



MORAY LOCAL REVIEW BODY

14 MARCH 2024

SUMMARY OF INFORMATION FOR CASE No LR299

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

Ward 6 – Elgin City North

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 31 October 2024 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 NPF Policies 16 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**.

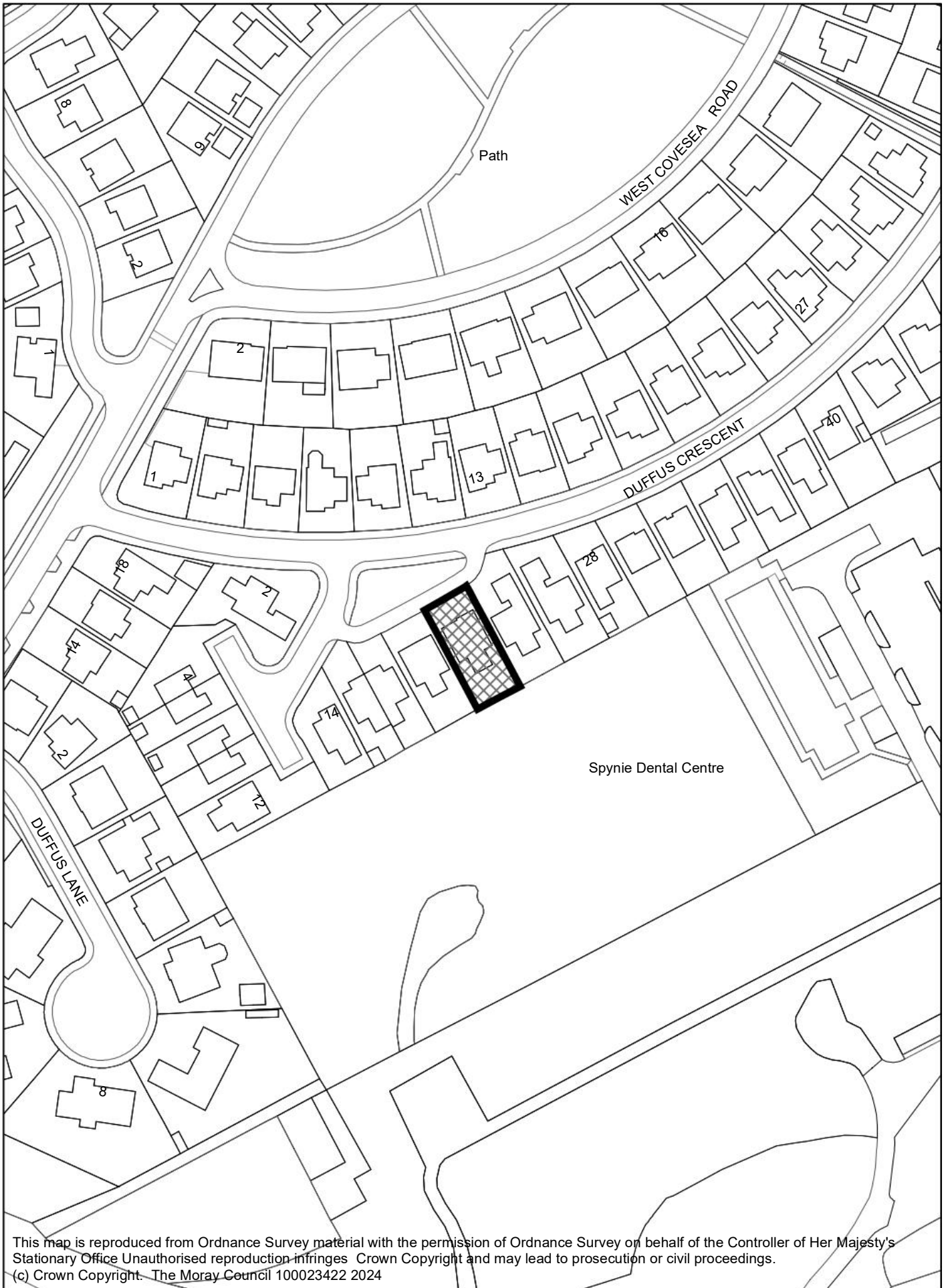
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**.



**Location plan for Planning Application Reference Number :
23/01371/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

15 AUG 2023

23/01371/AAP

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
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	MR & MRS	Ref No.	
Forename	RYANN	Forename	
Surname	FERGUSON	Surname	
Company Name		Company Name	
Building No./Name	22	Building No./Name	
Address Line 1	DUFFUS CRESCENT	Address Line 1	
Address Line 2		Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	179 5PY	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Postal Address or Location of Proposed Development (please include postcode)

AS ABOVE

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

- Planning Permission
- Planning Permission in Principle
- Further Application*
- Application for Approval of Matters Specified in Conditions*
- Application for Mineral Works**

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

PARTIAL GARAGE CONVERSION TO HAIR SALON

Is this a temporary permission? Yes No

If yes, please state how long permission is required for and why:

Have the works already been started or completed? Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: 14/07/23 Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): Square Metre (sq.m.):

8. Existing Use

Please describe the current or most recent use:

GARAGE

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

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

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

4

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes No

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

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

DECLARATION

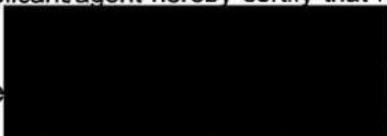
I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature



Name:

RYANN FERGUSON

Date:

14/8/2023

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

23/01/371/APP

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

**CERTIFICATE A, B, C, D OR CERTIFICATE E
MUST BE COMPLETED BY ALL APPLICANTS**

15 AUG 2023

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself _____ was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land _____

Signed:

On behalf of:

RYANN FERGUSON

Date:

14 / 3 / 2023

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have _____ served notice on every person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have _____ served notice on every person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

23/01371/APP

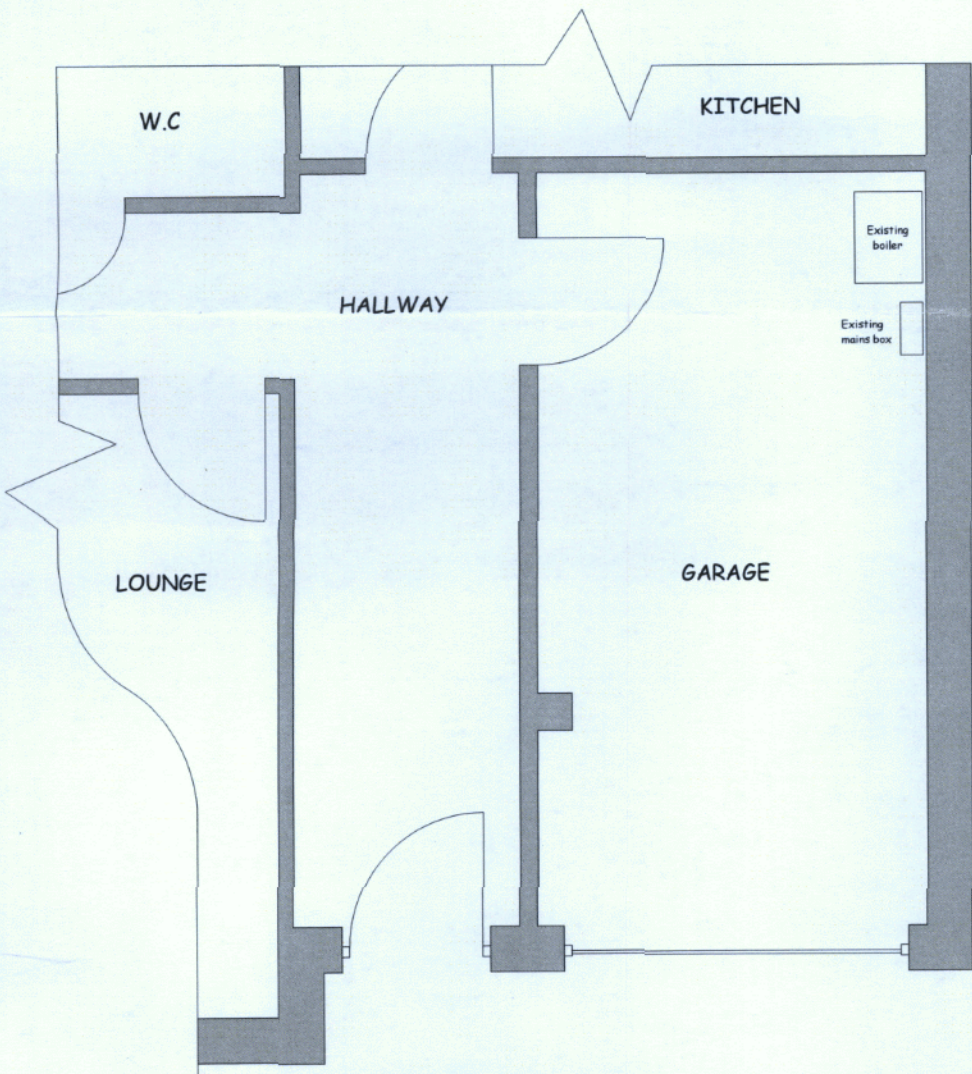
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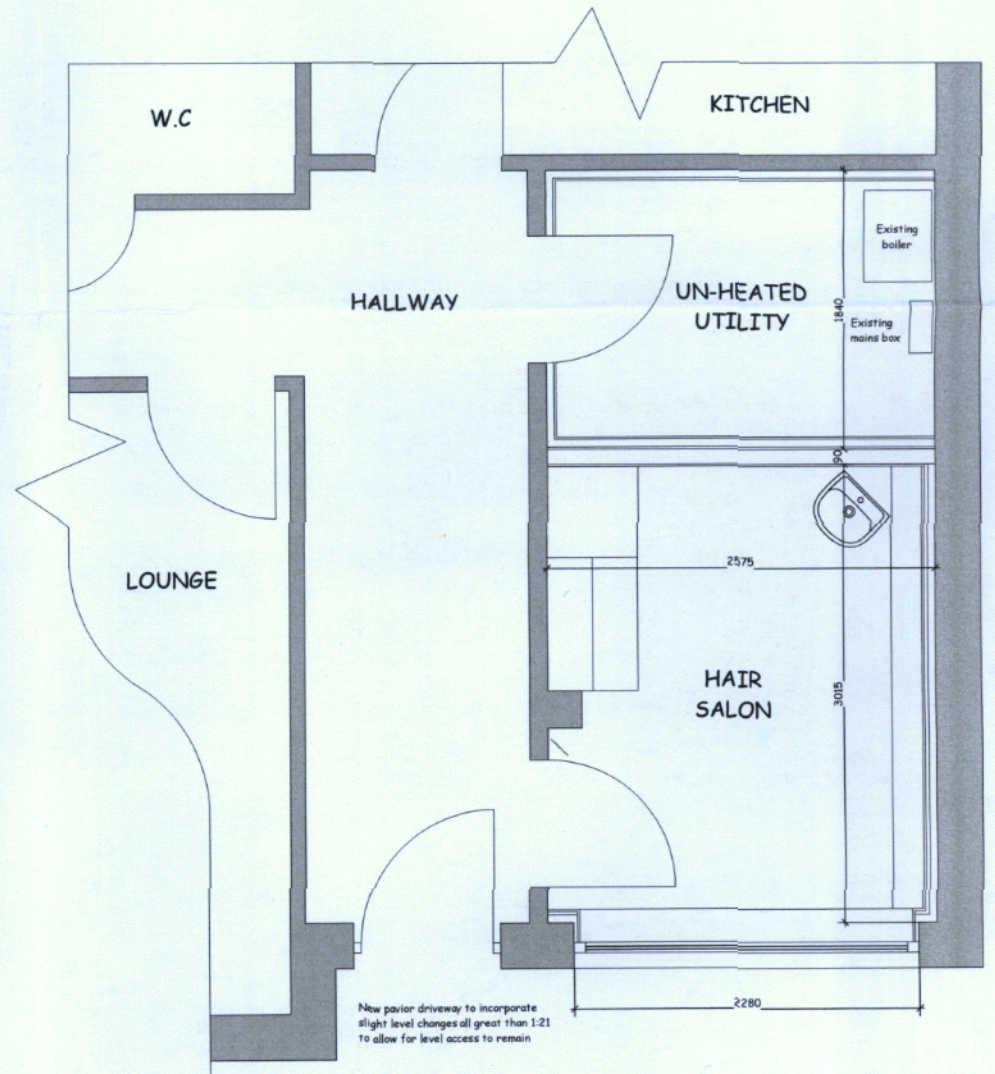
EXISTING ELEVATION - 1:50



EXISTING ELEVATION - 1:50



EXISTING FLOORPLAN - 1:50



PROPOSED FLOORPLAN - 1:50

PROPOSED PARTIAL GARAGE CONVERSION
FOR MR & MRS FERGUSON AT
22 DUFFUS CRESCENT, ELGIN, IV30 5PY
FLOOR PLANS & ELEVATIONS
DATE - AUGUST 2023
DRAWING NO. RF/01
REVISION - 0

