



MORAY LOCAL REVIEW BODY

30 SEPTEMBER 2021

SUMMARY OF INFORMATION FOR CASE No LR263

Planning Application 21/00485/APP Convert garage to hairdressing salon at 14 Victoria Place Keith

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 18 June 2021 on the grounds that:

The development is contrary to Policies DP1 (Development Principles) and DP7 (Retail/Town Centres) of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The level of activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the existing residential street and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance.
2. As the development would be likely to generate significant footfall, it should be located within a town centre. The proposed site is outwith Keith town centre and it has not been demonstrated that no sequentially preferable sites are available.

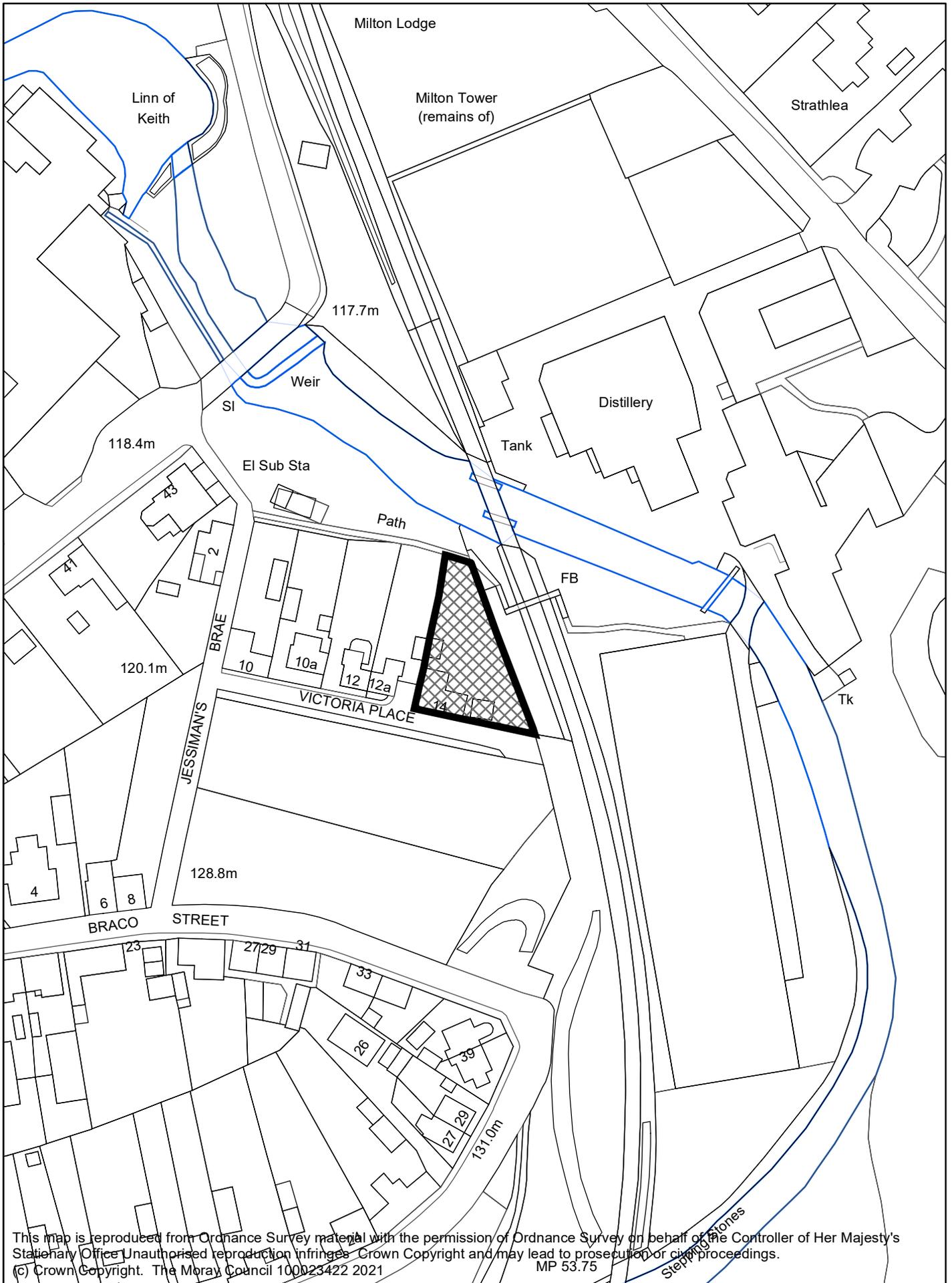
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 in response to the Notice of Review



Location plan for Planning Application Reference Number : 21/00485/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 100389744-001

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)

CONVERSION OF GARAGE INTO HAIR SALON

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Shand building design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	The cabin
Last Name: *	Shand	Building Number:	1
Telephone Number: *	07715467299	Address 1 (Street): *	Hilton park
Extension Number:		Address 2:	Hilton
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 3AP
Email Address: *	douglas@sbdlimited.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Ms	Building Name:	
First Name: *	Fiona	Building Number:	14
Last Name: *	Cumming	Address 1 (Street): *	Victoria
Company/Organisation		Address 2:	Place
Telephone Number: *		Town/City: *	Keith
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB55 5FU
Fax Number:			
Email Address: *	douglas@sbdlimited.co.uk		

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

14 VICTORIA PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KEITH

Post Code:

AB55 5FU

Please identify/describe the location of the site or sites

Northing

851063

Easting

342896

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

75.00

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)

Domestic Garage

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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

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

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

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

no waste generated on site

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office/Light Industry)

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

75

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

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: Douglas Shand

On behalf of: Ms Fiona Cumming

Date: 01/04/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

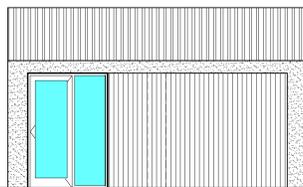
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

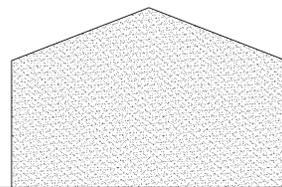
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Douglas Shand

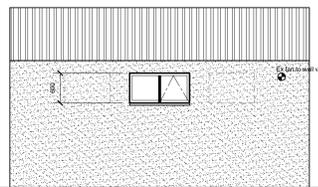
Declaration Date: 01/04/2021



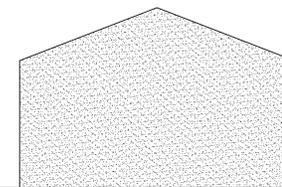
South Elevation : Scale 1:50



East Elevation : Scale 1:50



North Elevation : Scale 1:50



West Elevation : Scale 1:50

Finishes

Wall's -

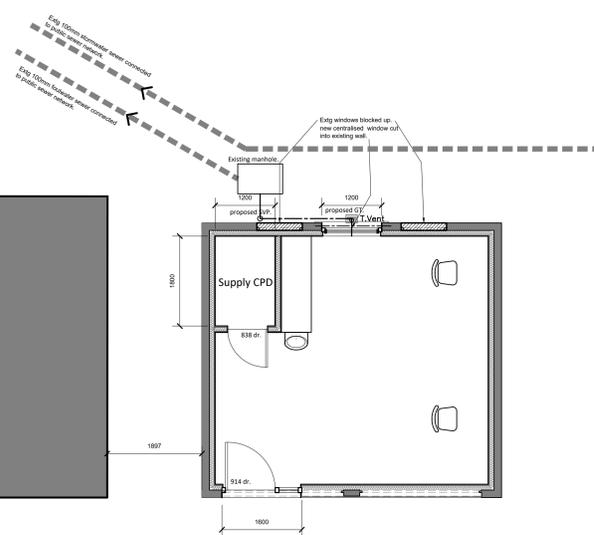
Existing wall's to be re-harled with pink Wet harl to match.
Natural cedar vertical timber lining's stained natural.

Roof -

Anthracite grey plastisol coated steel boxed composite panel's to replace existing storm-damaged anthracite cladding.

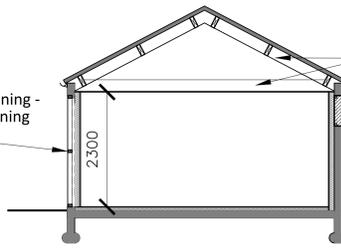
Windows & Door's -

Golden oak to match dwellinghouse.



