



MORAY LOCAL REVIEW BODY

16 MAY 2024

SUMMARY OF INFORMATION FOR CASE No LR302

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

Ward 6 – Elgin City North

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

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

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

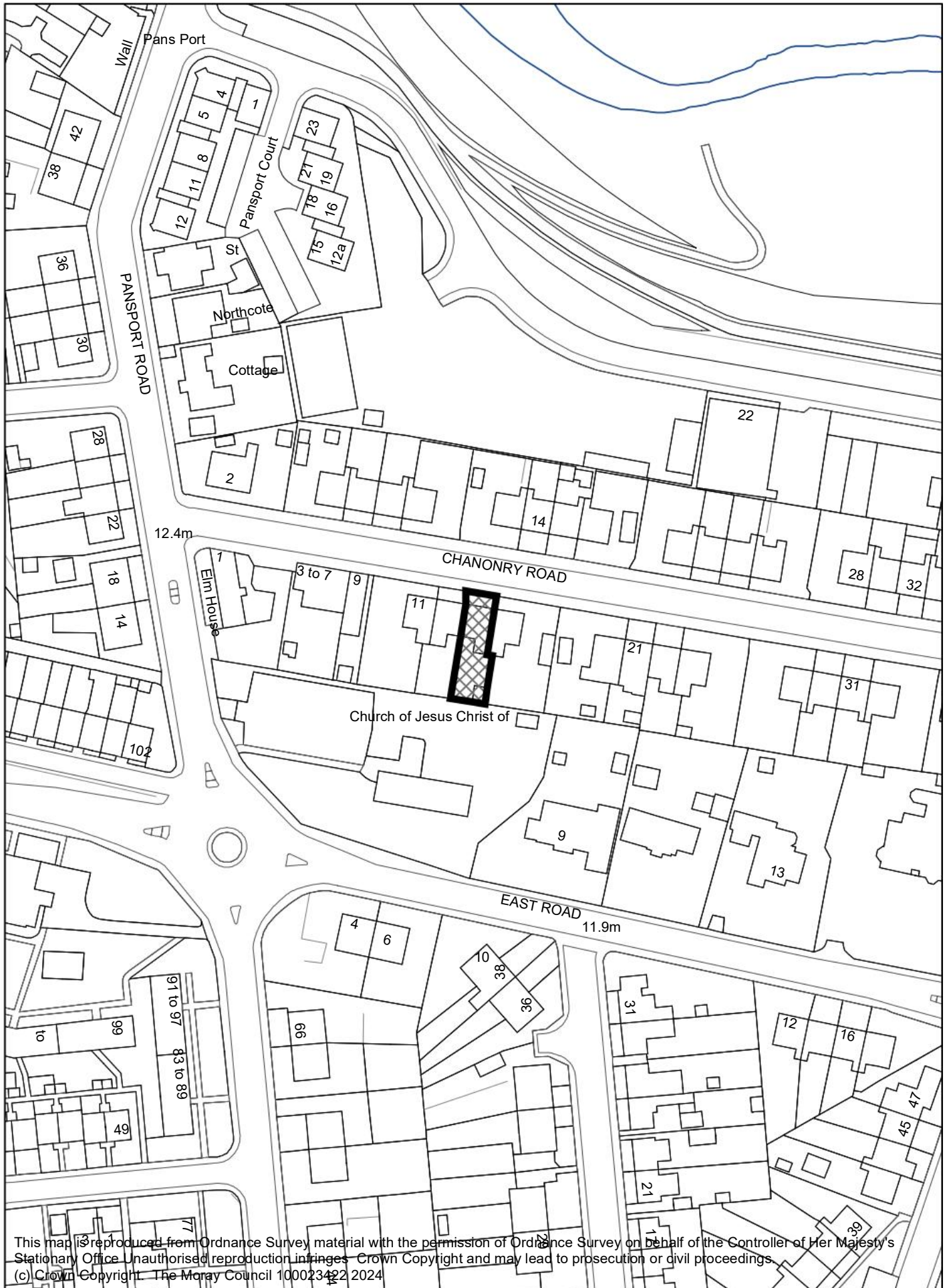
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

No further representations were received.