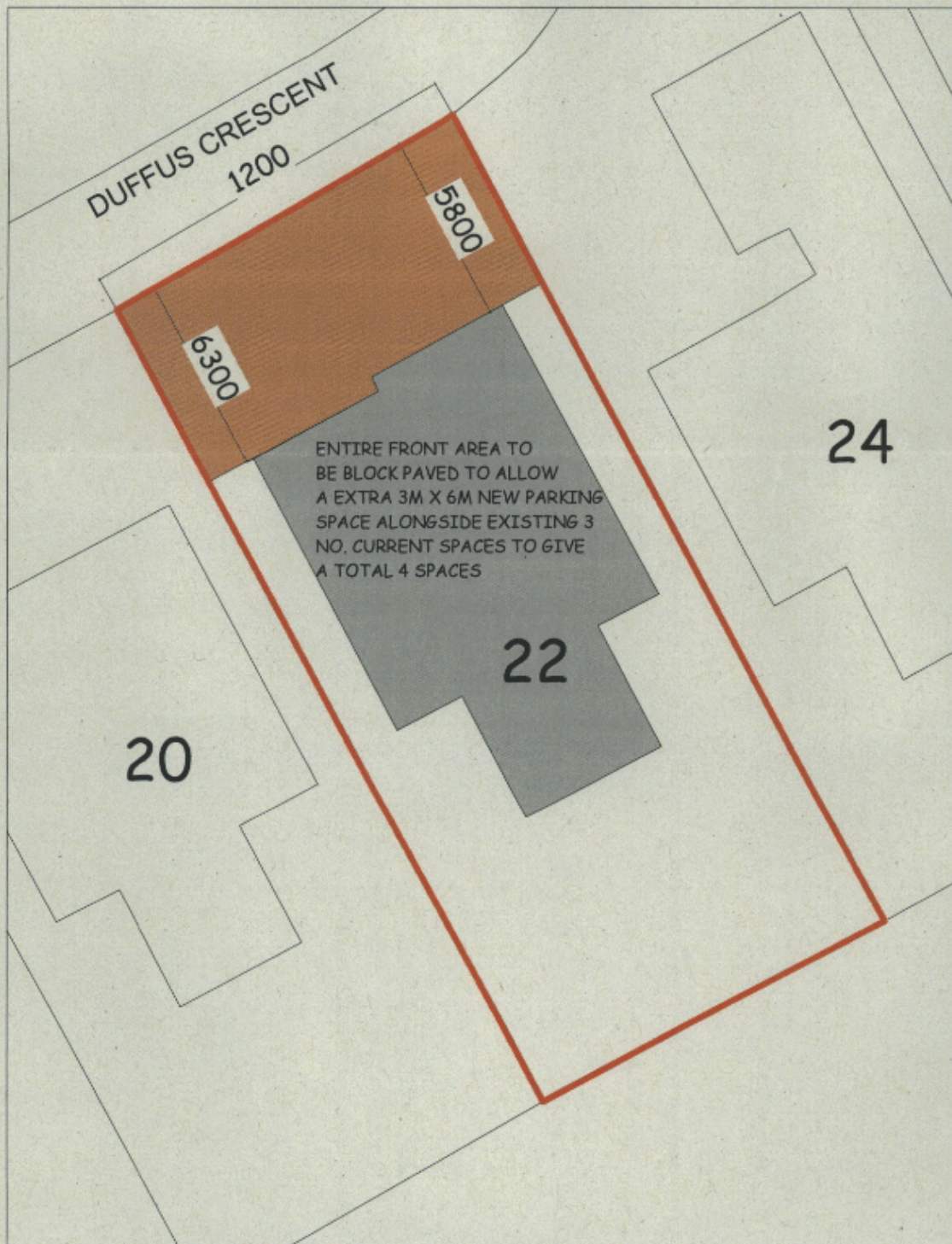
DRAWINGS TO BE READ IN CONJUNCTION
WITH SPECIFICATION NOTES

PROPOSED PARTIAL GARAGE CONVERSION
FOR MR & MRS FERGUSON AT
22 DUFFUS CRESCENT, ELGIN, IV30 5PY
SITE PLAN

23/01371/APP

DATE - AUGUST 2023
DRAWING NO. RF/02
REVISION - 0

15 AUG 2023



SITE PLAN - 1:200

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	5th September 2023
Planning Authority Reference	23/01371/APP
Nature of Proposal (Description)	Retrospective consent to convert of part of garage to hair salon at
Site	22 Duffus Crescent Elgin Moray IV30 5PY
Site Postcode	N/A
Site Gazetteer UPRN	000133061210
Proposal Location Easting	320636
Proposal Location Northing	864046
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RZFIFKBG0CQ00
Previous Application	
Date of Consultation	22nd August 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Ryann Ferguson
Applicant Organisation Name	
Applicant Address	22 Duffus Crescent Elgin Moray IV30 5PY
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 23/01371/APP

Retrospective consent to convert of part of garage to hair salon at 22 Duffus Crescent Elgin Moray IV30 5PY for Mr And Mrs Ryann Ferguson

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

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

Reason(s) for objection

Condition(s)

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 and the Workplace (Health, Safety and Welfare) Regulations 1992.

Further information required to consider the application

Contact: Julia McDonald
email address:
Consultee:

Date.....05/09/23.....
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.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	5th September 2023
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Previous Application	
Date of Consultation	22nd August 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Ryann Ferguson
Applicant Organisation Name	
Applicant Address	22 Duffus Crescent Elgin Moray IV30 5PY
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

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For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 23/01371/APP

Retrospective consent to convert of part of garage to hair salon at 22 Duffus Crescent Elgin Moray IV30 5PY for Mr And Mrs Ryann Ferguson

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 for the retrospective consent to convert an existing domestic single garage to a hair salon. The supporting information confirms that only one customer will be present at any given time, and with a gap between appointments provided to ensure that one customer leaves before the following one arrives. The salon is also to have a maximum of three customers per day and operate three days per week. No additional staff (other than the resident) is proposed.

Based on Moray Council parking standards the property requires three parking spaces, plus one for the visiting customer. The loss of the garage has resulted in the loss of one of the existing spaces, and the driveway also contains a ramped access which further reduces the presently available parking area.

However as part of this proposal the existing driveway is to be reconfigured with the removal of the ramped access and the widening of the driveway to the full width of the property frontage in lock block, thereby providing four parking spaces.

On the basis that the proposal is retrospective in nature the following conditions would apply:

Condition(s)

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. 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

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.

The applicant should note that the short section of (shared) road serving the site is private and is not adopted by the Roads Authority.

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
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 05 September 2023

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.

Consultee Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

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

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details

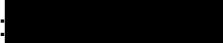


Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:  is causing me no issues at all.

I haven't noticed any increase in traffic or excess noise.

the conversion is in keeping with the home & without knowing it was there I wouldn't have noticed there was a business inside.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As another property owner in Hamilton Gardens, I fully support this application. It will not bring anything negative to the neighbourhood and the applicants are considerate, modest, hard working people.

The salon is a positive attribute to the community in Hamilton Gardens and is great to be in walking distance to many.

Comments for Planning Application 23/01371/APP

Application Summary

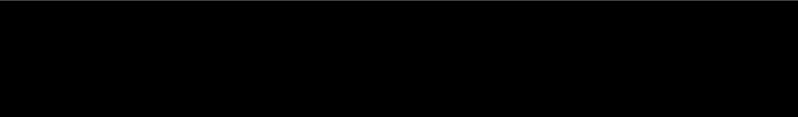
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: These applicants are really lovely people.

They will not cause a nuisance by having the salon at the property.

It is good to have a salon on the estate to serve the growing community who live here.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The conversion has been done really sympathetically and fits in with the look of the houses in the street. There is no problem with increased traffic on the road and it is lovely to have a local business so close which we can support.

Comments for Planning Application 23/01371/APP

Application Summary

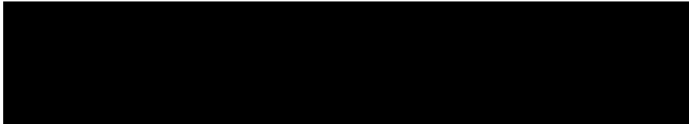
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The house has been converted in a discreet manner and looks appealing to the eye. No increase in traffic or obstructing parking has been witnessed. In this current climate it is a pleasure to see a new business develop.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: i am very supportive of M and Mrs Fergusson's application for the hair salon in their property. it has been renovated to a very high standard with no detrimental effect to the estate. from traffic or large numbers of clients . They have always been respectful of other neighbours . Considering this is a large estate and many people in the estate have work vans as well as private cars which are often parked outwith their driveway i have had no such issue with the Fergussons . I wish them all the success and certainly a positive addition to our estate.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am full support of the salon opening. I can walk to and leave the car. More flexibility around haircuts especially being on my own with 2 kids. A better work life balance for Rebecca and her young family. A lot of Rebecca's clients are from the Bishopmill her being a parent at the local primary. This means a lot more people can walk and leave there car therefore less traffic on the road in an already conjested elgin

Comments for Planning Application 23/01371/APP

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Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Very nice to have a local business in walking distance, I fully support Rebecca's application and with it being a small business I see no problem with parking as Rebecca's drive is big enough to hold an extra vehicle, my family have known Rebecca and her family for a number of years and consider them valuable members of the community.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Mrs Ferguson provides a welcome service to the local community with her hair dressing service, and I fully support her planning application for a hair salon.

Embracing the working from home ethic, Mrs Ferguson offers a warm and friendly atmosphere for her customers, and the geographical location allows easy walking access for residents within the Hamilton gardens, from surrounding estates, and from the local bus stop.

For the few that may need to use a car, off street parking is provided by utilising Mrs Ferguson's driveway. However, since the business is a sole proprietorship that caters for only one customer at a time, extra vehicles parked on the estate is not currently an issue and is unlikely to become so in the future. Similarly, there has been no noticeable increase in local traffic flow, or noise, this is also unlikely to become a future issue.

The conversion of Mrs Ferguson's garage (part of) to a hair salon has been carried out professionally and with due regard for the surrounding neighbourhood, it is in keeping with the remainder of the property, and externally gives no indication of its purpose. Indeed, it is similar in appearance to other conversions on the estate.

With the current cost of living and climate issues, running a business from home is sensible, keeping costs low for the owner, and the customer. Furthermore, the need for vehicle use by either party is reduced. Moreover, by providing the service locally, Mrs Ferguson's business serves to boost the social fabric and economic growth of the community.

In summary, Mrs Ferguson's hair salon provides a valuable service to the local community that can only have a positive impact on the people of Hamilton Gardens, with negligible environmental impact. As a neighbour, I fully support Mrs Ferguson's planning application and wish her every success for the future.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We fully support Rebecca with her new venture. Having salon at the door step would be amazing and very handy for us as a family therefore we have no objections towards this project.)

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/01371/APP

Application Summary

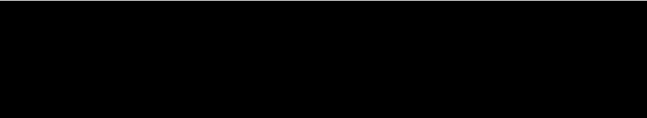
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this small business and the owners doing their best for themselves and their family and the local area

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: It will be good and convenient to have small hair saloon nearby. Certainly, I would like to use this service. I would like to support this application and development of that small business in the neighbourhood.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Very convenient to be able to walk here to get my hair done in this lovely salon.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Parking
- Road access
- Road safety
- Traffic

Comment: I am concerned about parking at the premises as the street is already congested at times. It is also in our house deeds that no business should be allowed from our properties at Hamilton Gardens.

Comments for Planning Application 23/01371/APP

Application Summary

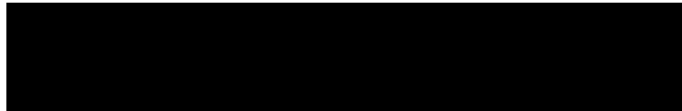
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I believe this a brilliant idea and look forward to supporting Rebecca and her business!

Support mums working from home!

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details




Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Contrary to Local Plan
- Legal issues
- Loss of privacy (being overlooked)
- Noise
- Over-development of site
- Parking
- Permitted Development
- Road access
- Road safety
- Traffic

Comment: I'm writing this as I would like to object to the retrospective plans 23/01371/APP submitted by Mr and Mrs Ferguson of 22 Duffus crescent, Elgin, Moray IV30 5PY. My objection is based on the increased traffic this would cause and the unfamiliar faces constantly frequenting the green area that is situated between our two properties  that my children frequently play on. This is a great little spot for the children that many of the children of the area play on. It also offers an aesthetically positive view from our house. It is up kept within the coverage of the private factoring fee that each resident of the estate pays. I bought our property over 12 years ago signing the deeds that stipulate that the said properties are solely for residential uses and strictly no business or trade use. I was comfortable in the assurance that it was an area with respite/detached from business, commerce and industry. With a safe environment at the front of us ideal for the children with minimal residential traffic flow. Having a salon opposite would most definitely impact these aspects and create an elevated risk to our children. This planning was not brought to our attention previous to their development of salon. Thus we have been able to witness the negative impact of increased persons/customers coming

and going outwith the time that is stated in these plans (9pm-3pm 3days a week) which is quite clearly a smoke screen from my view point. I believe the planning of a car park at the front of the said property indicates the volume of customers they are intending to accommodate. Increased traffic and increased footfall to the property is a definite invasion of "the right to peaceful enjoyment" of property and "respect for private and family life" Human rights act 1998 Protocol 1, article 1 and 8 respectively. I hope this email impresses upon you my objection to this retrospective planning of the said property.

Comments for Planning Application 23/01371/APP

Application Summary

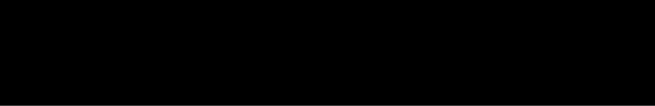
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: It is convenient to have a hair salon in the estate; and small, local businesses should always be encouraged and supported. Given the nature of the business, I can't foresee this causing any issues for the immediate surrounding area or the housing estate in general - be that noise, congestion, parking issues or anything that would be detrimental.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I'm in support of this application.

It's great to see young people starting their own business given the current economic climate.

There shouldn't be any additional disruption to neighbours or traffic on the road given the size of the business.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: All for small businesses making a success

Comments for Planning Application 23/01371/APP

Application Summary

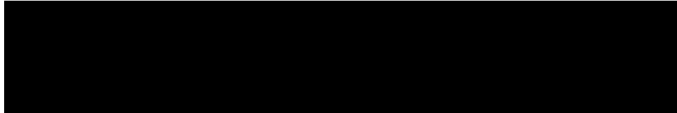
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/01371/APP

Application Summary

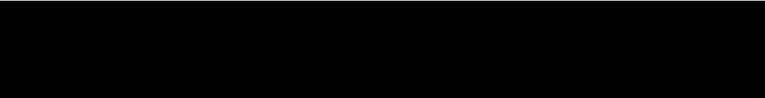
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think we should all support small local businesses and this one is ideal as you don't need a car to access the business

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Legal issues
- Loss of privacy (being overlooked)
- Noise
- Parking
- Procedures not followed correctly
- Road access
- Road safety
- Traffic

Comment: I wish to object to planning application 23/01371/APP | Retrospective consent to convert of part of garage to hair salon at | 22 Duffus Crescent Elgin Moray IV30 5PY.

Reasons for objection are noted below -

1 - Supporting comments already submitted clearly note that clients will be driving and walking to the premises, this worries me greatly in regards to privacy on the street, with our living room window directly overlooking the private access road - customer will be able to see directly into our property. There will also be increased footfall and cars parked in close proximity to our property. The increase in foot fall and parking issues will have an adverse affect of our peaceful enjoyment of our property -

Human Rights Act 1998 - Protocol 1, article 1 - the right to a peaceful enjoyment of property and article 8 respect to private family life.

