



MORAY LOCAL REVIEW BODY

18 AUGUST 2022

SUMMARY OF INFORMATION FOR CASE No LR276

Planning Application 22/00130/APP – Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent, Elgin

Ward 7: Elgin City South

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 13 April 2022 on the grounds that:

The proposal is contrary to policy DP1 - Development Principles of the Moray Local Development Plan 2020 because the introduction of a business use to which there would be visiting members of the public is considered to result in 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**.

There were no responses from interested parties.



Location plan for Planning Application Reference Number : 22/00130/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

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 & MISS	Ref No.	
Forename	SCOTT & LISA	Forename	
Surname	MATHIESON & O'SHANE	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	14 TURNBERRY CRESCENT	Address Line 1	
Address Line 2		Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	IV30 8BE	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	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

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:

ERECT OUTBUILDING TO BE USED FOR A HOME HAIR SALON/BEAUTY PARLOUR

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:

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:

OWELLING HOUSE & GARDEN

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?

4

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:

HAIR SALON / BEAUTY PARLOUR

ONLY LISA O'SHANE TO WORK FROM HERE
1 CLIENT MAX AT A TIME

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

N/A

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

15m²

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:

LISA O'SHANE

Date:

28/01/22

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

22/00130/APP
31 JAN 2022

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

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:

LISA O'SHANE

Date:

