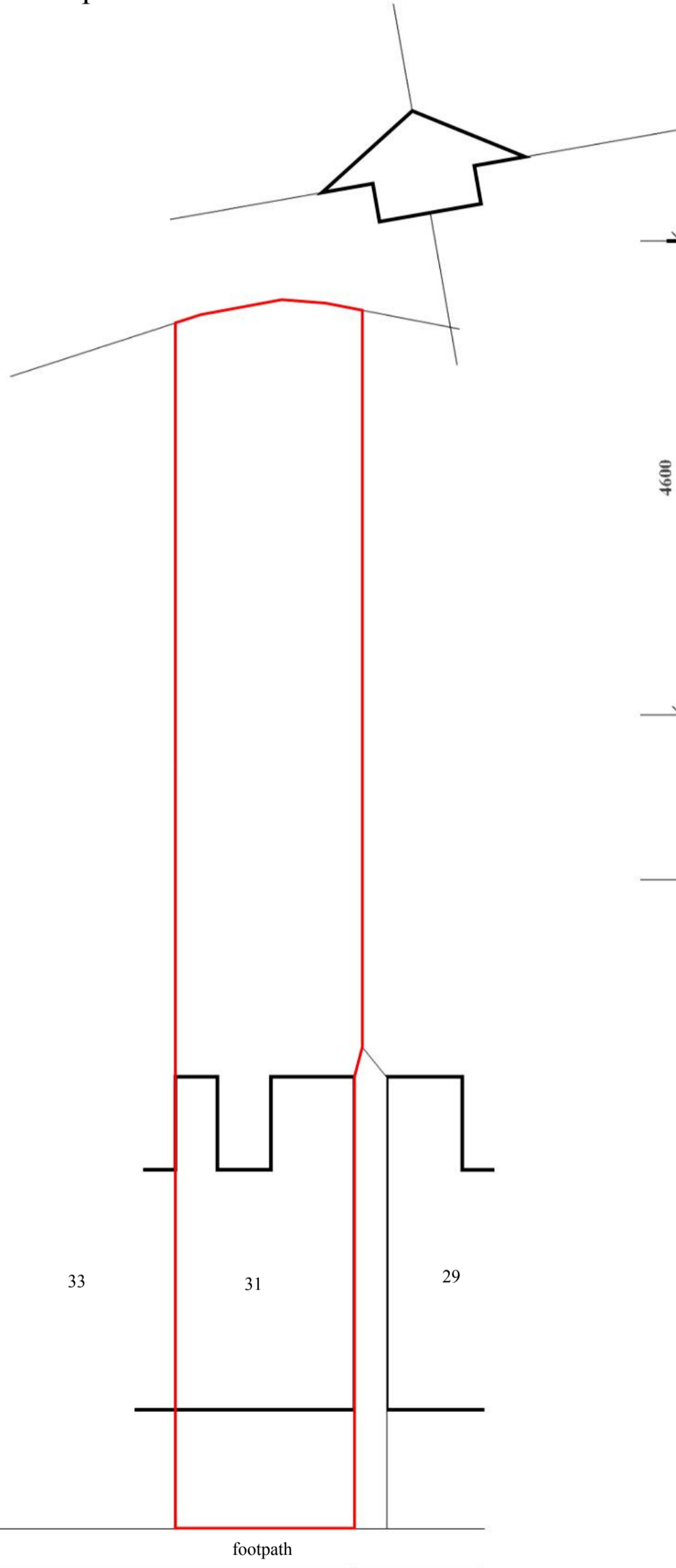




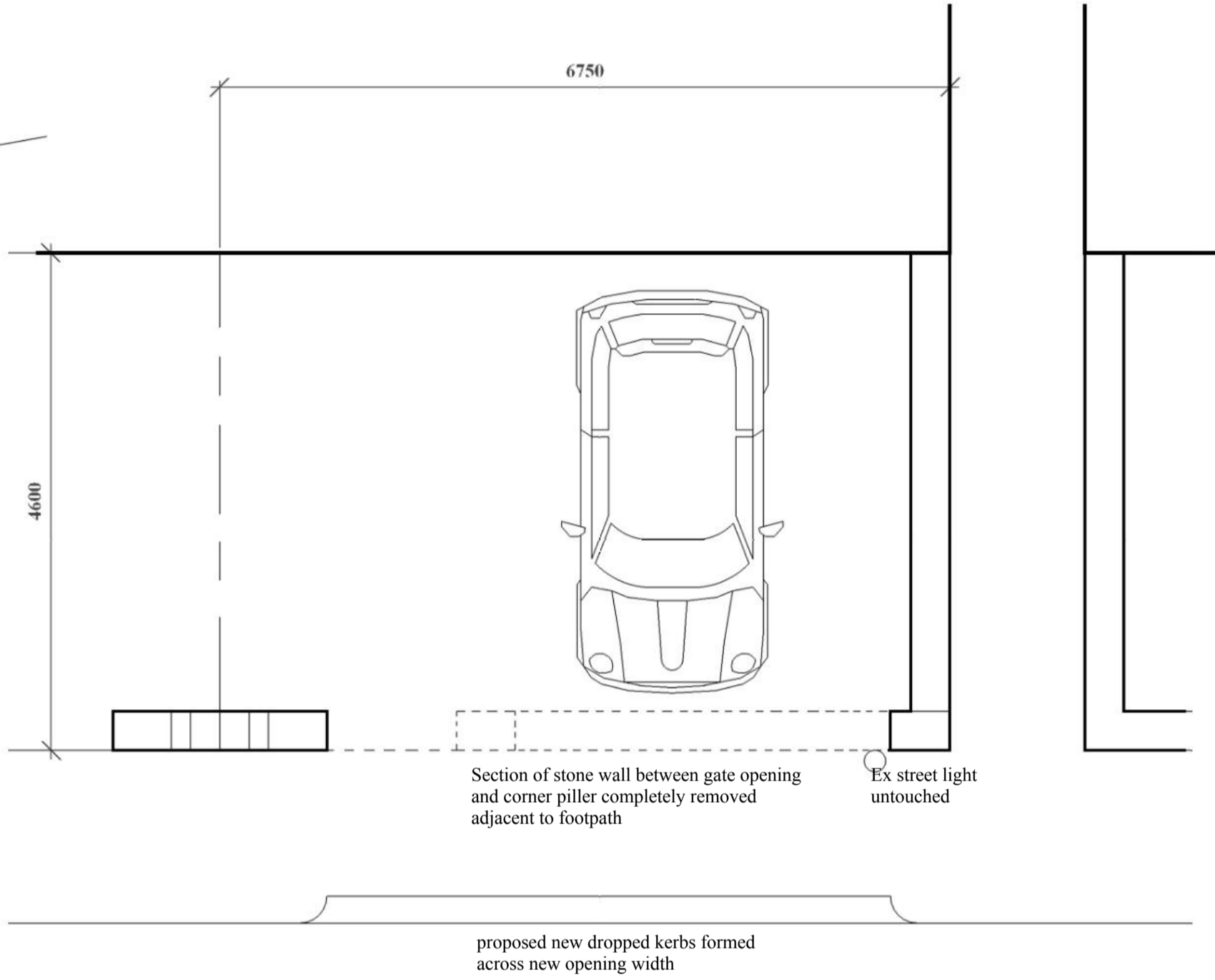
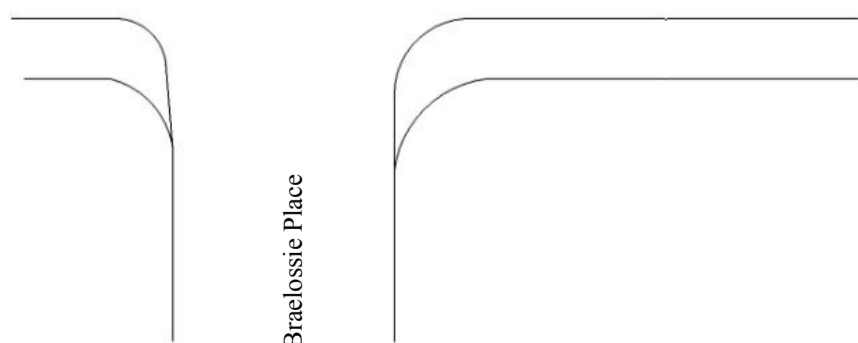
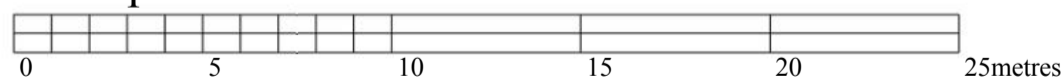
Location plan 1:2500



Front elevation 1:50



West Road  
Site plan 1:200



Plan view 1:50

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 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 Ms J Inch	SCALE 1:50	DRAWN BY IR	DATE Oct 2023
PROJECT Proposed new driveway and opening at 31 West Road, Elgin, IV30 1SA		PROJECT No 23-17	



**ARCHITECTURAL  
DESIGN CONSULTANTS**  
TEL 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

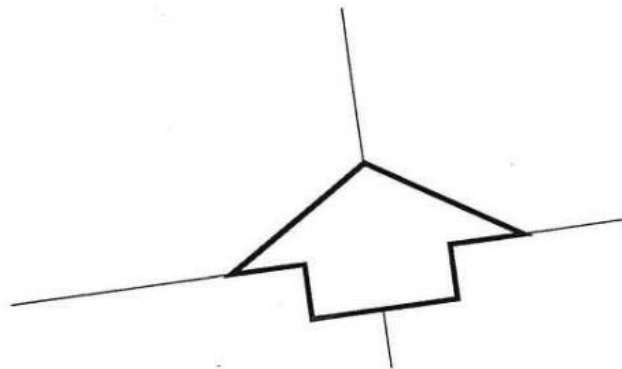
Phone: 01343 842635  
Fax: 01343 842785  
Mobile: 07766 315501  
Email: [ctkplans@aol.com](mailto:ctkplans@aol.com)  
Web: <http://members.aol.com/ctkplans>

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

## LOCATION PLAN



Location plan 1:2500



Member of Federation of Small Businesses : V.A.T. Reg. No. 415 7900 54 : Proprietor - Colin T. Keir





# 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 DESIGN AND DRAINAGE STATEMENT**

### **PROJECT :- PROPOSED OFF STREET PARKING SPACE AT 31 WEST ROAD ELGIN.**

#### **PROJECT NUMBER 23-17**

This is an application to remove a section of stone wall on the a section of the A96 at West Road in Elgin. At present the applicant has nowhere to park her car anywhere near to her home and this off street parking space will prove invaluable to her.

The applicant has a small car which fits comfortably in the space either on an angle or as shown on the plans. The area the car will sit on will be raised to the same level as the pavement. Drop kerbs along the length of the access are proposed as indicated on plan.

Whilst it is acknowledged that the council have policies relating to forming accesses on to trunk roads, these policies are now out-dated when we are trying to encourage the public to move away from using petrol and diesel cars and switch to electric vehicles. There is nowhere available for the applicant to park her electric car nor to charge it. Surely current policies must be flexible where there is an opportunity to change to an electric vehicle.

There are no drainage proposals.





# **Consultee Comments for Planning Application 23/01973/APP**

## **Application Summary**

Application Number: 23/01973/APP

Address: St Hilda 31 West Road Elgin Moray IV30 1SA

Proposal: Proposed off street car parking space

Case Officer: Fiona Olsen

## **Consultee Details**

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally by Adrian Muscutt, CLO on 15.11.23





## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	27th November 2023
<b>Planning Authority Reference</b>	23/01973/APP
<b>Nature of Proposal (Description)</b>	Proposed off street car parking space
<b>Site</b>	St Hilda 31 West Road Elgin Moray IV30 1SA
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133015976
<b>Proposal Location Easting</b>	320563
<b>Proposal Location Northing</b>	862694
<b>Area of application site (M<sup>2</sup>)</b>	
<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=S3UGSQBGKYV00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=S3UGSQBGKYV00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	13th November 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Ms Joanna Inch
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	St Hilda 31 West Road Elgin Moray IV30 1SA
<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>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@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: 23/01973/APP**

**Proposed off street car parking space St Hilda 31 West Road Elgin Moray for Ms Joanna Inch**

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

**Please**

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

*This proposal is to for a new off street car parking space, accessed directly via the A96 (T) West Road. The proposed arrangement does not appear to offer enough depth to accommodate a parked car. However as the site is accessed directly via a trunk road the suitability (or otherwise) of the proposed new access and parking provision would require to be assessed by Transport Scotland as Trunk Road Authority. Although a street lighting column is located in close proximity to the proposed new access (and may require to be re-located) the responsibility for the street lighting at this location also vests with Transport Scotland.*

*On the basis that the new access does not impact upon Moray Council Roads or infrastructure, Transportation has no comments to make on this proposal. However Transport Scotland should be consulted so that they can assess the impact of the development on their Trunk road network.*

**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.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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

**Contact: AG**

**Date 17 November 2023**

**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.



**Response On Development Affecting Trunk Roads and Special Roads**

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To: The Moray Council	Council Reference:-	23/01973/APP
	TS Reference:-	NE/242/2023

Application made by Ms Joanna Inch per Colin Keir, Plans Plus Main Street Urquhart, Moray IV30 8LG and received by Transport Scotland on 23/11/2023 for planning permission for Proposed off street car parking space located at St Hilda 31 West Road Elgin Moray affecting the A96 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A96)  
0141 272 7100  
Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Operating Company:-

North East

Address:-

Amey, Caledonian House, West Kinfauns, Perth

Telephone Number:-

Not Available

e-mail address:-

occr-northeast@amey.co.uk

## Response On Development Affecting Trunk Roads and Special Roads

### REASON(S) for Refusal

- |   |  |
|---|--|
| 1 | The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.            |
| 2 | The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road. |

**Transport Scotland Response Date:-**

30/11/2023

**Transport Scotland Contact:-**

Shaun Phillips

**Transport Scotland Contact Details:-**

Roads - Development Management

Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Telephone Number: 0141 272 7100

e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Directorate if the recommended advice is not accepted.

From: [REDACTED]  
Sent: Wed, 22 Nov 2023 17:38:00 +0000  
To: Planning-Comments  
Subject: 23/01973/APP

I am writing to you concerning the planning application ref 23/01973/APP. I was looking for clarification on the application as it seems according to the plan they are using a very narrow shared lane between two properties to create a driveway. Will this affect the property boundary front wall as I've concern that the wall is actually listed. I've been made aware that they plan to park in the garden at the front of their property but this isn't what the plan shows.

[REDACTED]





## **REPORT OF HANDLING**

<b>Ref No:</b>	23/01973/APP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	Proposed off street car parking space St Hilda 31 West Road Elgin Moray		
<b>Date:</b>	12/01/2024	<b>Typist Initials:</b>	DJP

### **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>N</b>	
<b>Notification to Scottish Ministers/Historic Scotland</b>	<b>N</b>	
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Contaminated Land	15/11/23	No Objections
Transportation Manager	17/11/23	No Objections
Transport Scotland	30/11/23	<p>Objection –</p> <p>The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.</p> <p>The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road.</p>

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
NPF1 - Tackling the Climate	N	<b>Complies</b>
NPF2 - Climate mitigation and adaptation	N	<b>Complies</b>
NPF3 - Biodiversity	N	<b>Complies</b>
NPF5 - Soils	N	<b>Complies</b>
NPF13 - Sustainable transport	Y	<b>See below</b>
NPF16 - Quality homes	N	<b>Complies</b>

NPF18 - Infrastructure first	Y	See below
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	Y	See below
DP1 Development Principles	Y	See below
EP2 Biodiversity	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

## REPRESENTATIONS

Representations Received	YES
Total number of representations received: ONE	
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	
<b>Issue:</b> Seeking clarification on location of proposed driveway	
<b>Comments (PO):</b> Proposal seeks to remove a section of stone wall to the front of the existing property to form an off-street parking space for a single vehicle.	
<b>Issue:</b> Front wall is listed	
<b>Comments (PO):</b> Neither the existing property nor the front wall are listed.	