**Location plan for Planning Application Reference Number :
23/01822/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100647907-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

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

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

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

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

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="15 CHANONRY ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 1XH"/>

Please identify/describe the location of the site or sites

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

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

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

Title:

Mr

Other title:

First Name:

Andrew

Last Name:

Miller

Correspondence Reference Number:

23/01583/ID/AM/SS

Date (dd/mm/yyyy):

04/10/2023

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

Site Area

Please state the site area:

3.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Summer house for domestic use

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

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

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

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

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

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

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Mrs Elvira Jaganjac

On behalf of:

Date: 10/10/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Elvira Jaganjac

Declaration Date: 10/10/2023

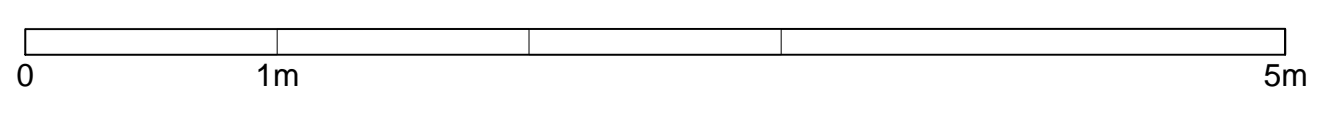
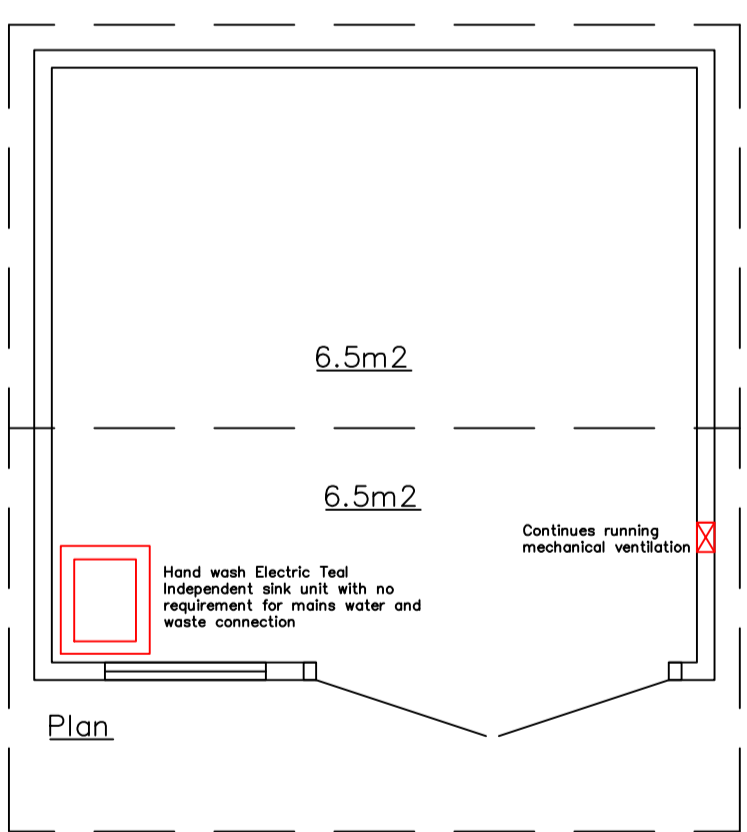
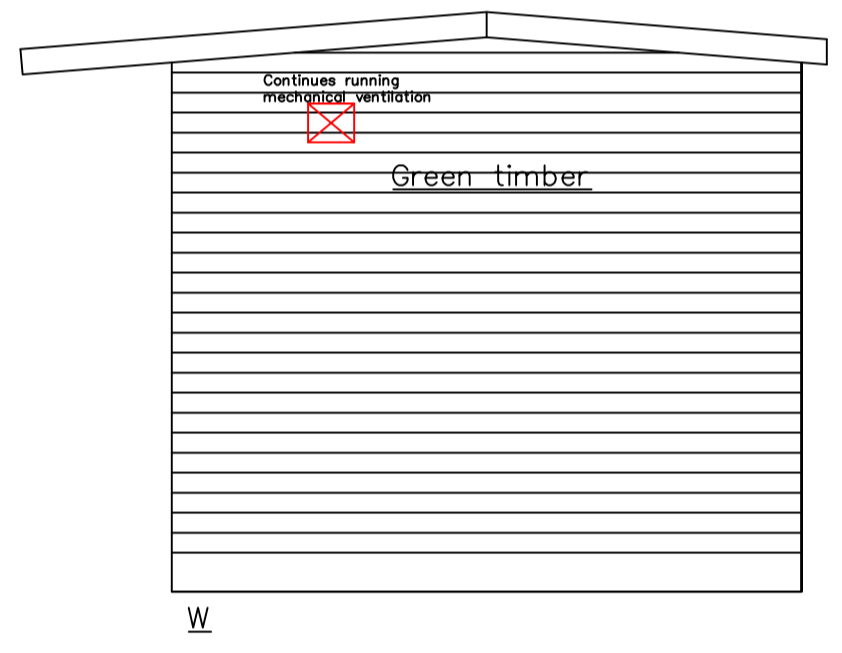
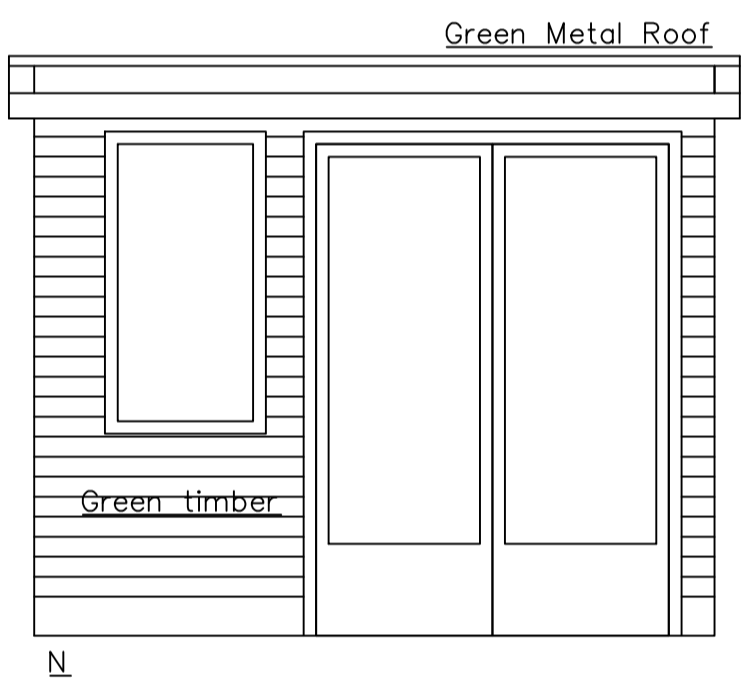
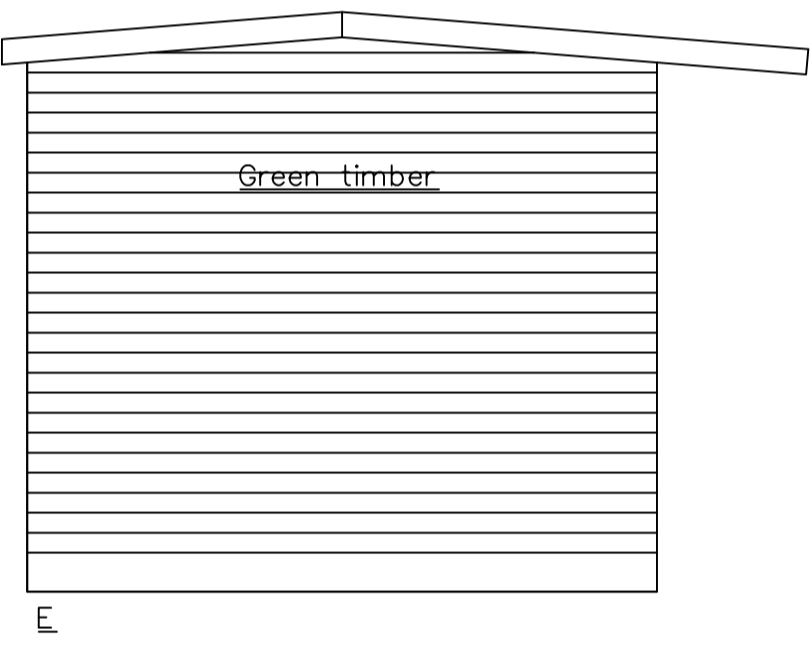
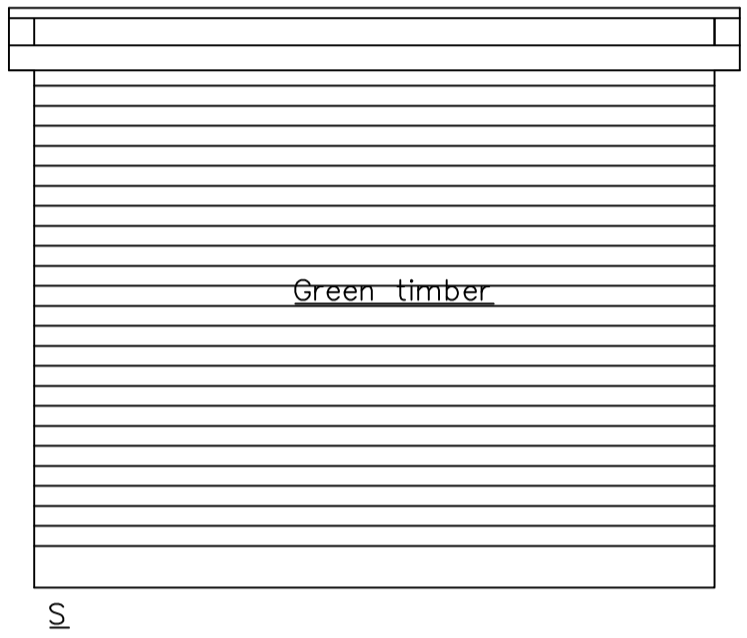
Payment Details