28/01/22

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: ☐

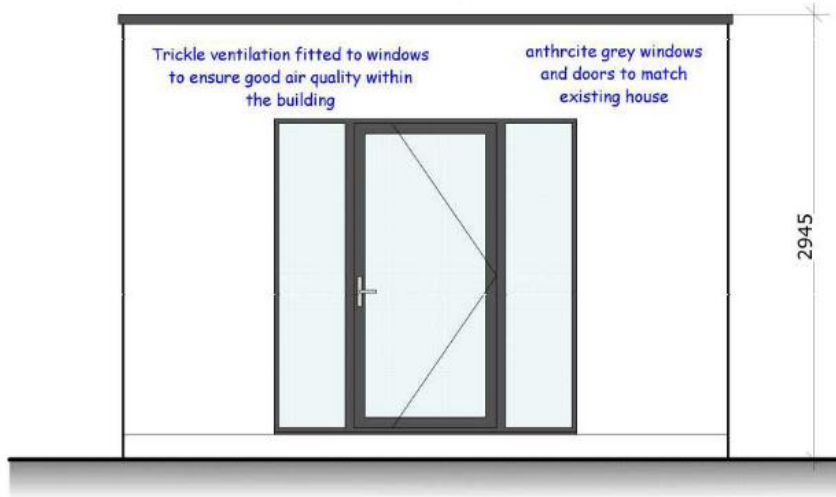
Name	Address	Date of Service of Notice

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

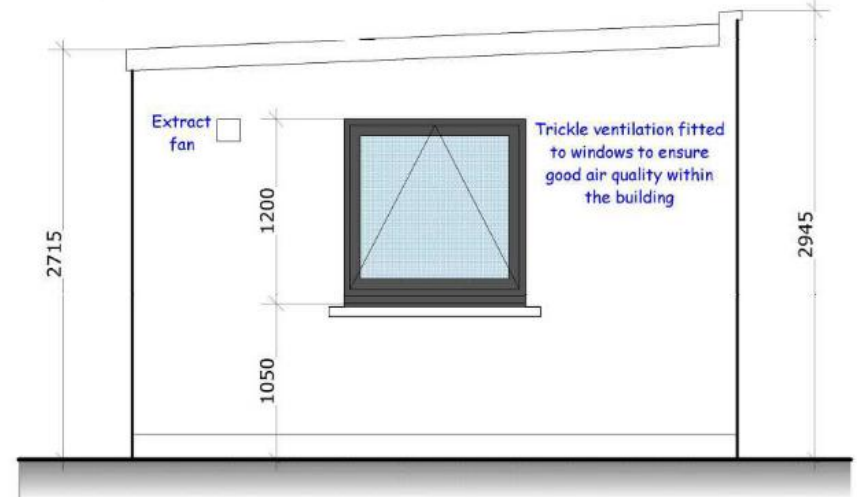
or

- (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: ☐

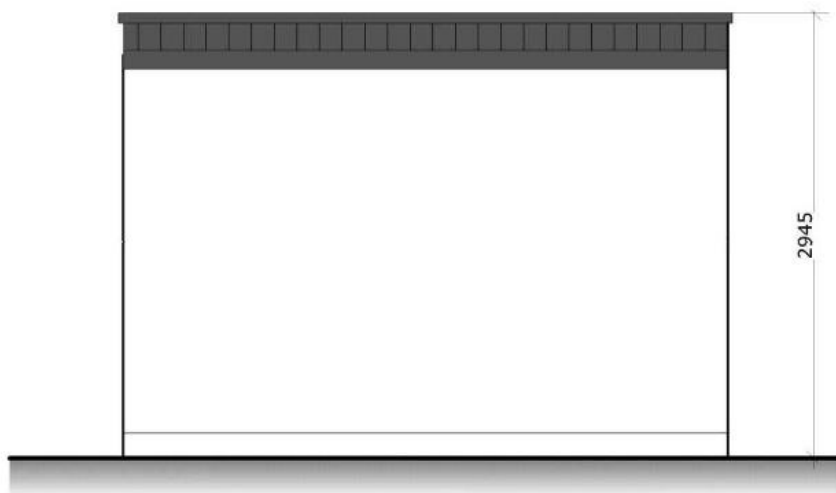
**Proposed outbuilding to be used as beauty/hair stylist by applicant at
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson**
Scale - 1:50 General Layout Revision - B Date - April 2022