Proposed layout plan : Scale 1:50

Existing Garage door opening - see typical wall, timber lining detail opposite.

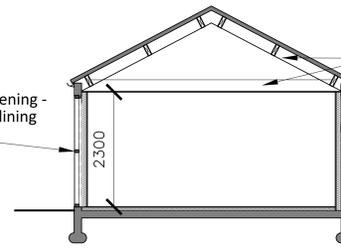


Cross Section A-A : Scale 1:50

Floor Construction :

CONCRETE FLOOR
22mm chipboard flooring on 50x50mm bearers @600mm crs on dpc on, 125mm concrete slab on 80mm Kingspan Thermalfloor insulation, 50mm Kingspan to perimeter to prevent cold bridging, on 1200 gauge heavy duty polythene dpm on minimum 150mm compacted and blinded hardcore. Thermal breaks to be provided at external walls. Floor D.P.M. to be taken & jointed & sealed to wall D.P.C.

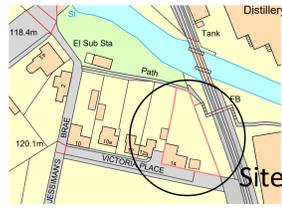
Existing Garage door opening - see typical wall, timber lining detail opposite.



Cross Section B-B : Scale 1:50

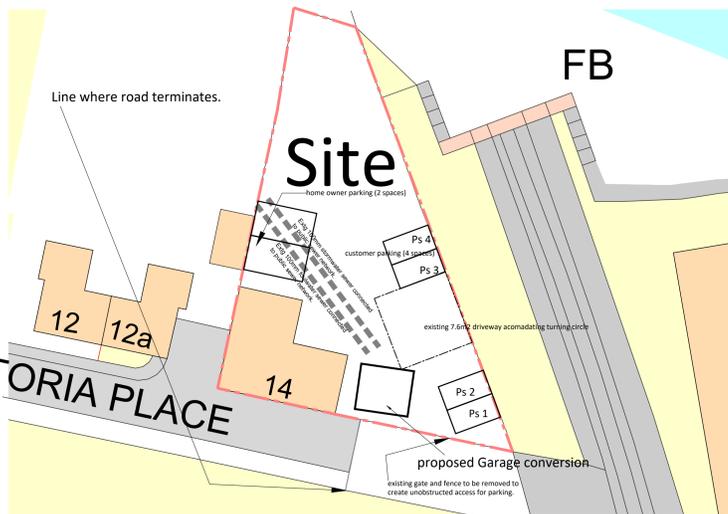
Floor Construction :

CONCRETE FLOOR
22mm chipboard flooring on 50x50mm bearers @600mm crs on dpc on, 125mm concrete slab on 80mm Kingspan Thermalfloor insulation, 50mm Kingspan to perimeter to prevent cold bridging, on 1200 gauge heavy duty polythene dpm on minimum 150mm compacted and blinded hardcore. Thermal breaks to be provided at external walls. Floor D.P.M. to be taken & jointed & sealed to wall D.P.C.

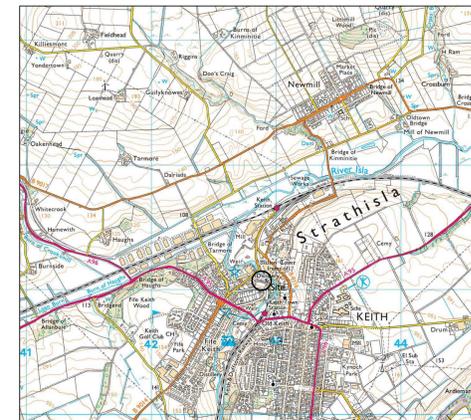


Site plan :

Scale 1:1250



Block Plan : 1:250



Location Plan : Scale : 1:10000

Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

4	ADMINISTRATIVE INFO ADDED.	21.5.21.
3	ADMINISTRATIVE INFO ADDED.	12.5.21.
2	ADMINISTRATIVE INFO ADDED.	10.5.21.
1	ADMINISTRATIVE INFO ADDED.	28.3.21.
AM	DESCRIPTION.	DATE.

S Shand Building Design limited

PROJECT
Conversion of garage to form work studio.

ADDRESS
14 Victoria Place, Keith, Moray, AB55 5FU

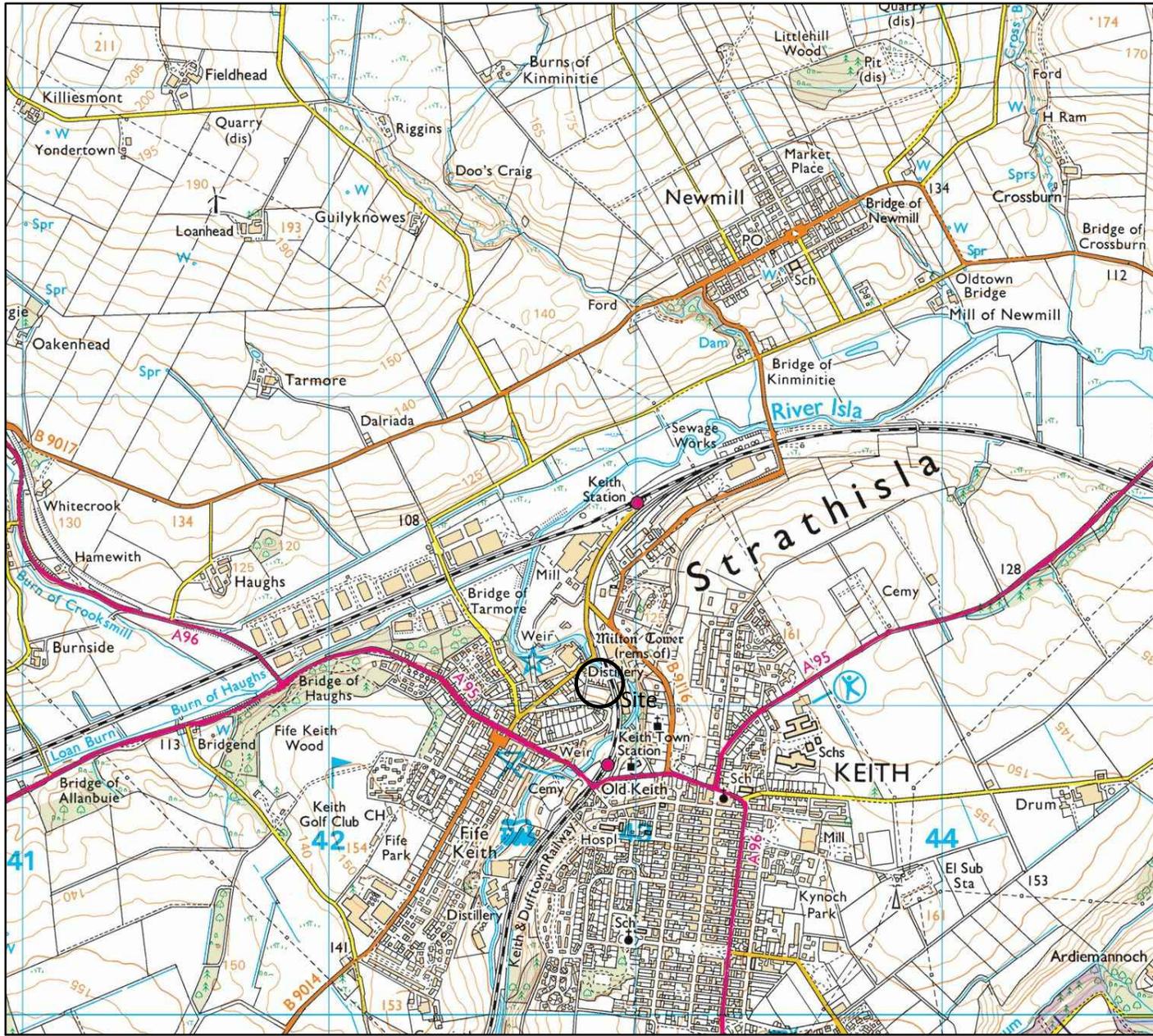
CLIENT
Mr & Mrs Cumming.