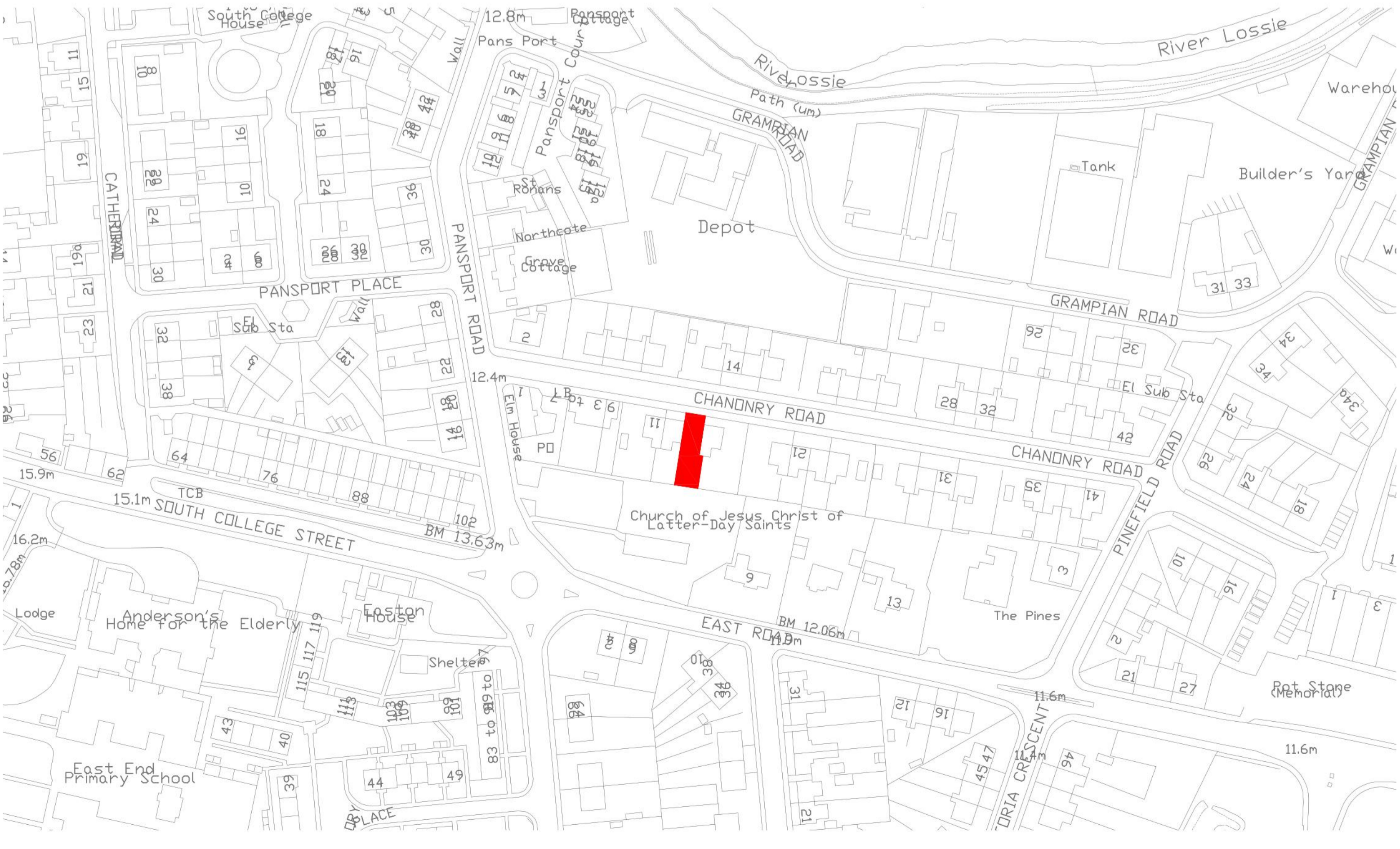