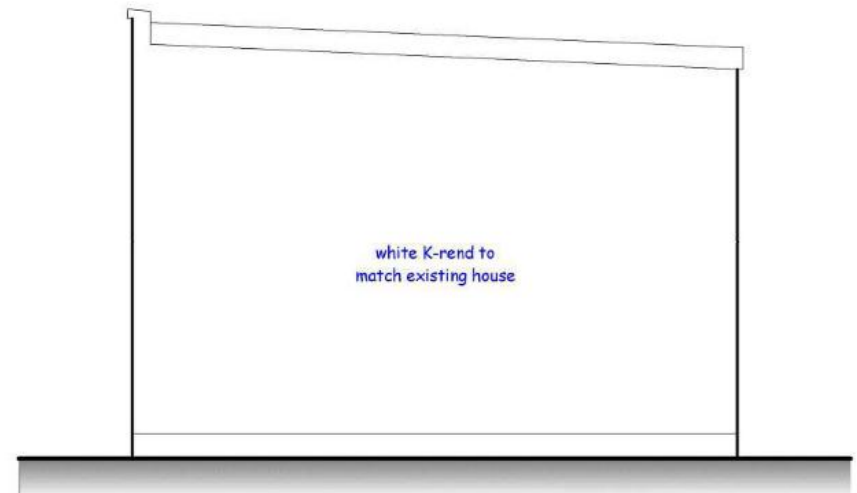
FRONT ELEVATION - 1:50



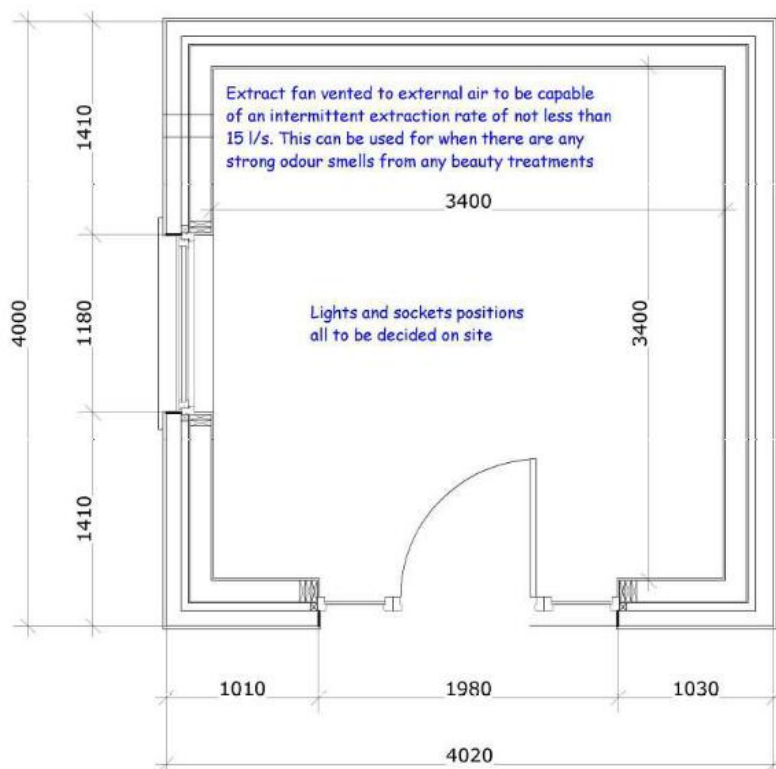
SIDE ELEVATION - 1:50



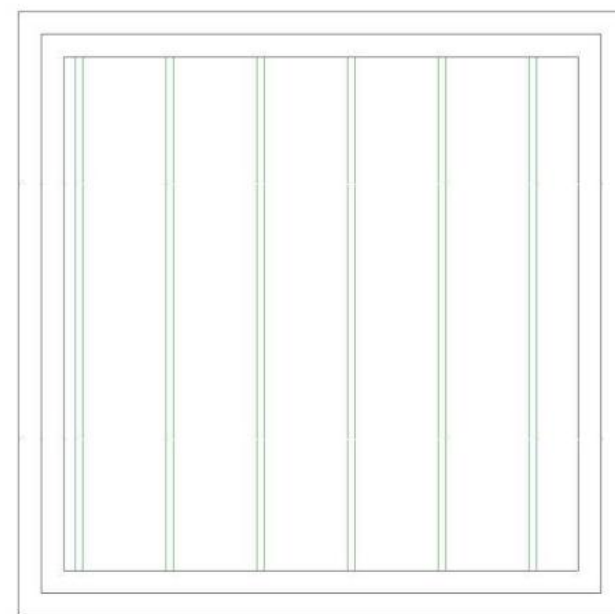
REAR ELEVATION - 1:50



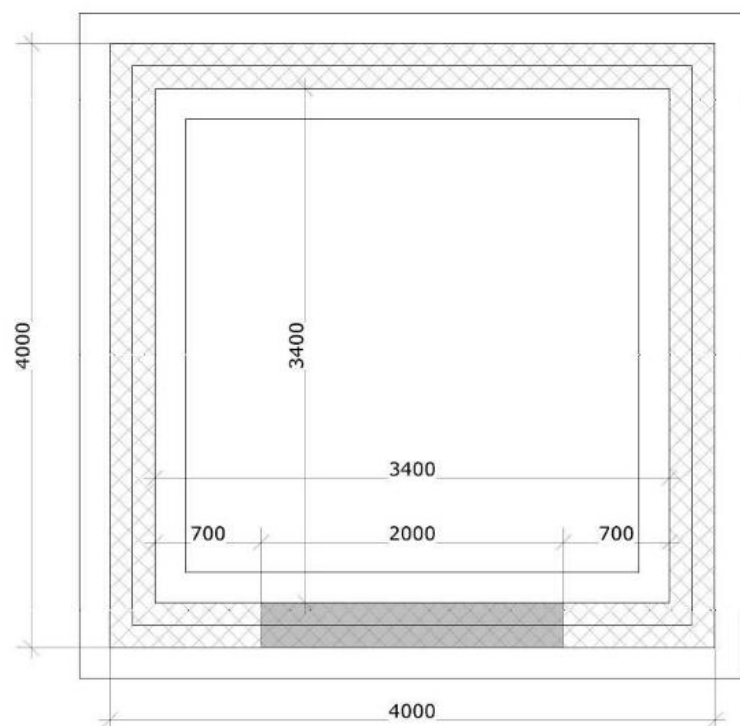
SIDE ELEVATION - 1:50



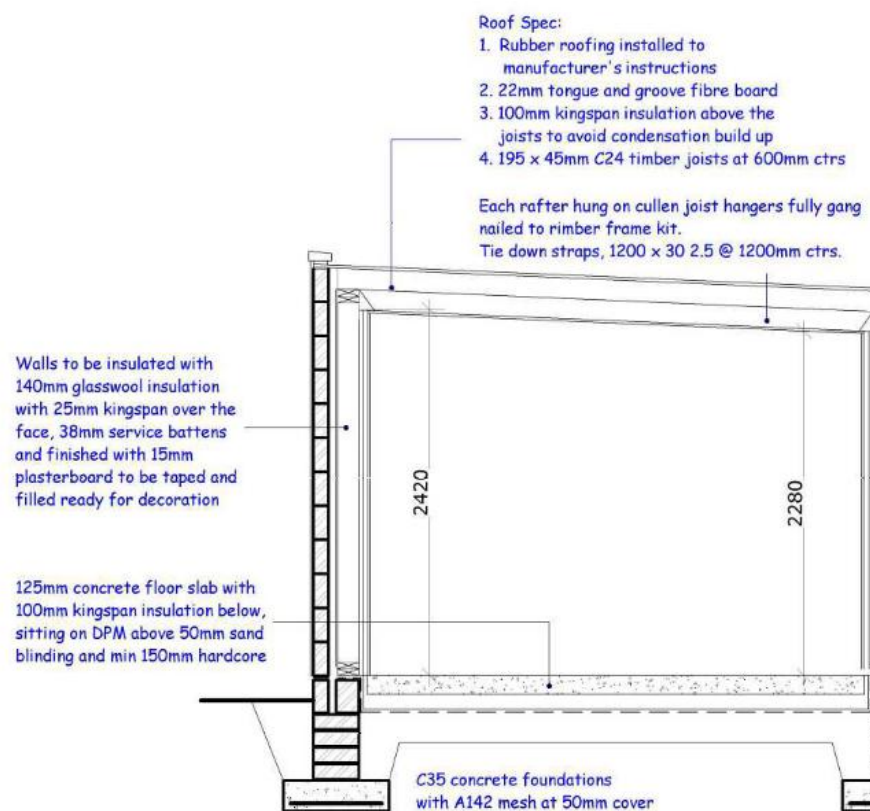
GROUND FLOORPLAN - 1:50



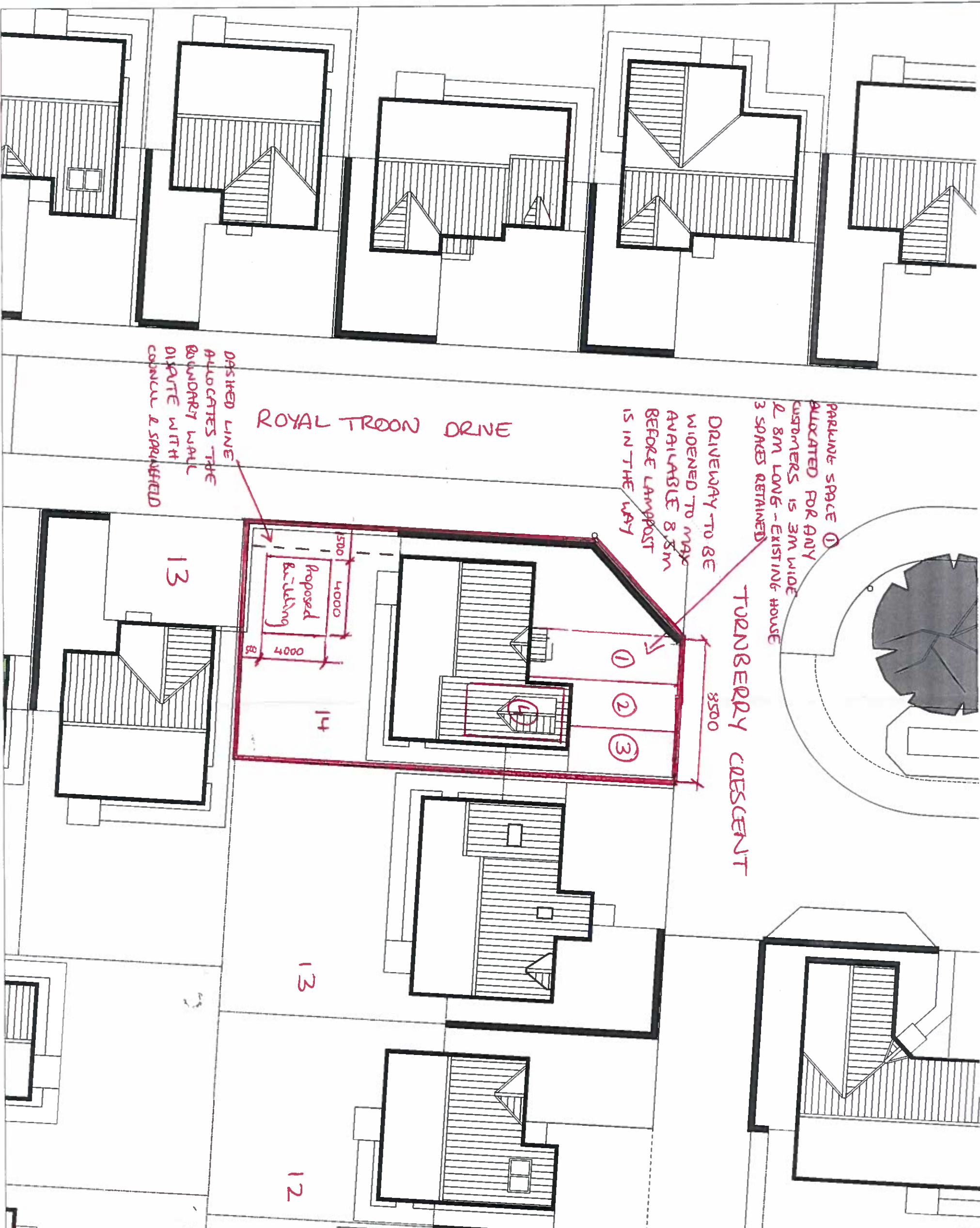
ROOF LAYOUT - 1:50



FOUNDATION PLAN - 1:50



SECTION AA - 1:50



Project
 14 TURNBERRY CRESCENT
 ELEVATION
 NDO 88E
 Drawing
 Site location plan
 Scale
 1:200
 Date
 01/04/22
 Drawing to
 LS102/12ENVA
 Rev
 .

22/00130/APP

**Proposed outbuilding to be used as beauty/hair stylist by applicant at
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson
Planning Statement Revision - 0 Date - February 2022**