2 - The conversion of the garage to a salon was one where neighbours were not consulted

beforehand, the noise increase from the conversion and the fact we were unable to use our private access road for nearly 2 weeks was less than satisfactory to say the least. There was blatant disregard to neighbours privacy and right to peace during the whole process.

3 - Parking on the private access road and surrounding roads has already been a point of frustration and conflict by neighbours in close proximity and I cannot see this would improve by allowing the salon to stay open. I have seen on several occasions clients of the applicant blocking access to properties who border the private access road.

In the report from the transport manager it states -

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.

I believe this is in direct conflict with Moray Councils Local Development Plan -

Car Parking must not dominate the street scene, also a maximum of 50% of car parking within the front curtilage will be permitted, subject to the visual impact of the cars being mitigated by an acceptable boundary treatments such as hedging or low stone boundary walls.

With Mr & Mrs Fergusson wishing to turn 100 percent of the area of land to the front of their property into parking - I believe this to be in direct conflict to the above noted.

The report also notes that the disabled access will be removed to make way to 4 car parking spaces, there is no mention of any other disabled access being made available or to replace the one that is being removed.

This will be in direct violation of the Equality Act 2010 - Under the Equality Act employers and organisations have a responsibility to make sure that disabled people can access jobs, education and services as easily as non-disabled people

A person (a "service-provider") concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

4 - As a neighbour/property owner bordering the private access road and financially responsible

for all repairs (us being 1 of 5 property owners) , opening of the salon will not only have an impact on our privacy and family life but will also affect us financially, with all the increased foot fall and car usage on the road, this will no doubt result in repairs and up keep needed having a direct financial impact on us, I believe that Mr and Mrs Fergusson should have legally looked into this matter beforehand, it also clearly states in the title deeds for their property and indeed neighbouring properties that owners/residents are not allowed to run a business from their property. The applicants have clearly not followed any of the procedures and have complete disregard to any of the local policies put in place to safe guard neighbours in the development.

5 - The level of activity associated with the change of use would be out of keeping of the residential area and would impact adversely on our family life and our property and gives unacceptable overbearing loss of amenity, in terms of privacy, noise and parking on the private access road I refer to

MLDP 2020 DP1 section e -

Proposal must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

6 - 1 client at a time, 3 clients a day, who will be monitoring these numbers, who is to Stop Mrs Fergusson from booking in more clients or having large group bookings. The level of ambiguity this leaves suggests that the salon would be better placed within the town centre where they can contribute to the local economy and not within a local residential area where it will impact on the local residents.

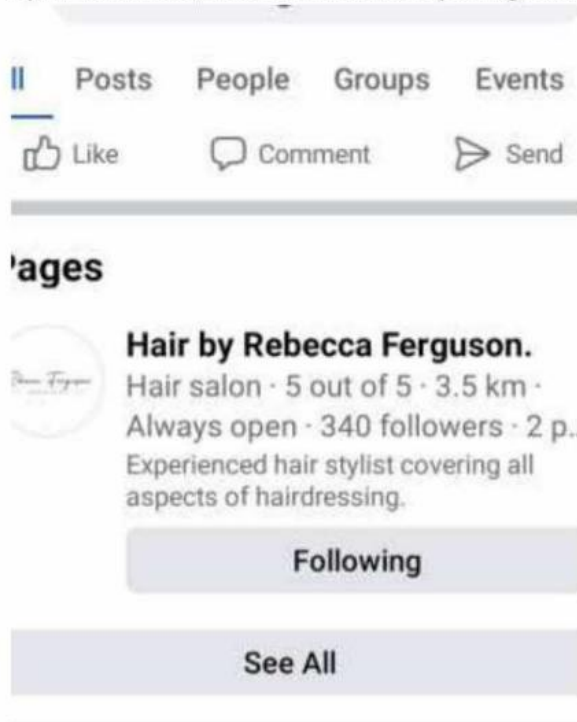
I would like to object to retrospective planning application 23/01371/APP for the following reasons:

1. Appropriate planning procedure was clearly not followed. As an electrical tradesman Mr Ferguson would be well aware of the need for planning permission but blatantly ignored it. Customers of Mrs Ferguson had already informed us some time ago of her intent to convert the garage to a salon, and we expected a neighbourly conversation on the subject, or a planning notification, but received no warning. Work began at 0745 on a Monday morning, and continued for 2 weeks, causing a colossal impact on residential amenity.
2. Having recently bought the property, they would have been through the deeds with their solicitor. Part D burdens section 1.3 clearly states: No part of any plot, including dwelling house shall be used for the carrying on therein or thereon of any trade, business or profession.
3. The planning statement says that there will only be 1 customer at a time, so there is plenty of space as according to their application they have 3 parking spaces. This is incorrect, the Fergusons car and work van take up the 2 spaces they have (see pic), and it is clear that the access road is obstructed with only 2 vehicles.



They wish to double the amount of parking- this is a clear intent to have multiple customers. Moray local Development Plan 2020 DP1 transportation states 'car parking must not dominate the street scene'-turning the entire front of the house into a car park means they will definitely dominate the street scene, particularly as the road in front of the houses is only wide enough for a single vehicle. The above picture shows a family car parked by the former garage door, and it just fits. With people owning larger SUV type vehicles, and with the house having a bay window, any parked vehicle will obstruct the access road. Due to the narrow nature of the access road, a client has already been witnessed reversing over curbs trying to leave after an appointment. Furthermore, this access road has not been adopted by the council, and is the responsibility of the houses along it. Changing use for business purposes needs consultation with all owners, as any repairs due to increased business use have to be borne equally by all residents on the access road, and this has not been carried out.

4. Mrs Ferguson states she will only be open 9-3 on 3 days a week, for 3 customers. This is untrue. Clients have already been seen in the evening on numerous occasions, and Mrs Ferguson openly advertises that she is open 'all times', see screenshot of opening hours below.



We are set back from the main road, as the access road does not have a pavement [REDACTED] which gives our house a large degree of privacy. We now have to deal with increased traffic on a road designed for access only, causing a danger where children play, and increased footfall with people staring in our front window. This has had a massive impact on both our amenity, safety and privacy, in contravention of MLDP 2020 DP1 part e- proposals must not adversely impact upon neighbouring properties in terms of privacy, or overbearing loss of amenity.

This conversion also contravenes the Human Rights Act 1998 Protocol 1 article 1, the right to peaceful enjoyment of property, and article 8 respect for private and family life.

A similar proposal (garage to hair salon conversion) was stopped by a Moray planning officer who stated 'Whilst it is noted the operation will be part time, once consented it will be difficult for the council to control such operations'

Having started work before gaining planning permission, already taking customers out with the hours in the planning statement, blatantly advertising 'open all times' and with a full-blown car park planned, this is more than a full-time business, as they stop at 5pm- this business is completely at odds with the residential nature of the area. Furthermore, the 340 followers on the business website give an indication of just how busy this salon will be. This is also backed up by supporting comments in this application, some state how many people will be able to walk to it (increased footfall and invasion of privacy), while others state it is easy to park there (increased traffic on access road). These customers walk or drive to the 'salon', destroy our amenity, then return to their residential part of the estate without a thought of the impact on residents living around this converted garage. With this amount of business, they should be playing a part in using a unit in town, revitalising the town centre with the large flow of customers, rather than having a negative impact on a residential estate.

Comments for Planning Application 23/01371/APP

Application Summary

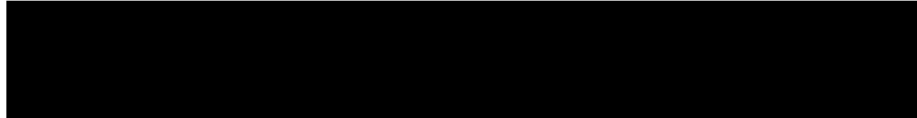
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have no objections and give my support to the planning application.

Rational:

* The conversion of the garage to a salon has not detracted from the aesthetics of the building but enhanced it in keeping with the surrounding buildings.

* The salon is tastefully decorated to accommodate only one client per session in a very private, relaxing environment.

* The salon is ideally situated within walking distance for me and if needed, a bus service runs past Duffus Heights hourly during working hours.

* This young, entrepreneur mother of three young children should be supported and encouraged to promote a good standard of work ethics to help become self reliant, particularly in the cost of general living standards we find ourselves in.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to make a comment in support of this conversion of garage to hair salon.

I'm a neighbour living on the estate and find the salon to be very convenient.

It is a useful location for those on the estate and is walking distance for many meaning very little added traffic. The salon offers a valuable service to those who work from home or work unusual hours.

The work has been done to a very high standard and appears to be in keeping with other houses on the estate.

Comments for Planning Application 23/01371/APP

Application Summary

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Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/01371/APP

Application Summary

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Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Within walking distance. Beautiful business and are respectful neighbour's

Comments for Planning Application 23/01371/APP

Application Summary

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Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

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Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have been a customer for several years at a previous salon. The addition of this salon is a terrific example of someone being entrepreneurial, providing a flexible service for customers in the local area. The fixtures and fittings are of high quality, and it is well decorated and appointed. The applicant is considerate to her neighbours asking me to walk to my appointment and not park on her street.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have been a regular customer for years. This new business location is a fantastic opportunity and high quality service to have here in our development.

It is in walking distance from our home, which means my family can walk, which cuts down on using our car, therefore sustainable travel. This business is very accessible for wheelchair users, or customers with limited mobility. The building itself is of a very high quality, fixtures and fittings. It is very comfortable and is extremely welcoming indeed.

Comments for Planning Application 23/01371/APP

Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think it's great if someone can start a business from home. I would always support this, especially a mum with 3 children.

Anyone who has a problem with this should just mind their own business as it's not affecting their lives.

Comments for Planning Application 23/01371/APP

Application Summary

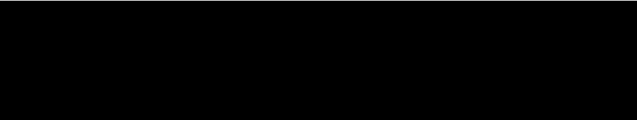
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Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/01371/APP

Application Summary

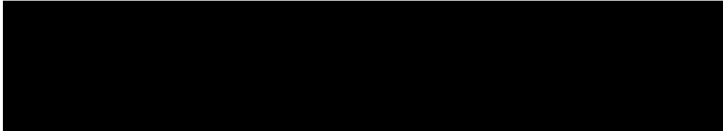
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Address: 22 Duffus Crescent Elgin Moray IV30 5PY

Proposal: Retrospective consent to convert of part of garage to hair salon at

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this conversion. I don't see how it could have any negative impact on surrounding houses as Rebecca will only have one client at a time and therefore I have no reason to object. Personally I feel that hard working families should be supported rather than torn down.

Objections from 10th September

1. No visitors to 22 Duffus Crescent have any interest in invading the privacy of the neighbour's to the property. The development is a large housing development with residents, visitors, trades people, delivery persons etc always driving and walking around. Mrs Ferguson's clients are long established and well known to her with the sole intention of attending their hair appointment.
2. Any construction works at a property causes temporary disruption and inconvenience to the neighbours and we consciously made attempts to be considerate to our neighbours by ensuring the tradesmen were able to park within the driveway of 22 Duffus Crescent. We parked our own car at a neighbour's house, who offered the use of their drive whilst they were on holiday. The use of the private access road was always clear and never blocked. The tradesmen were not on site for a full 2 weeks, they completed the works timeously ensuring that they were considerate to the neighbours by sticking to hours between 8am and 4pm.



3. In order to alleviate any onward issues with parking at the property, we already have plans and permission for provision of 4 car parking spaces in our driveway. We have taken this decision to accommodate our own family vehicle, work van and then to have adequate space for a visiting vehicle.

Most houses in current times have at least 2 vehicles to any family home. In addition, some families have more than this, if older children who live at home also have their own car.

22 Duffus Crescent already consists of only driveway at the front of the property, there is no grassed area or flowerbed. The driveway is just going to be reconfigured to allow for 4 spaces, of which disabled access will remain, giving no value to the comment regarding violation of the Equity Act 2010.

4. The increased footfall and car usage on the access road and path will in no way incur any financial loss to any of the neighbours. Having 1-3 clients a day for 3 days a week is no different to a normal family home receiving visitors albeit friends, relatives, postal deliveries, milk deliveries, cleaner, gardeners and other service providers.

Each of the 5 proprietors has a right of access to their own property and for anyone visiting their home, there is no reference to the maintenance obligation as to how many visitors are permitted per home per day. If this was the case, all visitors regardless of nature, would have to be restricted to each household responsible for the maintenance, which is wholly unrealistic.

Given we have only lived at 22 Duffus Crescent for a year, we are already 10 years plus behind any usage of the road that the other 4 properties have enjoyed. As far as we are aware there has been no requirement for any upkeep or maintenance of the access road and pathway since construction. The access road is of the same road surface material as the main roads through the development, which are all used on a daily basis for a much higher volume of traffic than the access road and therefore we do not anticipate the extra visitors to our property to affect the condition of the road.

Regarding the running of a business from 22 Duffus Crescent, prior to deciding to proceed with the salon, we were already aware of numerous businesses that run from the home of the proprietors in this development, namely:- a taxi firm, accountant, dog grooming, Air B & B's, beauticians, car cleaning, music teacher, Executive travel, crafters, driving instructor, jeweller. There are also many proprietors who sell personal items on local selling sites which results in strangers visiting the homes to collect such items.

[REDACTED]

As far as we are aware the only enforceability of this title burden is that of neighbours who can prove the nature of the business has caused detriment to the value or enjoyment of their property. To prove this, a property surveyor would require to value the neighbours' properties and advise whether the salon at number 22 Duffus Crescent has resulted in a devalue of their properties. If anything, we would consider the addition of the extra room at 22 Duffus Crescent to increase the value of the surrounding properties, as if 22 Duffus Crescent was to be marketed for sale, the extra room could be converted to a study/office/snug/playroom and this would likely be valued higher than it would without the additional room, thus increasing the average house price on the street.

As far as the salon causing the neighbours detriment to the enjoyment of their property, Mrs Ferguson's intended working hours are during school hours, 9am – 3pm when most neighbours are out themselves at work and therefore unaware of anyone attending at 22 Duffus Crescent. Receiving clients to the property for their hair appointments is no different to us having a friend or relative visit and therefore could not be proved to have caused the neighbours any detriment to being able to enjoy their own properties.

