



## 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**.

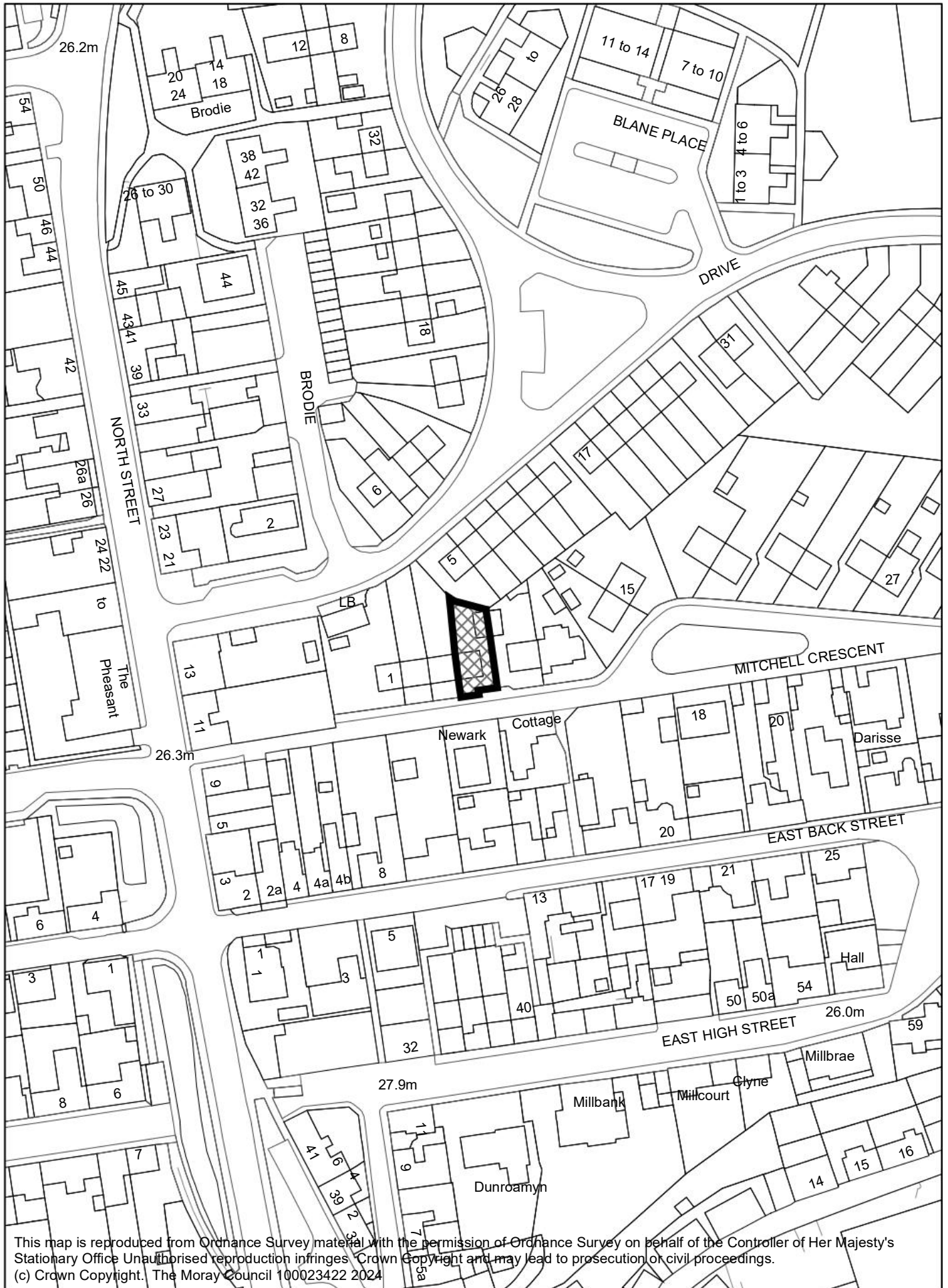
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

No further representations were received.





**Location plan for Planning Application Reference Number :  
23/01971/APP**



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## **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













# 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>
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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.

## 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
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<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:**

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: 23/01971/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:		

**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 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:	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"/>
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:

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

Easting

## 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”*



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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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.







