

15 AUG 2023

23/01371/AAP

# APPLICATION FOR PLANNING PERMISSION

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

Please refer to the accompanying Guidance Notes when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MRS	Ref No.	
Forename	RYANN	Forename	
Surname	FERGUSON	Surname	
Company Name		Company Name	
Building No./Name	22	Building No./Name	
Address Line 1	DUFFUS CRESCENT	Address Line 1	
Address Line 2		Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	170 5PY	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

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

AS ABOVE

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

**4. Type of Application**

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

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

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

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

Reference No:  Date:

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

**5. Description of the Proposal**

Please describe the proposal including any change of use:

PARTIAL GARAGE CONVERSION TO HAIR SALON

Is this a temporary permission?

Yes  No

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

Have the works already been started or completed?

Yes  No

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

Date started: 14/07/23

Date completed:

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

**6. Pre-Application Discussion**

Have you received any advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting  Telephone call  Letter  Email

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

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

Name: Date: Ref No.:

**7. Site Area**

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

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

**8. Existing Use**

Please describe the current or most recent use:

GARAGE

### 9. Access and Parking

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

Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes  No

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

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

3

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

4

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

### 10. Water Supply and Drainage Arrangements

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

Yes  No

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

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

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

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

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

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

*Please show more details on your plans and supporting information.*

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

Yes  No

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

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

Yes  No

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

### 11. Assessment of Flood Risk

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

Yes  No

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

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

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

### 12. Trees

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

Yes  No

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

### 13. Waste Storage and Collection

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

Yes  No

If yes, please provide details and illustrate on plans.

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

### 14. Residential Units Including Conversion

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

Yes  No

If yes how many units do you propose in total?

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

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

Does your proposal alter or create non-residential floorspace?

Yes  No

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

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

Yes  No  Don't Know

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

**17. Planning Service Employee/Elected Member Interest**

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

Yes  No

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

Yes  No

If you have answered yes please provide details:

**DECLARATION**

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

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

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

Yes  No  N/A

Signature



Name:

RYANN FERGUSON

Date:

14/8/2023

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

23/01371/APP

# LAND OWNERSHIP CERTIFICATES

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

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

15 AUG 2023

## CERTIFICATE A

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

**I hereby certify that -**

- (1) No person other than myself \_\_\_\_\_ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land \_\_\_\_\_