5. There is no loss of daylight to the neighbours, given the alterations are internal and no external changes have been made to the property, other than the installation of a window, [REDACTED]
[REDACTED] As mentioned above, the level of activity in minimal and no different to having a friend, relative or neighbour visit at 22 Duffus Crescent.
6. Mrs Ferguson works alone at the salon is only able to accommodate one client at any one time. She will be working within school hours around her young family, the youngest of which

is only 2, so will be unable to increase her working hours or availability due to her family commitments.

The costs associated with running a small business and renting a premises for use during the restricted part time hours Mrs Ferguson can commit to means it is not viable to rent a premises or be part of an existing salon. Having the salon at home means that she can walk her children to school which is better for the environment and reduces fuel costs of taking the car to a premises away from our home.

Mr Ferguson works long hours, so Mrs Ferguson is the primary carer of our 3 young children. The children participate in a number of after school activities and are part of sport clubs which takes up Mrs Ferguson's time after school and at weekends. There is no scope for her availability to increase, given the commitments of the children.

Mrs Ferguson walks her children to and from school and is seen every day by her neighbours before and after school, so they are fully aware that she is not in the salon working after 3pm.

Responses to objection dated 8th September

1. We applied for a Building Warrant for change of use and the drawing technician we used advised us that we would not require planning permission.

The builder we had consulted to carry out the works at our property had a last minute cancellation and we were given the opportunity to proceed with the alterations and had to make a quick decision to proceed.

We have now taken steps to rectify the lack of Planning Permission by applying for Retrospective Planning Consent.

As noted in the earlier responses, the construction works may have caused the immediate neighbours slight inconvenience, but as already mentioned, any building works at a property will create noise and disruption, but this was kept to a minimum and is now completed, so has no ongoing impact to the neighbouring properties as a result of the salon now being complete.

2. Response as noted above at point 4 regarding properties being used for business use.

3. Response as noted above at points 3 and 4 – [REDACTED]
[REDACTED]
[REDACTED]

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

Mrs Ferguson specifically messaged her clients to request that they approach our property via the road which passes number [REDACTED] and leave this way also to restrict any inconvenience to the

neighbours at number [REDACTED] as the neighbour at number [REDACTED] have no concerns regarding the salon or the clients passing their property. (add photo)

4. What evidence is there to prove the hours that Mrs Ferguson has been working? Mrs Ferguson has kept her appointment book completely up to date with all clients times and dates of appointments and with the backup of the ring doorbell camera, can prove the times clients have attended at the property.

The screenshot of the opening times has been taken from a social media page. The 'Always open' reference refers to the social media page and not the physical salon business. Mrs Ferguson's social media page can receive messages at any time, but the salon is clearly not open 24/7. Having 3 young children, Mrs Ferguson does not attend to clients in the salon in the evenings. Assumptions have been made due to the lights being on in the salon during the evening, but we are at liberty to have lights on in any room in our home without justification to our neighbours.

As noted above, the amount of clients attending at the salon are no different to friends or relatives visiting our family and by no means causes danger to the children playing outside, given the times of opening are during school hours, when children are not out playing and also given our own children play on the green area mentioned, the safety of our own children is paramount and we would never put them at risk or in danger from operating the salon in our home.

Having 340 followers on a social media page is no indication of how many customers the Mrs Ferguson has. Social media followers can be friends, colleagues, other hairdressers to name a few. The supportive comments are simply stating that customers can walk to the salon if they live in Hamilton Gardens, which is much more convenient than having to drive into town. The supportive comments are not all from existing customers, they are also from people who know us and are supporting us with this new venture.

Responses to 7th September and 3rd September objections are covered in the above responses.

h





REPORT OF HANDLING

Ref No:	23/01371/APP	Officer:	Shona Strachan
Proposal Description/ Address	Retrospective consent to convert of part of garage to hair salon at 22 Duffus Crescent Elgin Moray IV30 5PY		
Date:	31.10.2023	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	01/09/23	No objection.
Scottish Water		No response at time of report.
Environmental Health Manager	06/09/23	No objection subject to a condition which would require the salon to comply with Health and Safety at work Regulations.
Transportation Manager	05/09/23	No objection based on a time specific condition which would require the existing drive way to be reconfigured and extended to provide 4 car parking spaces.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
National Planning Framework 2023		
NPF26 - Business and industry	Y	
NPF13 - Sustainable transport	N	
NPF14 - Design, quality and place	Y	
Moray Local Development Plan 2020		
PP3 Infrastructure and Services	N	
PP2 Sustainable Economic Growth	Y	
DP1 Development Principles	Y	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: TOTAL = 37: Objections = 5. Comments in support = 32		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Comments in Support of the application centred on the following matters:</p> <ul style="list-style-type: none"> • Supporting businesses from home. • Service provision within the estate which will offer convenience. • High quality design and finish for the conversion. • Applicant encourages customers to walk to the salon. <p>Comments (PO): Comments in support are noted.</p>		
<p>Issue: As a retrospective planning application appropriate planning procedures have not been followed.</p> <p>Comments (PO): Individuals should always seek advice from the Planning Authority prior to undertaking works to ensure that no land use planning breaches occur. In such circumstances "retrospective planning consent" can be sought to seek to regularise any planning breaches as is the case with this application. The purpose of this application is to assess the acceptability of the proposal in planning terms.</p>		
<p>Issue: Works took place to convert the garage without any prior consultation or conversation with surrounding neighbouring properties.</p> <p>Comments (PO): Aside from any required planning application process, there is no obligation for applicants to seek any consultation/conversation with surrounding properties prior to undertaking alterations to their property.</p>		
<p>Issue: The works to convert the garage caused disruption and noise impacts upon surrounding properties for a period of two weeks.</p> <p>Comments (PO): Construction works can cause disruption. However, this would not be a material planning reason to refuse the planning application.</p>		
<p>Issue: The title deeds of the property state that: "No part of any plot, including dwelling house shall be used for the carrying on therein or thereon of any trade, business or profession".</p> <p>Comments (PO): Title deeds are a separate legal matter and not a material planning consideration in the assessment of this planning application.</p>		
<p>Issue: The increased of people to the property will cause an increase in unfamiliar faces frequenting a small area of green open space which is frequently used by neighbourhood kids and provides a positive view within the street.</p> <p>Comment (PO): The small area of green open space is public open space and is in near proximity to the site but does not fall within it and the salon use will not impinge upon the open space area. Use of this area of public open space by the public is a separate matter from the assessment of this planning application.</p>		

Issue: The properties at this location are accessed via a private shared access road. All the property owners who use the access have a financial responsibility towards upkeep and maintenance of the private shared access. The use of this private shared access road by salon users would create an additional burden on the use of this shared access road. In addition, there has been several instances where salon users have blocked the private shared access road causing disruption and obstructing access to the other properties who rely on this access road to get to their properties.

Comments (PO): The use and any associated financial contributions towards the private shared access road is a private legal matter and not a material planning consideration in the assessment of this planning application.

Issue: The requirement from Transportation to add additional parking to the front of the dwelling to accommodate parking for the dwelling and for the salon use within will effectively turn 100% of the land to the front of the property into car parking which contributors believe is in contravention to MLDP 2020 Policy DP1 (ii) b) which states that car parking must not dominate the street scene and must be provided to the side or rear and behind the building line, with a maximum of 50% car parking to be allowed within the front curtilage.

Comments (PO): Based on Moray Council Parking Standards the property requires three parking spaces plus one for the visiting customer. The loss of the garage has resulted in the loss of one of the existing spaces, and the driveway also contains a ramped access which further reduces the presently available parking area. However as part of this proposal the existing driveway is to be reconfigured with the removal of the ramped access and the widening of the driveway to the full width of the property frontage in lock block, thereby providing the required four parking spaces.

This parking arrangement is required to ensure onsite parking can be provided for the dwelling and the salon within the confines of the existing house site. The comments in relation to MLDP 2020 DP1 (ii) b) do not apply in this instance as this policy provision applies across the whole street rather than to individual plots so whilst it is acknowledged the requirement would increase the level of parking provided at the front of the property, as an individual plot within the wider street, it is not considered to significantly alter the parking composition across the whole streetscape.

Issue: The removal of the existing ramped access to achieve the parking requirement, without replacement disabled access would be in contravention to the Equalities Act 2010.

Comment (PO): It is confirmed in the floor plans that a level access will be provided; following internal consultation with Building Standards; it has been confirmed that the specification provided would allow for disabled access provision and that the level access requirements will be checked as part of any Completion Certificate process under Building Regulations.

Issue: The application submission states the salon will only be open 9-3 on 3 days a week, for 3 customers, who will be monitoring these numbers, who is to stop the applicant from booking in more clients or having large group/family bookings. The level of ambiguity this leaves suggests that the salon would be better placed within the town centre where they can contribute to the local economy and not within a local residential area where it will impact on the local residents.

Comments (PO): Whilst it is recognised that the application proposal is for the salon to be operated 3 days a week between 9am and 3pm with a maximum of 3 customers a day.

It is considered that given the creation of a bespoke salon within a private home, it is not possible to practically or effectively enforce any such planning condition which would seek to restrict the operation of the salon to these hours and numbers. In the absence of such a condition the Planning Authority considers that it is not possible to ensure that the salon would only operate within the hours and numbers specified. This is a significant consideration in this case as the use beyond those hours and numbers identified would result in movement from cars having a significant adverse impact

on the character and amenity for surrounding residential properties. With this in mind it is acknowledged that the salon use would be more appropriately suited to a town centre or other commercial neighbourhood shops locality.

Issue: The increase in visitors to the site will be out of keeping with the residential area and will adversely impact upon the character and amenity of the area and will comprise the right to peaceful enjoyment of property and the right to private family life under the Human Rights Act 1998.

Comments (PO): Noted - see comments above.

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 and Site

Retrospective planning consent is sought to convert part of a garage to hair salon at 22 Duffus Crescent Elgin.

The property is a detached dwelling in a modern residential housing development. The garage which has been converted is an integral feature with the salon occupying the front part of the garage. As part of the changes the garage door has been removed and a large double window has been installed internally the salon has been fitted with a single "back wash" for hair washing etc.

The applicant supporting statement advises that the salon will provide the applicant the opportunity to work as a sole operating self-employed hair stylist. The hours of operation are to be 9am-3pm with a maximum of 3 clients per day and a maximum of 3 days per week.

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 salon to be operated 3 days a week, between 9am and 3pm with a maximum of 3 customers a day and these hours and numbers would be commensurate with a part time use. A salon as a class 1 (shop use) is not a typical use ordinarily associated or compatible with residential use. Further, it is considered that given the creation of a bespoke salon within a private home, it is not possible to practically or effectively enforce any such planning condition which would seek to restrict the operation of the 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 traffic movements with associated noise and disturbance which would have a significant adverse impact on the character and residential amenity of the surrounding residential properties.

In the submitted response to the objections received, the applicant believes there to be numerous business that run from home within Elgin. However, every proposal is considered on its own merits and it is noted for example that the businesses quoted may themselves not benefit from any required planning consent.

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

Design Considerations NPF14 and MLDP 2020 DP1

The external alterations associated with the change of use are compatible with the character and appearance of the residential development and in and of themselves do 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 salon.

Access and Parking NPF13 and MLDP 2020 Policy DP1 & PP3

The Transportation Section has advised that: the short section of shared road serving the site is private and is not adopted by the Roads Authority. No objection has been raised to the development subject to a condition which would require the existing driveway to be reconfigured and extended to provide four car parking spaces within six months of the date of the decision notice to allow sufficient parking for the domestic property and the salon within. It is noted the submitted plans show the driveway being reconfigured and lock blocked to provide this parking. Subject to compliance with the conditions(s) identified the proposal would be acceptable under Policies NPF13 and the access and parking requirements of Policy DP1 and PP3.

Recommendation - Refusal

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	N/A	
Local Newspaper	Reason for Advert	Date of expiry

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
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Summary of main issues raised in each statement/assessment/report

Document Name:	Statement in Support of the Application
Main Issues:	The Statement advises that: the converted garage is to be used by the applicant as a salon to provide an opportunity to work as a self-employed hair stylist. The proposed hours of operation are 9am-3pm with a maximum of 3 clients per day and a maximum of 3 days per week. It is confirmed in the statement that the applicant is to be the sole operator of the salon which is suggested means there is to be a maximum of 1 client and 1 car at the property at any one time with clients spaced such that this is adhered to. An extract fan will be fitted to the salon to ensure any odours are extracted with trickle vents on windows for air circulation. Background music would be played within the salon.
Document Name:	Response from Applicants to Objections
Main Issues:	The applicants have provided responses to the objections raised from their perspective.

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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:-

Retrospective consent to convert of part of garage to hair salon at 22 Duffus Crescent Elgin Moray IV30 5PY

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

Date of Notice: **31 October 2023**



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) 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 NPF Policies 16 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
RF/01		Elevations and floor plans
RF/02		Site location plan

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



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 100655606-001

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.

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="Mr"/>	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="Ryann"/>	Building Number:	<input type="text" value="22"/>
Last Name: *	<input type="text" value="Ferguson"/>	Address 1 (Street): *	<input type="text" value="Duffus 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="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 5PY"/>
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="22 DUFFUS 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 5PY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="864046"/>	Easting	<input type="text" value="320636"/>
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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)

Retrospective consent to convert part of garage to hair salon

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 attached

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)

Original plans Decision notice supporting Review information

Application Details

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

23/01371/APP

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

15/08/2023

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

31/10/2023

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)

Review board would benefit from seeing both the salon and the site to see for themselves the small scale nature of this salon and the minimum impact it has on the surrounding area.

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: 19/12/2023



design consultants

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

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

PLANNING REVIEW STATEMENT

PROJECT :- RETROSPECTIVE CONSENT TO CONVERT PART OF GARAGE TO HAIR SALON AT 22 DUFFUS CRESCENT ELGIN MORAY IV30 1PY.

PROJECT NUMBER 23-52

This was a retrospective application to convert part of a domestic garage to a small hair salon providing a work space of 3.0 x 2.57m which is a total of 7.71 sq.m. This space will only allow a working facility for the applicant and one client at any given time. This is a facility to benefit a mother of ■ children, to give her an opportunity to earn an income during a tiny window of time between nursery, school and after school activities. It also benefits many elderly residents who have become clients over the months who do not have to take cars into town to get their hair done. They can walk to this salon. This in itself should be encouraged at a time when we are all being told to be more friendly to the planet. We will go on to explain in more detail as to why and how this low key vital business will not impact on the amenity or Human Rights of any surrounding proprietors.