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Proposal

The application seeks planning permission to remove a section of wall to the front of an existing dwellinghouse to form an off-street parking space for a single car. The proposal would involve forming a new access onto the A96 Trunk Road to the south of the site.

### Site

The site is located at St Hilda, 31 West Road, Elgin.

The existing main property is a semi-detached dwellinghouse which is bound by the A96 Trunk Road to the south of the site. Neighbouring properties lie to the east and west (attached).

### Policy Appraisal (MLDP 2020 and NPF4)

#### Road Safety and Impact on Trunk Road (PP3, DP1, NPF4 Policy 13)

The proposals seek to form an off-street parking space for a single car to the front of an existing dwellinghouse. The development would involve removing a section of garden wall to the front of the dwelling and forming a new access onto the A96 Trunk Road to the south of the site. At present there is no off-street parking at the property.

Policy DP1 (a) states that proposals must provide safe entry and exit from the development and (c)

states that proposals must provide a safe access to and from the road network and address any impacts on road safety.

Policy PP3(b)(i) outlines that development proposals will not be supported where they create new accesses onto trunk roads unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.

NPF4 Policy 13(g) states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact.

Transport Scotland have been consulted and have advised that planning permission should be refused due to the following reasons:

- The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.
- The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road.

NPF4 Policy 18(b) requires that the impacts of development proposals on infrastructure should be mitigated.

A Planning Design and Drainage Statement has been submitted in support of the application which outlines that the applicant cannot park a vehicle at home at present and that due to the size of the vehicle owned, it would fit in the space proposed. The statement also outlines that due there being no off-street parking provision at the property, an electric vehicle cannot be charged at the house. Whilst these points are noted and both policy PP3 and NPF4 Policy 13 seek to improve and enhance electric vehicle infrastructure, charging will not always be possible in-curtilage. Also, whilst the applicant notes that their existing car may fit in the proposed parking space, Moray Council Parking Standards outlines that a standard car parking space should measure no less than 2.5m x 5m and as such the proposed space would fail to meet this requirement.

In conclusion, the application will be refused as it proposes a new access onto the A96(T) which is not permitted by policy PP3.

In addition, the proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.

Transport Scotland were also consulted on the application and advise that the application should be refused as the proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T). As a result the proposals would also fail to comply with NPF4 Policy 13 which requires development proposals that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

#### **Siting and Design (DP1, NPF4 Policy 16)**

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP1 also states that existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form and

choice of materials and positioning and meet all other relevant criteria of this policy.

NPF4 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The proposal seeks to remove a section of front garden wall to form off-street parking for a single car. The proposal is small scale and the removal of a small section of wall would be considered acceptable on this occasion and would not be expected to give rise to any loss of amenity. In this regard the proposal is deemed to comply with the siting and design criteria set by policy DP1 and NPF4 Policy 16 however this would not override the aforementioned objections and as such the application will be refused.

**Climate Change, Biodiversity and Soils (EP2, NPF4 Policies 1, 2, 3 and 5)**

The proposal is a householder development only which would result in minimal impact in terms of climate change and soil disturbance. It is not necessary to seek formal biodiversity enhancement on a householder proposal of this scale and therefore in this regard, the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

**Conclusion**

The application will be refused as it proposes a new access onto the A96(T) which is not permitted by policy PP3.

In addition, the proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.

Transport Scotland were also consulted on the application and advise that the application should be refused as the proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T). As a result the proposals would also fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires development proposals that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>No</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	Departure from development plan	21/12/23
PINS	Departure from development plan	21/12/23

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>N/A</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b>		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Design and Drainage Statement (ref: 23-17)	
Main Issues:	Outlines that applicant cannot park a vehicle at home at present. Also outlines that car is small and would fit in the space provided, drop kerbs would also be provided.	
	Outlines that there is no where to charge an electric vehicle at the property.	

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
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 South]  
Application for Planning Permission**

TO



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:-

**Proposed off street car parking space St Hilda 31 West Road Elgin Moray**

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

Date of Notice: **17 January 2024**



**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 seeks to form a new access onto the A96(T) Road to provide off-street parking for one vehicle and is contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals seek to form a new access onto the A96(T) road which is not permitted by MLDP2020 Policy PP3.
2. The proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.
3. The proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T) and this would fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires developments that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

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

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

Reference	Version	Title
23~17		Elevations and layout plan Location plan

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of



review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

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





## **APPENDIX 2**

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





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 100651089-004

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:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="St Hilda"/>
First Name: *	<input type="text" value="Joanna"/>	Building Number:	<input type="text" value="31"/>
Last Name: *	<input type="text" value="Inch"/>	Address 1 (Street): *	<input type="text" value="West Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Elgin"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 1SA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ctkplans@aol.com"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="ST HILDA"/>
Address 2:	<input type="text" value="31 WEST ROAD"/>
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 1SA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="862694"/>	Easting	<input type="text" value="320563"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Proposed off street car parking space at St Hilda 31 West Road Elgin IV30 1SA

## 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)

Decision notice Report of handling Location plan Drawing Supporting statement

## Application Details

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

23/01973/APP

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

09/11/2023

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

17/01/2024

## 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)

A site visit will allow members to view the lack of infrastructure in terms of public charging points and to assess if parking off street on West Road is considered dangerous in terms of the Trunk Road designation

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: 09/04/2024





# 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

## **PROPOSED NEW DRIVEWAY AT 31 WEST ROAD ELGIN.**

**AAPPLICANT :- JOANNA INCH.**

**PLANNING REFERENCE NUMBER 23/01973/APP.**

### **PLANNING REVIEW.**

This was in principal a simple exercise to remove a front garden wall of a property to allow a small electrical vehicle to be charged within the curtilidge of the applicants home. Along with many other people she is trying to be as environmentally friendly as possible and switched to an electric vehicle. The problem arose when she tried to charge the vehicle as she has no off street parking. The simple solution was to remove the front wall and pull in to the garden.

The vehicle in question is small in size and would fit into the 4.6m space that would be provided without impinging on the pavement. Visibility in both directions is good.

The majority of policies have been adhered to in terms of National Planning Framework 4. NP1, NPF2, NPF3, NPF5, NPF13, NPF16 and NPF18 all comply as stated in the Report of Handling by the planning officer. The entire reason for refusal falls down to Trunk Road access (A96).

It then appears that the policies contained within the National Planning Framework 4 all want to encourage a carbon neutral Scotland with Green policies being implemented all over the country. However the Moray Local Plan 2020 is at odds with the national policies as it seeks to deter anyone from trying to create space within their property to allow them to fit an electrical



Member of Federation of Small Businesses : V.A.T. Reg. No. 415 7900 54 : Proprietor - Colin T. Keir

vehicle charging point. It is accepted that entering or exiting trunk roads can slow traffic down but this is well within a 30 mph speed zone which is slowed down even further by vehicles turning off the A96 to travel along Wittet Drive. The hospital turn off also slows vehicles down in this location.

One of the latest laws to be introduced into Scotland is that it is now illegal to park on a pavement. This does not allow the applicant any opportunity to charge her vehicle. What is going to happen when we are all supposed to be driving electric vehicles? The lack of infrastructure particularly away from major cities means there are very few charging points available and there does not appear to be any available in this location for the applicant to use.

Moray Council must accept that the Local Plan policies are now out of date and conflict with the aims of the National Planning Framework 4 document which is to encourage the use of green energy and the use of electric vehicles. Change has to be implemented at some point and if we are to be encouraged to use electric vehicles, either the infrastructure is put in place for the public to use or the public has to provide the facilities themselves. This should mean overriding Trunk road restrictions and having the vision to install electric vehicle charging points in peoples homes.

There has to be a new approach to trunk road rules and regulations where electric vehicle charging points are concerned. To have every property on a trunk road unable to charge electric vehicles appears to be outdated and in need of reform.

## REPORT OF HANDLING

<b>Ref No:</b>	23/01973/APP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	Proposed off street car parking space St Hilda 31 West Road Elgin Moray		
<b>Date:</b>	12/01/2024	<b>Typist Initials:</b>	DJP

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
Contaminated Land	15/11/23	No Objections
Transportation Manager	17/11/23	No Objections
Transport Scotland	30/11/23	<p>Objection –</p> <p>The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.</p> <p>The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road.</p>

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	Complies
NPF2 - Climate mitigation and adaptation	N	Complies
NPF3 - Biodiversity	N	Complies
NPF5 - Soils	N	Complies
NPF13 - Sustainable transport	Y	See below
NPF16 - Quality homes	N	Complies



NPF18 - Infrastructure first	Y	See below
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	Y	See below
DP1 Development Principles	Y	See below
EP2 Biodiversity	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

<b>REPRESENTATIONS</b>		
Representations Received	YES	
Total number of representations received: ONE		
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		
<b>Issue:</b> Seeking clarification on location of proposed driveway		
<b>Comments (PO):</b> Proposal seeks to remove a section of stone wall to the front of the existing property to form on off-street parking space for a single vehicle.		
<b>Issue:</b> Front wall is listed		
<b>Comments (PO):</b> Neither the existing property nor the front wall are listed.		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### **Proposal**

The application seeks planning permission to remove a section of wall to the front of an existing dwellinghouse to form an off-street parking space for a single car. The proposal would involve forming a new access onto the A96 Trunk Road to the south of the site.

### **Site**

The site is located at St Hilda, 31 West Road, Elgin.

The existing main property is a semi-detached dwellinghouse which is bound by the A96 Trunk Road to the south of the site. Neighbouring properties lie to the east and west (attached).

### **Policy Appraisal (MLDP 2020 and NPF4)**

#### **Road Safety and Impact on Trunk Road (PP3, DP1, NPF4 Policy 13)**

The proposals seek to form an off-street parking space for a single car to the front of an existing dwellinghouse. The development would involve removing a section of garden wall to the front of the dwelling and forming a new access onto the A96 Trunk Road to the south of the site. At present there is no off-street parking at the property.

Policy DP1 (a) states that proposals must provide safe entry and exit from the development and (c)

states that proposals must provide a safe access to and from the road network and address any impacts on road safety.

Policy PP3(b)(i) outlines that development proposals will not be supported where they create new accesses onto trunk roads unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.

NPF4 Policy 13(g) states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact.

Transport Scotland have been consulted and have advised that planning permission should be refused due to the following reasons:

- The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.
- The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road.

NPF4 Policy 18(b) requires that the impacts of development proposals on infrastructure should be mitigated.

A Planning Design and Drainage Statement has been submitted in support of the application which outlines that the applicant cannot park a vehicle at home at present and that due to the size of the vehicle owned, it would fit in the space proposed. The statement also outlines that due there being no off-street parking provision at the property, an electric vehicle cannot be charged at the house. Whilst these points are noted and both policy PP3 and NPF4 Policy 13 seek to improve and enhance electric vehicle infrastructure, charging will not always be possible in-curtilage. Also, whilst the applicant notes that their existing car may fit in the proposed parking space, Moray Council Parking Standards outlines that a standard car parking space should measure no less than 2.5m x 5m and as such the proposed space would fail to meet this requirement.

In conclusion, the application will be refused as it proposes a new access onto the A96(T) which is not permitted by policy PP3.

In addition, the proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.

Transport Scotland were also consulted on the application and advise that the application should be refused as the proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T). As a result the proposals would also fail to comply with NPF4 Policy 13 which requires development proposals that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

#### **Siting and Design (DP1, NPF4 Policy 16)**

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP1 also states that existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form and

choice of materials and positioning and meet all other relevant criteria of this policy.

NPF4 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The proposal seeks to remove a section of front garden wall to form off-street parking for a single car. The proposal is small scale and the removal of a small section of wall would be considered acceptable on this occasion and would not be expected to give rise to any loss of amenity. In this regard the proposal is deemed to comply with the siting and design criteria set by policy DP1 and NPF4 Policy 16 however this would not override the aforementioned objections and as such the application will be refused.

**Climate Change, Biodiversity and Soils (EP2, NPF4 Policies 1, 2, 3 and 5)**

The proposal is a householder development only which would result in minimal impact in terms of climate change and soil disturbance. It is not necessary to seek formal biodiversity enhancement on a householder proposal of this scale and therefore in this regard, the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

**Conclusion**

The application will be refused as it proposes a new access onto the A96(T) which is not permitted by policy PP3.

In addition, the proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.

Transport Scotland were also consulted on the application and advise that the application should be refused as the proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T). As a result the proposals would also fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires development proposals that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision



<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>No</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	Departure from development plan	21/12/23
PINS	Departure from development plan	21/12/23

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>N/A</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b>		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Design and Drainage Statement (ref: 23-17)	
Main Issues:	Outlines that applicant cannot park a vehicle at home at present. Also outlines that car is small and would fit in the space provided, drop kerbs would also be provided.	
	Outlines that there is no where to charge an electric vehicle at the property.	

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
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 South]  
Application for Planning Permission**

TO



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:-

**Proposed off street car parking space St Hilda 31 West Road Elgin Moray**

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

Date of Notice: **17 January 2024**



**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 seeks to form a new access onto the A96(T) Road to provide off-street parking for one vehicle and is contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals seek to form a new access onto the A96(T) road which is not permitted by MLDP2020 Policy PP3.
2. The proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.
3. The proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T) and this would fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires developments that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

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

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

Reference	Version	Title
23~17		Elevations and layout plan 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

*(Page 2 of 3)*

**Ref: 23/01973/APP**

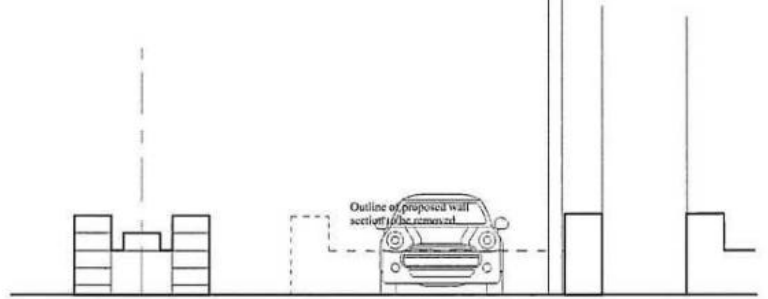
review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

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.