## **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

<b>RECOMMENDATION</b>		
<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>	

<b>CONSULTATIONS</b>		
<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)			

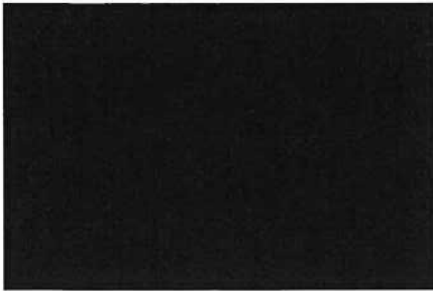


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**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**

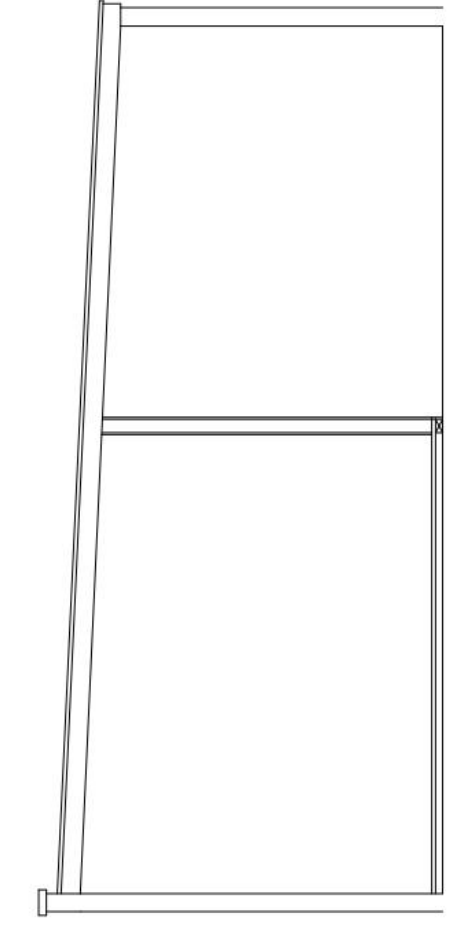
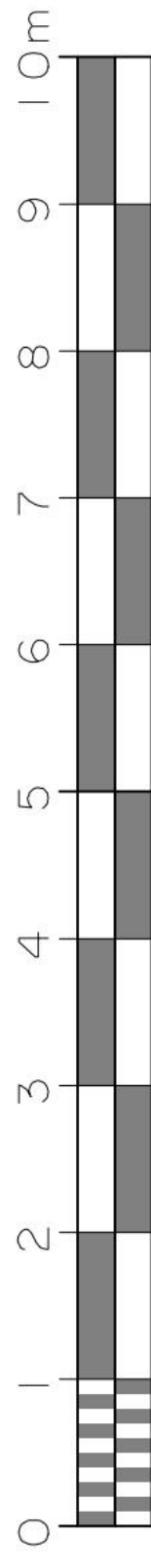
### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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)

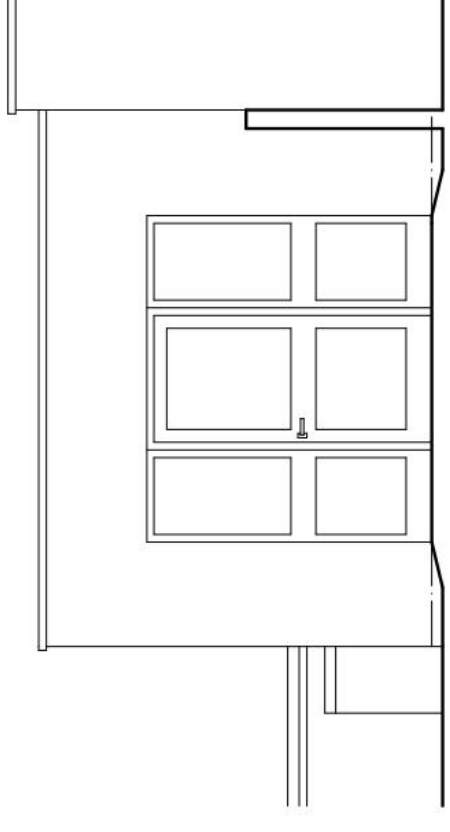
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has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