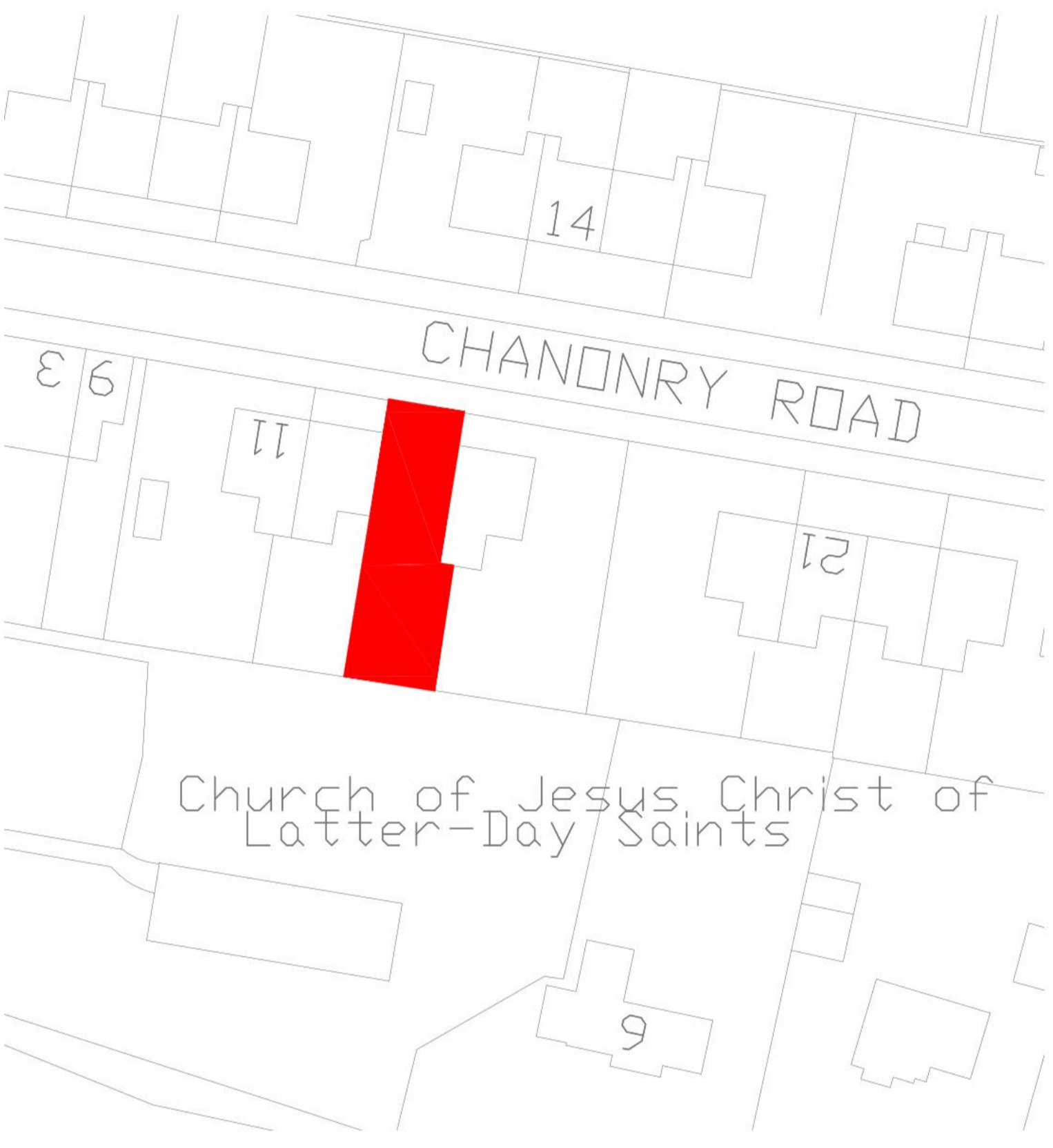
Online payment: T77454