The proposed building is to be used by the applicant (Lisa O'Shane) to be a self employed hair stylist / beauty therapist. Opening hours will be anytime between 9am - 9pm Monday to Friday but that there will be a maximum of 4 clients per day so a maximum operating time of around 4-5 hours. The only person working out of the premises will be Lisa O'Shane with a maximum of 1 client/1 car at the property at any one time. An extract fan will be fitted to the salon to ensure any odours are extract along with trickle vents on windows for constant air circulation. Background music only to be played within the building and only when it is being used.

07 FEB 2022

Consultee Comments for Planning Application 22/00130/APP

Application Summary

Application Number: 22/00130/APP

Address: 14 Turnberry Crescent Elgin Moray IV30 8BE

Proposal: Erect outbuilding for use as hair salon/beauty parlour at

Case Officer: Andrew Miller

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Informative notes by Lisa Campbell:

Operation of the premises shall not give rise to a Statutory Nuisance in terms of the Environmental Protection Act 1990.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	3rd March 2022
Planning Authority Reference	22/00130/APP
Nature of Proposal (Description)	Erect outbuilding for use as hair salon/beauty parlour at
Site	14 Turnberry Crescent Elgin Moray IV30 8BE
Site Postcode	N/A
Site Gazetteer UPRN	000133072440
Proposal Location Easting	321836
Proposal Location Northing	860426
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=R6KW16BG0FU00
Previous Application	16/01244/APP 18/01603/S75 18/01209/APP
Date of Consultation	17th February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Scott Mathieson And Miss Lisa O'Shane
Applicant Organisation Name	
Applicant Address	14 Turnberry Crescent Elgin Moray IV30 8BE
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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: 22/00130/APP

Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent Elgin Moray IV30 8BE for Mr Scott Mathieson And Miss Lisa O'Shane

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

Please

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

This proposal is for the erection of an outbuilding within the rear garden of an existing property, to be used as a hair salon/ beauty parlour. It is noted that the existing rear boundary does not reflect the approved development layout, and as a result the visibility splays for vehicles exiting the neighbouring property to the rear are obstructed by the existing boundary. It is understood however that this matter is to be dealt with separately.

The existing dwelling appears to be a four bed property, and therefore based on Moray Council Parking Standards requires 3 no car parking spaces. The existing driveway is 8.0m wide, to accommodate two cars, and with the third parking space to be provided within the garage. A further (fourth) car parking space would be required to accommodate visitors/customers associated with the salon.

Moray Council Parking Standards state the following - "On plot parking spaces to be a minimum of 3.0m wide by 5.5m in length. Parking bays to be a minimum of 6.0m in length where located in front of an 'up and over' type garage door". The parking is located immediately adjacent to the neighbour's driveway (with no physical barriers) and it would be important to ensure that parking did not encroach over or obstruct the neighbour's driveway, and also for a route through to the rear garden (and front entrance) to be retained.

There would appear to be scope to accommodate the fourth car parking space served via the existing dropped kerb arrangement (with the space furthest to the west entering perpendicular to the road but then reversing over the existing grassed garden area at a slight angle). Although the submitted drawing shows provision of the fourth parking space, additional details are required showing the extent of the new surfacing to accommodate this required manoeuvre.

Condition(s)

1. Prior to commencement of any development a detailed drawing (scale 1:200 minimum) showing the layout for on-site car parking to provide 4no car parking spaces overall, including the extension of the existing surfaced driveway to the west (lock-block) shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority; and thereafter be constructed in accordance with the approved drawing prior to the first occupation of the salon, and be retained throughout the lifetime of the development for the use of 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/customers/others in the interests of an acceptable development and road safety through the provision of details currently lacking.

Further comment(s) to be passed to applicant

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

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

A street lighting column is located in close proximity to the extended driveway, and may require to be relocated. The developer should contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals. If required, the street lighting column shall be repositioned at the expense of the developer

The developer should note that this development is served by a road, which has not yet been adopted by the Roads Authority.

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 April 2022

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

REPORT OF HANDLING

Ref No:	22/00130/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent Elgin Moray IV30 8BE		
Date:	12.04.2022	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
Transportation Manager	05/04/22	Following amendments to proposal, no objections subject to condition on detail of expansion of driveway to accommodate parking to appropriate standard.
Environmental Health Manager	24/02/22	No objections, informative note provided.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles		See observations

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

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Site

A detached house in the recently completed "Crescent North" housing development in the south of Elgin, close to Elgin Golf Club.

Proposal

Erection of an outbuilding to be used as a hair salon/beauty parlour in the rear garden of the house. The building would have a mono-pitched roof and would measure 4000 x 4002 mm, reaching a height of 2945 mm to its highest point. It would have a glazed door and a window, both finished in anthracite grey to match the house, whilst the external render would be white (also matching the house).

This application has been amended from its initial submission (outbuilding lower in height and repositioned within rear garden, driveway to be widened).

Evaluation

The proposal is for a building specifically designed for commercial use to be sited in the rear garden of a domestic house in a residential area. The proposed use of the outbuilding would be as a hairdressers which in terms of the Use Classes Order 1997 falls under Use Class 1 (Shops), whilst beauticians fall under Use Class 2 (Financial, Professional and other services). Although MLDP policy DP7 - Retail/Town Centres exists to ensure uses under class 1 and 2 are directed to appropriate retail centres (preferably town centres), this proposal is not considered to be a "significant footfall" generating use. Therefore evaluation will be limited to MLDP policies DP1 - Development Principles and PP3 - Infrastructure and Services.