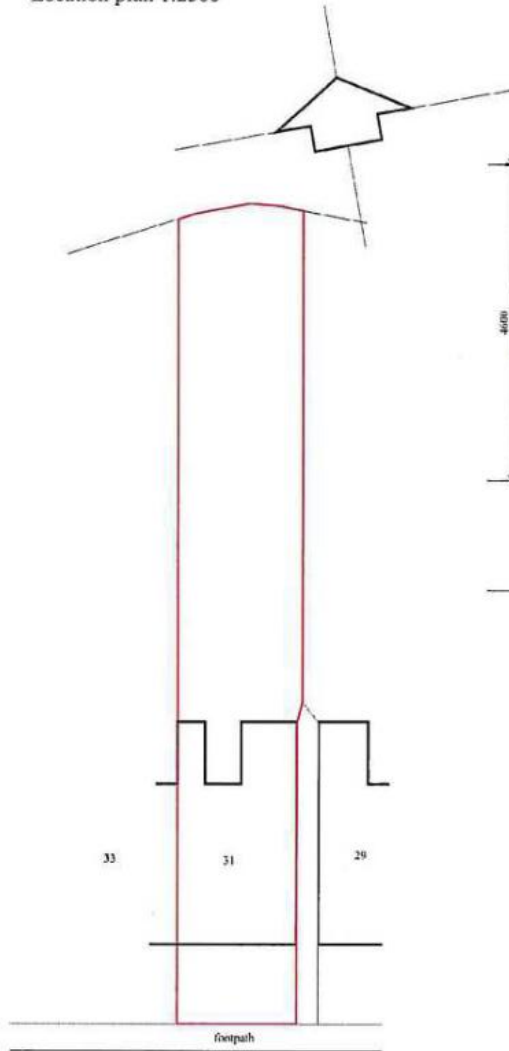




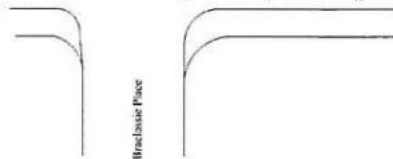
Location plan 1:2500



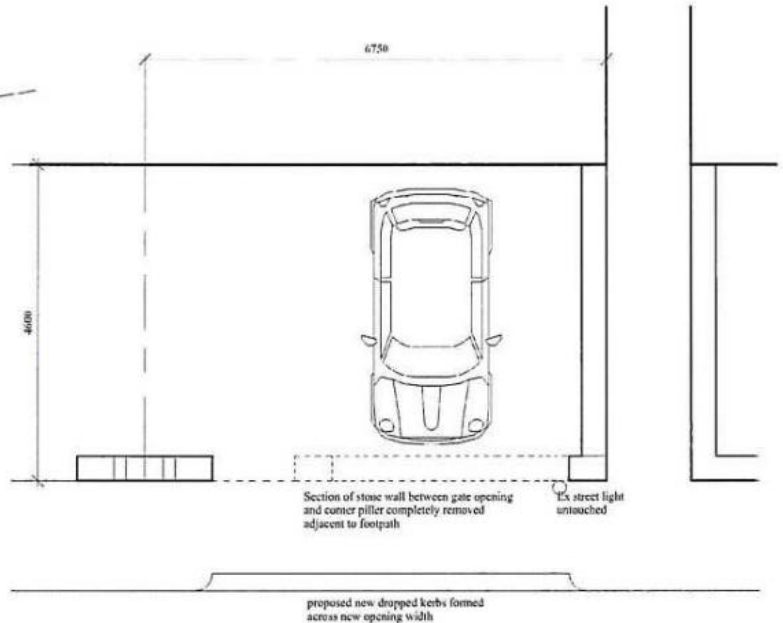
Front elevation 1:50



West Road  
Site plan 1:200



Bracehouse Place



Plan view 1:50

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

17 January 2024

Development Management  
Environmental Services  
The Moray Council

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 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	Ms J Inch	SCALE	1:50	DRAWN BY	IR	DATE	Oct 2023
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PROJECT	Proposed new driveway and opening at 31 West Road, Elgin, IV30 1SA			PROJECT No	23-17
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**ARCHITECTURAL  
DESIGN CONSULTANTS**  
TEL No 01343 842635  
MOBILE No 07766 315501  
EMAIL [cdplans@aol.com](mailto:cdplans@aol.com)  
WEB [www.plans-plus.co.uk](http://www.plans-plus.co.uk)  
PARTNERS COLIN & CATRIONA KEIR

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







**MORAY LOCAL REVIEW BODY**

**16 MAY 2024**

**SUMMARY OF INFORMATION FOR CASE No LR301**

**Planning Application 23/01971/APP – Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent, Elgin**

**Ward 6 – Elgin City North**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 6 March 2024 on the grounds that:

The proposal is contrary to the provisions of the Development Plan because:

- i. A bespoke hair salon is an incompatible use within a domestic garage in the confines of a residential property.
- ii. The salon within the private residential property is incompatible with the residential location, and, the increase in footfall and traffic movements with their associated noise and disturbance would have an adverse impact on the residential amenity of the surrounding residential properties.

The proposal is therefore contrary to NPF Policies 26 b) and 14 c) and MLDP 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

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

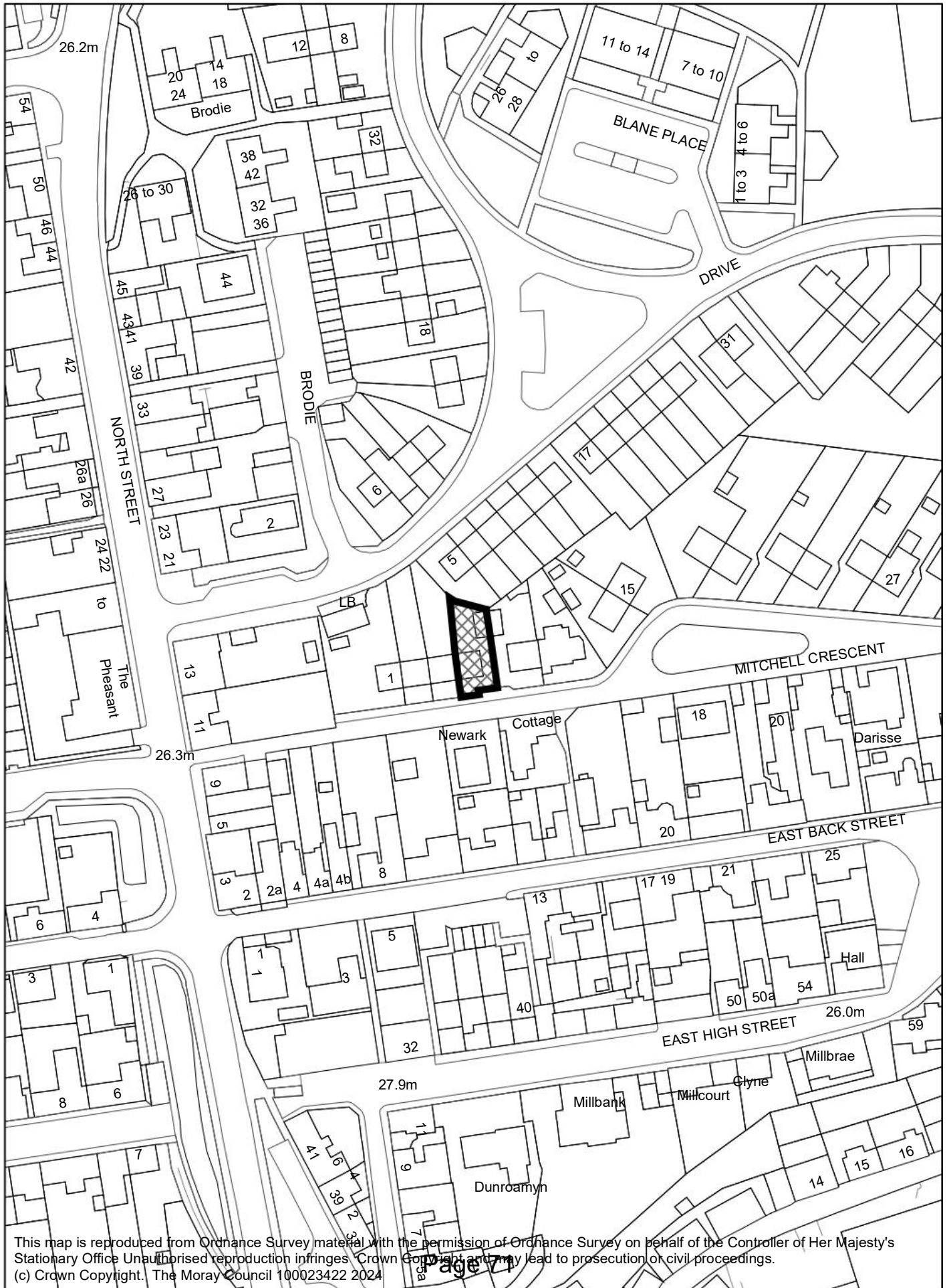
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

No further representations were received.





# Location plan for Planning Application Reference Number : 23/01971/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 100651066-001

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 front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin

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

## 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:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Miglana	Building Number:	7
Last Name: *	Stefanova	Address 1 (Street): *	Mitchell Crescent
Company/Organisation		Address 2:	Elgin
Telephone Number: *		Town/City: *	Moray
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV30 4EH
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:

7 MITCHELL CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 4EH

Please identify/describe the location of the site or sites

Northing

863612

Easting

321557

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

0.04

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 house and 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.

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?

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)? \*

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

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

Normal house recycling bins. No trade waste as such

## 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): \*

Class 2 Financial, professional and other services

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

10

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

10 sq.m

## 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: Miss Miglena Stefanova

Date: 08/11/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

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

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

Declaration Name: Mr Colin Keir

Declaration Date: 08/11/2023



# 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

## LOCATION PLAN

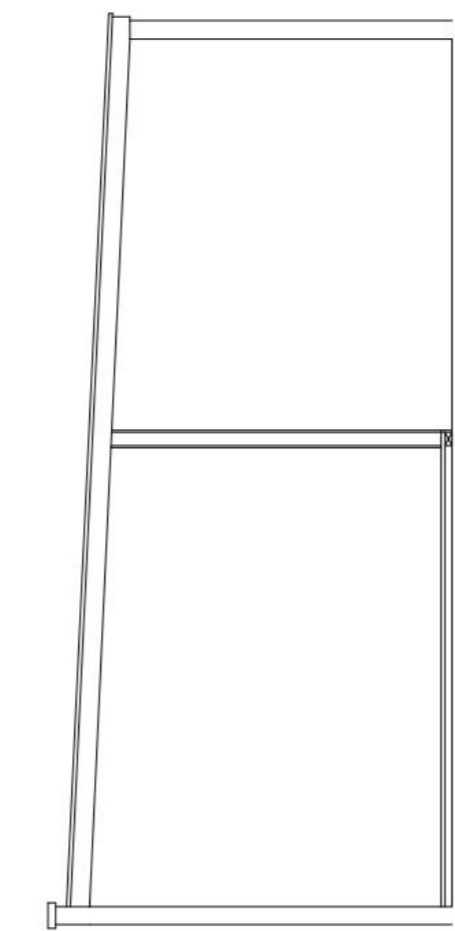
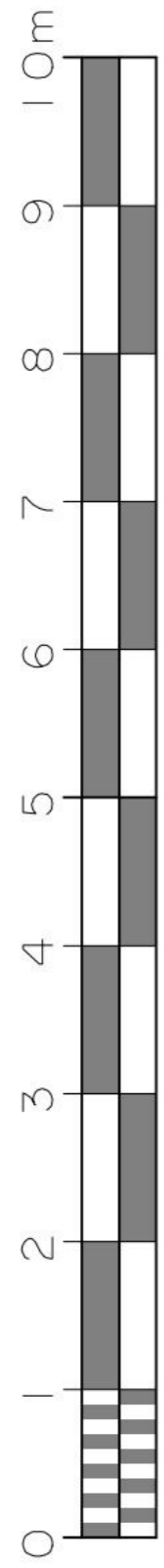
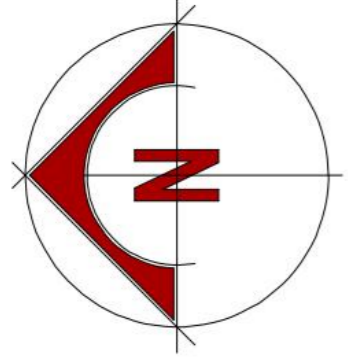
site referred to