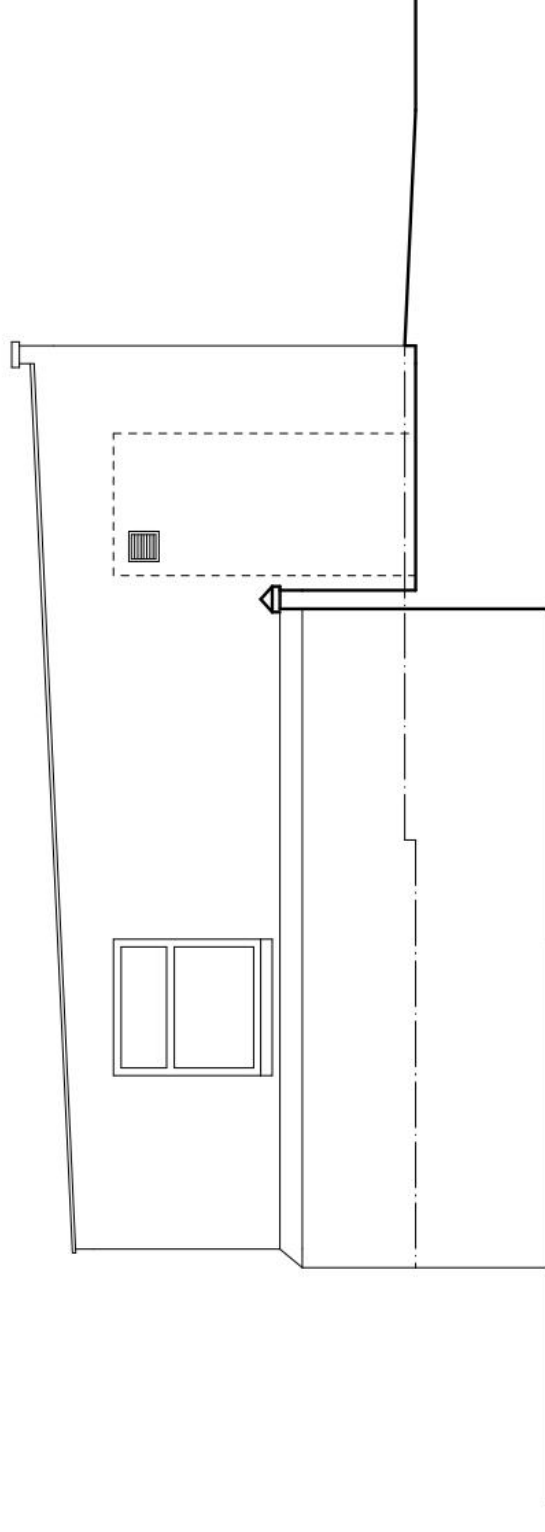




LONGITUDINAL SECTION.  
SCALE 1-50

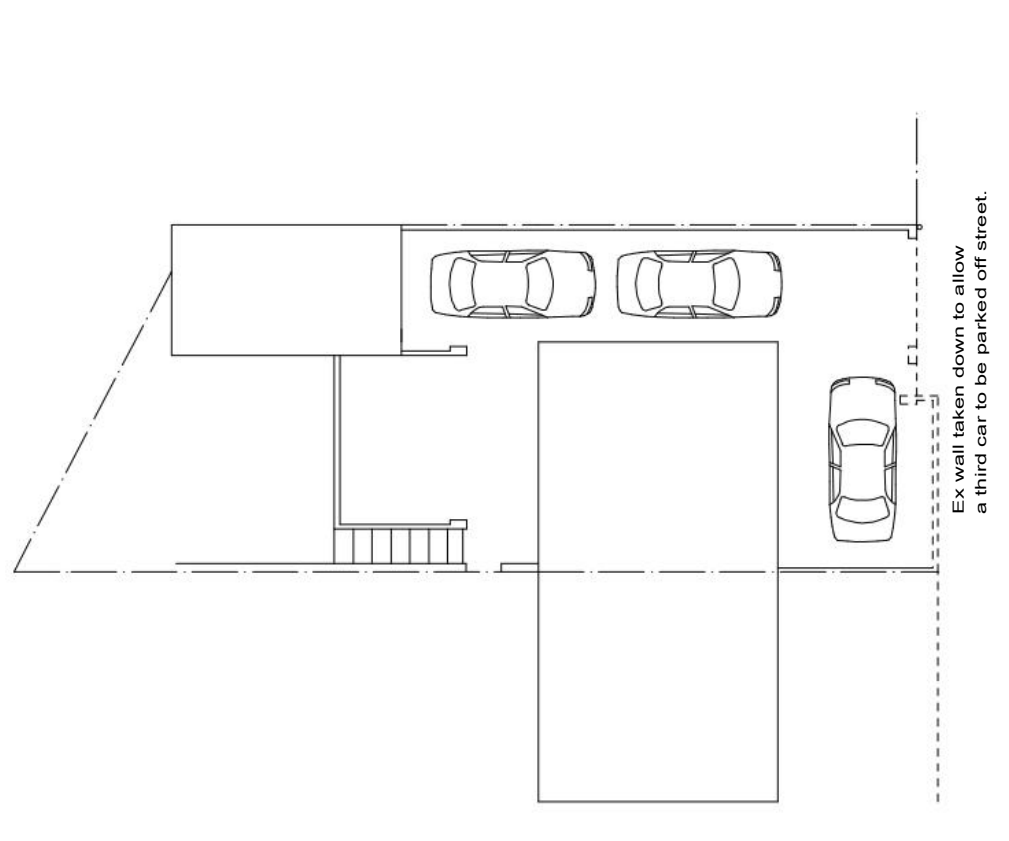
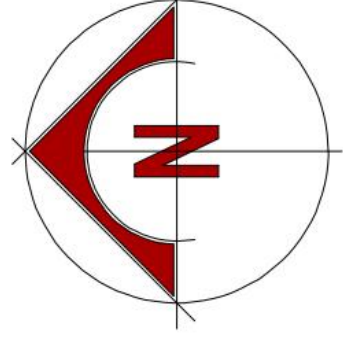


FRONT ELEVATION  
SCALE 1-50



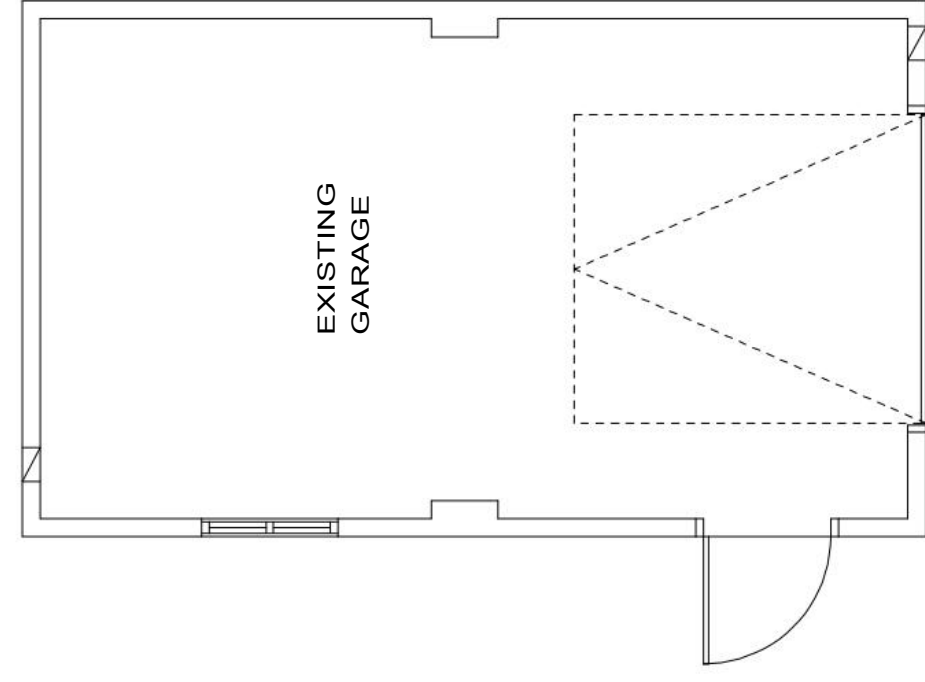
SIDE ELEVATION  
SCALE 1-50

The building will be unheated 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 9am and 12pm. The contractor will start work with working from this date. The premises will operate from Tuesday to Saturday inclusive but closed on Sunday and Monday.