Hilton park, Hilton, Banff, AB45 3AP
Tel. 07715467299
E. douglas@sbdlimited.co.uk
W. www.sbdlimited.co.uk

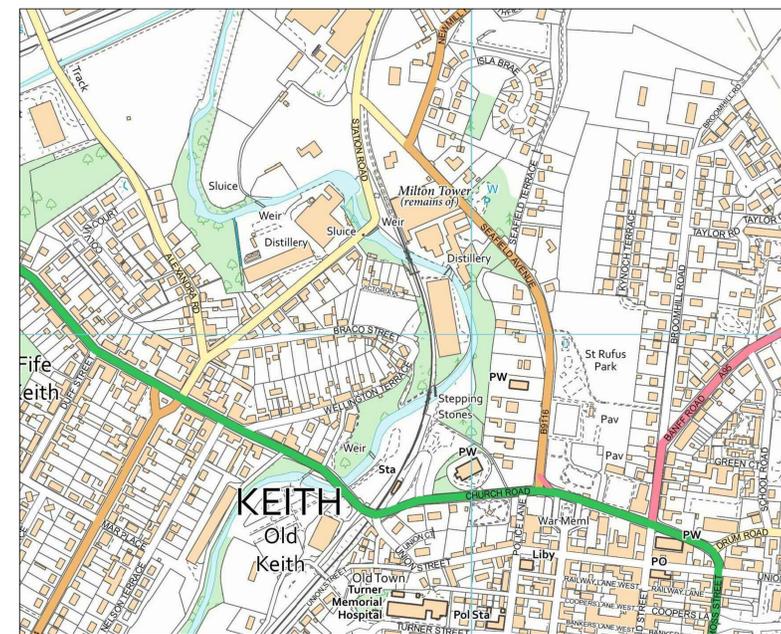
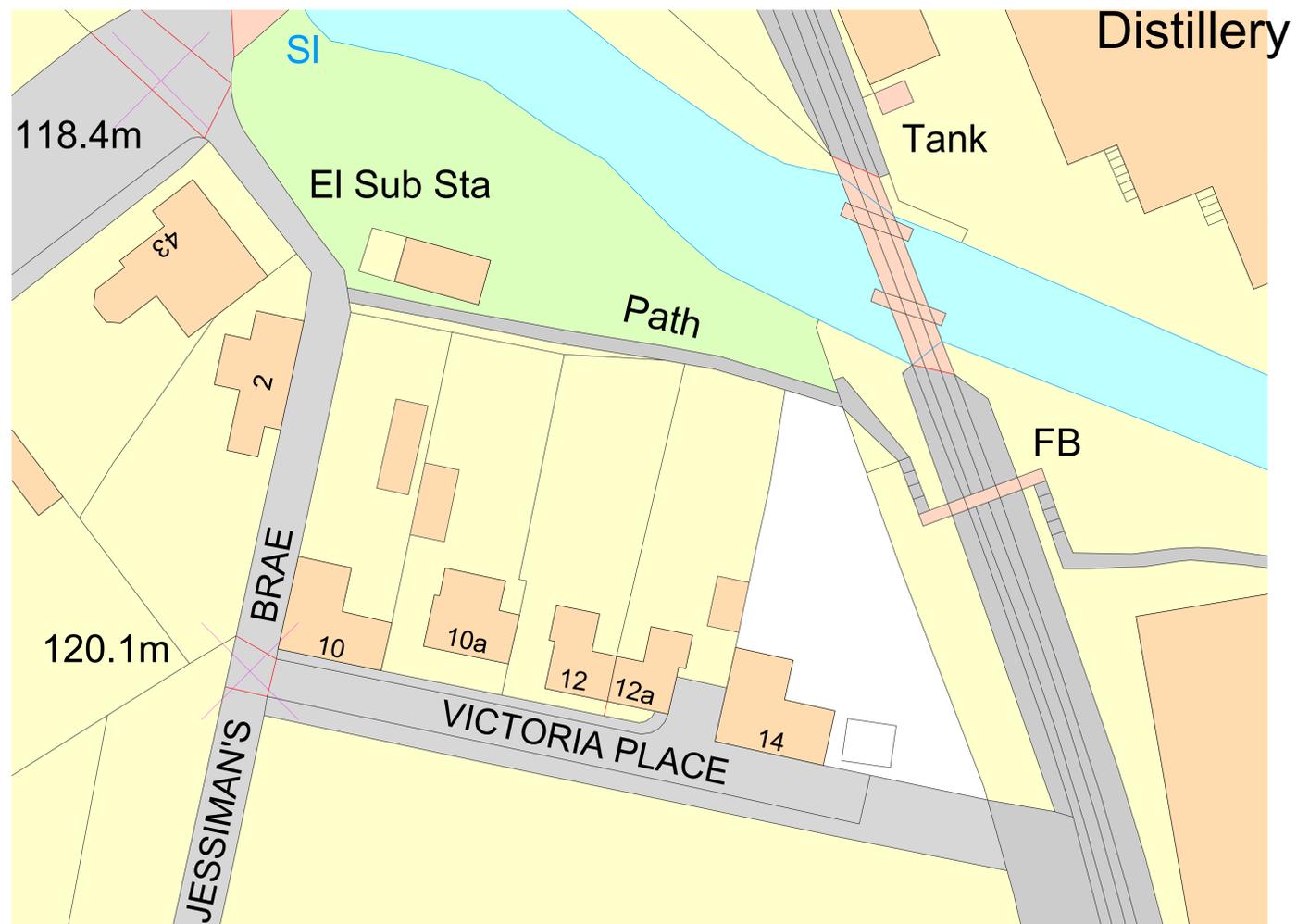
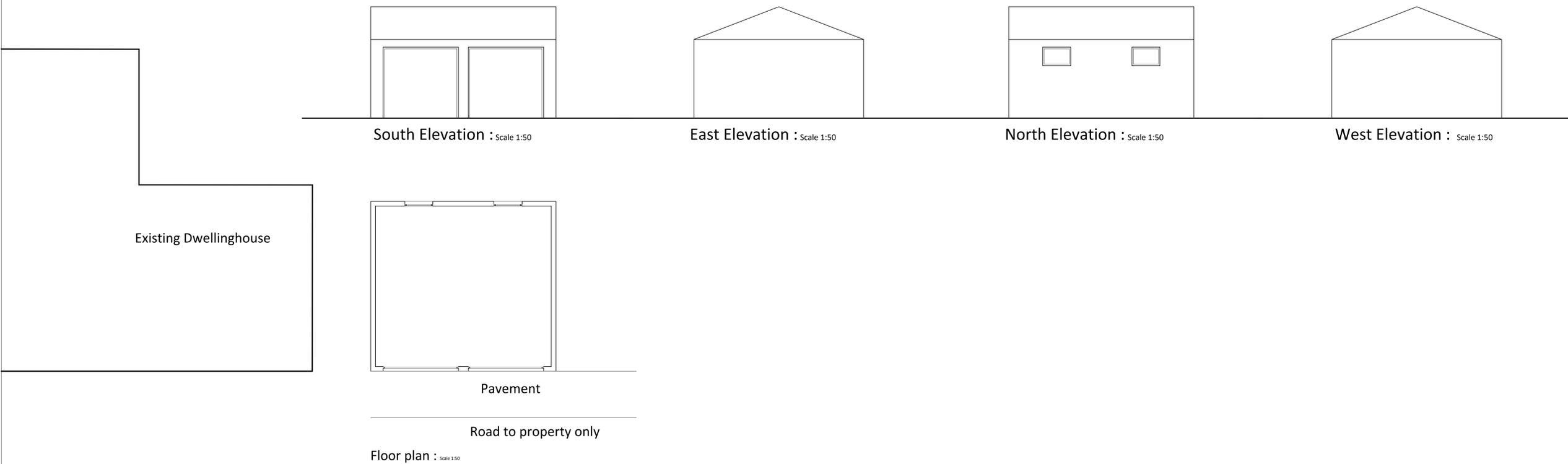
Drawing Title
Proposed Planning plan's

Date.	Scale	Drawn By.	Project Ref.
12.3.21	As plan	DWS	2128-P1

North



Location Plan : Scale NTS



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AM	DESCRIPTION	DATE

S Shand Building Design limited

PROJECT
Conversion of garage to form work studio.

ADDRESS
14 Victoria Place, Keith, Moray, AB55 5FU

CLIENT
Mr & Mrs Cumming.