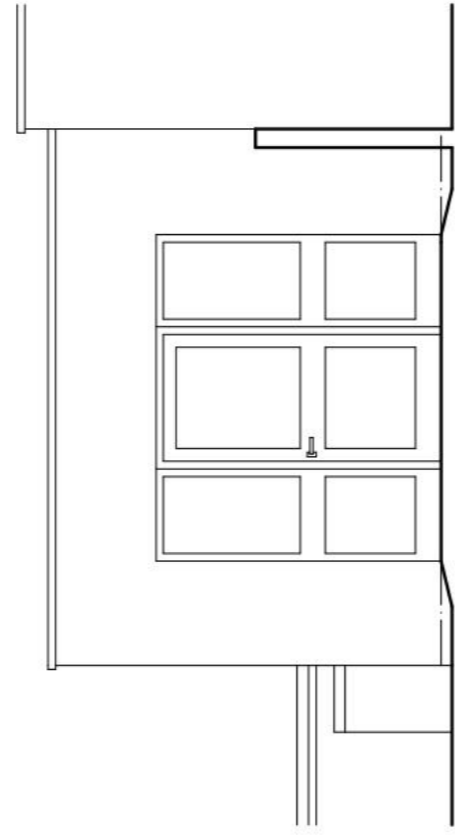
LOCATION PLAN 1~2500



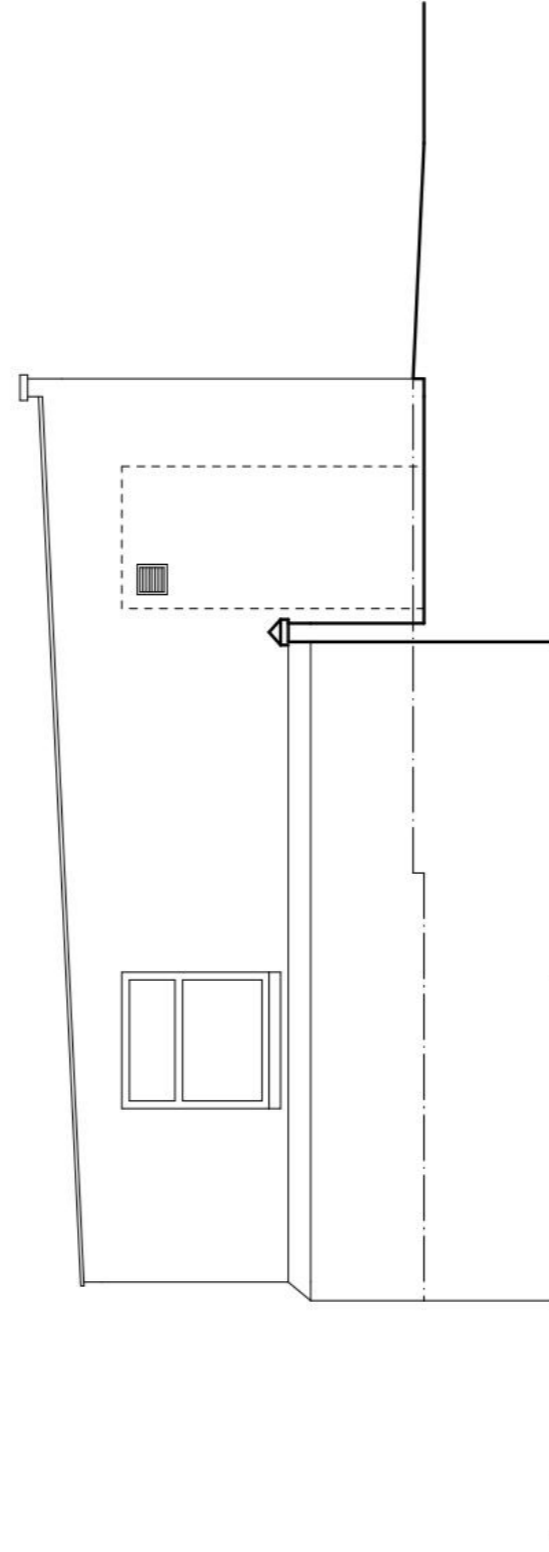




**LONGITUDINAL SECTION.**  
SCALE 1-50

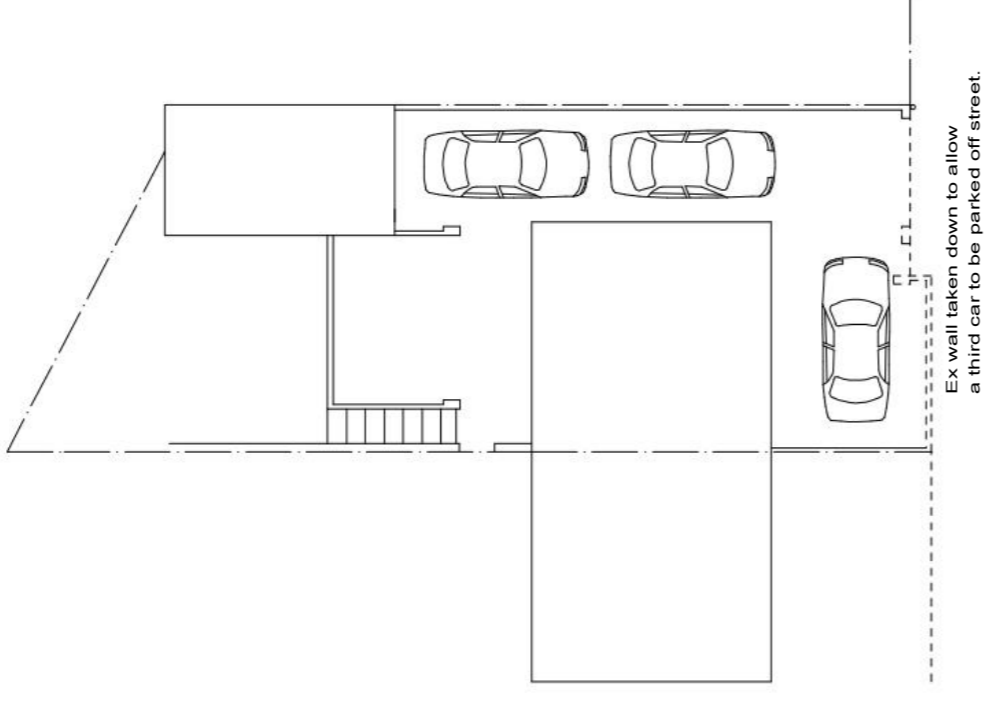


**FRONT ELEVATION**  
SCALE 1-50



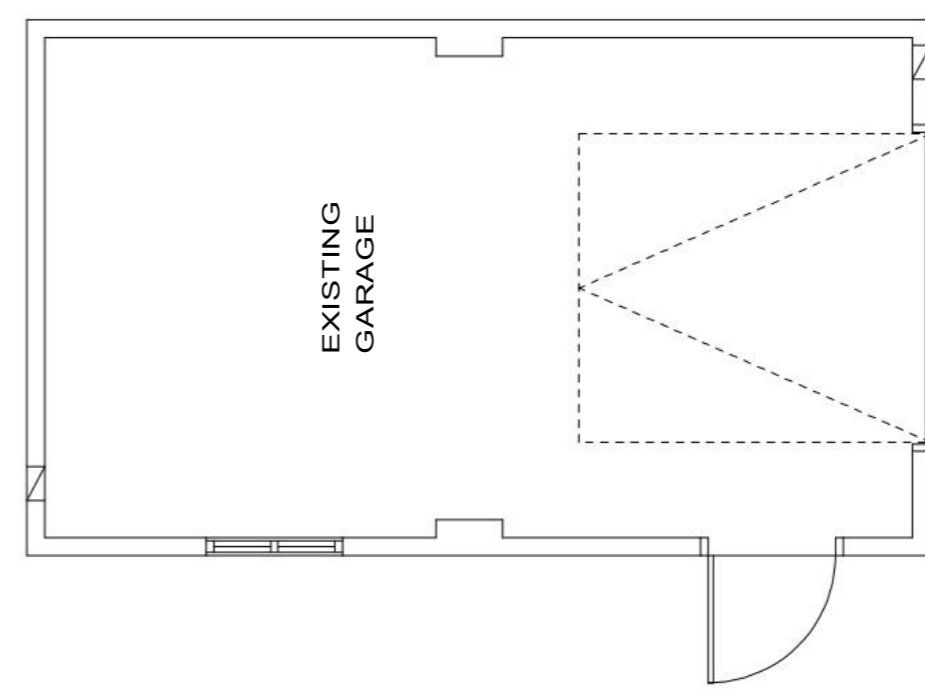
**SIDE ELEVATION**  
SCALE 1-50

The building will be sheathed but insulation will be provided. The garage door in fill of glazed windows and doorway will attract heat from the sun as they face directly South. The opening hours will only be for 3 hours a day between 12:00 and 1:00pm on Saturdays. The premises will operate from Tuesday to Saturday inclusive but closed on Sunday and Monday.

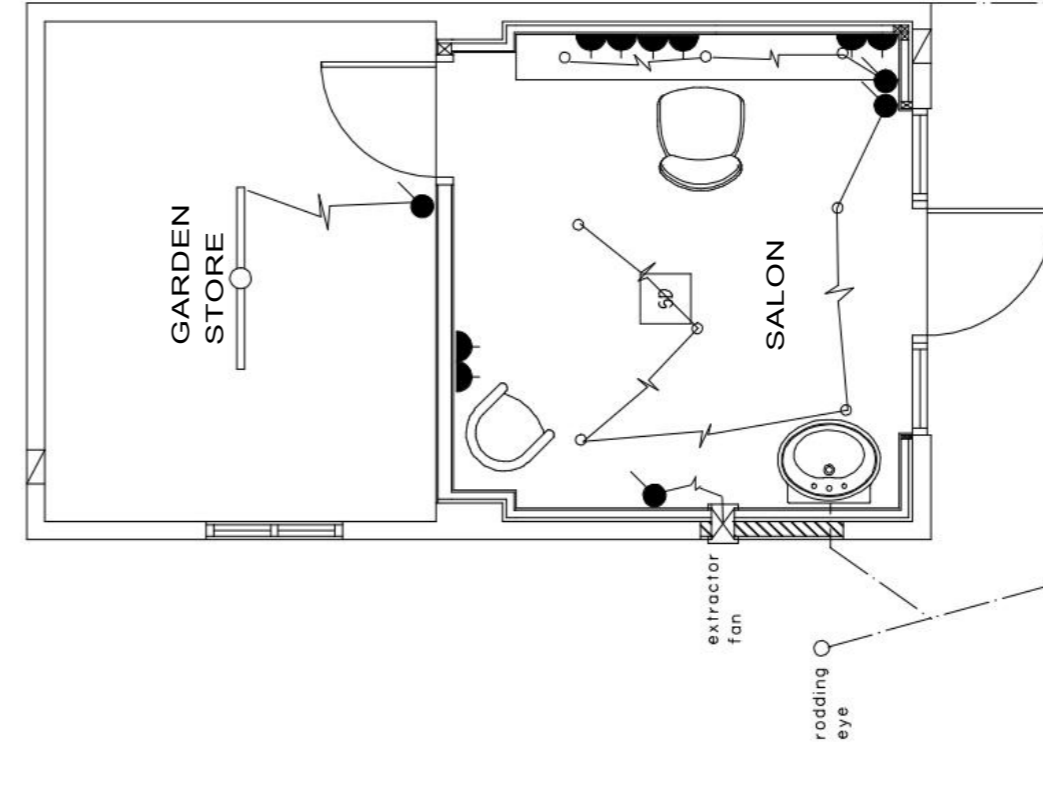


**SITE PLAN**  
SCALE 1-200

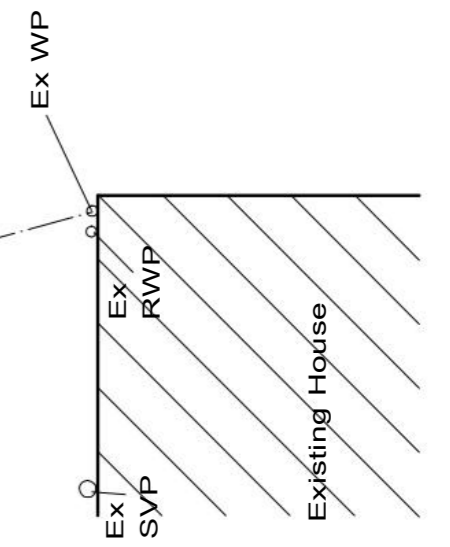
Ex wall taken down to allow a drive car to be parked off street



**EXISTING GARAGE PLAN**  
SCALE 1-50



**PROPOSED NEW LAYOUT**  
SCALE 1-50



**NOTES.**

Existing concrete floor to have 50x50mm tww battens at 400mm crs laid on top with 22mm T and G flooring and a veneer floor covering finish. Due to the age of the garage it has been assumed that the existing concrete floor has a DPC below the concrete. 50mm Kingspan insulation laid between battens.

New partition formed with 97x47mm tww posts at 600mm crs with double top and bottom rails and centre cleangs and finished both sides with 12.5mm plasterboard. Joints taped and filled and decorated in each side of partition. 100mm glasswool insulation between posts.

Existing 100mm concrete block walls to have 25mm air gap then 72x47mm tww posts at 600mm crs with 70mm glasswool insulation between posts and finished with 12.5mm plasterboard with joints taped and filled ready for decoration

Existing roof is made up of metal sheeting on 125x50mm rafters at 1200mm crs with purlins between 12.5mm plasterboard added to underside of rafters and to be taped and filled ready for decoration.

Finished side door to be infilled with 100mm concrete block wall to match the existing garage construction. Lined externally with roughcast with waterproofer incorporated in mix to match existing external walls. Lined internally as per the specification above.

The light switch to the garden shed is to be re-positioned as indicated.

The new waste pipe 50mm dia from the wash hand basin taken out through built up doorway and then connected to the existing house drainage system at the rear as indicated. A rodding point is to be provided as indicated. Depth of drain to be assessed on site.

Window and door fixings. All new windows and doors to be manufactured to meet minimum recognised product standards and defined component performance to resist forced entry. Units to be installed in accordance with recommendations given in section 8 of BS 8213-4:2007 or manufacturers instructions where they reach or exceed standard.

**WINDOWS AND DOORS.**

New Upvc windows and doors to incorporate low emissive double glazing providing a U value not more than 1.4W/m<sup>2</sup>K. Supplier to provide and install and seal up to and including the frame. Any glazing within 800mm of floor level part of a door leaf or within 300mm of a door leaf and within 1500mm of floor to be toughened safety glass in accordance with BS6262:Part4 2005.

**WINDOW AND DOOR FIXING.**

All accessible windows and doors to be manufactured to meet minimum recognised product standards and defined component performance to resist forced entry. Units to be installed in accordance with the recommendations given in Section 8 of BS 8213-4:2007 or manufacturers instructions where they meet or exceed standard.

Access to salon is by a level access path to the building. Maximum 5mm rise at door. 150mm extract fan provided to salon located in former doorway fitted with isolator switch.

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.
<b>Crown copyright all rights reserved License No. 100041145.</b>		
No works to commence on this 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 application for the building operations.		
Any deviation to the approved plans to be reported to this office. Any building operations to commence on site prior to commencement of any building operations. 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 lying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.		
<b>PLANS PLUS (URQUHART)</b> <b>ARCHITECTURAL</b> <b>DESIGN CONSULTANTS</b> Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ckplans aol.com		
Project	CONVERT SMALL AREA OF GARAGE TO PART TIME HAIR SALON AT 7 MITCHELL CRESCENT, ELGIN, MORAY, IV30 4EH	Project No. 23-37-D-1-A
Client	Drawn By MILENA STEFANOVA	Scale AS INDICATED.
	Colin T Keir	







# 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 DESIGN AND DRAINAGE STATEMENT**

### **PROJECT :- CONVERT PART OF GARAGE TO HAIR SALON AT 7 MITCHELL CRESCENT, ELGIN IV30 4EH**

#### **PROJECT NUMBER 23-27**

This is an application to convert the front part of an existing domestic garage into a small hair salon to try and establish a client base with a view to opening a larger salon in the town. At present the garage is used for storage but there is sufficient room at the side of the house to comfortably accommodate 2 car parking spaces. It is anticipated that any trade would be local and due to the restricted hours of operations, only 1 client would be in attendance at any given time. Depending on the treatment, one client may take up the full allocation of time for that day. A maximum of 3 clients a day is anticipated.

The applicant is prepared to remove the wall at the front of the house to provide a third parking space if required but the applicant's partner will not be at home when the salon is operating due to his work commitments. This means only one car will be taking up a space at the side of the house.

The salon would only be open between 3pm and 6pm Tuesday to Saturday inclusive. Sunday and Monday would be closed. No staff are proposed on the applicant would work the salon.

There is a whb from the proposed salon which will be connected to the house waste system at the rear of the building. This is a Scottish Water sewerage system. All rainwater drainage is existing.



Low back ground music only would be anticipated but client is mindful of her neighbours.

The salon would not produce any powerful odours but there is an extractor fan on the west wall of the salon which, if used, would disperse any odour into her own property.

Wednesday, 22 November 2023



Local Planner  
Development Services  
Moray Council  
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 Customer,

**7 Mitchell Crescent, Elgin, IV30 4EH**  
**Planning Ref: 23/01971/APP**  
**Our Ref: DSCAS-0098859-RVM**  
**Proposal: Convert front section of garage to hair salon retaining rear section as garden store**

**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. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by Moray West Waste Water Treatment Works. 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.

## **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-Domestic 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 laundrettes. 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 5kg 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,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@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>	5th December 2023
<b>Planning Authority Reference</b>	23/01971/APP
<b>Nature of Proposal (Description)</b>	Convert front section of garage to hair salon retaining rear section as garden store at
<b>Site</b>	7 Mitchell Crescent Elgin Moray IV30 4EH
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133024858
<b>Proposal Location Easting</b>	321557
<b>Proposal Location Northing</b>	863612
<b>Area of application site (M<sup>2</sup>)</b>	400
<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=S3UGSNBGKYP00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=S3UGSNBGKYP00</a>
<b>Previous Application</b>	23/01478/ID
<b>Date of Consultation</b>	21st November 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Miss Miglena Stefanova
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	7 Mitchell Crescent Elgin Moray IV30 4EH
<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: 23/01971/APP**

**Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH for Miss Miglena Stefanova**

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

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

**Condition(s)**

This Section recommends approval of the development subject to the following condition-

Unless otherwise agreed in writing with the Planning Authority, the use of the development shall be permitted between the hours of 1500 to 1800 hours from Tuesday to Saturdays.

**Informative**

The premises will require to comply with the Health and safety at Work etc Act 1974 and associated regulations.

**Contact: Douglas Caldwell**  
**email address:**  
**Consultee:**

**Date.....08.12.23.....**  
**Phone No .....**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
---------------------------	---

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.