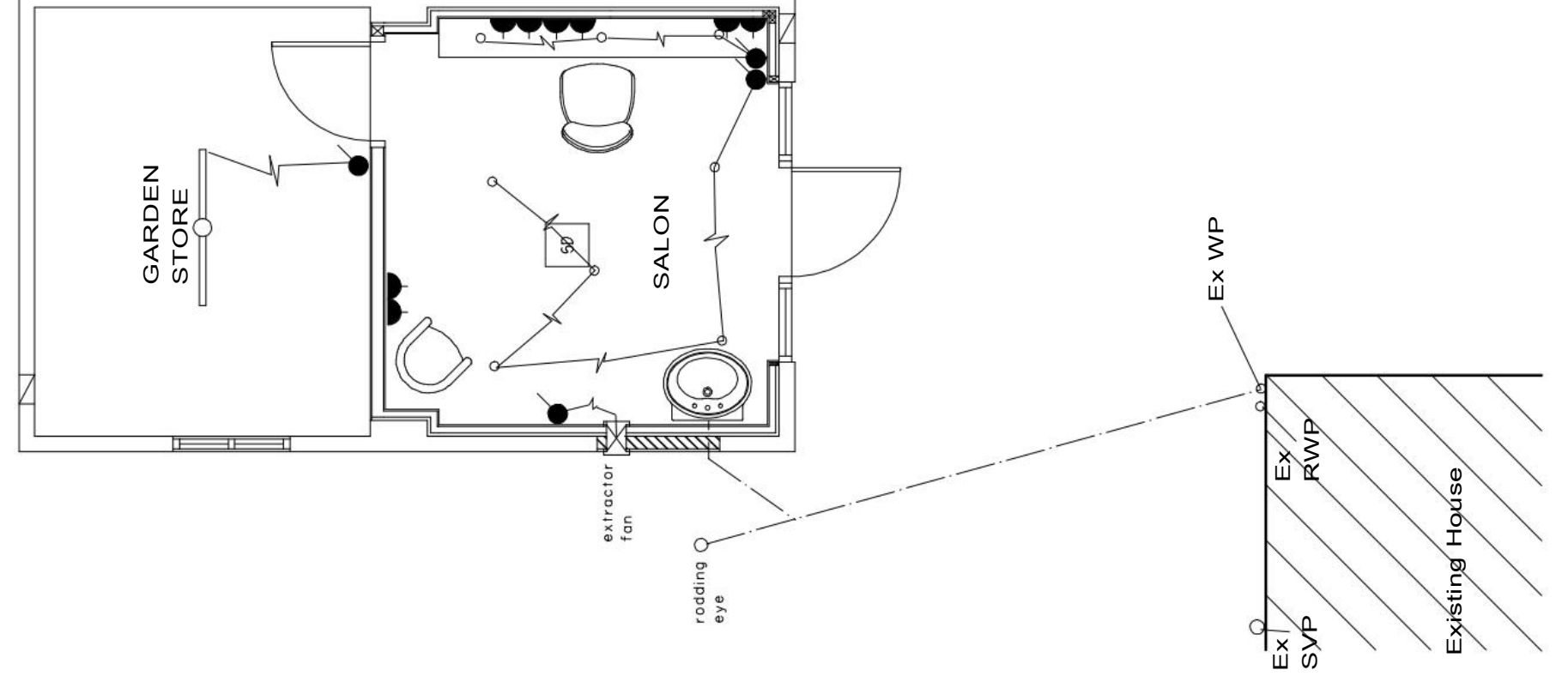


SITE PLAN  
SCALE 1-200

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 deangs 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 U value certificate and details of glazing. 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 min 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 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.
<p><b>Crown copyright all rights reserved License No. 100041145.</b> No works to be commenced 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 quotation for the building operations. Any deviation to the approved plans to be reported to this office. Dimensions and details shall be in accordance with the Building Regulations, 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.</p>	
Project	PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ckplans aol.com
Client	CONVERT SMALL AREA OF GARAGE TO PART TIME HAIR SALON AT 7 MITCHELL CRESCENT, ELGIN, MORAY, IV30 4EH.
Drawn By	MIGLENA STEFANOVA
Scale	AS INDICATED.
Project No.	23-37-D-1-A