Policy DP1 requires the scale, density and character of all development to be appropriate to the surrounding area and be integrated into the surrounding landscape. It also requires development to not adversely impact on the amenity of neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

A supporting statement has been submitted which outlines that the business would operate between 0900 - 2100 hrs Monday to Friday, with no more than 4 clients per day (estimating a maximum operating time of around 4 - 5 hours per day). It also states that one of the applicants will be the only person employed, and therefore the business will operate with one client on the property at any given time. It also notes that an extraction fan is to be fitted along with trickle vents and background music will be played during operating hours.

Whilst the content of the supporting statement states that the operation would be part time, this would be spread across various parts of the day, including beyond what could be considered to be reasonable business hours. It would also be impractical and difficult to enforce any planning condition that would ensure the business operated on a part time basis within these operating hours.

The proposal would utilise approximately half of the rear garden. A hair and beauty salon is not a use generally found in the rear garden of a domestic property in a purpose built outbuilding. The proposal would lead to an increased level of activity from footfall, car trips, parking that would not be in keeping with the residential use of the surrounding area.

The applicant has noted that there are examples of business operating from houses elsewhere in Elgin. However every proposal is considered on its own merits and those that are operating may well be doing so without the benefit of planning consent being in place. Such cases would have to be

investigated separately to this application and are not considered to set a precedent for such development. A similar proposal in Elgin was refused planning permission and a subsequent review dismissed by the Local Review Body (application 19/00173/APP and minute of Moray Local Review Body meeting of 29 August 2019 refer).

Taking account of the above considerations, the proposal is considered to result in an adverse impact on the residential amenity of the surrounding area and as such is contrary to policy DP1 - Development Principles.

Design and Siting

Notwithstanding its use, the structure proposed would be sited and designed appropriate for the rear curtilage of the house, and would not result in any significant overshadowing or loss of light to neighbouring properties that would warrant refusal of the application on this basis. It would be finished in materials that match the existing house. The proposal complies with policy DP1 in this regard.

Parking

The Transportation Manager initially raised concerns about the provision of parking provision and the position of the proposed unit at the rear of the house. This is on the basis the garden has been built larger than permitted, and the boundary wall and fence restricts the visibility of the driveway of the house to the rear (south). Following amendments to the scheme relating to the position of the outbuilding and provision of additional driveway (to ensure parking spaces meet parking standards specified in the MLDP), the Transportation Manager raised no objections but recommended a condition in respect of parking. The proposal is therefore considered to comply with policy DP1 in relation to access and parking, as well as policy PP3.

Recommendation

Refuse.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
16/01244/APP	Phase 1 of Elgin LONG2 south to include 870 houses neighbourhood uses including Classes 1 shops 2 financial professional & other services 3 food & drink 4 business 8 residential institutions 10 non-residential institutions Moray Sport Centre (with provision for indoor & outdoor recreation) two primary school sites and associated infrastructure (transport drainage & open space) and landscaping at Elgin South Elgin Moray		
	Decision	Permitted	Date Of Decision 10/05/18
18/01603/S75	Proposed modification of planning obligation (associated with application 16/01244/APP) for Phase 1 development at Elgin LONG 2 South to apply to development occurring under planning applications 16/01244/APP and 18/01209/APP at Elgin South LDP2015 Long 2 Elgin Moray		
	Decision	Permitted	Date Of Decision 20/05/19
Application under Section 42 to vary condition 1 of planning consent			

18/01209/APP	16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details ie adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South Elgin Moray		
Decision	Permitted	Date Of Decision	15/05/19

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	17/03/22
PINS	No Premises	17/03/22

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement	
Main Issues:	Outlines background to proposal including operating hours/days, staff numbers, ventilation and noise considerations.	