Payment date: 10/10/2023 12:02:17

Created: 10/10/2023 12:02

Existing Garden Space





From: Shaya Anderson <Shaya.Anderson@moray.gov.uk>

Sent: 27 Oct 2023 11:56:17

To: DMSMyEmail@moray.gov.uk

Cc:

Subject: FW: Help with application

Attachments:

From: Elvira Jaganjac <elvirajaganjac53@gmail.com>

Sent: 27 October 2023 09:16

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

Subject: Re: Help with application

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

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

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

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

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

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

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

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

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

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

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

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

We would be splitting the week working alternate days.

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

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

The maximum amount of clients per day would be 4.

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

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

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

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

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

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

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

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

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 Afternoon,

Scottish Water has no objection to this planning application;

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

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Kind regards,

Angela Allison

Technical Analyst

Scottish Water

Dedicated Freephone Helpline : 0800 389 0379

Business Email: Angela.Allison@scottishwater.co.uk

Team Mailbox: DevelopmentOperations@scottishwater.co.uk

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

The Bridge

Buchanan Gate Business Park

Cumbernauld Road

Stepps

Glasgow G33 6FB

Scottish Water

Trusted to serve Scotland

Please consider the environment before printing this e-mail.

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

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

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

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

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

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

Please find attached notification of consultation

Privileged/Confidential information may be contained in this Email and any files transmitted with it. If you are not the intended recipient you should not retain, copy or use this Email for any purpose or disclose all or part of its contents to any person. If you have received this Email in error please notify the sender immediately and delete this Email from your system.

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

WARNING: Although SW, SWH, SWI and SWS2 have taken reasonable precautions to ensure no viruses or other malicious software are present, SW, SWH, SWI and SWS2 cannot accept responsibility for any loss or damage arising from the use of this Email or attachments however caused. The recipient should therefore check this Email and any attachments for the presence of viruses or other malicious software.

Scottish Water

www.scottishwater.co.uk

Consultee Comments for Planning Application 23/01822/APP

Application Summary

Application Number: 23/01822/APP

Address: 15 Chanonry Road Elgin Moray IV30 1XH

Proposal: Convert domestic summer house to beauty room at

Case Officer: Emma Mitchell

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally - Adrian Muscutt

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	17th November 2023
Planning Authority Reference	23/01822/APP
Nature of Proposal (Description)	Convert domestic summer house to beauty room at
Site	15 Chanonry Road Elgin Moray IV30 1XH
Site Postcode	N/A
Site Gazetteer UPRN	000133018456
Proposal Location Easting	322401
Proposal Location Northing	862821
Area of application site (M²)	3
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=S2COOPBGKB500
Previous Application	
Date of Consultation	3rd November 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Petite Beauty By Erna
Applicant Organisation Name	
Applicant Address	15 Chanonry Road Elgin Moray IV30 1XH
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@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: 23/01822/APP

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

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

- | | 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.