Hilton park, Hilton, Banff, AB45 3AP
Tel. 07715467299
E. douglas@sbdlimited.co.uk
W. www.sbdlimited.co.uk

Drawing Title			
Existing plan's			
Date.	Scale	Drawn By.	Project Ref.
12.3.21	As plan	DWS	2028-W1

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	27th April 2021
Planning Authority Reference	21/00485/APP
Nature of Proposal (Description)	Conversion of garage to hair salon at
Site	14 Victoria Place Keith Moray AB55 5FU
Site Postcode	N/A
Site Gazetteer UPRN	000133008151
Proposal Location Easting	342896
Proposal Location Northing	851063
Area of application site (M²)	75
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QQXA33BGIL500
Previous Application	21/00267/ID 96/00315/FUL 95/00421/FUL
Date of Consultation	13th April 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Fiona Cumming
Applicant Organisation Name	
Applicant Address	14 Victoria Place Keith Moray AB55 5FU
Agent Name	Shand Building Design Limited
Agent Organisation Name	
Agent Address	The Cabin 1 Hilton Park Hilton Banff AB45 3AP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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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: 21/00485/APP

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU for Ms Fiona Cumming

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 | <input checked="" type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

This Section recommends approval subject to the following condition-

1. The use of the premises as a hairdressers shall be permitted between the hours of 0900 to 1800 hours, Monday to Saturday.

Informative

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

Having reviewed the plans and should planning permission be granted, the premises should have a rest area and drinking water sink for the welfare of employees.

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Douglas Caldwell

email address: douglas.caldwell@moray.gov.uk

Consultee: Environmental Health

Date 12 May 2021

Phone No

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.

Advice : HSL-210408152711-363 DO NOT ADVISE AGAINST

Your Ref: 21/00485/APP

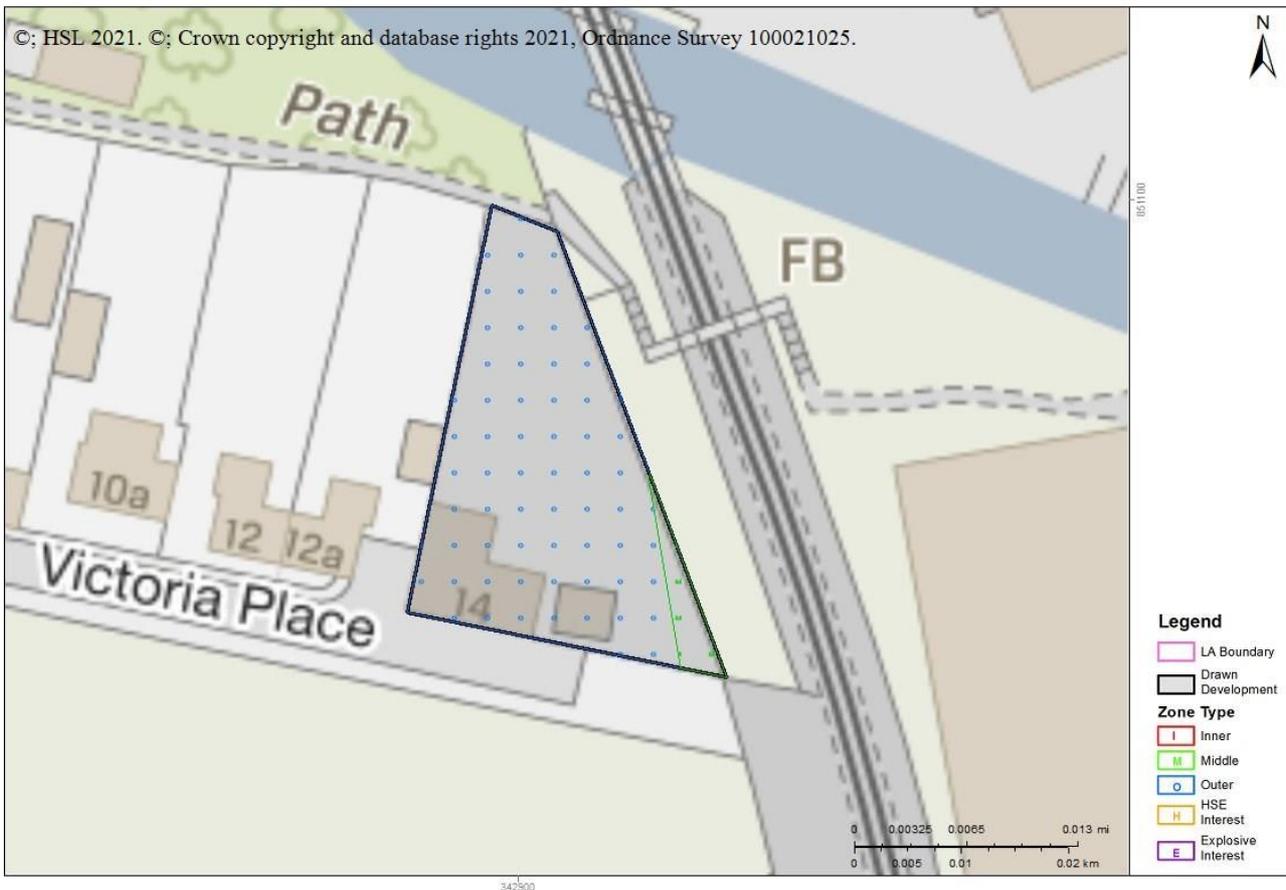
Development Name: 14 Victoria Place Keith

Comments: Conversion of garage to hair salon

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of The Moray Council.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



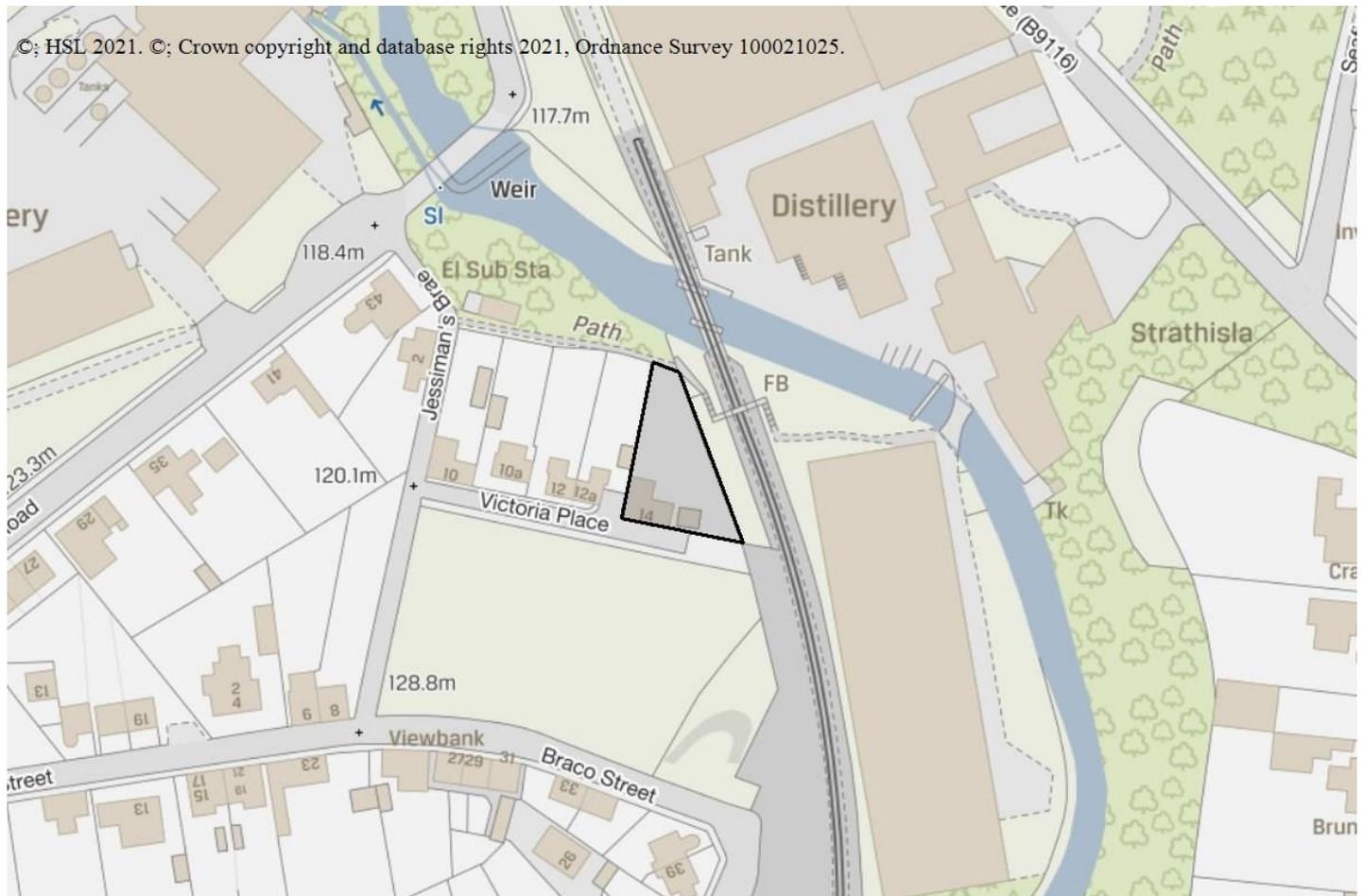
Breakdown:

Workplaces : Do Not Advise Against

Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

Are there 100 or more occupants in any individual workplace building (that lie partly or wholly within a consultation distance)? No

Are there 3 or more occupied storeys in any workplace building (that lie partly or wholly within a consultation distance)? No



This advice report has been generated using information supplied by Teresa Ruggeri at The Moray Council on 08 April 2021.