## Re-consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	5th February 2024
<b>Planning Authority Reference</b>	23/01971/APP
<b>Nature of Proposal (Description)</b>	Convert front section of garage to hair salon retaining rear section as garden store at
<b>Site</b>	7 Mitchell Crescent Elgin Moray IV30 4EH
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133024858
<b>Proposal Location Easting</b>	321557
<b>Proposal Location Northing</b>	863612
<b>Area of application site (M<sup>2</sup>)</b>	400
<b>Additional Comments</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=S3UGSNBGKYP00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=S3UGSNBGKYP00</a>
<b>Previous Application</b>	23/01478/ID
<b>Date of Consultation</b>	22nd January 2024
<b>Is this a re-consultation of an existing application?</b>	Yes
<b>Applicant Name</b>	Miss Miglena Stefanova
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	7 Mitchell Crescent Elgin Moray IV30 4EH
<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:**

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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: 23/01971/APP

Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH for Miss Miglena Stefanova

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"/>            |

*This proposal is to convert part of an existing residential garage to a small hair salon. The applicant has submitted supporting details clarifying the operating arrangements (max one client at any time and max three clients per day, and with the occupier being the sole member of staff), which are considered to result in an only minimal increase in vehicular trips to and from the property. The property driveway/access is to be altered to accommodate an additional visitor parking space.*

*Note – for clarity although the submitted details show the removal of the full extents of the existing boundary wall fronting onto Mitchell Crescent, the section of boundary wall presently located along the rear edge of the public footway should be retained, and essentially with only the indented section removed. This will facilitate access to the new parking space but also enable the existing drop kerbs to be utilised without alteration. It would also reduce any loss of on street parking availability outside the property (and ensure that vehicles are not tempted to bump over the full height kerbs). The following conditions would therefore apply:*

#### Condition(s)

1. Notwithstanding the submitted details prior to the first use of the garage as a hair salon a section of the existing (indented) boundary wall and pedestrian gate fronting onto the U171E Mitchell Crescent shall be removed to extend the existing access to a width of no greater than 5.0m. Access to the widened driveway/parking area thereafter shall be provided via the existing unaltered drop kerbs.

Reason: To ensure acceptable infrastructure at the development access

2. Parking provision shall be the following:
  - 2 spaces retained for the property; and
  - 1 space provided for customers.

The car parking spaces shall be provided within the site prior to the first use of the garage

as a hair salon and made available for use by staff 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/customers/others in the interests of an acceptable development and road safety.

3. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the widened access.

**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.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

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

**Date 25 January 2024**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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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>	23/01971/APP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH		
<b>Date:</b>	04/03/2024	<b>Typist Initials:</b>	EW

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>	
<b>Refuse, subject to reason(s) listed below</b>	Y
<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>
Transportation Manager	25/01/24	No objection following the submission of an amended plan which shows how 3 parking spaces could be achieved on site.
Environmental Health Manager	08/12/23	No objection with conditions which would seek to control the hours of operation, and an informative note that the premises would have to comply with Health and Safety at work regulations.
Scottish Water	22/11/23	No objection subject to the applicant undertaking the Scottish Water Pre-Development Enquiry Process.

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>National Planning Framework 2023</b>		
NPF14 - Design, quality and place	Y	
NPF26 - Business and industry	Y	
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF13 - Sustainable transport	N	
<b>Moray Local Development Plan 2020</b>		
PP2 Sustainable Economic Growth	Y	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

<b>REPRESENTATIONS</b>		
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, namely the adopted National Planning Framework 4 (NPF4) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

### **Proposal**

Planning permission is sought to convert the front section of an existing domestic garage to a hair salon at 7 Mitchell Crescent Elgin. The rear section of the garage would be used as a garden store.

Physical alterations to the garage would entail replacing the existing garage door with an entrance door with glass panel surround and blocking off an existing side door. Internally the garage would be partitioned to create the front bespoke salon space and the rear garden store.

As advised in the supporting statement, the proposed operating arrangements entail: The hair salon operating between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon. It is anticipated that there would be a maximum of 3 clients per day with 1 client in attendance at any one time.

During the course of the application the applicant/agent submitted revised plans to show the removal of the existing front boundary wall to show how three parking spaces would be achieved on site. The provision of three parking spaces on site would allow for 2 parking spaces for the property and 1 space for customers. Following the submission of the revised plan, further neighbour notification on the proposals was undertaken.

### **Site**

7 Mitchell Crescent is part of an adjoining row of residential properties on a residential street in Elgin.

Properties No1 to and including No7 make up the adjoining row of properties. Neighbouring property No9 is separated from No7 by their driveways but their garages adjoin.

North Street which is a busy mixed use street is located approximately 100m meters to the east of the site. However, Mitchell Crescent itself is characterised as a residential street.

### **Policy Assessment**

#### **NPF Policy 26 Business and Industry Part b)**

Development proposals for home working, live work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.

#### **NPF Policy 14 Design, Quality and Place Part c)**

Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### **MLDP 2020 Policy DP1 Development Principles**

Policy DP1 (i) a) 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.

#### **MLDP 2020 Policy PP2 Sustainable Economic Growth**

Policies PP2 promote sustainable economic growth provided all potential impacts can be successfully mitigated.

In this case, whilst it is recognised that the application proposal is for the hair salon to operate between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon and likely customer numbers to be in the region of 3 clients per day with 1 client in attendance at any one time. A hair salon is not a typical use ordinarily associated or compatible with residential use. Further, it is considered that given the proposal would entail the creation of a bespoke salon within a domestic garage building within the confines of a private home, it would not possible to practically or effectively enforce any such planning condition(s) which would seek to restrict the operation of the hair salon to the hours, days and numbers of clients identified by the applicant.

Therefore, the operation of the salon use with uncontrolled hours, days and numbers of clients would result in an increase of footfall and traffic movements with their associated noise and disturbance which would have a significant adverse impact on the residential amenity of the surrounding residential properties.

Taking account of the above considerations, the hair salon is incompatible with the existing residential use and given that the operations of a salon within a domestic garage within the confines of a private home cannot be controlled by planning condition; it is considered that the increase in footfall and traffic movements and their associated noise and disturbance would have a significant adverse impact on the residential amenity of the surrounding residential properties.

In light of the above the proposal is deemed to result in an adverse impact on the residential amenity of the surrounding area and as such is contrary to policies NPF 26b & 14c and MLDP DP1 and PP2.

#### **Design Considerations NPF14 and MLDP 2020 DP1**

The external alterations associated with the change of use would be acceptable and in and of themselves would not create any adverse amenity impacts. The proposal meets the design requirements of Policies NPF14 and MLDP 2020 DP1. However, this is separate from the unacceptable use of the bespoke hair salon.

#### **Access and Parking (NPF13 / MLDP DP1 & PP3)**

Policy 13 Sustainable Transport and policy DP1 require that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards.

The Transportation Section has raised no objection to the proposal based on the submission of revised plans which show how the 3 parking spaces could be achieved on site allowing for 2 parking spaces for the property and 1 space for customers. Transportation has recommended conditions which would detail the required access and parking specifications. Subject to compliance with these conditions the proposal would be acceptable under Policies NPF13 and the access and parking requirements of Policy DP1 and PP3. However, this is separate from the unacceptable use of the salon.

#### **Climate Change and Biodiversity (NPF4 policies 1, 2 & 3)**

NPF4 policies 1 and 2 require significant weight to be given to the climate and nature crises in the assessment of all applications and requires climate mitigation from all development. Policy 3 requires biodiversity enhancements. The proposal is of small scale nature that will result in minimal impact in terms of climate change. Biodiversity enhancements are not considered appropriate for a development of this nature in this location. The criteria in the policy has been met. However, this is separate from the unacceptable use of the bespoke salon.

#### **Recommendation**

Refuse

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

None.

HISTORY				
Reference No.	Description			
23/01478/ID	Operate hairdressing business at 7 Mitchell Crescent Elgin Moray IV30 4EH			
	Decision	Planning Permission Required	Date Of Decision	07/09/23

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:	<b>Supporting Statement</b>	
Main Issues:	<p>Seeks to provide comments in support of the application and details the operating arrangements.</p> <p>The proposed operating arrangements entail: The hair salon operating between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon. It is anticipated that there would be a maximum of 3 clients per day with 1 client in attendance at any one time.</p>	

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:		

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



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

**REFUSAL OF PLANNING PERMISSION**

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

TO

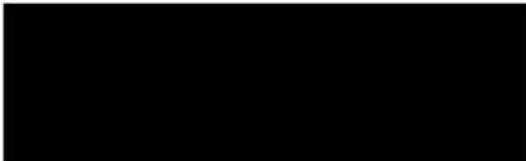


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH**

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

Date of Notice: **6 March 2024**



**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 Development Plan because:

- i) A bespoke hair salon is an incompatible use within a domestic garage in the confines of a residential property.
  
- ii) The salon within the private residential property is incompatible with the residential location, and, the increase in footfall and traffic movements with their associated noise and disturbance would have an adverse impact on the residential amenity of the surrounding residential properties.

The proposal is therefore contrary to NPF Policies 26 b) and 14 c) and MLDP 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

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

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

Reference	Version	Title
		Location plan
23-37-D-1	A	Elevations and floor plans

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

Revised plans to show additional onsite parking.



## **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

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 100651066-006

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

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Miglana"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Stefanova"/>	Address 1 (Street): *	<input type="text" value="Mitchell Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Elgin"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 4EH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ctkplans@aol.com"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="7 MITCHELL CRESCENT"/>
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 4EH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="863612"/>	Easting	<input type="text" value="321557"/>
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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)

Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin.

## 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 supporting statement

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)

At the time of determination, Review Case 299 had not been heard. The outcome of this Review is relevant due to the similarities of the case.

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)

Supporting statement. Planning decision notice Report of handling of case

## Application Details

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

23/01971/APP

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

09/11/2023

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

06/03/2024

## 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)

To assess how little impact this proposal will have on the surrounding area and to see all the other businesses all located close by and functioning successfully.

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: 11/04/2024





# 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

**PROJECT :- CONVERT PART OF GARAGE TO HAIR SALON AT  
7 MITCHELL CRESCENT, BISHOPMILL, ELGIN.**

**PROJECT NUMBER 23-27**

**PLANNING REFERENCE NUMBER 23/01971/APP**

**Appellant Ms Miglena Stefanova.**

The application was to convert part of the existing domestic garage into a single seat hair salon for the applicant to work in for 3 hours a day from 3pm to 6pm Tuesday to Saturday inclusive. This represents a maximum of 15 hours a week. At present the appellant cuts hair for locals but is mobile which is not convenient but the facility is appreciated by others who live close by. The appellant thought she would do the right thing and apply to the council for consent to carry out the work from the front section of her existing garage retaining the rear section as a garden store. The garage is not used at present to keep a car.

During the course of the application we discussed with Transportation that we could provide 3 parking spaces within the site and plans were amended to reflect this. Transportation agreed that the layout as presented was now acceptable.

One of the two reasons given for refusal of the application was that *“the increase in footfall and traffic movements with their associated noise and disturbance would have a detrimental impact on the residential amenity of the surrounding residential properties”*



---

Member of Federation of Small Businesses : V.A.T. Reg. No. 415 7900 54 : Proprietor - Colin T. Keir

To remind the Review Board this is a 3 hours a day facility with one salon chair operating between 3pm and 6pm from Tuesday to Saturday only. The maximum number of people likely to use this facility in any one week would be 15. The facility is for local people who can walk to the salon but with an additional car parking space within the site being provided approved by Transportation department. *In terms of NPF4 policy 16b the proposal would contribute to providing and enhancing local infrastructure facilities and services and improve the residential amenity of the surrounding area. In terms of NPF4 policy 14c the proposal is not detrimental to the area and is consistent with the 16 qualities of successful places. In terms of policies DP1 (Development Principals) the character of the proposal should be acceptable as it supports a walkable neighbourhood and in terms of PP2, (Sustainable Economic growth) of MLDP 2020 this proposal will contribute to the economic growth of the area and is in line with the Moray Economic Strategy. With the above in mind we respectfully suggest that the proposed conversion does comply with policy 14c) (Design, Quality and Place) part c) and policy 16 (Business and Industry) part b) of NPF4 and policies DP1 (Development Principals) and PP2 (Sustainable Economic Growth) of MLDP 2020.*

In general terms we have a lady who can provide a local service for individuals who would otherwise struggle to get into a town centre salon. With the cost of living crisis many people simply cannot afford “High Street prices” and this facility would be a welcome addition to the local community. It would be unreasonable to expect a single person to try and start up a business within the town centre and have to pay rates and rent on a property when they can only input 3 hours a day work. The business would simply fold.



# design consultants

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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

There are a number of local businesses near by. A pub, a chemist, takeaway facilities and a tattoo parlour and all seem to work without causing noise and disturbance to local residents. It seems highly unlikely that an elderly lady going to get her hair done is going to cause a breach of the peace?? It could certainly be argued that this location is a mixed class use with a number of established businesses along with residential properties.

Only recently the Review board overturned a planning decision for an identical proposal under reference number Case LR299.

This facility may not evolve into a flourishing salon employing many staff but it will provide a service which can be reached on foot and will be an asset to the community. Should this salon turn out to successful, then new premises perhaps within the town centre would be sought out but at this point time, it is simply work for the appellant and a facility which would be a benefit to the local community.

The appellant has invested in Moray Council by applying for consents for her proposal and will invest in the costs of converting part of the garage to a salon. All to try and start a new business and to provide a welcomed facility for the local people of Bishopmill and Elgin.



---

Member of Federation of Small Businesses : V.A.T. Reg. No. 415 7900 54 : Proprietor - Colin T. Keir





## REPORT OF HANDLING

<b>Ref No:</b>	23/01971/APP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH		
<b>Date:</b>	04/03/2024	<b>Typist Initials:</b>	EW

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Transportation Manager	25/01/24	No objection following the submission of an amended plan which shows how 3 parking spaces could be achieved on site.
Environmental Health Manager	08/12/23	No objection with conditions which would seek to control the hours of operation, and an informative note that the premises would have to comply with Health and Safety at work regulations.
Scottish Water	22/11/23	No objection subject to the applicant undertaking the Scottish Water Pre-Development Enquiry Process.

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>National Planning Framework 2023</b>		
NPF14 - Design, quality and place	Y	
NPF26 - Business and industry	Y	
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF13 - Sustainable transport	N	
<b>Moray Local Development Plan 2020</b>		
PP2 Sustainable Economic Growth	Y	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

<b>REPRESENTATIONS</b>		
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, namely the adopted National Planning Framework 4 (NPF4) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

### **Proposal**

Planning permission is sought to convert the front section of an existing domestic garage to a hair salon at 7 Mitchell Crescent Elgin. The rear section of the garage would be used as a garden store.

Physical alterations to the garage would entail replacing the existing garage door with an entrance door with glass panel surround and blocking off an existing side door. Internally the garage would be partitioned to create the front bespoke salon space and the rear garden store.



As advised in the supporting statement, the proposed operating arrangements entail: The hair salon operating between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon. It is anticipated that there would be a maximum of 3 clients per day with 1 client in attendance at any one time.

During the course of the application the applicant/agent submitted revised plans to show the removal of the existing front boundary wall to show how three parking spaces would be achieved on site. The provision of three parking spaces on site would allow for 2 parking spaces for the property and 1 space for customers. Following the submission of the revised plan, further neighbour notification on the proposals was undertaken.

### **Site**

7 Mitchell Crescent is part of an adjoining row of residential properties on a residential street in Elgin.

Properties No1 to and including No7 make up the adjoining row of properties. Neighbouring property No9 is separated from No7 by their driveways but their garages adjoin.

North Street which is a busy mixed use street is located approximately 100m meters to the east of the site. However, Mitchell Crescent itself is characterised as a residential street.

### **Policy Assessment**

#### **NPF Policy 26 Business and Industry Part b)**

Development proposals for home working, live work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.