Further information required to consider the application

Contact: Julia McDonald
email address:
Consultee:

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

Return response to

consultation.planning@moray.gov.uk

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

From: Danielle Ponman <Danielle.Ponman@moray.gov.uk>

Sent: 15 Nov 2023 09:10:34

To: DMSMyEmail@moray.gov.uk

Cc:

Subject: FW: 11016- SEPA response to 23/01822/APP

Attachments:

Danielle Ponman | Clerical Assistant/WPO | Economic Growth and Development

Danielle.ponman@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

07976494800

Working Hours Monday – Friday Mornings



From: Planning.North <Planning.North@sepa.org.uk>

Sent: 14 November 2023 12:06

To: Planning Consultation <consultation.planning@moray.gov.uk>

Cc: Emma Mitchell <Emma.Mitchell@moray.gov.uk>

Subject: 11016- SEPA response to 23/01822/APP

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Dear Emma Mitchell

Town and Country Planning (Scotland) Acts

23/01822/APP

Convert domestic summer house to beauty room at

15 Chanonry Road, Elgin, Moray, IV30 1XH

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

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

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

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

Kind regards,
Barbara Olszowy
Planning Officer

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

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

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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	17th November 2023
Planning Authority Reference	23/01822/APP
Nature of Proposal (Description)	Convert domestic summer house to beauty room at
Site	15 Chanonry Road Elgin Moray IV30 1XH
Site Postcode	N/A
Site Gazetteer UPRN	000133018456
Proposal Location Easting	322401
Proposal Location Northing	862821
Area of application site (M²)	3
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=S2COOPBGKB500
Previous Application	
Date of Consultation	3rd November 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Petite Beauty By Erna
Applicant Organisation Name	
Applicant Address	15 Chanonry Road Elgin Moray IV30 1XH
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@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: Transportation Manager

Planning Application Ref. No: 23/01822/APP

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

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

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

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

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

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

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

Contact: AG

Date 24 November 2023

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

Consultee: TRANSPORTATION

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

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

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

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

Contact: Natalie Dunton

Date: 10/01/2024

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

Phone No

Consultee: The Moray Council, Flood Risk Management

REPORT OF HANDLING

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

RECOMMENDATION

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

CONSULTATIONS

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

DEVELOPMENT PLAN POLICY

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

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

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

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

Site Characteristics

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

Policy

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

The main planning issues are considered below:

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

Policy 14 stipulates that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy 26 states development proposals for home working, live work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses. Policy DP1 requires that the scale, density and character of a development must be appropriate to the surrounding area and create a sense of place. Proposals must also not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy PP2 aims to promote sustainable economic growth provided all potential impacts can be successfully mitigated.

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

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

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

Access and Parking (NPF13 / MLDP DP1 & PP3)

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

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

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

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

Recommendation

Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

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

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	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Outlines background to proposal including operating hours/days, staff numbers, treatments available and ventilation	

S.75 AGREEMENT

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

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

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

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

Date of Notice: **9 February 2024**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
1		Site and location plan
2		Floor plan and elevations

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

None

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

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

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

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

Date of application

11 OCT 2023

Date of decision (if any)

9 FEB 2024

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

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

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

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

Conditions imposed on consent by appointed officer

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

7. Site inspection

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

Can the site be viewed entirely from public land?

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

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

ONLY ACCESS TO BACK GARDEN THROUGH PROPERTY

8. Statement

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

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

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

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

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

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

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

continued on additional sheet.

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

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

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

9. List of Documents and Evidence

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

[REDACTED]

of COPY OF LICENCE

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

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

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

Continuation sheet for STATEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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