Note that any changes in the information concerning this development would require it to be re-submitted.

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	19th May 2021
Planning Authority Reference	21/00485/APP
Nature of Proposal (Description)	Conversion of garage to hair salon at
Site	14 Victoria Place Keith Moray AB55 5FU
Site Postcode	N/A
Site Gazetteer UPRN	000133008151
Proposal Location Easting	342896
Proposal Location Northing	851063
Area of application site (M²)	75
Additional Comments	Informally discussed ENV designation with Rowena separately. Now seeking overall comments from policy - likely to be refused against DP1 and DP7.
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QQXA33BGIL500
Previous Application	21/00267/ID 96/00315/FUL 95/00421/FUL
Date of Consultation	5th May 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Fiona Cumming
Applicant Organisation Name	
Applicant Address	14 Victoria Place Keith Moray AB55 5FU
Agent Name	Shand Building Design Limited
Agent Organisation Name	
Agent Address	The Cabin 1 Hilton Park Hilton Banff AB45 3AP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen

Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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

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

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

Please respond using the attached form:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/00485/APP

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU for Ms Fiona Cumming

Ward: 02_17 Keith And Cullen

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		DP1 Development Principles DP7 Retail/Town Centres EP5 Open Space	X X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

DP1 Development Principles – Whilst the proposal does not include any new buildings the change of use to a hairdressing salon has the potential to alter the traditional residential character of the area. The increase in activity (e.g. from increased footfall/car trips, parking etc.) in this quiet residential street would also impact on the character of the short street. This has the potential to impact adversely on neighbouring residential properties. The proposal has not demonstrated it meets part (i) a) and e) and the nature and scale of the proposal has the potential to alter the character and impact on the amenity of neighbouring properties.

DP7 Retail/Town Centres – Policy DP7 seeks to support town centres by adopting a town centre first approach to development including retail services such as hair salons. The town centre first policy is a key policy principle within Scottish Planning Policy (SPP). Whilst the applicants supporting statement advises this will be a work from home environment it also states that this will be for more than one stylist (albeit the same household) and this is not simply a single hairdresser working from home. This type of use must be located within the town centre. The proposal is not located within the town centre and therefore does not conform with part a) of the policy.

It is noted from the statement provided that the applicant currently occupies a unit in the town centre at Fife Keith. Whilst the address of this is not detailed this suggests that there is a sequentially preferable location available for the salon. Whilst the updated statement advises there are no properties to buy or lease in Fife Keith it is noted that the town centre in Keith is also along Mid Street where properties are currently being advertised that have the potential to accommodate the floor area required. The applicant has not adequately demonstrated that there are no sequentially preferable sites available and therefore the proposal does not comply with part b) of the policy.

EP5 Open Space - The site falls within an ENV5 designation, therefore policy EP5 Open Space applies. ENV5 River Isla Corridor was designated a green corridor and is protected not only as a valuable green space for the public but also for its wider landscape and amenity value. It is also a key feature of Keith that splits the two parts of the town. However, this proposal is within the immediate curtilage of a residential property, the change of use of an existing building would not result in any loss of open space and the impacts on the amenity and quality of the ENV as stated within the Open Space Strategy would be minimal. The change of use of the garage can be considered as an acceptable departure from Policy EP5 for these reasons.

The proposal does not comply with policy DP1 as the scale and character of the proposal is out of keeping with the surroundings with potential impacts on residential amenity. The proposal is also an unacceptable departure from DP7 as it is not located within the town centre and it has not been demonstrated it is the sequentially preferable location.

Contact: Rowena MacDougall

email address: Rowena.macdougall@moray.gov.uk

Consultee: Development Plans

Date:.....28/05/21.....

Phone No

Return response to

consultation.planning@moray.gov.uk

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	27th April 2021
Planning Authority Reference	21/00485/APP
Nature of Proposal (Description)	Conversion of garage to hair salon at
Site	14 Victoria Place Keith Moray AB55 5FU
Site Postcode	N/A
Site Gazetteer UPRN	000133008151
Proposal Location Easting	342896
Proposal Location Northing	851063
Area of application site (M²)	75
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QQXA33BGIL500
Previous Application	21/00267/ID 96/00315/FUL 95/00421/FUL
Date of Consultation	13th April 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Fiona Cumming
Applicant Organisation Name	
Applicant Address	14 Victoria Place Keith Moray AB55 5FU
Agent Name	Shand Building Design Limited
Agent Organisation Name	
Agent Address	The Cabin 1 Hilton Park Hilton Banff AB45 3AP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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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

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00485/APP

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU for Ms Fiona Cumming

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

Please

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

This proposal is for the change of use from a double garage to a hair dressing salon. It is noted that works to the garage are already well underway.

The following response is based strictly on the proposed operations being as described, and a condition being applied as such to any planning consent; namely the use of no more than 2 workstations, and operating via an appointment only system.

The new entrance door has been shown opening inwards away from the public carriageway, and the existing access gate is to be removed to help facilitate the manoeuvring space within the site.

The following conditions would apply:

Condition(s)

1. The hair salon shall not be brought into use until six car parking spaces have been provided within the site in accordance with submitted drawing "Proposed Planning Plan's 2128-P1 Revision 4". The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority. (4 visitor spaces, 2 spaces retained for the dwelling)

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/customers/ others in the interests of an acceptable development and road safety.

2. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear, and retained thereafter for that purpose for the lifetime of the development otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

Further comment(s) to be passed to applicant

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

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

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

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

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

Date 08 June 2021

Return response to	consultation.planning@moray.gov.uk
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REPORT OF HANDLING

Ref No:	21/00485/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU		
Date:	16.06.2021	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
Strategic Planning And Development	31/05/21	See below
Environmental Health Manager	12/05/21	No Objections subject to a condition and informatives
Transportation Manager	08/06/21	No Objections subject to conditions and informatives
Health And Safety Executive	08/04/21	No Objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
EP14 Pollution Contamination Hazards	N	
DP1 Development Principles	Y	
DP7 Retail/Town Centres	Y	
EP5 Open Space	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	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

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:

Proposal

The application seeks planning permission to change the use of an existing domestic garage to a hairdressing salon.

The hair salon would operate Monday to Saturday between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day.

Following concern raised from Planning Officers and the Moray Council Transportation Section an access and parking scheme has been proposed which involves parking to be undertaken to the side and rear of the building (with space for 6 cars - 2 commercial, 4 residential), with access taken from an existing access to the east of the existing dwellinghouse and garage. The existing access would be widened by removing an existing gate and fence. Pedestrian access would be taken via a door at the front of the building, onto the existing footway.

In terms of external alterations to the building, the existing two garage doors would be replaced by a set of glazed entrance doors and the remainder of the existing openings would be clad with cedar vertical timber linings. A large window at the rear of the garage will be blocked up and replaced with 2 smaller windows. The external walls will be refinished in pink wet harl to match existing. The roof will be finished in grey metal box profile sheeting. It is noted that the front garage door openings and roof of the building have already been removed and new openings formed in the rear wall. This was done following storm damage to the building.

Site

The site is located at 14 Victoria Place, Keith. The site is an existing dwellinghouse and associated domestic detached garage located at the end of a residential street.