#### **NPF Policy 14 Design, Quality and Place Part c)**

Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### **MLDP 2020 Policy DP1 Development Principles**

Policy DP1 (i) a) 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.

#### **MLDP 2020 Policy PP2 Sustainable Economic Growth**

Policies PP2 promote sustainable economic growth provided all potential impacts can be successfully mitigated.

In this case, whilst it is recognised that the application proposal is for the hair salon to operate between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon and likely customer numbers to be in the region of 3 clients per day with 1 client in attendance at any one time. A hair salon is not a typical use ordinarily associated or compatible with residential use. Further, it is considered that given the proposal would entail the creation of a bespoke salon within a domestic garage building within the confines of a private home, it would not possible to practically or effectively enforce any such planning condition(s) which would seek to restrict the operation of the hair salon to the hours, days and numbers of clients identified by the applicant.

Therefore, the operation of the salon use with uncontrolled hours, days and numbers of clients would result in an increase of footfall and traffic movements with their associated noise and disturbance which would have a significant adverse impact on the residential amenity of the surrounding residential properties.

Taking account of the above considerations, the hair salon is incompatible with the existing residential use and given that the operations of a salon within a domestic garage within the confines of a private home cannot be controlled by planning condition; it is considered that the increase in footfall and traffic movements and their associated noise and disturbance would have a significant adverse impact on the residential amenity of the surrounding residential properties.

In light of the above the proposal is deemed to result in an adverse impact on the residential amenity of the surrounding area and as such is contrary to policies NPF 26b & 14c and MLDP DP1 and PP2.

**Design Considerations NPF14 and MLDP 2020 DP1**

The external alterations associated with the change of use would be acceptable and in and of themselves would not create any adverse amenity impacts. The proposal meets the design requirements of Policies NPF14 and MLDP 2020 DP1. However, this is separate from the unacceptable use of the bespoke hair salon.

**Access and Parking (NPF13 / MLDP DP1 & PP3)**

Policy 13 Sustainable Transport and policy DP1 require that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards.

The Transportation Section has raised no objection to the proposal based on the submission of revised plans which show how the 3 parking spaces could be achieved on site allowing for 2 parking spaces for the property and 1 space for customers. Transportation has recommended conditions which would detail the required access and parking specifications. Subject to compliance with these conditions the proposal would be acceptable under Policies NPF13 and the access and parking requirements of Policy DP1 and PP3. However, this is separate from the unacceptable use of the salon.

**Climate Change and Biodiversity (NPF4 policies 1, 2 & 3)**

NPF4 policies 1 and 2 require significant weight to be given to the climate and nature crises in the assessment of all applications and requires climate mitigation from all development. Policy 3 requires biodiversity enhancements. The proposal is of small scale nature that will result in minimal impact in terms of climate change. Biodiversity enhancements are not considered appropriate for a development of this nature in this location. The criteria in the policy has been met. However, this is separate from the unacceptable use of the bespoke salon.

**Recommendation**

Refuse

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None.

HISTORY				
Reference No.	Description			
23/01478/ID	Operate hairdressing business at 7 Mitchell Crescent Elgin Moray IV30 4EH			
	Decision	Planning Permission Required	Date Of Decision	07/09/23

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:	<b>Supporting Statement</b>	
Main Issues:	<p>Seeks to provide comments in support of the application and details the operating arrangements.</p> <p>The proposed operating arrangements entail: The hair salon operating between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon. It is anticipated that there would be a maximum of 3 clients per day with 1 client in attendance at any one time.</p>	

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:		

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

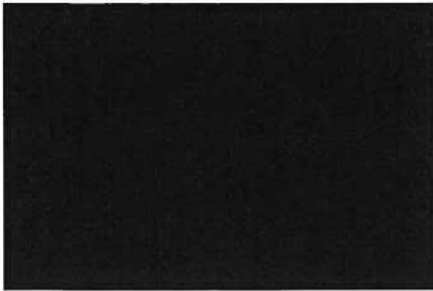


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

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

TO



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:-

**Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH**

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

Date of Notice: **6 March 2024**



**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 Development Plan because:

- i) A bespoke hair salon is an incompatible use within a domestic garage in the confines of a residential property.
  
- ii) The salon within the private residential property is incompatible with the residential location, and, the increase in footfall and traffic movements with their associated noise and disturbance would have an adverse impact on the residential amenity of the surrounding residential properties.

The proposal is therefore contrary to NPF Policies 26 b) and 14 c) and MLDP 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

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

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

Reference	Version	Title
		Location plan
23-37-D-1	A	Elevations and floor plans

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

Revised plans to show additional onsite parking.

## **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.











**MORAY LOCAL REVIEW BODY**

**16 MAY 2024**

**SUMMARY OF INFORMATION FOR CASE No LR302**

**Planning Application 23/01822/APP – Convert domestic summer house to beauty room at 15 Chanory Road, Elgin, IV30 1XH**

**Ward 6 – Elgin City North**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 9 February 2024 on the grounds that:

The proposal is contrary to policies 14 and 26 of the National Planning Framework and policies PP2 and DP1 of the Moray Local Development Plan 2020 for the following reasons: -

Operating a beauty room from a summerhouse within a private residential garden with visiting members of the public is considered incompatible with the surrounding area given it would have an adverse impact on the amenity of neighbouring properties in the surrounding residential area.

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**.

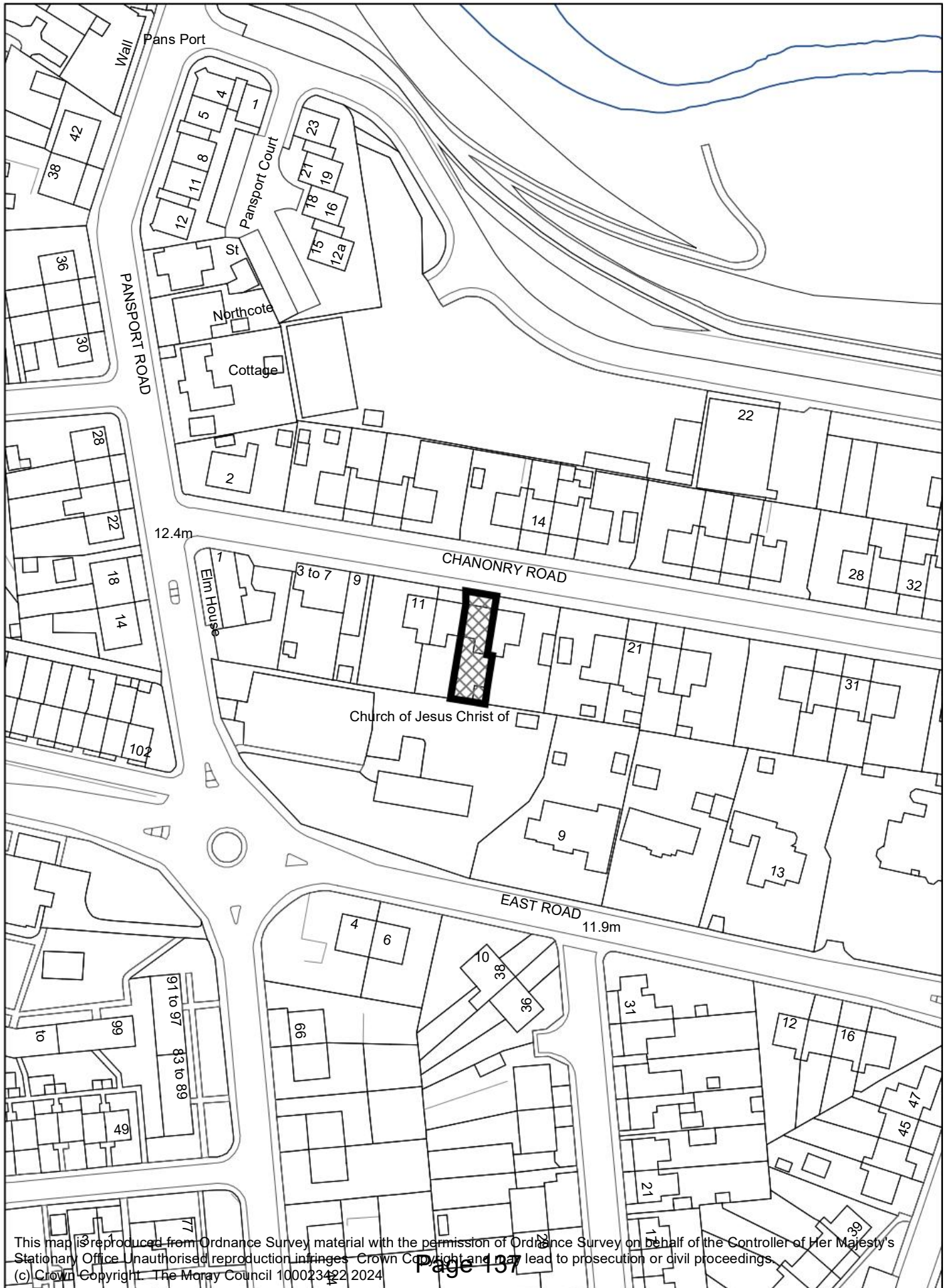
No further representations were received.







**Location plan for Planning Application Reference Number :  
23/01822/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 100647907-001

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)

The summer house is an existing building previously used for domestic purposes. I now wish to convert it into a small beauty room to provide a service to individual clients (one at a time) [REDACTED] It would be used for approximately 10 hours per week.

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): \*

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

Existing summer house previously used for domestic purposes and now wish to use it to provide beauty treatments for individual clients

## 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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="15 Chanonry Road"/>
First Name: *	<input type="text" value="Elvira"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Jaganjac"/>	Address 1 (Street): *	<input type="text" value="15 Chanonry Road"/>
Company/Organisation	<input type="text" value="Petite Beauty by Erna"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 1XH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="15 CHANONRY ROAD"/>
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 1XH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="862821"/>	Easting	<input type="text" value="322401"/>
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## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Operate beauty therapy business from summer house at 15 Chanonry Road Elgin Moray IV30 1XH I refer to your enquiry of 13 September 2023 regarding the above proposal. In this instance planning permission is required as the proposal constitutes development under the Town and Country Planning (Scotland) Act 1997 and the submission of a formal application will be necessary.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Andrew"/>	Last Name:	<input type="text" value="Miller"/>
Correspondence Reference Number:	<input type="text" value="23/01583/ID/AM/SS"/>	Date (dd/mm/yyyy):	<input type="text" value="04/10/2023"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

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)

Summer house for domestic use

## 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?

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)? \*

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?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

Very minimal wastage but clinical waste will be disposed of via a contract with clinical waste company in Moray, This will be stored in a small box within the premises prior to collection.

**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

### 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: Mrs Elvira Jaganjac

On behalf of:

Date: 10/10/2023

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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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: Mrs Elvira Jaganjac