The application was made by a friend of the applicant who believed that planning permission was not required and that only a building warrant was necessary. The very fact that this was applied for and approved demonstrates that the applicant was not trying to hide anything from the neighbours. Many garages are converted and do not require any planning consent but in this instance a change of use was involved which has led to the retrospective application being made.



REASONS FOR REFUSAL.

You will see from the refusal notice dated 31st October 2023 that Moray Council have cited the reason for refusal as Policy NPF 16b. This in fact refers to Development Proposals within Local Development plans and bears no significance to this proposal. Moray Council should have assessed this application on policy 26b and not 16b.

Policy 14 in the NPF document actually states that there are 6 qualities of successful places. **“Supporting well connected networks that make moving around easy and reduce car dependency”** It goes on to say that **“supporting the efficient use of resources that will allow people to live, play, WORK and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions”**.

MLDP 2020 Policy DP1 requires that the scale, density and character of the 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 PRIVACY**. It is a well known fact that many of these new housing developments, not just in Elgin by Moray wide have seen many garages converted over the last 5 years with more and more people working from home after Covid pandemic. This in itself takes many cars off the road helping to reduce our carbon footprint. Almost every garage conversion sees a window/door arrangement installed to replace the garage door which all appears to blend in sympathetically with their surroundings. So the actual work which has been carried out has not been detrimental to the existing character or amenity of the area. The window looks out on to the street as does everyone else's windows therefore there is no privacy impingement nor is there any change to the light afforded to all surrounding properties. The Council agree that the



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installation of the window is acceptable under policies NPF14 and MLDP 2020 DP1

CONCLUSIONS.

It is perhaps stretching a point to put this 7.71 sq.m. space in the same category as a Class 1 (shop use) when only dealing with a maximum of 9 clients a week albeit within daylight hours whilst the applicants children are at school or nursery. Current clientele are predominantly locals, most of whom are elderly who benefit greatly from the service the applicant provides. They do not have to drive into Elgin town centre, fret about a parking space nor have to walk further to a town centre salon than they do from their homes to the salon in question. The environment wins and so do the elderly who rely on what the applicant provides.

At a time of economic turmoil, how can an individual who has to work around [REDACTED] children's activities, possibly hope to start a business in the town working 3 hours a day for 3 days of the week. The economics simply do not stack up. You have to begin as an acorn before you become an oak tree and this is the applicant's acorn. She has to be flexible both in terms of her childrens school activities and their health as one of the children suffers from allergies and asthma so she has to be available at a drop of a hat to pick the child up.

With regards to vehicle movements, we are certain that there will be more Amazon van deliveries to this address in a week that there will be clients arriving with their car. It is a facility frequented by locals who are all happy to walk to have their hair done.



REGULATING.

The concerns around how one could control the numbers of clients is a concern which is accepted. No one these days would simply accept the word of an applicant that all she would take on in a day is 3 clients only or 9 in a week.

The applicant makes all the appointments electronically and a diary is kept.

Her finances would detail the payments and over a period of time it would be easy to ascertain how many clients visit per day/week.

Any consent could be restricted to 3 years and re-applied for again after this time. If there were issues then any consent could be looked at afresh.

A Section 75 agreement could be entered into restricting the number of bookings that could be made per week.

Or the word of the applicant that she is a low key, but important contributor to the neighbourhood could be considered and avoiding people having to take cars, including herself to go to work may just allow her to make a simple living from home whilst improving the environment.

There are options available to control this proposal which would protect the surrounding neighbours and also allow the applicant to service elderly people's needs who also live locally.

Finally. NPF policy 14 states under the heading of ADAPTABLE. "supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.



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

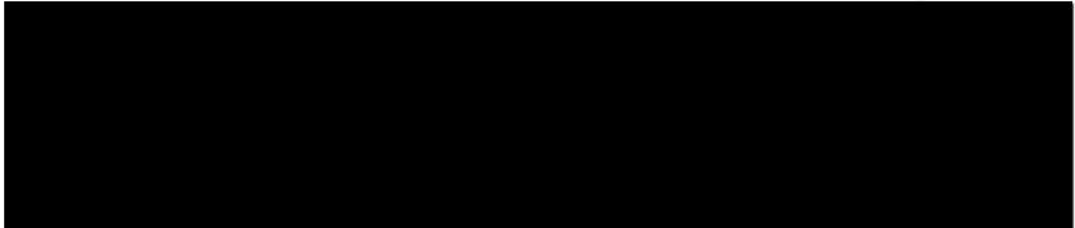
The applicant has put together her own response to specific objections but there have been 32 local people who have supported this application. There has been no evidence to demonstrate the increase of vehicle movements since the salon started business only supposition. In a democracy 32 ayes to 5 nos would be a positive and we accept that policies are there to protect Moray. But what are we protecting here.? It is a well known fact that there are at least 49 other businesses locally (some class 1) operating. A refusal will make many residents worried that what is providing a living for them at present by working out of their homes could come to an end if identified by Moray Council as requiring planning permission.

We respectfully ask that you overturn the planning departments refusal of this application as it does in our opinion comply with the policies the planning department stated for their reason to refuse this low key development.

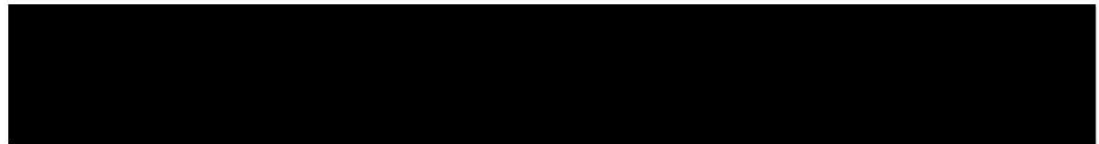


Objections from 10th September

1. No visitors to 22 Duffus Crescent have any interest in invading the privacy of the neighbours to the property. The development is a large housing development with residents, visitors, trades people, delivery persons etc always driving and walking around. Mrs Ferguson's clients are long established and well known to her with the sole intention of attending their hair appointment.



2. Any construction works at a property causes temporary disruption and inconvenience to the neighbours and we consciously made attempts to be considerate to our neighbours by ensuring the tradesmen were able to park within the driveway of 22 Duffus Crescent. We parked our own car at a neighbour's house, who offered the use of their drive whilst they were on holiday. The use of the private access road was always clear and never blocked. The tradesmen were not on site for a full 2 weeks, they completed the works timeously ensuring that they were considerate to the neighbours by sticking to hours between 8am and 4pm.



3. In order to alleviate any onward issues with parking at the property, we already have plans and permission for provision of 4 carparking spaces in our driveway. We have taken this decision to accommodate our own family vehicle, work van and then to have adequate space for a visiting vehicle.

Most houses in current times have at least 2 vehicles to any family home. In addition, some families have more than this, if older children who live at home also have their own car.

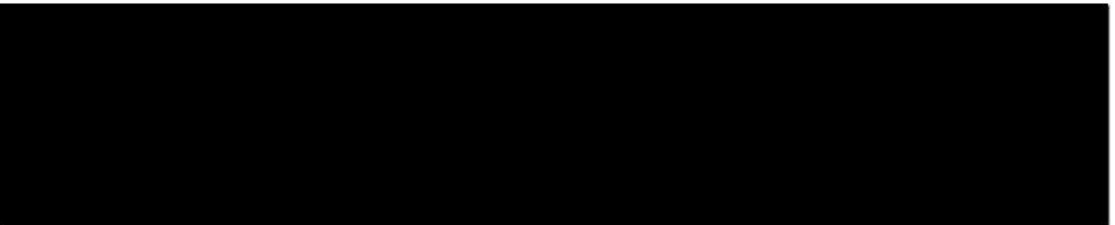
22 Duffus Crescent already consists of only driveway at the front of the property, there is no grassed area or flowerbed. The driveway is just going to be reconfigured to allow for 4 spaces, of which disabled access will remain, giving no value to the comment regarding violation of the Equity Act 2010.

4. The increased footfall and car usage on the access road and path will in no way incur any financial loss to any of the neighbours. Having 1-3 clients a day for 3 days a week is no different to a normal family home receiving visitors albeit friends, relatives, postal deliveries, milk deliveries, cleaner, gardeners and other service providers.

Each of the 5 proprietors has a right of access to their own property and for anyone visiting their home, there is no reference to the maintenance obligation as to how many visitors are permitted per home per day. If this was the case, all visitors regardless of nature, would have to be restricted to each household responsible for the maintenance, which is wholly unrealistic.

Given we have only lived at 22 Duffus Crescent for a year, we are already 10 years plus behind any usage of the road that the other 4 properties have enjoyed. As far as we are aware there has been no requirement for any upkeep or maintenance of the access road and pathway since construction. The access road is of the same road surface material as the main roads through the development, which are all used on a daily basis for a much higher volume of traffic than the access road and therefore we do not anticipate the extra visitors to our property to affect the condition of the road.

Regarding the running of a business from 22 Duffus Crescent, prior to deciding to proceed with the salon, we were already aware of numerous businesses that run from the home of the proprietors in this development, namely:- a taxi firm, accountant, dog grooming, Air B & B's, beauticians, car cleaning, music teacher, Executive travel, crafters, driving instructor, jeweller. There are also many proprietors who sell personal items on local selling sites which results in strangers visiting the homes to collect such items.



As far as we are aware the only enforceability of this title burden is that of neighbours who can prove the nature of the business has caused detriment to the value or enjoyment of their property. To prove this, a property surveyor would require to value the neighbours' properties and advise whether the salon at number 22 Duffus Crescent has resulted in a devalue of their properties. If anything, we would consider the addition of the extra room at 22 Duffus Crescent to increase the value of the surrounding properties, as if 22 Duffus Crescent was to be marketed for sale, the extra room could be converted to a study/office/snug/playroom and this would likely be valued higher than it would without the additional room, thus increasing the average house price on the street.

As far as the salon causing the neighbours detriment to the enjoyment of their property, Mrs Ferguson's intended working hours are during school hours, 9am – 3pm when most neighbours are out themselves at work and therefore unaware of anyone attending at 22 Duffus Crescent. Receiving clients to the property for their hair appointments is no different to us having a friend or relative visit and therefore could not be proved to have caused the neighbours any detriment to being able to enjoy their own properties.

5. There is no loss of daylight to the neighbours, given the alterations are internal and no external changes have been made to the property, other than the installation of a window,

[REDACTED]
[REDACTED] As mentioned above, the level of activity in minimal and no different to having a friend, relative or neighbour visit at 22 Duffus Crescent.

6. Mrs Ferguson works alone at the salon is only able to accommodate one client at any one time. She will be working within school hours around her young family, the youngest of which is only 2, so will be unable to increase her working hours or availability due to her family commitments.

The costs associated with running a small business and renting a premises for use during the restricted part time hours Mrs Ferguson can commit to means it is not viable to rent a premises or be part of an existing salon. Having the salon at home means that she can walk her children to school which is better for the environment and reduces fuel costs of taking the car to a premises away from our home.

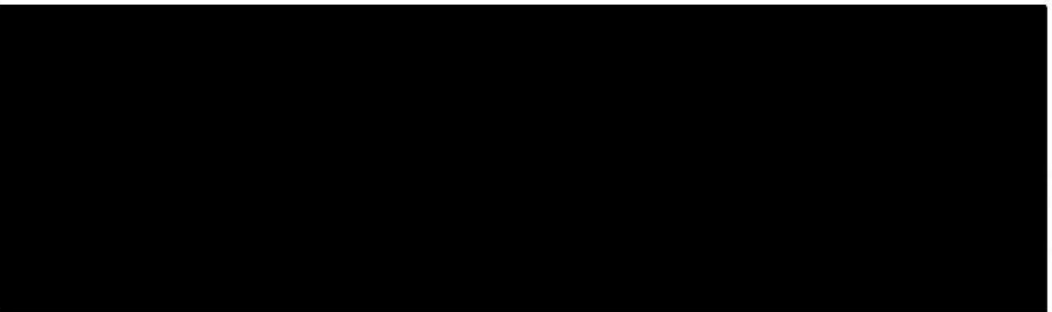
Mr Ferguson works long hours, so Mrs Ferguson is the primary carer of our 3 young children. The children participate in a number of after school activities and are part of sport clubs which takes up Mrs Ferguson's time after school and at weekends. There is no scope for her availability to increase, given the commitments of the children.

Mrs Ferguson walks her children to and from school and is seen every day by her neighbours before and after school, so they are fully aware that she is not in the salon working after 3pm.

Responses to objection dated 8th September

1. We applied for a Building Warrant for change of use and the drawing technician we used advised us that we would not require planning permission.

The builder we had consulted to carry out the works at our property had a last minute cancellation and we were given the opportunity to proceed with the alterations and had to make a quick decision to proceed.



We have now taken steps to rectify the lack of Planning Permission by applying for Retrospective Planning Consent.

As noted in the earlier responses, the construction works may have caused the immediate neighbours slight inconvenience, but as already mentioned, any building works at a property will create noise and disruption, but this was kept to a minimum and is now completed, so has no ongoing impact to the neighbouring properties as a result of the salon now being complete.

2. Response as noted above at point 4 regarding properties being used for business use.

3. Response as noted above at points 3 and 4 – [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mrs Ferguson specifically messaged her clients to request that they approach our property via the road which passes number [REDACTED] and leave this way also to restrict any inconvenience to the neighbours at number [REDACTED], as the neighbour at number [REDACTED] have no concerns regarding the salon or the clients passing their property. (add photo)

4. What evidence is there to prove the hours that Mrs Ferguson has been working? Mrs Ferguson has kept her appointment book completely up to date with all clients times and dates of appointments and with the backup of the ring doorbell camera, can prove the times clients have attended at the property.

The screenshot of the opening times has been taken from a social media page. The 'Always open' reference refers to the social media page and not the physical salon business. Mrs Ferguson's social media page can receive messages at any time, but the salon is clearly not open 24/7. Having [REDACTED] children, Mrs Ferguson does not attend to clients in the salon in the evenings. Assumptions have been made due to the lights being on in the salon during the evening, but we are at liberty to have lights on in any room in our home without justification to our neighbours.

As noted above, the amount of clients attending at the salon are no different to friends or relatives visiting our family and by no means causes danger to the children playing outside, given the times of opening are during school hours, when children are not out playing and also given our own children play on the green area mentioned, the safety of our own children is paramount and we would never put them at risk or in danger from operating the salon in our home.