To the west lay a number of residential properties, facing onto Victoria Place. To the east and on lower lying land to the applicant site lies the railway line and beyond, a distillery and warehouses. To the south the site is bound by the public road and beyond, an area of open grazing land.

The site is within the MLDP 2020 designated settlement of Keith and specifically, is within an area designated as ENV5 (River Isla Corridor).

Policy Assessment

Siting and Design (MLDP 2020 Policies DP1)

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

The application seeks to change the use of an existing domestic detached garage to a hairdressing salon. There are no new buildings proposed. A supporting statement has been submitted which outlines that the hairdressing salon would operate Monday to Saturday between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day. The supporting statement also indicates that the salon would also operate an 'appointment

only' system with time between appointments. Should the application be approved, a condition would be added to the final consent requiring the hair salon to operate an appointment only system, employing no more than two stylists and using no more than two chairs. Whilst the supporting statement states that the intention is to 'stagger' appointments it would not be practical to enforce a condition on those terms.

The existing street is exclusively residential and although located near to the existing railway line, distillery and warehouses (to the east), these are set below the level of the existing dwellinghouse and garage and are separated by an existing band of mature trees. The proposed change of use of the garage to a hair salon would lead to an increased level of activity (e.g. from increased footfall, car trips, parking etc.) which would impact on the character of the existing short and quiet residential street. In particular, this is a full-time business operating between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day. A hair salon operating at this scale would not be of a scale typically found in a solely residential area. Although regulations imposed by the Covid-19 pandemic have led to increased homeworking for many businesses, this proposal includes provision for two stylists, both working full time and as such is not a simple working from home scenario. Although the supporting statement states that this is currently a 'Mother and Daughter' team, this could change in the future and the business could be sold to separate ownership to the dwellinghouse. Therefore overall, it is considered that the proposed use is of an unacceptable scale for the existing site and surrounding area and would impact on the character of the short and quiet residential street. In turn this would give rise to an unacceptable overbearing loss of amenity to neighbours in terms of noise and disturbance and is not acceptable in terms of policy DP1.

In addition to the increased level of activity, the level of infrastructure required to serve a business of this scale would also be out of keeping with the character, appearance and scale of the existing site and surrounding residential area. In particular, the turning area (measuring approx. 7.6m²) and 4 commercial (measuring approx. 4.9m x 2.6m) and 2 residential (car parking spaces proposed in order to comply with technical requirements in relation to Transportation matters represent a level of infrastructure which would not be commensurate with the surrounding residential area. The required turning area, and 4 commercial car parking spaces would occupy approximately one third of the existing rear garden and driveway area associated with the existing dwellinghouse and garage. This level of infrastructure is therefore considered to be out of keeping with the character, appearance and scale of the existing site and surrounding area.

Overall, therefore, combining both the level of activity associated with a business of this scale, and the level of infrastructure required to meet technical transportation requirements for road safety, the proposal would be unacceptable in this location which is an exclusively residential, quiet and short street. The activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the surrounding area and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance and would therefore not comply with the siting requirements of policy DP1.

In terms of design, the existing garage will be altered slightly to include a new door opening on the front (with the remainder of the existing garage openings clad in cedar vertical timber linings) and one large window being formed into two smaller window openings on the rear. The existing building would be refinished in a pink wet harl and the roof over would be finished in grey metal box profile sheeting. These materials are acceptable and would accord with the original finish of the garage, the existing dwellinghouse and the surrounding area however this would not override the aforementioned objections and therefore the application will be refused as it does not comply with the siting requirements of policy DP1.

Town Centres (DP7)

Policy DP7 requires that developments likely to attract significant footfall (including retail services

such as hair salons) must be located in town centres. The supporting statement states that this is a 'work-from-home' proposal that reflects the realities of a post-Covid world however this proposal includes provision for two stylists and as such is not a simple working from home scenario. It would also lead to the loss of a hairdressing salon within the town centre. In summary, development of this kind should be located within the town centre and the siting of developments of this nature away from the town centre risk further undermining of the vitality and viability of the town centre and therefore the proposal would not comply with part a.) of policy DP7.

Policy DP7 also requires that for developments outwith town centres, the applicant must demonstrate that no sequentially preferable sites are available. The submitted supporting statement outlines that the applicant currently operates the hairdressing business from a unit within the town centre at Fife Keith. This would suggest that the existing business is already operating in a sequentially preferable location and it is known that there are other units within Keith town centre currently vacant which could accommodate the floor space required. Therefore as it has not been demonstrated that there are no sequentially preferable sites, the application would not comply with part(b) of Policy DP7.

Parking and Access (DP1)

Access would be via proposed door onto the footway at the front of the building, with provision of six car parking spaces to the side and rear of the existing garage (2 residential, 4 commercial). The existing access to the east of the building will be widened (through the removal of an existing gate and fence) to provide unobstructed access to vehicles. A turning area has also been shown to the rear of the building. Moray Council Transportation Section have been consulted on the application and have raised no objections subject to a series of conditions and informatives to be added any final consent, should the application be approved. It must be noted that Transportation's response is based on the proposed hair salon being as described in the supporting statement submitted. This would be the use of no more than 2 workstations, no more than 2 staff, working an appointment only system. Should the application be approved, these would be matters required to be controlled by condition.

Although the technical parking and access requirements of DP1 can be met, the scale of infrastructure and associated increased activity would not be commensurate with the character of the surrounding residential area and in turn would give rise to an overbearing loss of amenity to neighbours and therefore the application will be refused.

Flood Risk (EP12)

The site is within an area identified to be at medium risk of river flooding. It has been agreed that a Triage Framework will now be used before consulting SEPA on flood risk and as this is a proposal to change the use of building from a highly vulnerable use (a domestic garage) to a least vulnerable use (a shop/hair salon), SEPA did not require to be consulted on this occasion and therefore the proposal would comply with the requirements of policy EP12.

Open Space (EP5)

As the site falls within an ENV5 designation, policy EP5 Open Space applies. Policy EP5 requires that development which would result in a change of use of a site identified under the ENV designation to anything other than open space use will be refused. The ENV5 relates to the River Isla Corridor which is designated green corridor, protected as valuable green space, landscape and amenity value. As the proposal is within the immediate curtilage of a residential property, the change of use of an existing building would not result in any loss of open space and the impacts on the amenity and quality of the ENV designation would be minimal. Therefore the change of use of the garage would be considered as an acceptable departure from Policy EP5 for these reasons.

Conclusion

Refusal.

REPORT OF HANDLING

Ref No:	21/00485/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU		
Date:	16.06.2021	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

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DEVELOPMENT PLAN POLICY

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REPRESENTATIONS

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Names/Addresses of parties submitting representations		
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Comments (PO):

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In terms of design, the existing garage will be altered slightly to include a new door opening on the front (with the remainder of the existing garage openings clad in cedar vertical timber linings) and one large window being formed into two smaller window openings on the rear. The existing building would be refinished in a pink wet harl and the roof over would be finished in grey metal box profile sheeting. These materials are acceptable and would accord with the original finish of the garage, the existing dwellinghouse and the surrounding area however this would not override the aforementioned objections and therefore the application will be refused as it does not comply with the siting requirements of policy DP1.

Town Centres (DP7)

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such as hair salons) must be located in town centres. The supporting statement states that this is a 'work-from-home' proposal that reflects the realities of a post-Covid world however this proposal includes provision for two stylists and as such is not a simple working from home scenario. It would also lead to the loss of a hairdressing salon within the town centre. In summary, development of this kind should be located within the town centre and the siting of developments of this nature away from the town centre risk further undermining of the vitality and viability of the town centre and therefore the proposal would not comply with part a.) of policy DP7.

Policy DP7 also requires that for developments outwith town centres, the applicant must demonstrate that no sequentially preferable sites are available. The submitted supporting statement outlines that the applicant currently operates the hairdressing business from a unit within the town centre at Fife Keith. This would suggest that the existing business is already operating in a sequentially preferable location and it is known that there are other units within Keith town centre currently vacant which could accommodate the floor space required. Therefore as it has not been demonstrated that there are no sequentially preferable sites, the application would not comply with part(b) of Policy DP7.