Declaration Date: 10/10/2023

## Payment Details

Online payment: T77454

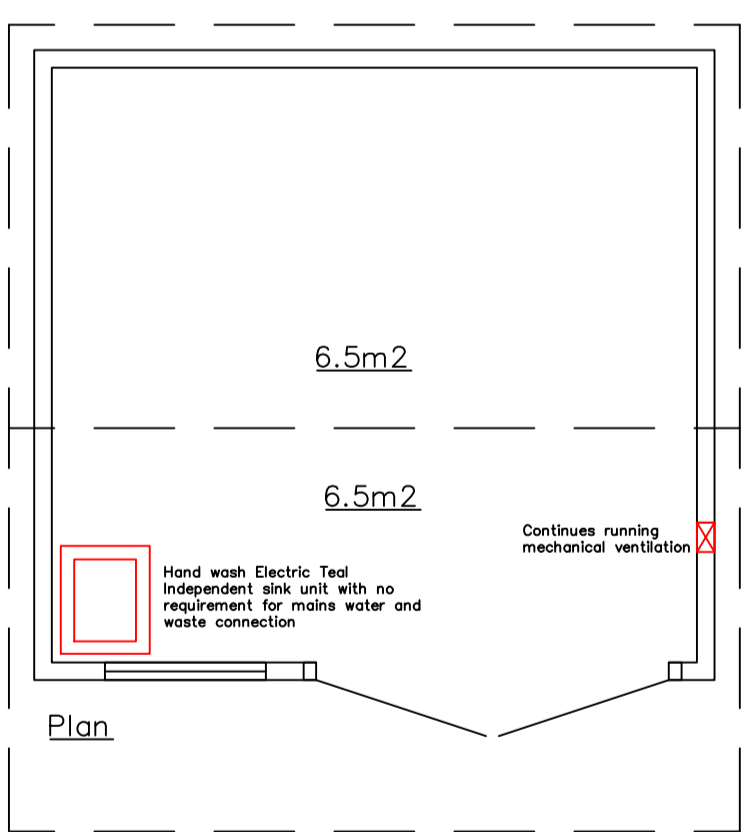
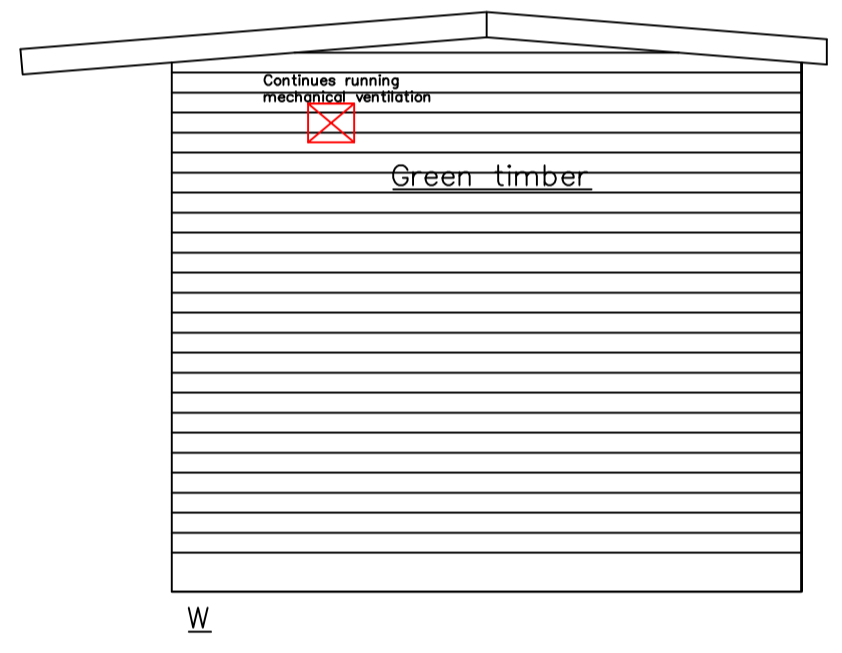
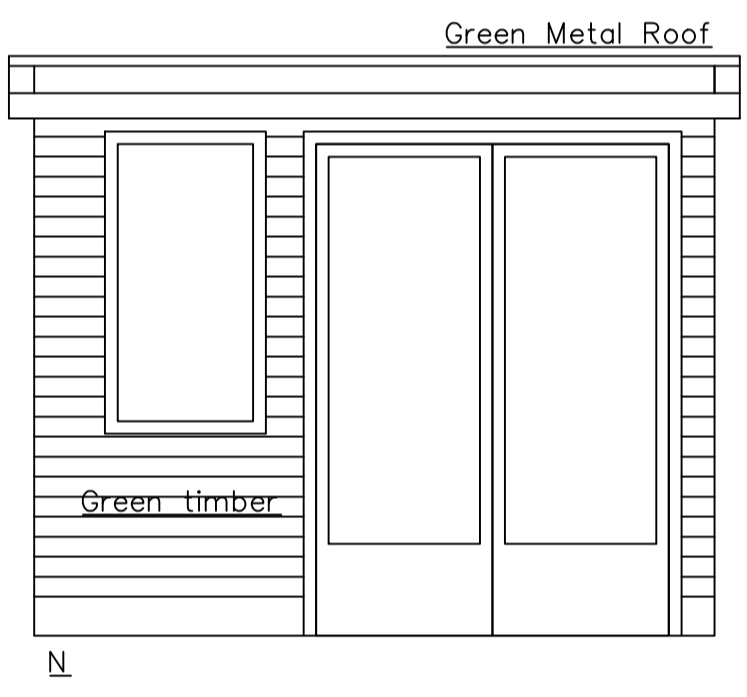
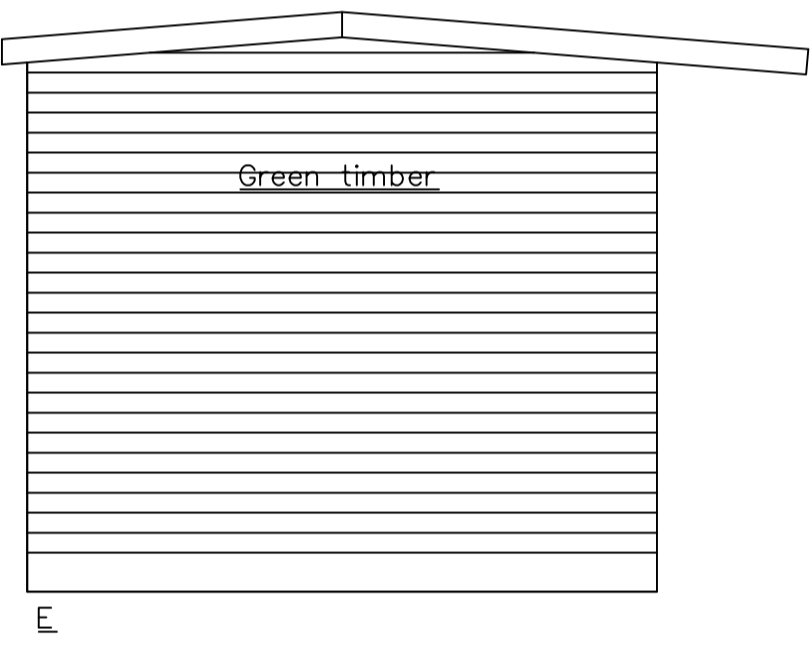
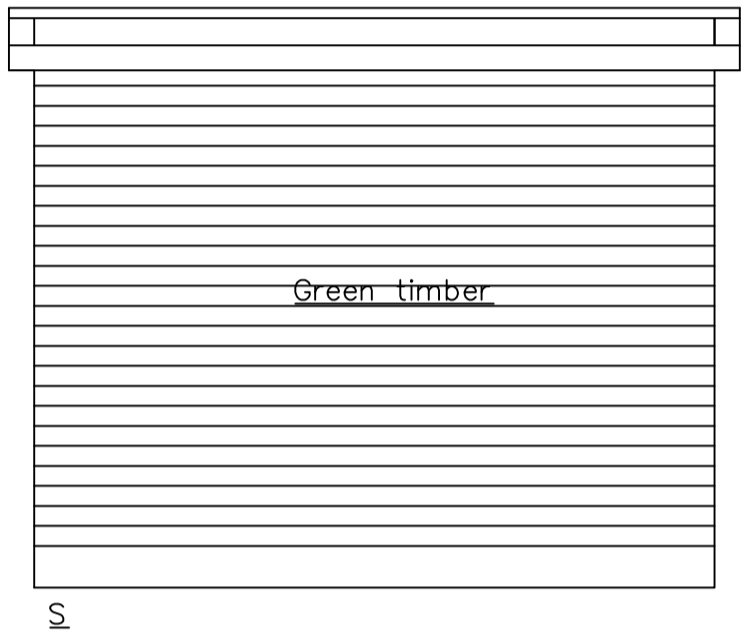
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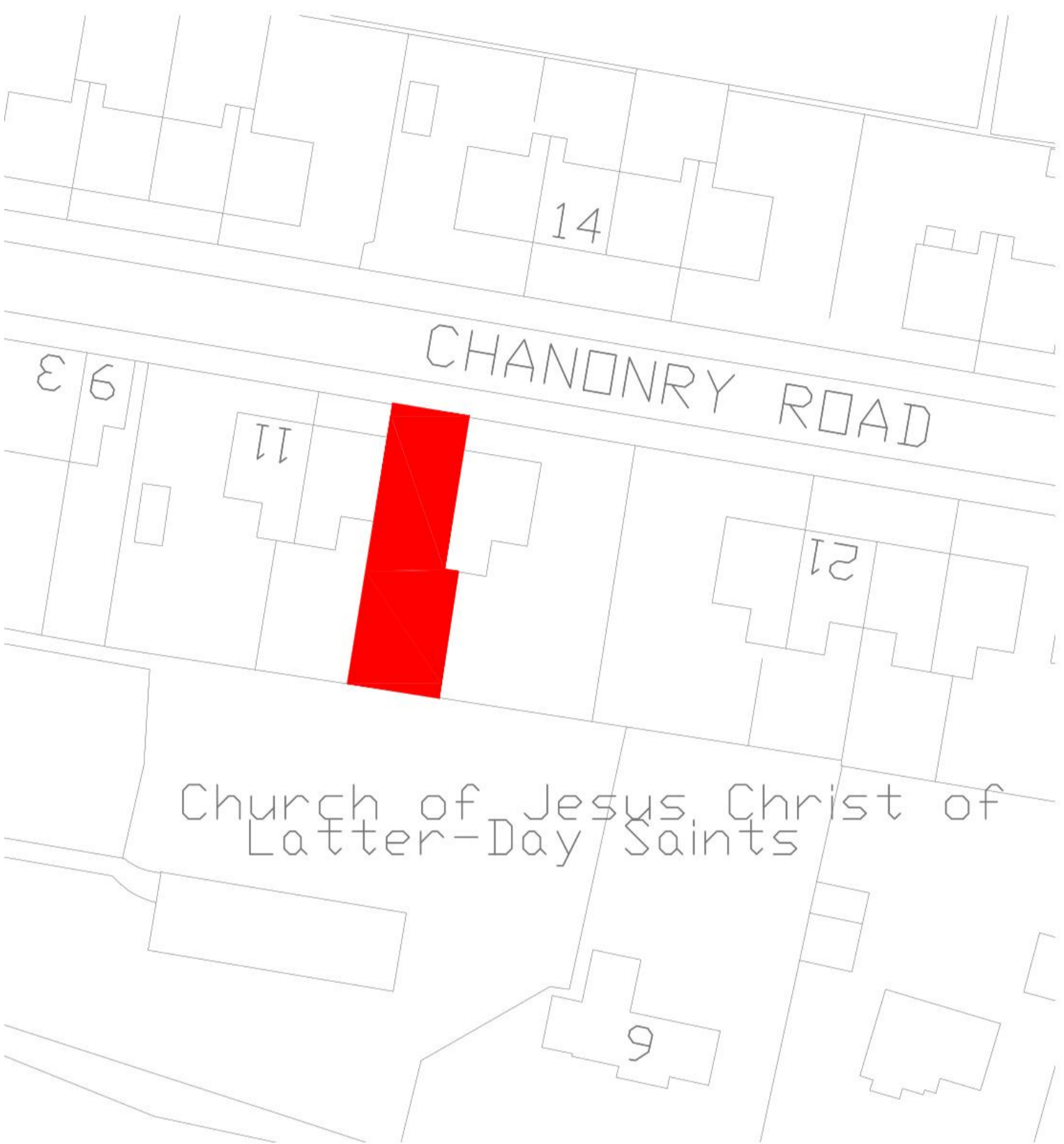


Existing Garden Space

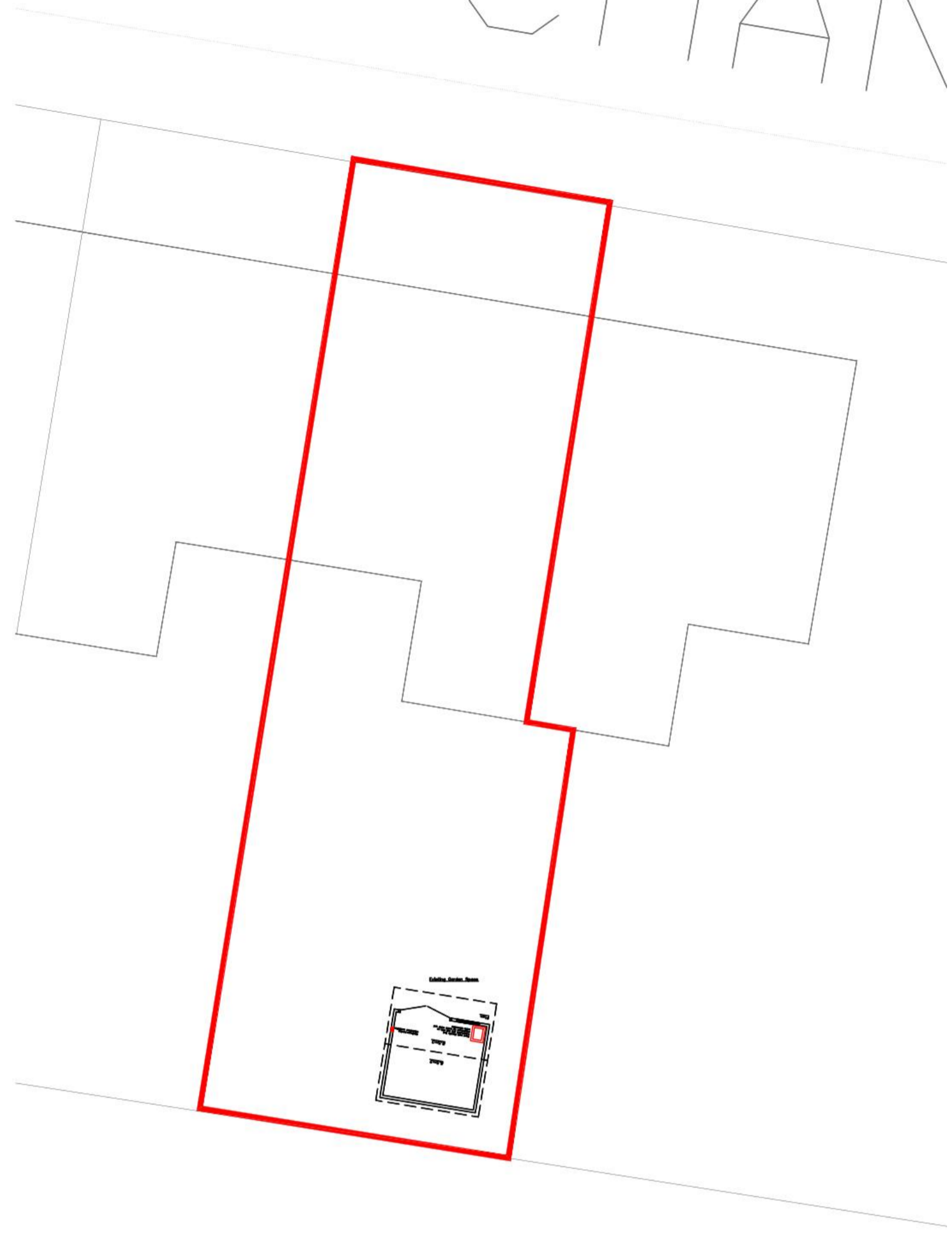








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0 1m 5m 10m



1:1250  
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**From:** Shaya Anderson <Shaya.Anderson@moray.gov.uk>

**Sent:** 27 Oct 2023 11:56:17

**To:** DMSMyEmail@moray.gov.uk

**Cc:**

**Subject:** FW: Help with application

**Attachments:**

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**From:** Elvira Jaganjac <elvirajaganjac53@gmail.com>

**Sent:** 27 October 2023 09:16

**To:** Shaya Anderson <Shaya.Anderson@moray.gov.uk>

**Subject:** Re: Help with application

**Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.**

Support information for the planing permit of 15 Chanonry Road Elgin Iv 30 1 XH

My name is Elvira Jaganjac, I am 61 year old lady. I am a beauty therapist with over 21 year of experience.

Presently I work at a very busy salon which I'm employed over 17 years, and I truly struggle with amount of work.

Due to my ill health and on advice of my rheumatologist I need to cut down my work, or stop altogether.

I already had both knees replaced, my shoulder operated and I walk with a support of a walking stick.

In January I suffered a heart attack and now I am under the care of cardiologist.

I am very passionate what I do and always try to perform at the best of my ability.

I suffer from depression and my work has always been my saviour.

It would be easiest for me to be signed off work and stay at home, but I do feel that would worsen my depression.

I would like to leave work and be able to do a couple clients a day at my own pace.

My business consists of myself Elvira Jaganjac and my daughter Erna Mcgarvey.

We would be splitting the week working alternate days.

Our week consist of opening Monday to Thursday 10 am to 3pm.

There will only ever be one client present per time slot.

The maximum amount of clients per day would be 4.

All my clients will access the summer house through my house, and not at any time my neighbours would be disturbed.

Treatment's would consist of; waxing, electrolysis, microblading and make up.

I had contacted an environmental health and I had followed a list she sent to me that I must comply with.

I have installed an extractor fan and free standing electrical sink( which provides warm water) that complies with health and safety regulations.

We have had a fire safety check and have passed and obtained fire certificate.

Waste management will collect the clinical waste ie electrolysis needles and wax strips.

I have chosen to open the Beauty room in my garden and lower my work hours as I am no longer able to work as much and intend on doing lighter treatments.



**From:** Planning Consultations  
**Sent:** Mon, 6 Nov 2023 14:52:50 +0000  
**To:** Planning Consultation  
**Subject:** RE: Moray Council Planning Application Consultation for 23/01822/APP

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**You should only click on these links if you are certain that the email is genuine and the content is safe.**

Good Afternoon,

Scottish Water has no objection to this planning application;

If there is any increase in the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume of surface water. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

No new connections will be permitted to the public infrastructure. Any additional surface water will discharge to the existing private pipework within the site boundary.

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).

Kind regards,

**Angela Allison**

Technical Analyst

Scottish Water

**Dedicated Freephone Helpline** : 0800 389 0379

**Business Email:** [Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

**Team Mailbox:** [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)

**Business Weblink:** <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

The Bridge

Buchanan Gate Business Park





Cumbernauld Road

Stepps

Glasgow G33 6FB

**Scottish Water**

**Trusted to serve Scotland**

Please consider the environment before printing this e-mail.

----- Original Message -----

**From:** Local Planner <consultation.planning@moray.gov.uk>;

**Received:** Fri Nov 03 2023 11:18:15 GMT+0000 (Greenwich Mean Time)

**To:** <planningconsultations@scottishwater.co.uk>;

**Subject:** Moray Council Planning Application Consultation for 23/01822/APP

**\*\*EXTERNAL MAIL\*\*** - Think Before You Click

Please find attached notification of consultation

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Opinions, conclusions and other information in this message that do not relate to the official business of Scottish Water ("SW"), Scottish Water Horizons Ltd ("SWH"), Scottish Water International Ltd ("SWI") or Scottish Water Solutions 2 Ltd ("SWS2") shall be understood as neither given nor endorsed by them. The contents of Emails sent and received by SW, SWH, SWI and SWS2 are monitored.