Having 340 followers on a social media page is no indication of how many customers the Mrs Ferguson has. Social media followers can be friends, colleagues, other hairdressers to name a few. The supportive comments are simply stating that customers can walk to the salon if they live in Hamilton Gardens, which is much more convenient than having to drive into town. The supportive comments are not all from existing customers, they are also from people who know us and are supporting us with this new venture.

Responses to 7th September and 3rd September objections are covered in the above responses.

PROPOSED PARTIAL GARAGE CONVERSION
FOR MR & MRS FERGUSON AT
22 DUFFUS CRESCENT, ELGIN, IV30 5PY

23/01371/APP

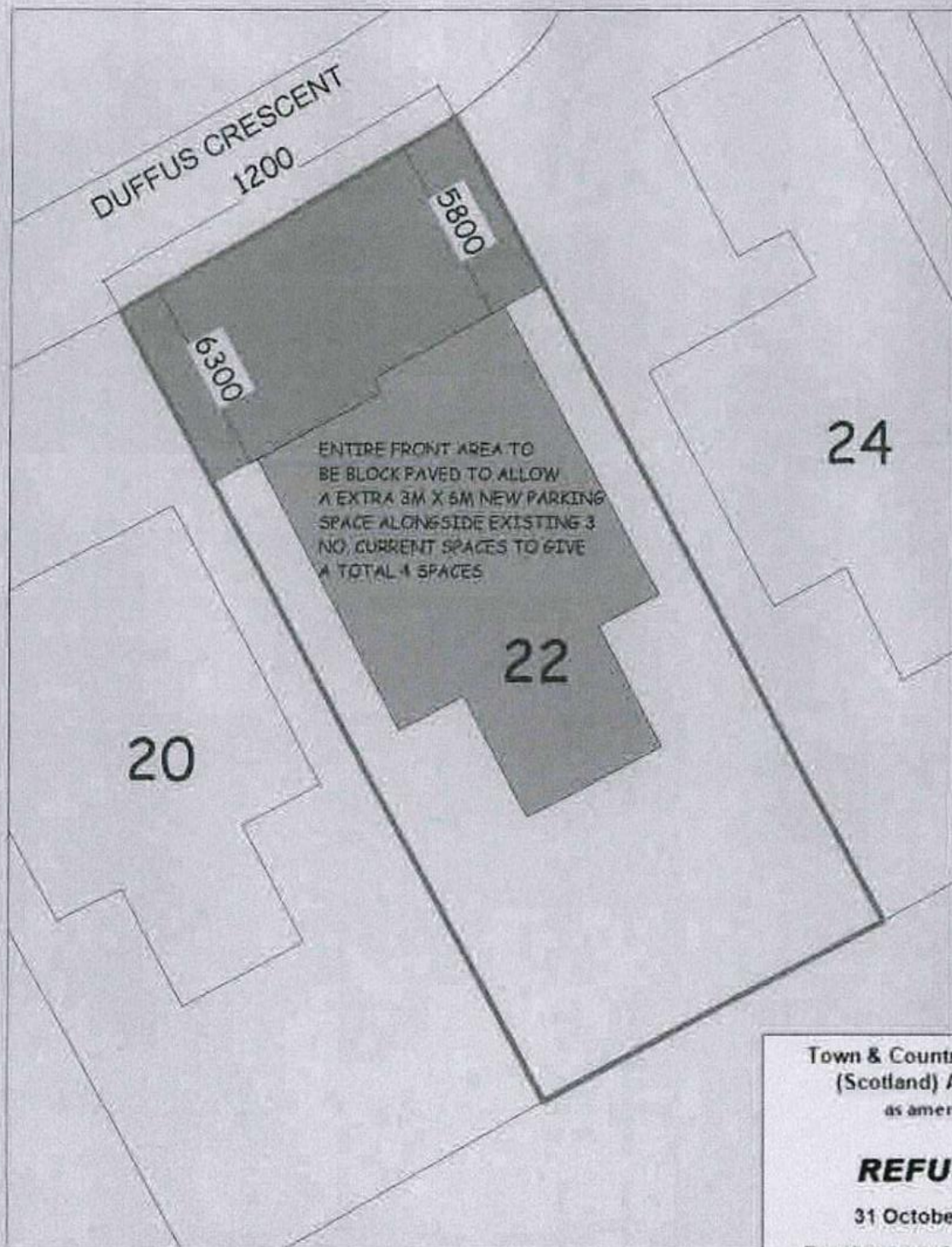
SITE PLAN

DATE - AUGUST 2023

DRAWING NO. RF/02

REVISION - 0

7 5 AUG 2023



SITE PLAN - 1:200

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

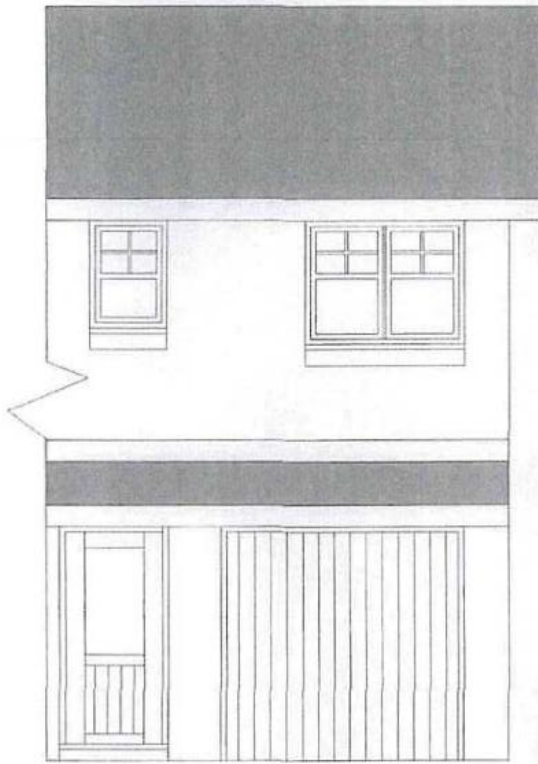
REFUSED

31 October 2023

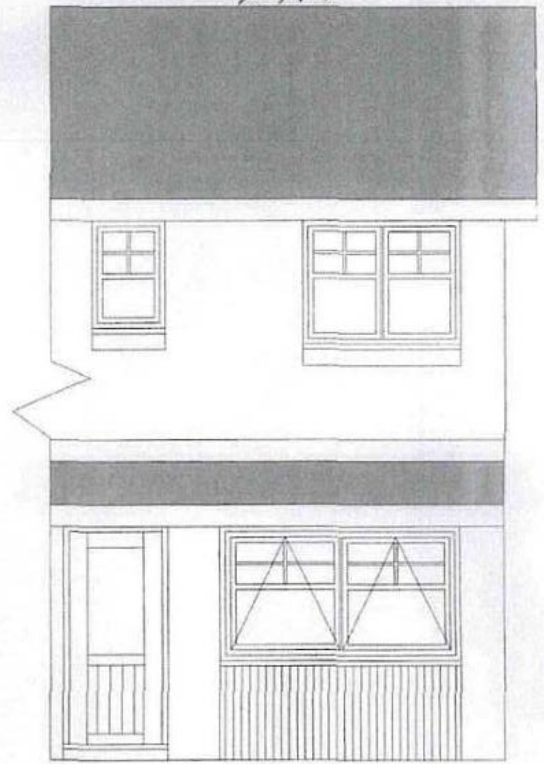
Development Management
Environmental Services
The Moray Council

23/01371/APP

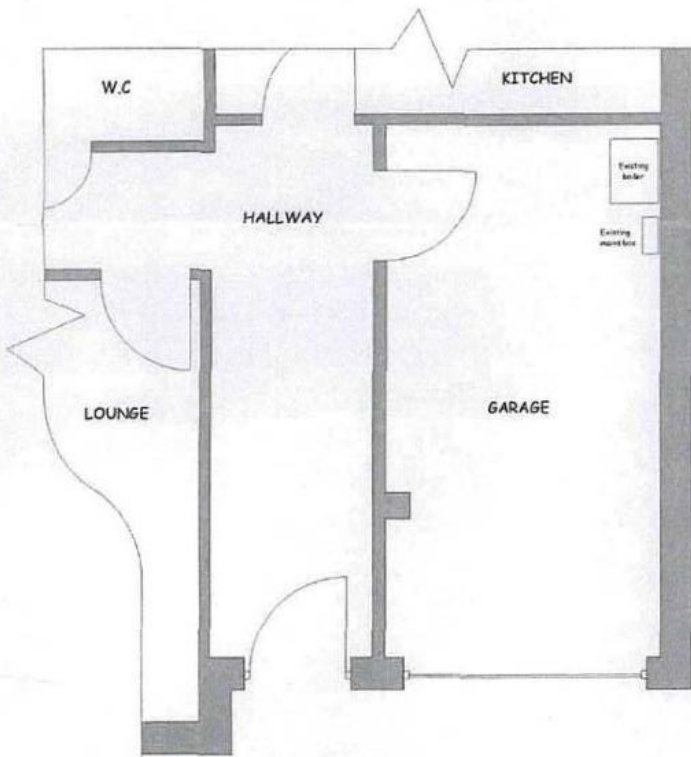
7 5 AUG 2023



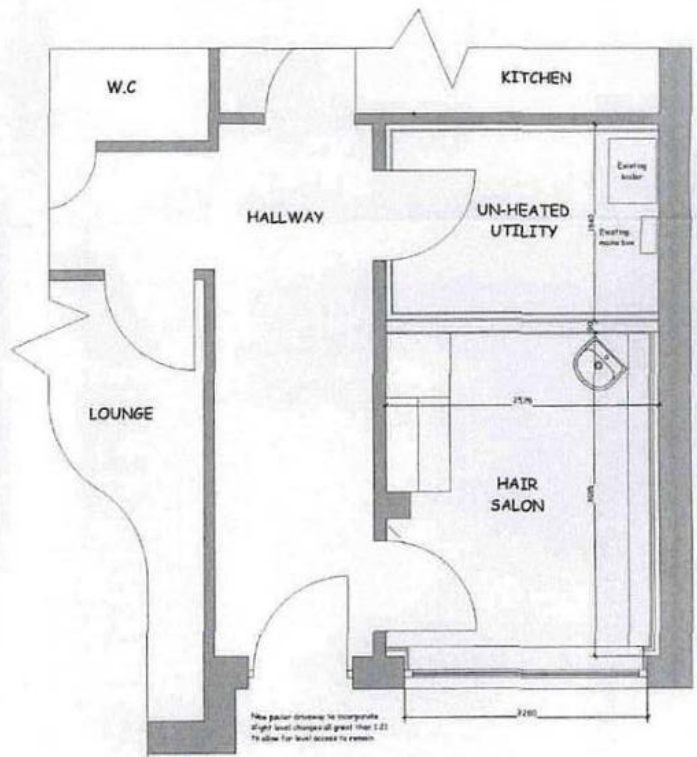
EXISTING ELEVATION - 1:50



EXISTING ELEVATION - 1:50



EXISTING FLOORPLAN - 1:50



PROPOSED FLOORPLAN - 1:50

PROPOSED PARTIAL GARAGE CONVERSION
FOR MR & MRS FERGUSON AT
22 DUFFUS CRESCENT, ELGIN, IV30 5PY
FLOOR PLANS & ELEVATIONS
DATE - AUGUST 2023
DRAWING NO. RF/01
REVISION - 0

DRAWINGS TO BE READ IN CONJUNCTION
WITH SPECIFICATION NOTES

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

REFUSED

31 October 2023

Development Management
Environmental Services
The Moray Council



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the six qualities of successful places. LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- 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.



**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:-

Retrospective consent to convert of part of garage to hair salon at 22 Duffus Crescent Elgin Moray IV30 5PY

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

Date of Notice: **31 October 2023**



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) 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 NPF Policies 16 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
RF/01		Elevations and floor plans
RF/02		Site location plan

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 17 January 2024 18:17
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Hi there,

I wish to add to my support of the conversion of the garage to hair salon at 22 Duffus Crescent. Since its conversion, I have not noticed a sudden influx of extra people on foot or in cars around the area. Although we live further down the street, I walk past 22 Duffus Crescent up to six times a day, mainly between 8.30 and 3.30. I have not seen any issues with extra cars or parking outside or near to 22 Duffus Crescent on any occasion. I have not met lots of people taking over the pavements near by. Most times I walk past, the house and salon look quiet and there is no one else around, just as it was before the conversion.

Many thanks,
[REDACTED]

On Tue, Jan 16, 2024 at 10:54 AM Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)
01343 563015 or 07765 741754

MORAY
council

Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 17 January 2024 20:24
To: Lissa Rowan
Subject: Support for Planning Application 23/01371/APP

Hi Lissa,

I would like to express my support for the planning application 23/01371/APP.

The reason I would like to support the application is that since the applicant has opened her salon it has allowed me to go to have my hair done for the first time in years. This is due to the affordable prices, the fact that I can go within school hours when my children are at school and nursery and also that it is within walking distance from my house which means I don't have to travel far.

I was a hairdresser myself for many years but had to give up work when I had children as I simply could not afford the rates to rent a premises in town.

I think that it is fantastic that the applicant has opened this salon within her home which allows her to work within school hours. It would be a shame if the application was rejected as it would take away ability to work.

Thank you.

Kind regards,

[REDACTED]

Sent from my iPhone

Lissa Rowan

From: [REDACTED]
Sent: 17 January 2024 21:21
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/APP
Attachments: image003.png

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.

Dear Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2013 [‘the Regulations’]

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

Further to the previous support submission in connection with the above, I would have the following points to add:-

Given that the salon has been operating for a period of approximately 6 months, there is now evidence that it is not posing any adverse issues to the neighbours or other proprietors on Duffus Crescent.

I pass the property on a daily basis to get to and from my own home and rarely see another vehicle in the drive other than the Fergusons’ own family car.

I believe that it has definitely been proven that the salon has not had any negative impact and you would actually not even realise the salon was there if you did not know it was. From the outside of the property, it looks just like any other home that has converted the garage to a room.

Mrs Ferguson is a mother to 3 primary/nursery aged children and can only work during the school/nursery hours. She should be supported in being able to run the salon at her home to fit in with a very busy home life with the children. I know from my own experience that trying to work and support a family is difficult enough at the best of times.

The original concerns of extra footfall, vehicular traffic, road obstruction, parking issues and privacy of neighbours can surely now all be negated, given none of these have been an issue.

Commercial rates to rent a salon space or even rent a chair in an existing salon are too high for someone who has limited hours to work. Having the salon at home gives Mrs Ferguson the opportunity to be able to work and make the best use of the child free time she does have.