Parking and Access (DP1)

Access would be via proposed door onto the footway at the front of the building, with provision of six car parking spaces to the side and rear of the existing garage (2 residential, 4 commercial). The existing access to the east of the building will be widened (through the removal of an existing gate and fence) to provide unobstructed access to vehicles. A turning area has also been shown to the rear of the building. Moray Council Transportation Section have been consulted on the application and have raised no objections subject to a series of conditions and informatives to be added any final consent, should the application be approved. It must be noted that Transportation's response is based on the proposed hair salon being as described in the supporting statement submitted. This would be the use of no more than 2 workstations, no more than 2 staff, working an appointment only system. Should the application be approved, these would be matters required to be controlled by condition.

Although the technical parking and access requirements of DP1 can be met, the scale of infrastructure and associated increased activity would not be commensurate with the character of the surrounding residential area and in turn would give rise to an overbearing loss of amenity to neighbours and therefore the application will be refused.

Flood Risk (EP12)

The site is within an area identified to be at medium risk of river flooding. It has been agreed that a Triage Framework will now be used before consulting SEPA on flood risk and as this is a proposal to change the use of building from a highly vulnerable use (a domestic garage) to a least vulnerable use (a shop/hair salon), SEPA did not require to be consulted on this occasion and therefore the proposal would comply with the requirements of policy EP12.

Open Space (EP5)

As the site falls within an ENV5 designation, policy EP5 Open Space applies. Policy EP5 requires that development which would result in a change of use of a site identified under the ENV designation to anything other than open space use will be refused. The ENV5 relates to the River Isla Corridor which is designated green corridor, protected as valuable green space, landscape and amenity value. As the proposal is within the immediate curtilage of a residential property, the change of use of an existing building would not result in any loss of open space and the impacts on the amenity and quality of the ENV designation would be minimal. Therefore the change of use of the garage would be considered as an acceptable departure from Policy EP5 for these reasons.

Conclusion

Refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
96/00315/FUL	Erect new bedroom and disabled shower room to rear of 14 Victoria Place Keith Banffshire AB55 3BU		
	Decision	Permitted	Date Of Decision 21/03/96
95/00421/FUL	Provide new kitchen a dining area to rear of 14 Victoria Place Keith Banffshire AB55 3BU		
	Decision	Permitted	Date Of Decision 15/05/95

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises Departure from development plan	10/05/21
PINS	No Premises Departure from development plan	10/05/21

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:	Design Statement (March 2021)
Main Issues:	Outlines background to the project, location, proposed external materials. Also outlines the proposed method of operation including the hours of operation, number of clients per day, number of chairs and number of employees.

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)			

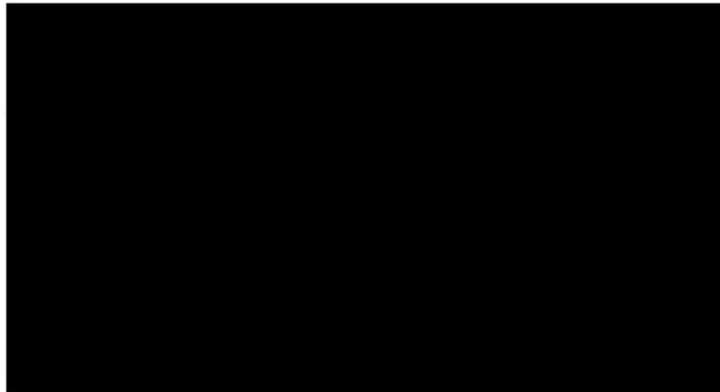


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
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:-

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU

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

Date of Notice: **18 June 2021**



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 development is contrary to Policies DP1: Development Principles and DP7: Retail/Town Centres of the Moray Local Development Plan 2020 for the following reasons:

1. The level of activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the existing residential street and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance.
2. As the development would be likely to generate significant footfall it should be located within a town centre. The proposed site is outwith Keith town centre and it has not been demonstrated that no sequentially preferable sites are available.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2128-W1	4	Proposed elevations floor plan site and location plan
		Location plan

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

Amended plans submitted to show revised parking and turning arrangements.

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

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

also available and can be submitted online or downloaded from
www.eplanning.scotland.gov.uk

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100389744-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mrs"/>	Building Name:	<input type="text" value="victoria close"/>
First Name: *	<input type="text" value="F"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Cumming"/>	Address 1 (Street): *	<input type="text" value="Keith"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB55 5FU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="douglas@sbdlimited.co.uk"/>		

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="14 VICTORIA PLACE"/>
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="KEITH"/>
Post Code:	<input type="text" value="AB55 5FU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="851063"/>	Easting	<input type="text" value="342896"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Conversion of garage to hair salon

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We request a review based on being able to satisfy requests by the planning authority, with only 1 exception being that the building is located in a small residential street which is also located next to an industrial site.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Plan's of proposal agreed with road's department design statement outlining proposal & location brief supporting statement summary

Application Details

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

21/00485/APP

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

02/04/2021

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

18/06/2021

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

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

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Douglas Shand

Declaration Date: 03/08/2021



SHAND BUILDING DESIGN LIMITED

Architectural Consultants • Agricultural • Domestic • Industrial

The Cabin, Hilton Park, Hilton, Banff, AB45 3AP
Tel. 07715 467299 Email. douglas@sbdlimited.co.uk
Company No: SC343901 Vat Reg No: 935 3104 44

DESIGN STATEMENT

March 2021 –

Site – 14 Victoria Place, Keith.

Project:

The conversion of Existing Garage to form Salon Workspace



1. Introduction & Project brief

2. Context
3. Site layout
4. Site location
5. Development proposal
6. Material selection
7. Building Regulation's & Environment.
8. Conclusion

Applicant

Mr & Mrs Cumming
14 victoria Place
Keith
Moray
AB55 5FU

1. Introduction

Shand Building Design was instructed by the Applicant in March 2021 to prepare a planning application for the conversion of their existing Garage into a Salon in close proximity to the existing dwelling house, this decision was made as a result of Covid 19 in order to regulate client's visiting salon and maintain Covid restriction's to the best of their abilities.

2. Context

The site is located in close proximity to the existing dwelling house.

3. Site Layout

The site of the proposal has a public road running along its frontage with a public footpath accessing the building there is ample parking within short distances of the proposal.

4. Site location

The site is located with the borough of keith, located within a highly populated area. The proposal is with short walking distance within town therefore minimal or no parking would be required.



5. The proposed Development

The proposal will form a work from home environment servicing the local community and further afield, please be aware that this is not an additional salon in the town of Keith, the applicant is closing her current salon within the town due to lock-down the running costs of the current salon was extremely high, so the decision to move the salon into a converted garage was a simple decision, all staff will be retained, meaning no redundancies in these extraordinary times.

The workspace for hairdressing which will operate Monday to Saturday between the hours of 9am - 6pm. The workspace will include 2 work stations for 2 hair stylists. The number of clients per day will on average be between 6-8.

Background music will be played at a low level There will be opening windows within the workspace to extract any odours.

6. Material Selection

The proposed conversion will retain most of its existing features, with existing doors being infilled by glazed entrance doors with the remainder of existing openings clad with timber linings.

1 large window at the rear of the garage will be blocked up and replaced with 2 smaller windows.

the roof be replaced with the appropriate roofing that blew off in a storm, it will be placed with a robust composite panel providing anti chill to conversion to match previous box profile cladding.

7. Building Regulations & Environment

This conversion is applicable to the minimum Building Regulation's 2010 in terms of space and activity requirements while also performing to the minimum standards in respect of heat loss, energy efficiency and sustainability.

8 . Conclusion

The conversion contributes to the area providing employment, revenue for surrounding business's & a vital service to the community.

Its creation will not poach client's from other salon's as Mrs Cumming has already build a significant customer base in her current high street salon, she will be retaining current customer base when she closes current shop & open's in her newly converted garage.

In addition to the above statement, a brief summary as follows:

- Fife Keith Hair and Beauty will not be closing. Fiona is having to selling her half of the building to cop-proprietor • There are no other properties to buy or lease in Fife Keith which is the reason for the application of the garage conversion
- The workspace is for Fiona and Megan who both live at 14 Victoria Place and are self-employed so there will be no employed staff and have no intention on employing anyone out with the household.
- no intention to sell or lease the building to any other parties, this will be a family run business passed onto succession sibling's.
- Mother and Daughter will be working a one client in one client out system with time between clients to clean and prepare for next client. This will give clients plenty time to exit Victoria Place before the next client arrives.
- Character Concerns - the roof be replaced with the appropriate roofing that blew off in a storm, it will be placed with a robust composite panel providing anti chill to conversion to match previous box profile cladding.
- to blend with residential surroundings.
- Doors and windows will match those of 14 Victoria Place house.
- •Visial impact of the conversation will be minimal with no street signage.