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 South]
Application for Planning Permission**

TO



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

**Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent
Elgin Moray IV30 8BE**

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

Date of Notice: **13 April 2022**



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 policy DP1 - Development Principles of the Moray Local Development Plan 2020 because the introduction of a business use to which there would be visiting members of the public is considered to result in 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
		Elevations and floor plans
		Site location plan

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

Amendment of position of outbuilding and reduction in height.

**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	MR	Ref No.	
Forename	SCOTT	Forename	
Surname	MATHIESON	Surname	
Company Name		Company Name	
Building No./Name	14	Building No./Name	
Address Line 1	TURN BERRY	Address Line 1	
Address Line 2	CRESCENT	Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	IV30 8BE	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	MORAY COUNCIL
Planning authority's application reference number	
Site address	14 TURNBERRY CRESCENT ELGIN IV30 8BE
Description of proposed development	ERECT OUTBUILDING FOR USE AS HAIR SALON / BEAUTY PARLOUR AT

Date of application

16/02/22

Date of decision (if any)

13/04/22

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:

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.

PLEASE REFER TO ATTACHED STATEMENT

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 your 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.

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

GENERAL LAYOUT
APPEAL REASONS
SITE LOCATION PLAN
PLANNING STATEMENT

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:



Name:

SCOTT MATHIESON

Date:

24/05/22

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.

Reasons for Appeal

1. As per original planning 16/01244/APP the driveway measured width of 8m plus the garage has 4 parking spaces with the old planning guidelines. These are existing approved spaces which isn't being altered? However we are still happy to widen the driveway to a maximum of 8.5m until we are restricted by the lamp post, this would be far above the 7.5m that was required for the existing parking spaces and a mere 500mm away from full compliance with new guidelines. This would ensure, the allocated space for the salon would be 3m wide with 5.5m left for 2 existing spaces plus garage meaning 3 for the house and 1 for salon as required. We feel this is more than acceptable
2. The planning officer states that the new salon would result in "adverse impact on neighbouring properties" yet there were zero objections to this application from any neighbours so we are unsure where these comments have come from?
3. The planning officer states "Whilst it is noted the operation will be part time, once consented it is difficult for the Council to control such operations". As a young couple with 2 small children this really is just a chance for Lisa O'Shane to be able to get back into work whilst being at home if required for the children. As stated on the planning statement there will be a maximum of 4 clients per day with only Lisa O'Shane allowed to work from the premises on a part time basis. This is us declaring that it will not be full time and as is proven by us submitting this application prior to commencing any works on site like many others do, should we ever wish to change circumstances and go full time for example then we are aware this is not allowed.
4. The planning officer states that purpose built business in a rear garden is something he cannot support yet we are aware of multiple business i.e beauty, sports massage/physio, therapists/councillors, personal trainers, hair and beauty etc. all working from their back garden in purpose built buildings and openly advertise via Facebook so we feel like we are being punished by following the correct processes of applying for planning permission and not just going ahead with the works.
5. Throughout the pandemic there has been a shift to people working from home for all sorts of business uses, and with majorly rising costs of almost everything related to hair and beauty it just isn't viable for Lisa to rent a chair from a salon to be able to see to her clients therefore it's a case of working from home or not working at all. When working from home our young son is able to run about the garden also therefore eliminating the need for extra childcare which again just elevates the point it isn't viable if she's not able to do this from home

Kind Regards
Scott Mathieson

**Proposed outbuilding to be used as beauty/hair stylist by applicant at
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson
Planning Statement Revision - 0 Date - February 2022**

The proposed building is to be used by the applicant (Lisa O'Shane) to be a self employed hair stylist / beauty therapist. Opening hours will be anytime between 9am - 9pm Monday to Friday but that there will be a maximum of 4 clients per day so a maximum operating time of around 4-5 hours. The only person working out of the premises will be Lisa O'Shane with a maximum of 1 client/1 car at the property at any one time. An extract fan will be fitted to the salon to ensure any odours are extract along with trickle vents on windows for constant air circulation. Background music only to be played within the building and only when it is being used.



Location plan for Planning Application Reference Number : 22/00130/APP



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Proposed outbuilding to be used as beauty/hair stylist by applicant at
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson
Scale - 1:50 General Layout Revision - B Date - April 2022