There are numerous other businesses that run from homes in Hamilton Gardens and a small, discreet salon is an asset to the community.

I am not a client of Mrs Fergusons and have no personal interest in her running the salon from home, other than to support one of the kindest people I know.

I would hope that the decision be seriously reconsidered with the lives of the whole Ferguson family taken into account, as Mrs Ferguson is simply trying to work in the only way possible to support and provide for her lovely family.

Yours faithfully

██████████

On Tue, 16 Jan 2024, 10:54 Lissa Rowan, <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754



Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 18 January 2024 20:27
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Hello Lissa.

Thank you so much for the email. I would like to add that we have not noticed any disturbance in the area due to this business. There are no changes have been noticed to livelihood. We haven't noticed any issues with large amount of people or cars in area in the last 6 months. There has been no issue with parking or traffic within the area or our street.

We fully support Rebecca with this business. For me and my family it's an advantage to have the business so close by.

We wish Rebecca all the very best for her business.

Kind regards

[REDACTED]

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Sent: 16 January 2024 10:54
Subject: Notice of Review: Planning Application 23/01371/APP

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)
01343 563015 or 07765 741754



Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 18 January 2024 20:34
To: Lissa Rowan
Subject: RE: Notice of Review: Planning Application 23/01371/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.

Good evening,

I would like to put forward the following comments in support of the application above. As a neighbour I was previously in favour of the application and I still strongly support the application.

Mrs Fergusson has been extremely considerate of other neighbours and in deed I would not know that she is operating a hair salon from her garage There certainly has been no increase in traffic or has there been any congestion or problems in parking in the street. In fact I have a new neighbor who has more cars parked every day outside their property than I have ever seen with Mrs Fergusson. I actually would not know when she is working as it is still very quiet and I have not seen large groups of people frequent the property

There are quite a few of us who live on the estate who use her for our hairdressing services – it is indeed a very beneficial addition to our estate and obviously very good for carbon footprint as I can walk and I am not having to use my car, it is also very safe for my children to use her to get their hair cut. I think more people should be given the opportunity to operate from home especially as this has been done in keeping to high standards of our estate and very tastefully done in keeping with the other properties in the estate

Thank you

[REDACTED]

Sent from [Mail](#) for Windows

From: [Lissa Rowan](#)
Sent: 16 January 2024 10:54
Subject: Notice of Review: Planning Application 23/01371/APP

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754



Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 19 January 2024 10:57
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Dear Lissa,

Thank you for your email and attachment.

I would like to further add to my support for this application as I feel strongly that having a small local hair salon is definitely a net benefit to the community - in fact, I don't really see any real disadvantages. I struggle to see how something being run on such a small scale for relatively short period of times could be of any more inconvenience to those living in the area than say, people having a friend/relative round to visit; having delivery drivers drop off parcels; or a window cleaner doing his rounds.

I see the applicant at school pick ups/drop offs as well as at various afterschool kids' activities and hobbies. Therefore, I do not believe she would have any or many opportunities to be able to operate outwith school hours. The nature of the business is not one where you would have a queue of people waiting outside or cars coming and going every 5minutes. It is also likely that a lot of clients will walk to the salon given its convenient location.

It is extremely difficult to find premises to rent for only a few hours - you quite often need to commit to full days (as I know from my wife's experience), this would be inefficient and would not make it worth the applicant's time. There are so many difficulties for households with two working patents and there should be more done to help and encourage people (especially mothers) to get back to work. As my wife and I are also working parents, we can understand the need for the convenience and flexibility of being able to essentially work from home. A huge number of people are lucky enough to be able to do so and given the very quiet, limited and non-intrusive nature of the applicant's business, I don't see why this shouldn't be an option for her.

Kind Regards,
[REDACTED]

On 16 Jan 2024, at 10:54, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy
and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754

<image003.png>

Please note, my working pattern is Monday-Thursday

<LR299 - Ltr to IPs NoR Not.pdf>

Lissa Rowan

From: [REDACTED]
Sent: 20 January 2024 17:24
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Hi I am so very pleased to see this being reviewed. [REDACTED]
[REDACTED]. The family are a lovely, kind and respectful family with 3 children who are very well thought of in this estate. Ryan is a very good trustworthy respectable electrician and Rebecca an incredible talented hair dresser who just wants to work whilst not having to worry about her job effecting the kids.

I and many others would very much like the salon to go ahead being we live close by and would prefer giving that the hours open are during school time hours. Not everyone drives and the bus service isn't the best up this way anyway so even better for those who lived close by [REDACTED] who would benefit from the short distance to Rebecca's salon. Not to mention the ever growing populating houses being built round here would also benefit. Please see that this is beneficial for this area [REDACTED]

Regards

On 16 Jan 2024, at 10:55, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Thursday



Lissa Rowan

From: [REDACTED]
Sent: 22 January 2024 19:00
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Dear Lissa,

Many thanks for you email regarding the Notice of Review: Planning Application 23/01371/APP.

Please see below a further representation in support of Mrs Ferguson's planning application.

Since Mrs Ferguson has opened her business operating from no.22 there has been no increase in pedestrian footfall, vehicle numbers, or traffic noise in Duffus Crescent. Indeed, if one did not already know that Mrs Ferguson had a salon you would be unaware of it. I work from home in Duffus Crescent so I am home all day with a street-side office and would certainly notice any increases in traffic or noise. Furthermore, I regularly walk past no.22 with my dog, and there has been no increase in the number of street parked vehicles, or vehicles blocking access ways. Mrs Ferguson is a busy mother who has decided to spend a couple of hours a day providing a hair dressing service for those in a similar situation on the development, and also to help support her family, to provide this service anywhere other than her home would not be feasible for her, and would remove a convenient service from those who rely on services being local.

As a neighbour, I fully support Mrs Ferguson, her business provides a vital service to those unable to go elsewhere, services such as Mrs Ferguson's not only keep businesses local, they also unite the community.

Best Regards.

[REDACTED]

[REDACTED]

On Tuesday, 16 January 2024 at 10:54:43 GMT, Lissa Rowan <lissa.rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)
01343 563015 or 07765 741754



Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 22 January 2024 19:14
To: Lissa Rowan
Subject: Your ref : LR/LR299

Good Evening,

I have received notification of a review of the above reference.

I would just like to say that I live round the corner from Mrs Fergusson and fully support the salon, I walk regularly round Hamilton gardens and have not once seen any changes in traffic or any more people around than normal. I find the convenience of the salon is excellent, saves having to go into town, I feel as a community we should support anyone trying to run a business and provide for their families. Mrs Ferguson is a very well thought of member of the community and is very considerate of anyone around her.

Kind regards

[REDACTED]

[Sent from the all-new AOL app for iOS](#)

Lissa Rowan

From: [REDACTED]
Sent: 23 January 2024 19:14
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Dear Lisa

I am writing again to support this very small business [REDACTED]. I am able to arrive at appointments within four minutes with my electric bike which is extremely accommodating to me to be able to come before my school pick up. I am aware that most of [REDACTED] clients live within Hamilton gardens and Bishopmill area due to them knowing the family a number of years they are all a support to the family [REDACTED] in which other possible position is [REDACTED] able to work such short hours in which are not a tie. Due to keeping the prices down not being in town or with high rates to pay I'm able to afford hair appointments regularly. This accommodating salon suites so many with additional needs due to its quiet and calm atmosphere. The family are committed to other activities out within school and nursery hours which gives no other flexibility for working out within them. this is such a useful business to many in the area and has no impact on anyone. The family are only trying to do the very best for themselves and their family. [REDACTED] both running businesses and juggling life they are a hard working family and showing their children a great purpose in life with such great work ethics.

On 16 Jan 2024, at 10:54, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754

<image003.png>

Please note, my working pattern is Monday-Thursday

<LR299 - Ltr to IPs NoR Not.pdf>

Lissa Rowan

From: [REDACTED]
Sent: 24 January 2024 07:19
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Good morning,

I want to support this planning application request and wanted to highlight certain important points.

First of all, it is very discreet and no one would have any idea that it is a salon.

Secondly, there is no increase in traffic, nor any extra cars parking on the road due to Rebecca being exceptionally considerate and using her driveway for anyone to park so you would not know if friends, family or clients are visiting nor would anyone care as not effecting anyone else.

Lastly, it is hard for us mums to work hours around the school day. Only possible to work 4.5 hours due to drop off/pickup/lunch, however working from home allows more flexibility meaning more money for the family to live off. We should be supporting these small businesses not hindering, and supporting people to work a decent amount of hours to help with the economy.

Kind regards

[REDACTED]
[REDACTED]

Sent from [Outlook for iOS](#)

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Sent: Tuesday, January 16, 2024 10:59:46 AM
Subject: Notice of Review: Planning Application 23/01371/APP

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754



Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 28 January 2024 07:50
To: Lissa Rowan
Subject: Application Ref- 23/01371/APP

Application Ref- 23/01371/APP

Dear Lissa ,

Myself and my family live [REDACTED] to the applicants on the end of the access road. Due to me working part time from home I have had no disturbance in any way from the salon being next door. For the last 6 months we have no difference or change and they been very accommodating asking clients to walk around the own pathway. Whilst working I have noticed anyone passing. We barely ever see any cars there and when they do have a visitor they always use their driveway. We have never had an issue with parked cars on the access road or street from the Ferguson's. [REDACTED]

[REDACTED]

[REDACTED]

The salon is very well done and this is a huge benefit to us as a family I can go on my day off for appointments while my children are at school. My husband works shifts and can use the salon whilst home in the day also. During school holidays I can send my children in one at a time whilst staying home with the others and I can continue to work. This is extremely rare and a fantastic experience for us.

[REDACTED] we fully support Mrs Ferguson working from home and see how busy their family are on a day to day basis, the same as we are. I am aware of many residents in Hamilton gardens who also support it as it is so useful to us. We are also very aware of how many businesses in which run from here and they have not been issued with any problems all fully supported by the community. Some of these 48 other businesses here have continuous clients on a much larger scale, it is very unfair that the Ferguson's have been targeted for this very small business. Mrs Ferguson has such a limited time to work which I understand myself and just wants to get on with juggling her children. I really hope you are able to overturn the decision on this small business and approve.

[REDACTED]

[REDACTED]

[REDACTED]

Lissa Rowan

From: [REDACTED]
Sent: 28 January 2024 19:34
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Good evening,

I would like to add to my previous email please, stating why Mrs Ferguson should be allowed to keep her salon in Duffus Crescent, Elgin.

I myself live on Duffus Crescent and am extremely happy that I can walk to my hairdresser. There have been no issues with parking on the estate as far as I am aware of. I have never seen or heard of any issues of this. This is just a mum of young children looking to do what she loves in her own home. Please consider letting Mrs Ferguson keep her beautiful salon. It's not hurting anyone.

Kind regards

[REDACTED]

Sent from my iPhone

On 16 Jan 2024, at 10:54, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754

<image003.png>

Please note, my working pattern is Monday-Thursday

<LR299 - Ltr to IPs NoR Not.pdf>

Lissa Rowan

From: [REDACTED]
Sent: 29 January 2024 21:24
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Good evening,

I write regarding the retrospective planning permission Of 22 Duffus Crescent.

Further to my first comments I would like to add that since then I have not noticed any extra traffic in the area. I visit a friend regularly on Duffus crescent and drive past most days to my home on the estate and at no point has the drive or road looked busy or overcrowded outside number 22. The transformation of the garage looks pleasing to the eye and has been done to a high standard and looks In keeping with other houses on the street with wood cladding.

Having visited the salon with my daughter, it is very clear that the small salon would not be able to expand and have more than the number of clients Mrs Ferguson stated in her plans which I believe is the concern of some.

I have also visited the salon and at no point have i felt the need to observe the houses surrounding it, which again, i believe is the concern of some.

I also have to say that my daughter gets anxious with visiting salons but this homely experience allowed her to feel comfortable and calm.

With additional support needs on the rise throughout the country, I feel it is important to have more options and this salon feels calming for parents and children alike.

I fully support this business and I would find it a huge shame that The Ferguson's should be disadvantaged due to a very small minority, especially when there are several other businesses on the estate who have had no objections [REDACTED]. Until a recent house sale, the house across from The Ferguson's [REDACTED] had a dog grooming business running in the back garden. [REDACTED]

I really do hope that this hard working family are left to enjoy their property and Mrs Ferguson continues to be able to work from home. They are an asset to the estate and their work ethic and juggling of parenting are to be admired.

Kind regards,

[REDACTED]

Sent from [Outlook for Android](#)

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Sent: Tuesday, January 16, 2024 10:54:41 AM
Subject: Notice of Review: Planning Application 23/01371/APP

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754



Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 29 January 2024 21:36
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Good evening

In addition to my previous comments with regards being in favour of Mrs feegussons hair salon I had mentioned I felt the salon is very safe for my children to get their hair cut. My teenager has autism and can be over whelmed by busy and noisy environments . The fact that Mrs Ferguson has only the capacity to have one client at a time makes my daughter feel very comfortable and safe as it is a nice and quiet space for her and easy access to home .

Thank you

[REDACTED]
Sent from my iPhone

[REDACTED]

Good evening,

I would like to put forward the following comments in support of the application above. As a neighbour I was previously in favour of the application and I still strongly support the application. Mrs Ferguson has been extremely considerate of other neighbours and in deed I would not know that she is operating a hair salon from her garage There certainly has been no increase in traffic or has there been any congestion or problems in parking in the street. [REDACTED]

[REDACTED] I actually would not know when she is working as it is still very quiet and I have not seen large groups of people frequent the property

There are quite a few of us who live on the estate who use her for our hairdressing services – it is indeed a very beneficial addition to our estate and obviously very good for carbon footprint as I can walk and I am not having to use my car, it is also very safe for my children to use her to get their hair cut. I think more people should be given the opportunity to operate from home especially as this has been done in keeping to high standards of our estate and very tastefully done in keeping with the other properties in the estate

Thank you

[REDACTED]

Sent from [Mail](#) for Windows

From: [Lissa Rowan](#)
Sent: 16 January 2024 10:54
Subject: Notice of Review: Planning Application 23/01371/APP

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy
and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754

<image003.png>

Please note, my working pattern is Monday-Thursday

Lissa Rowan

From: [REDACTED]
Sent: 26 January 2024 15:36
To: Lissa Rowan
Subject: Ref: LR/LR 299 - 22 Duffus Crescent

Good afternoon,

I received a letter about the above property and the small business that trades from the converted garage.