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Scottish Water

[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

# **Consultee Comments for Planning Application 23/01822/APP**

## **Application Summary**

Application Number: 23/01822/APP

Address: 15 Chanonry Road Elgin Moray IV30 1XH

Proposal: Convert domestic summer house to beauty room at

Case Officer: Emma Mitchell

## **Consultee Details**

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally - Adrian Muscutt

## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	17th November 2023
<b>Planning Authority Reference</b>	23/01822/APP
<b>Nature of Proposal (Description)</b>	Convert domestic summer house to beauty room at
<b>Site</b>	15 Chanonry Road Elgin Moray IV30 1XH
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133018456
<b>Proposal Location Easting</b>	322401
<b>Proposal Location Northing</b>	862821
<b>Area of application site (M<sup>2</sup>)</b>	3
<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=S2COOPBGKB500">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=S2COOPBGKB500</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	3rd November 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Petite Beauty By Erna
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	15 Chanonry Road Elgin Moray IV30 1XH
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Emma Mitchell
<b>Case Officer Phone number</b>	01343 563326
<b>Case Officer email address</b>	emma.mitchell@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: 23/01822/APP**

**Convert domestic summer house to beauty room at 15 Chanonry Road Elgin Moray IV30 1XH for Petite Beauty By Erna**

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

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

**Reason(s) for objection**

**Condition(s)**

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

Informative:

The premises will require to comply with the Health and Safety at Work etc Act 1974.

**Further information required to consider the application**

**Contact: Julia McDonald**  
**email address:**  
**Consultee:**

**Date...17.11.23.....**  
**Phone No .....**

**Return response to**

**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.

**From:** Danielle Ponman <Danielle.Ponman@moray.gov.uk>  
**Sent:** 15 Nov 2023 09:10:34  
**To:** DMSMyEmail@moray.gov.uk  
**Cc:**  
**Subject:** FW: 11016- SEPA response to 23/01822/APP  
**Attachments:**

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**Danielle Ponman** | Clerical Assistant/WPO | Economic Growth and Development  
[Danielle.ponman@moray.gov.uk](mailto:Danielle.ponman@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)  
07976494800  
Working Hours Monday – Friday Mornings



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**From:** Planning.North <Planning.North@sepa.org.uk>  
**Sent:** 14 November 2023 12:06  
**To:** Planning Consultation <consultation.planning@moray.gov.uk>  
**Cc:** Emma Mitchell <Emma.Mitchell@moray.gov.uk>  
**Subject:** 11016- SEPA response to 23/01822/APP

**Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.**

OFFICIAL

Dear Emma Mitchell

**Town and Country Planning (Scotland) Acts  
23/01822/APP  
Convert domestic summer house to beauty room at  
15 Chanonry Road, Elgin, Moray, IV30 1XH**

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023 our position and advice given below is based on NPF4 policy.

Thank you for the above consultation. Based on the information provided, it appears that this application falls below the thresholds for which SEPA provide site specific advice. Please refer to our consultation framework and standing advice, which is available on our [website](#).

If after reading the standing advice you still require comments from SEPA on a specific matter, before re-consulting us please consider whether this case could be effectively dealt with in the regular Council/SEPA triage meeting.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind regards,  
Barbara Olszowy  
Planning Officer

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility

for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

OFFICIAL



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	17th November 2023
<b>Planning Authority Reference</b>	23/01822/APP
<b>Nature of Proposal (Description)</b>	Convert domestic summer house to beauty room at
<b>Site</b>	15 Chanonry Road Elgin Moray IV30 1XH
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133018456
<b>Proposal Location Easting</b>	322401
<b>Proposal Location Northing</b>	862821
<b>Area of application site (M<sup>2</sup>)</b>	3
<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=S2COOPBGKB500">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=S2COOPBGKB500</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	3rd November 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Petite Beauty By Erna
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	15 Chanonry Road Elgin Moray IV30 1XH
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Emma Mitchell
<b>Case Officer Phone number</b>	01343 563326
<b>Case Officer email address</b>	emma.mitchell@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Transportation Manager

**Planning Application Ref. No: 23/01822/APP**

**Convert domestic summer house to beauty room at 15 Chanonry Road Elgin Moray IV30 1XH for Petite Beauty By Erna**

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   | <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"/>            |

*This proposal is to convert a small domestic summer house to beauty room and appears to be retrospective in nature. The applicant has submitted supporting details clarifying that the beauty room would operate by pre-bookings only, with only one customer present per time slot and with a maximum of 4 clients per day.*

*Although no off street parking presently exists or is proposed there is considered to be sufficient on street parking available within the adjacent/ surrounding streets to accommodate the limited additional parking demand associated with the change of use. At the time of the site visit there was however evidence of inappropriate driver parking behaviour within Chanonry Road and in particular in close proximity to the property. For the benefit of clarity the applicant should be aware that legislation is shortly to be introduced which effectively makes it illegal to park on a public footway. The 'national pavement parking prohibition' is expected to come into force across Scotland from December 2023.*

**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.

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

**Contact: AG**

**Date 24 November 2023**

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

**Consultee: TRANSPORTATION**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From:** The Moray Council, Flood Risk Management  
**Planning Application Ref. No:**  
**23/01822/APP**

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 checked="" 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"/>             |

Contact: Natalie Dunton

Date: 10/01/2024

email address: Natalie.dunton@moray.gov.uk

Phone No

**Consultee:** The Moray Council, Flood Risk Management

## REPORT OF HANDLING

<b>Ref No:</b>	23/01822/APP	<b>Officer:</b>	Emma Mitchell
<b>Proposal Description/ Address</b>	Convert domestic summer house to beauty room at 15 Chanonry Road Elgin Moray IV30 1XH		
<b>Date:</b>	08/02/2024	<b>Typist Initials:</b>	DJP

### 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>N</b>	
<b>Notification to Scottish Ministers/Historic Scotland</b>	<b>N</b>	
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

### CONSULTATIONS

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	20/11/23	No objection – informative to be attached if consent granted
Contaminated Land	07/11/23	No objection
Transportation Manager	24/11/23	No objections – informatives to be attached if consent granted
Scottish Water	06/11/23	No objection
Scottish Environment Protection Agency	14/11/23	Consulted in error
Moray Flood Risk Management	10/01/24	No objection

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>National Planning Framework 4</b>		
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF13 - Sustainable transport	N	
NPF14 - Design, quality and place	Y	
NPF22 - Flood risk	N	
NPF23 - Health and safety	N	
NPF26 - Business and industry	Y	
<b>Moray Local Development Plan 2020</b>		
PP1 Placemaking	N	

PP2 Sustainable Economic Growth	Y	
DP1 Development Principles	Y	
EP12 Management and Enhancement Water	N	
EP14 Pollution Contamination Hazards	N	

## 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

### Proposal

- Retrospective planning permission is sought for the conversion of an existing domestic summerhouse to a beauty room at 15 Channory Road, Elgin.
- A supporting statement submitted with the proposal details:-
  - Operating hours are 10am to 3pm Monday to Thursday
  - One client will visit at a time with a maximum of 4 in day
  - 2 members of staff (including applicant), with only one working at a time
  - Beauty room to be accessed via applicants house
  - Treatments include waxing, electrolysis, microblading and makeup
- A licence for skin piercing and tattooing has been applied for from the Council at the application address.
- The summerhouse is 6.5 sqm in size. External materials include timber painted green/grey and a green/grey metal roof.
- The summerhouse has a free standing electrical sink (for hot water) and an extractor fan.

### Site Characteristics

- 15 Channory Road is located on a residential street located to the east of the centre of Elgin.
- 15 Channory Road is a mid-terrace property. The terrace is made up of 4 single storey dwellings. Each has a small garden to the front and a garden to the rear. The end terrace properties have their own driveways for parking while the mid terraces only have on street parking.
- Access to the rear garden at 15 Channory Road is from either through the dwelling or via the neighbouring properties garden.
- The summerhouse is located in the southeast corner of the site facing towards the rear elevation of 15 Channory Road.

### Policy

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 (NPF4) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

### **Siting (NPF 14 & 26 / MLDP DP1 & PP2)**

Policy 14 stipulates that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy 26 states development proposals for home working, live work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses. 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 PP2 aims to promote sustainable economic growth provided all potential impacts can be successfully mitigated.

In this case, whilst it is recognised that the proposal is to operate on a part time basis (4 days a week between the hours of 10am and 3pm by two members of staff (including the applicant) with a maximum of 4 customers per day) it is not acceptable due to it being an incompatible use within the residential area. A beauty room is not a use generally found in the rear garden of a domestic property in a summerhouse. It is not possible to practically or effectively enforce any such planning condition which would seek to restrict the operation of the beauty room to the hours, days and numbers of clients identified by the applicant. Therefore, the operation of a beauty room from a summerhouse in a rear garden with uncontrolled hours, days and numbers of clients would result in an increased level of footfall, car trips and parking that would not be in keeping with the residential use of the surrounding area.

Taking account of the above considerations, a beauty room in a summerhouse in this location is incompatible with the residential area and given that the operations of it cannot be controlled by planning condition, it is considered that the increased footfall and traffic movements with their associated noise and disturbance would have a significant adverse impact on the character and residential amenity of the surrounding residential properties.

In light of the above the proposal is deemed to result in an adverse impact on the residential amenity of the surrounding area and as such is contrary to policies 14, 26, DP1 and PP2

### **Access and Parking (NPF13 / MLDP DP1 & PP3)**

Policy 13 Sustainable Transport and policy DP1 require that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards.

Transportation were consulted on the proposal and have no objection to it. It was noted that no off street parking presently exists or is proposed. There is considered to be sufficient on street parking available within the adjacent / surrounding streets to accommodate the limited additional parking demand associated with the change of use. The criteria in the policy has been met.

### **Climate Change and Biodiversity (NPF4 policies 1, 2 & 3)**

NPF4 policies 1 and 2 require significant weight to be given to the climate and nature crises in the assessment of all applications and requires climate mitigation from all development. Policy 3 requires biodiversity enhancements. The proposal is of very small nature that will result in minimal impact in terms of climate change. Biodiversity enhancements are not considered appropriate for a development of this nature in this location. The criteria in the policy has been met.

### **Recommendation**

Refuse

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description		
	Decision		Date Of Decision

**ADVERT**

<b>Advert Fee paid?</b>	<b>Yes</b>		
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>	
Northern Scot	Departure from development plan	30/11/23	
PINS	Departure from development plan	30/11/23	

**DEVELOPER CONTRIBUTIONS (PGU)**

<b>Status</b>	<b>N/A</b>
---------------	------------

**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:	Outlines background to proposal including operating hours/days, staff numbers, treatments available and ventilation	

**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



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:-

**Convert domestic summer house to beauty room at 15 Chanonry Road Elgin  
Moray IV30 1XH**

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

Date of Notice: **9 February 2024**



**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 policies 14 and 26 of the National Planning Framework and policies PP2 and DP1 of the Moray Local Development Plan 2020 for the following reasons: -

Operating a beauty room from a summerhouse within a private residential garden with visiting members of the public is considered incompatible with the surrounding area given it would have an adverse impact on the amenity of neighbouring properties in the surrounding residential area.

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

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
1		Site and location plan
2		Floor plan and elevations

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

None

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be

permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.





## **APPENDIX 2**

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



# NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	ELVIRA	Forename	
Surname	JAGANJAC	Surname	
Company Name	PETITE BEAUTY BY ERNA	Company Name	
Building No./Name	15 CHANONRY ROAD	Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	IV30 1XH	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority	MORAY COUNCIL		
Planning authority's application reference number	23 / 01822 / APP		
Site address	15 CHANONRY ROAD ELGIN IV30 1XH		
Description of proposed development	CONVERT DOMESTIC SUMMER HOUSE TO BEAUTY ROOM		



Date of application

11 OCT 2023

Date of decision (if any)

9 FEB 2024

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

**4. Nature of Application**

Application for planning permission (including householder application)

Application for planning permission in principle

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

Application for approval of matters specified in conditions

**5. Reasons for seeking review**

Refusal of application by appointed officer

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

Conditions imposed on consent by appointed officer

**6. Review procedure**

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

**7. Site inspection**

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

Can the site be viewed entirely from public land?

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



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

ONLY ACCESS TO BACK GARDEN THROUGH PROPERTY

### 8. Statement

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

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

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

I SEEK A REVIEW OF MY APPLICATION FOR THE FOLLOWING REASONS:

\* THERE WERE NO OBJECTIONS FROM ANY OF THE CONSULTATIONS INCLUDING TRANSPORTATION, ENVIRONMENTAL HEALTH + MY NEIGHBOURS

\* I GUARANTEE THE OPERATING HOURS WILL ONLY BE FROM 10am-3pm MON-THUR DUE TO MY LONG TERM HEALTH CONSTRAINTS + THE SECOND PERSON CAN ONLY TAKE CLIENTS DURING SCHOOL HOURS AS SHE IS ALSO A CARER FOR HER AUTISTIC SON.

THE BEAUTY ROOM ONLY ACCOMMODATES ONE BEAUTICIAN + ONE CLIENT AT A TIME DUE TO THE LIMITED SPACE AVAILABLE

continued on additional sheet.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

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

PROVIDING FURTHER EVIDENCE OF HEALTH CONDITION + COPY OF LICENCE OBTAINED FROM MORAY COUNCIL FOR THE BUSINESS



### 9. List of Documents and Evidence

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

[REDACTED]

of COPY OF LICENCE

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

### 10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

### DECLARATION

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

Signature: [REDACTED] Name: ELVIRA JAGANJAG Date: 15/4/2024

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

Continuation sheet for STATEMENT.

- \* I HAVE BEEN GRANTED A LICENCE BY MORAY COUNCIL FOR ELECTROLYSIS + MICROBLADING WHICH IS VALID UNTIL 2026.
- \* I HAVE LONG TERM HEALTH CONDITIONS THAT MAKE WORKING IN A HIGH STREET SALON ENVIRONMENT DIFFICULT AND HAVE ONLY RECENTLY GIVEN UP EMPLOYMENT DUE TO THIS.





From: Elvira Jaganjac  
Date: Fri, 27 Oct 2023 at 09:15  
Subject: Re: Help with application  
To: Shaya Anderson

Support information for the planing permit of 15 Chanonry Road Elgin Iv 30 I XH

My name is Elvira Jaganjac, I am 61 year old lady. I am a beauty therapist with over 21 year of experience.

Presently I work at a very busy salon which I'm employed over 17 years, and I truly struggle with amount of work.

Due to my ill health and on advice of I need to cut down my work, or stop altogether.

I am very passionate what I do and always try to perform at the best of my ability. my work has always been my saviour.

I would like to leave work and be able to do a couple clients a day at my own pace. My business consists of myself Elvira Jaganjac and my daughter Erna Mcgarvey. We would be splitting the week working alternate days. Our week consist of opening Monday to Thursday 10 am to 3pm.

There will only ever be one client present per time slot. The maximum amount of clients per day would be 4. All my clients will access the summer house through my house, and not at any time my neighbours would be disturbed. Treatment's would consist of; waxing, electrolysis, microblading and make up.

I had contacted an environmental health and I had followed a list she sent to me that I must comply with.

I have installed an extractor fan and free standing electrical sink( which provides warm water) that complies with health and safety regulations.

We have had a fire safety check and have passed and obtained fire certificate.

Waste management will collect the clinical waste ie electrolysis needles and wax strips.

I have chosen to open the Beauty room in my garden and lower my work hours as I am no longer able to work as much and intend on doing lighter treatments.