Shand Building Design
31-03-2021



SHAND BUILDING DESIGN LIMITED

Architectural Consultant's • Agricultural • Domestic • Industrial

The Cabin, Hilton Park, Hilton, Banff, AB45 3AP
Tel. 07715 467299 Email. douglas@sbdlimited.co.uk
Company No: SC343901 Vat Reg No: 935 3104 44

Supporting document

3rd August 2021

Dear Sir/Madam

We request a review based on being able to contradict/satisfy requests by the planning authority, roads department, with only 1 exception being that the building is located in a small residential street which is also located next to an industrial site and overlooks a grass field at the frontage.

we have provided information to the planning department informing them that this project will not be attracting customers away from high street business's, it is a re-location of business from current high-street premises, my client feels she can control covid restriction's easier from her garage rather than sharing a building in the hi-street where she cannot control restriction's, her primary concern is keeping her customer's & family safe in these testing times.

When information was requested by planners & roads department we resolved all requests asked of us i.e parking, finish colours, resolving an issue raised regarding potential start of work before planning granted however this was not a false start, my client was repairing garage roof following a very nasty storm which lifted a large part of the roof off, so he began repairs as some as it was safe to do so.

Conclusion:

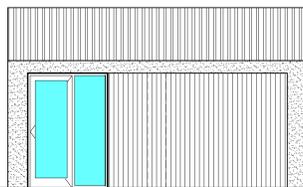
I firmly believe in these current times we live in, with hundreds of businesses folding all over uk surely any business looking to re-structure should be supported and not penalized.

Yes this is a small business but a huge amount of revenue is generated in the town over and above a haircut.

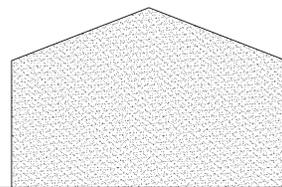
I trust this is satisfactory and we can hopefully expect a favourable outcome.

Best regards

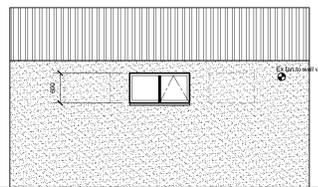
Dougie Shand



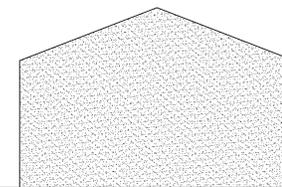
South Elevation : Scale 1:50



East Elevation : Scale 1:50



North Elevation : Scale 1:50



West Elevation : Scale 1:50

Finishes

Wall's -

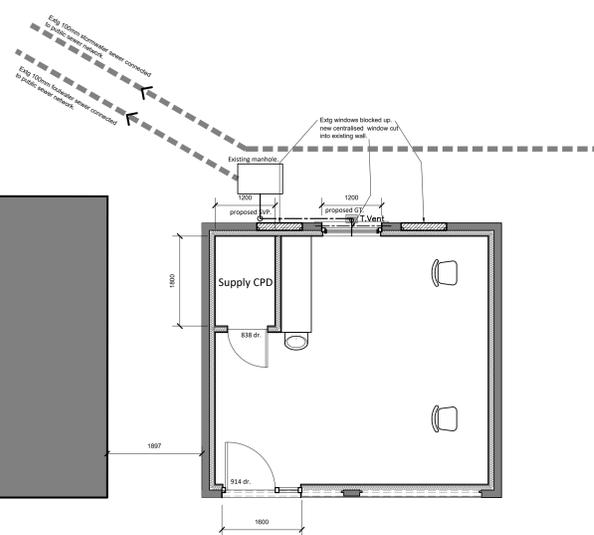
Existing wall's to be re-harled with pink Wet harl to match.
Natural cedar vertical timber lining's stained natural.

Roof -

Anthracite grey plastisol coated steel boxed composite panel's to replace existing storm-damaged anthracite cladding.

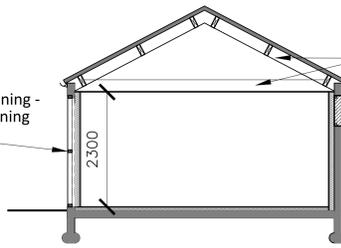
Windows & Door's -

Golden oak to match dwellinghouse.



Proposed layout plan : Scale 1:50

Existing Garage door opening - see typical wall, timber lining detail opposite.

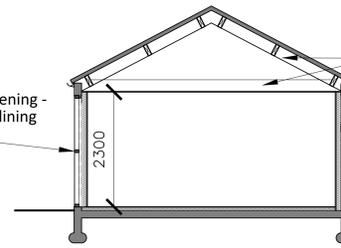


Cross Section A-A : Scale 1:50

Floor Construction :

CONCRETE FLOOR
22mm chipboard flooring on 50x50mm bearers @600mm crs on dpc on, 125mm concrete slab on 80mm Kingspan Thermalfloor insulation, 50mm Kingspan to perimeter to prevent cold bridging, on 1200 gauge heavy duty polythene dpm on minimum 150mm compacted and blinded hardcore. Thermal breaks to be provided at external walls. Floor D.P.M. to be taken & jointed & sealed to wall D.P.C.

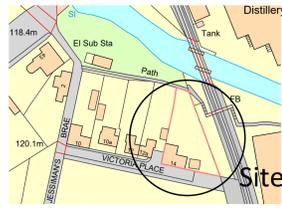
Existing Garage door opening - see typical wall, timber lining detail opposite.



Cross Section B-B : Scale 1:50

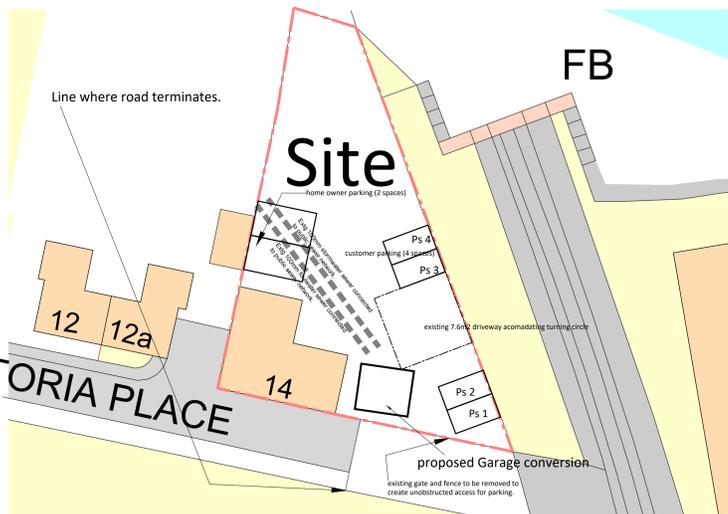
Floor Construction :

CONCRETE FLOOR
22mm chipboard flooring on 50x50mm bearers @600mm crs on dpc on, 125mm concrete slab on 80mm Kingspan Thermalfloor insulation, 50mm Kingspan to perimeter to prevent cold bridging, on 1200 gauge heavy duty polythene dpm on minimum 150mm compacted and blinded hardcore. Thermal breaks to be provided at external walls. Floor D.P.M. to be taken & jointed & sealed to wall D.P.C.



Site plan :

Scale 1:1250



Block Plan : 1:250



Location Plan : Scale : 1:10000

Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

4	ADMINISTRATIVE INFO ADDED.	21.5.21.
3	ADMINISTRATIVE INFO ADDED.	12.5.21.
2	ADMINISTRATIVE INFO ADDED.	10.5.21.
1	ADMINISTRATIVE INFO ADDED.	28.3.21.
AM	DESCRIPTION.	DATE.

S Shand Building Design limited

PROJECT
Conversion of garage to form work studio.

ADDRESS
14 Victoria Place, Keith, Moray, AB55 5FU

CLIENT
Mr & Mrs Cumming.

Hilton park, Hilton, Banff, AB45 3AP
Tel. 07715467299
E. douglas@sbdlimited.co.uk
W. www.sbdlimited.co.uk

Drawing Title
Proposed Planning plan's

Date.	Scale	Drawn By.	Project Ref.
12.3.21	As plan	DWS	2128-P1