I have not noticed any increase in traffic in the area due to Mrs Fergusons small business starting. If the business was bigger, I would expect there to be a dramatic increase in car's parked on the side of the road and a constant disturbance due to people constantly coming back and too, but this is far from the case. I haven't noticed any change.

I don't believe that the size of the business would interrupt any neighbours as there is only a few people arriving throughout the day. I would compare this to my friend coming round for a coffee or a Tesco delivery.

On another note, I think it's great that a young individual is looking to start a small business in the area considering the recent economic turmoil with general cost increases/interest rate rises etc. Why would anybody wish to put a stop to it as it will bring a benefit to the local community.

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

They say they have experienced deliberate obstruction of the access road from neighbours, making it near impossible for them to access their drive. We have lived here happily for 8 years, with absolutely zero instances of parking issues from any of the occupants of the 5 owners of the access road. It is not a main road, which the applicants are used to, it is only wide enough for one vehicle. Visitors to our house park in front of our drive, and it does block the access road. We are located in the middle, with two houses either side of us, so if we have a visitor parked in front of our house, the other residents STILL have access to one of the two entrance/exit points. We ensure that enough space is left available for the applicant to be able to manoeuvre their vehicle and use the entrance they are immediately next to. Pictures taken and submitted by the applicant clearly demonstrate this. Our visitors have parked this way for 8 years, and it has not caused any issues whatsoever with previous neighbours. There is no delicate way to say it, but this is a non-existent issue, and they seem determined to make their life difficult while attempting to make it into an issue. They park vehicles facing the longest way out, increasing chances of any visitors at two houses blocking their way. I arrived home in my work vehicle, and seeing Mrs Ferguson at her car, quickly reversed in to clear the road. Rather than drive past (or perform a 3-point turn in her drive), she reversed out of the other entrance. Contrast this with Mr Ferguson, who decided to mount the kerb and drive half on the grass to pass a visitor's car, a dangerous manoeuvre that could have damaged his or our visitor's vehicle, and a bizarre one considering the entire rest of the road was completely empty, and he could have driven in the other entrance without any issues.

We do not have visitors often, [REDACTED], and in the submitted pictures they managed to capture every single visitor [REDACTED].

Parking: To justify parking, the applicant states other families have more vehicles parked at their houses. That is a different physical, geographic location, and has nothing to do with this application. The fact is, the access road was never designed for a large number of vehicles. Historically the 3 families centrally on the access road have had 2 vehicles, and have had visitors, but no parking instances. We have never objected to the applicant having visitors, or visitors parking in front of THEIR house- but increasing numbers of visitors/customers and family members were parking in front of our property, even though they could have parked in front of the applicants? We do not like confrontation, so just put up with it, and then received notification of the retrospective planning application. This just seemed a further extension of the applicant doing what they wanted with no consideration to others. With no attempt from them to discuss their plans, our only recourse was to place an objection in the planning system. The access road is only wide enough for 1 vehicle, it was never designed for large volumes of traffic. I previously had a large van for work, and had to park outside the estate as it was too difficult to manoeuvre in the access road, so I speak from experience. If the applicant has encountered difficulty manoeuvring when entering/leaving the access road when they only have 2 vehicles it will only be made increasingly difficult, if not impossible, with 4 vehicles. Modifying the front will not alleviate this issue. They have also mentioned a parking incident where they were 'targeted by an irate neighbour over parking'. They have neglected to mention the entire incident was CAUSED by their inconsiderate parking of two vehicles in front of that neighbour's house, leaving no room if the occupant expected visitors.

Reconfiguration of drive: The reconfiguration of the drive was submitted along with retrospective planning application for the business, and while it may be beneficial for them, parking requirements have to be met by any proposed business, and this was done primarily as a conditional requirement for a business. I am happy to be corrected, but the report of handling states 'the existing driveway to be reconfigured and extended to allow four car parking spaces..... within 6 months of the decision notice to allow sufficient parking for the domestic property and the salon within.' The applicant states they already have permission to alter their drive- but surely that is only if the business application is successful? As stated above, reconfiguring the drive will not alleviate issues.

Other Businesses in estate: Regarding other businesses running in the estate, I am aware of this, but I am not aware of any impact on their neighbours, or their location within the estate. That has nothing to do with me, or this application. Moray Planning department have clearly stated each application is considered on a case-by-case basis, taking into account material considerations. The businesses noted may not have required planning consent, or have any impact on the amenity. Mr Keir says a refusal will make many residents feel worried that working out of their homes will come to an end if the application is refused. I feel the sidelines/microbusinesses/home office arrangements in the estate are subject to their own discussion within their immediate locality. The only worry that is being created is by Mr Keir trying to say this planning application affects them, which it doesn't.

The deeds stipulate no business is to be run from the estate to protect the amenity. The planning system is there for the same purpose. Neighbours can have disagreements, over many issues, or over the impact of a business. That is THEIR business, neighbours can come to agreements over what takes place in their locality, as long as they are in agreement. As Mr Keir states, we live in a democratic society. The deeds are only there to enforce decisions made by the experienced council planners, which in this case was to refuse the application.

Provisions in place: A number of provisions have been put forward to address concerns of numbers of customers. Electronic diaries, finance checks, a section 75 agreement. Diaries can be altered, off the books diaries kept, data can be deleted, payments may be cash in hand. There are numerous ways that customer numbers can be manipulated, which is why on a similar conversion a Moray planning officer refused it, as there was no way of officially regulating it once approval had been given. Mr Keir states that it is a stretch to call the business a shop, but it is. He goes on to say you begin as an acorn before becoming an oak tree. Every business owner wants their business to grow, but this location is unsuitable for that growth. If it is so small scale, it seems overkill to turn part of your house into a shop, when simply operating as a mobile hairdresser would ensure the ability to be flexible and mobile for your family, while catering to the elderly in the comfort of their homes, and reducing your overall running costs from energy expenditure?

Further comments from Mr Keir

It has to be stated that Mr Keir is not impartial and has been paid to favour the applicants position. Mr Keir states 32 ayes to 5 nos would be a positive and that policies are there to protect Moray. My understanding was the planning process was to pass comment on an application that had an effect on you, not a straightforward vote where most votes indicate the winner. If that was the case, rather than just follow the rules of the planning system, I am sure 5 objectors would be able to muster more support than one applicant. That aside, some submissions of support appeared blank, others were personal attacks, and very few actually contained material considerations. As I mentioned in my objection, the customers disrupt our amenity, then return to their own home which is undisturbed. Mr Keir accepts policies are in place to protect Moray. Those same policies were responsible for the application being refused, after consideration of all arguments, but the decision was not accepted by the applicant. He asks 'what is being protected?' - that would be the democratic right of the 5 objectors to have their objections heard, and then be validated by council planners in refusing the application.

The applicant admits it was rushed, which resulted in no planning, and no assessment of the location, impact on amenity, or any discussion at all with neighbours on the subject before proceeding. No discussion of the purpose/nature of the work was given, not even through 2 weeks of noise and disruption when there was ample opportunity to do so- a strange situation given we were classed as friends for a number of years. I do not believe it was rushed, and feel it was a calculated decision to put everything in place to try and force their application through. The applicant states she is considerate, but even she says 'she did not for one minute consider the neighbours (would object to the alterations)'. I feel the first part of that sentence is the pertinent part. Due to communication not being open from the start, I feel I cannot trust their word on their intentions with this proposal as ultimately it CANNOT be controlled, regardless of any short-term measures.

I can understand their feelings of emotional and mental upset, as this has had a damaging effect on all concerned. Not wishing to detract from those feelings, it may help them to understand this is purely a planning matter, and comments should have been restricted to this. I have reviewed my initial comments, and found none of them derogatory or personal in nature. It was my understanding that the planning application was subject to all MATERIAL CONSIDERATIONS pertaining to the plan, both for and against. [REDACTED]

[REDACTED]. I live in a residential estate, and did not expect a shop to be developed next door. 4 other objectors in the very near vicinity appear to have the same opinion. It is unfortunate that the applicant cannot understand that it is perfectly acceptable to hold a different opinion to theirs. This is why we have an impartial planning system, one that assessed both opinions, and ruled the development of a shop in a residential area should be refused.

Lissa Rowan

From: [REDACTED]
Sent: 31 January 2024 20:37
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 23/01371/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.

Many thanks for the correspondence surrounding this planning application. I understand that there is a due process to follow but it is both surprising and alarming that this case is consuming so much time, effort and money, not only by the applicants but also the council. This is a micro business (not even a small business) that has minimal impact on the environment in which it operates, and on the residences that surrounds it. The owners are extremely sensitive to their position in their local community, with minimal foot fall, no additional traffic arriving at the premises, and no inconvenience caused to neighbours. I am also aware of other businesses being operated from private residences not only within this estate but in other areas of Elgin. Is the same level of rigour applied to other applicants? Common sense must prevail. Small and micro businesses are the lifeblood of any community.

Many thanks,

[REDACTED]

On 16 Jan 2024, at 10:54, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

01343 563015 or 07765 741754

<image003.png>

Please note, my working pattern is Monday-Thursday

<LR299 - Ltr to IPs NoR Not.pdf>

Lissa Rowan

From: [REDACTED]
Sent: 30 January 2024 20:30
To: Lissa Rowan
Subject: Fwd: Planning Application 23/01371/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.

Can I please update my response to-

In relation to the NOR for the above application I would like to add the below additional comments -

Information detailed in the response from Mr & Mrs Fergusson in my opinion are quite clearly manipulative fabrications intended to vilify the "Objectors" for their right to object to local planning permission. The fabricated issues they have raised in regards to neighbours should have no bearing over the planning permission and is clearly a distraction tactic from the main issue of planning which is a class 1 shop being in a residential area. Responses in my opinion should be based purely on the planning permission and I fully support Moray Council's decision to decline permission on the basis that this is a residential area and there is no manner in which to monitor the business at 22 Duffus Crescent.

Lissa Rowan

From: [REDACTED]
Sent: 05 February 2024 14:48
To: Lissa Rowan
Subject: 22 Duffus Crescent Elgin

I have no objection for the change of use from garage to hair salon.



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Reference – LR/LR299

Dear Lissa

Town and Country Planning (Schemes of Delegation and Local Review Procedure)

(Scotland) Regulations 2013 [‘the Regulations’]

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

With reference to the 2 objections that have been received in connection with our appeal, we would like the following to be considered:-

[REDACTED]

[REDACTED]

We have lived on the street for over 11 years, only 4 houses away. We have never experienced issues on parking [REDACTED]

[REDACTED]. Our personal trips in and out of our home are irrelevant to the planning.

[REDACTED]

[REDACTED] leaving visitors to park on the access road, this stops Emergency services from having complete access if they were ever required, which is a huge worry to us. By continuing to park here gives no turning for anyone not just us, but the 5 houses who share the access. [REDACTED]

[REDACTED]. There is ample space in the street for parking.

Large vans are parked throughout the estate and plenty other vehicles, this is normal life when living in a residential estate.

Our driveway and front of house has plans to make a safe and convenient parking area for our family and few clients when needed. This will be off street parking and is considerate to neighbours. We have chosen this option due to the wall taking up most of our driveway, is not as easy for children entering/exiting our family car and use of children’s play equipment, so having proper use of the driveway to make life easier. [REDACTED] ?

The many businesses locally have far larger numbers of clients, some having up to 65 per week. My business is small and discreet with minimal clients.

Objectors have pointed out they are happy for other businesses to continue and would like to continue to try prevent my business succeeding. The suggestion of becoming a mobile business is of no concern of my neighbours and in their opinion may be an option, but is in no way viable for me.

[REDACTED]
[REDACTED], to become mobile would outweigh the option of me working. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Further information in support of me working from my home reducing fuel, nursery/childcare bills and rents/rates have previously been provided.

[REDACTED]
[REDACTED]
[REDACTED] I have been in the hairdressing industry since the age of 12 and have been self employed for 6 years and have always kept up to date records and accounts. I have payment and appointment systems.

I have no intentions of increasing size or numbers or growing my business. This has been made clear previously.

The salon is a small room to accommodate a tiny business and certainly is not a 'shop'! The room accommodates one person at one time. There is no shop access from the main street and no signage. From the exterior you would be unaware what the room was being used for.

Consideration has always been given to neighbours and was discussed with two of the objectors on starting. I have always provided information to clients how to be accommodating to neighbours on entering and exiting by always using our side of the access and always using our driveway and path. None of my clients have any interest in bothering others. The neighbours on the opposite side to the objector have submitted a very supportive comment, so if parking or privacy was an issue, it would affect these neighbours also, however it is clear from their supportive statement that there are no issues at all.

[REDACTED]
[REDACTED]
[REDACTED] During the appeal process we have only received 2 objecting comments, whereas our original application received 4. This would lead us to believe that the other 2 original objectors have no further concerns with the salon. Given the salon has been in use for 6 months and caused no additional concerns to these 4 original objectors is proof in itself that the business is causing no harm, inconvenience or disruption to anyone, or surely they would have amended or raised any further concerns as this appeal stage. Every other business in Hamilton gardens have supported ours. We had 32 supporting comments to our original application and further to that this time we have 50. I have been working for 6 months from my home and proved this has not disturbed anyone. Quite simply want to get on with our lives bringing up our family with a small income. All we have wanted is to be able to work peaceably with no cause of disruption or disturbance to anyone.

In response to second objector's comments, again by the tone of their response it is clear that the objector has a personal dislike of us. The suggestion that we have fabricated issues to distract from the issue of planning is one we would dispute. We are simply trying to explain our situation.

The accusation that the salon is a 'class 1 shop' is completely untrue. It is very clear this is not a shop and only a very small salon room, for a minimal working base, for limited hours. The room only has space for one person on visit at one time. There is no room for expansion and we have absolutely no intentions of such accusations.

It is more than clear to the objector what this small space is used for. There is no shop access from the Main Street and no signage. From the exterior you would be unaware what the room was being used for.

As stated previously, there are numerous businesses running from Hamilton Gardens that no one has any issue with. It seems our application has been targeted by a minority within the community in a personal attack against us.

By the number of supporting comments from neighbours, customers and friends, it is clear we are not the characters that the objectors are attempting to portray us as. For everyone who really knows us as a family and has personal knowledge of our reasoning behind converting the garage to a salon we have had nothing but support and kindness.

We would hope our responses to the 2 objections are carefully considered and understood as part of our appeal.

Mr and Mrs Ferguson