Signed: \_\_\_\_\_

On behalf of: RYANN FERGUSON

Date: 14 / 3 / 2023

## CERTIFICATE B

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

**I hereby certify that -**

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

Name	Address	Date of Service of Notice

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

or

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

23/01371/APP

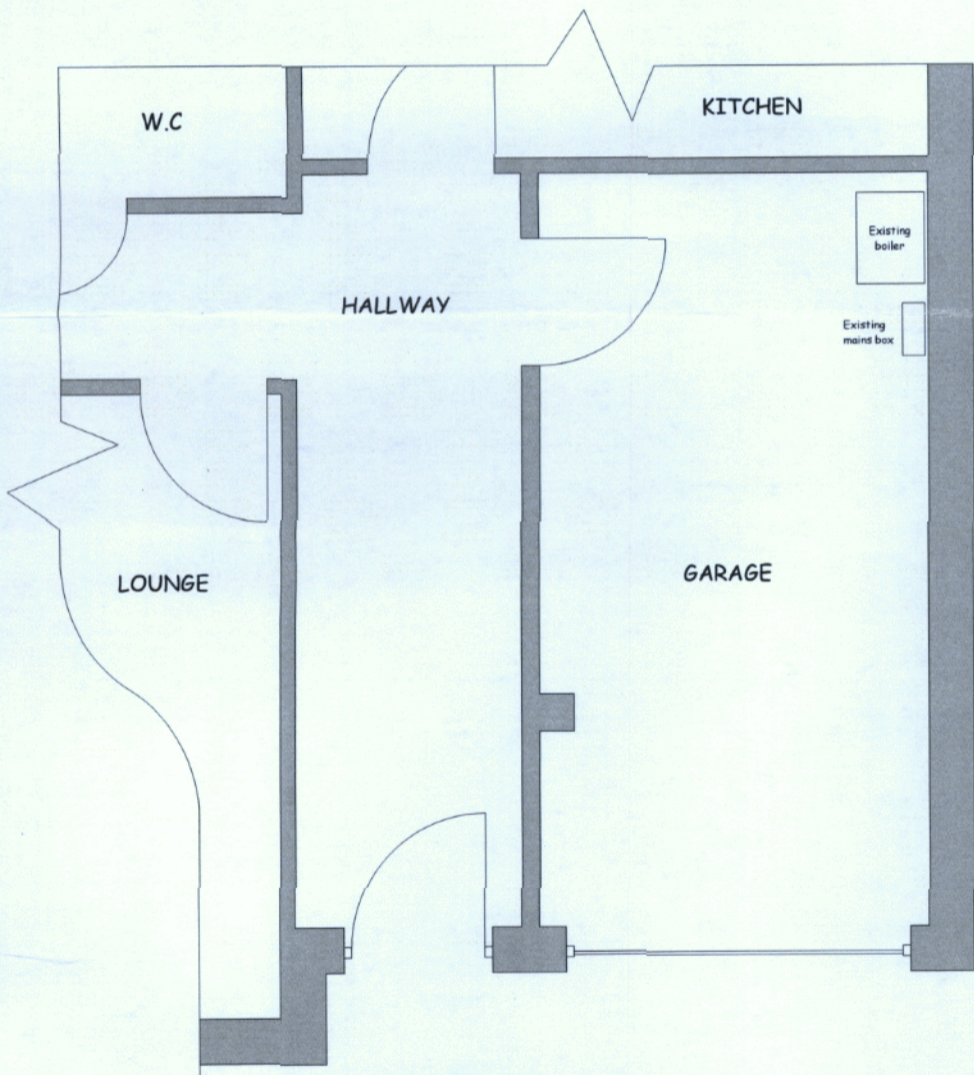
7 5 AUG 2023



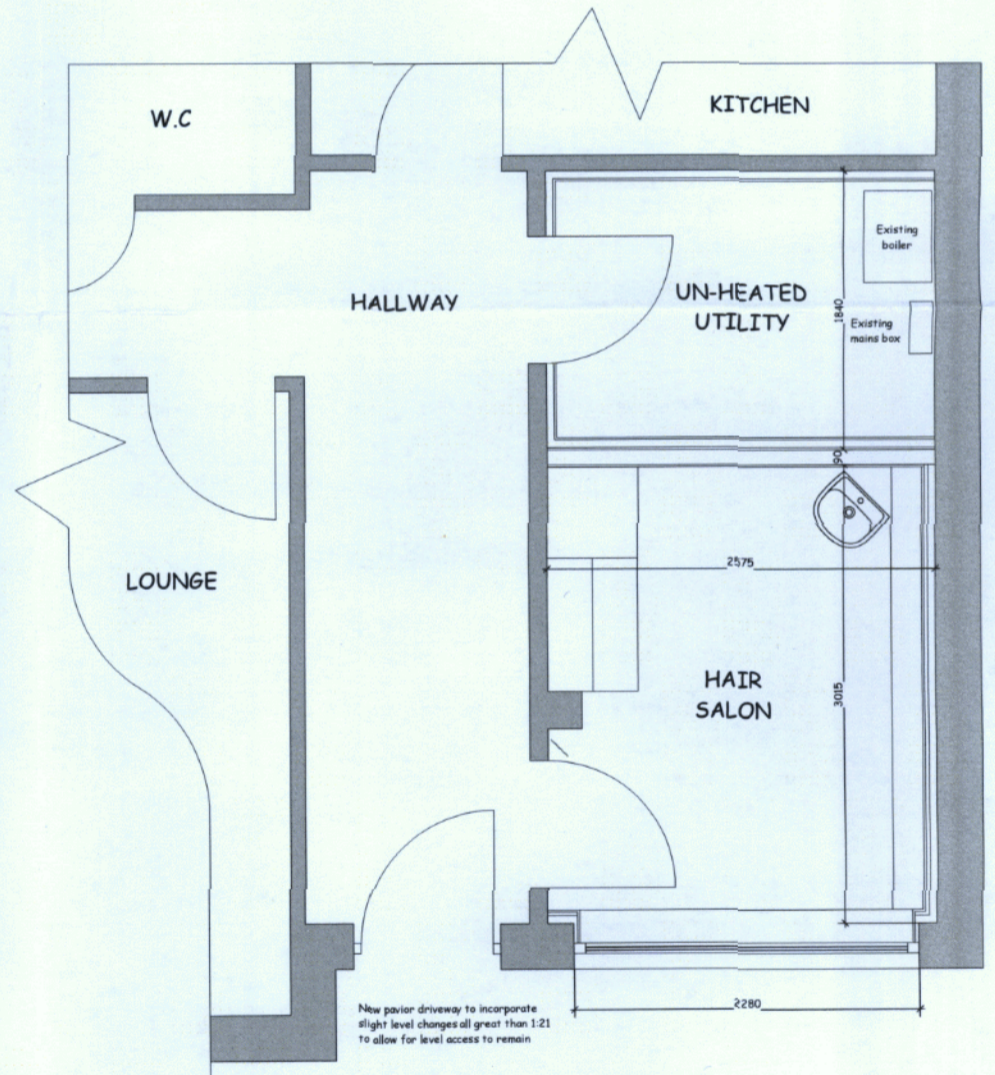
EXISTING ELEVATION - 1:50



EXISTING ELEVATION - 1:50



EXISTING FLOORPLAN - 1:50



PROPOSED FLOORPLAN - 1:50

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

**DRAWINGS TO BE READ IN CONJUNCTION  
WITH SPECIFICATION NOTES**



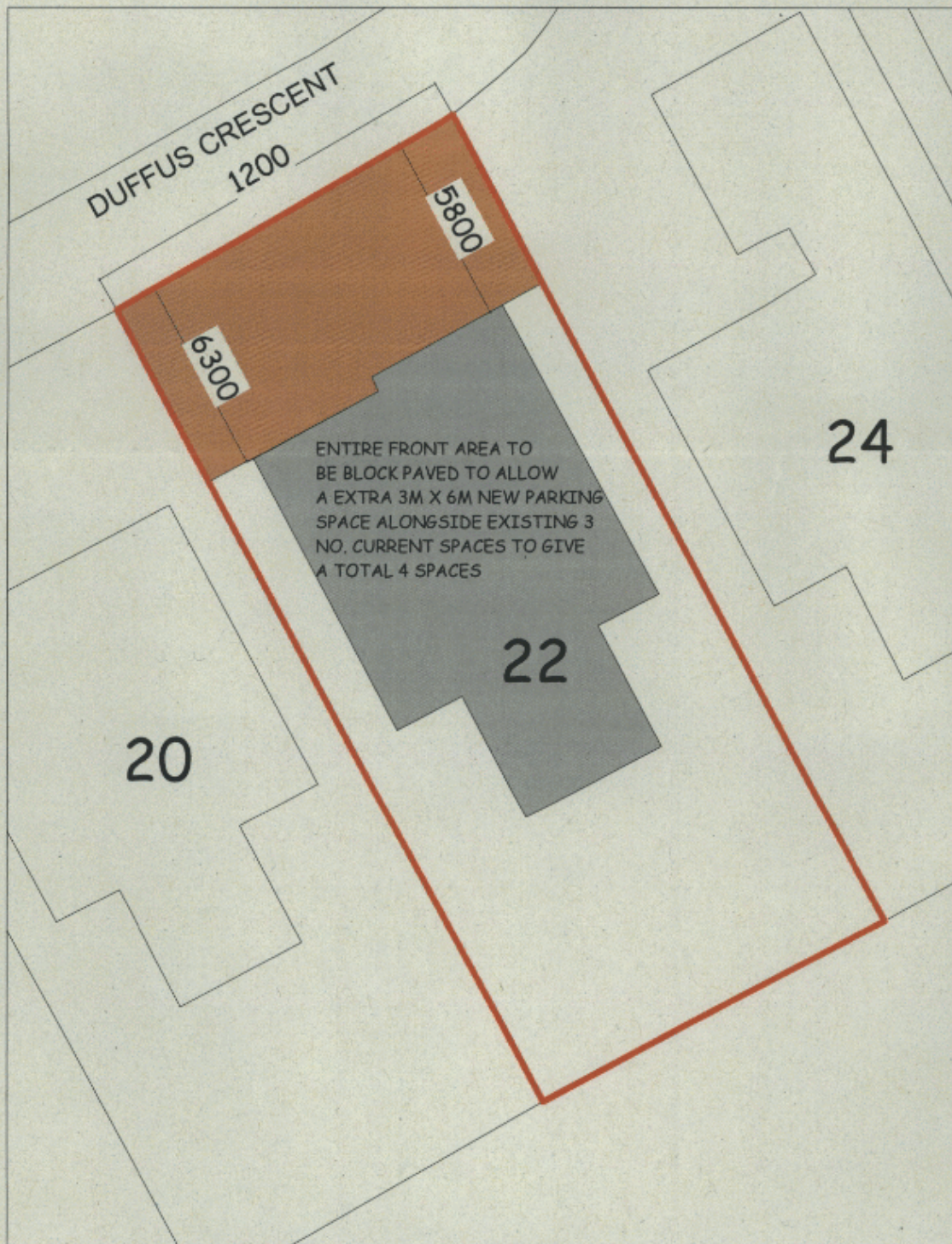


PROPOSED PARTIAL GARAGE CONVERSION  
FOR MR & MRS FERGUSON AT  
22 DUFFUS CRESCENT, ELGIN, IV30 5PY  
SITE PLAN

23/01371/APP

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

15 AUG 2023



SITE PLAN - 1:200



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	5th September 2023
<b>Planning Authority Reference</b>	23/01371/APP
<b>Nature of Proposal (Description)</b>	Retrospective consent to convert of part of garage to hair salon at
<b>Site</b>	22 Duffus Crescent Elgin Moray IV30 5PY
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133061210
<b>Proposal Location Easting</b>	320636
<b>Proposal Location Northing</b>	864046
<b>Area of application site (M<sup>2</sup>)</b>	
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RZFIFKBG0CQ00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RZFIFKBG0CQ00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	22nd August 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr And Mrs Ryann Ferguson
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	22 Duffus Crescent Elgin Moray IV30 5PY
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

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

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

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

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

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Environmental Health Manager

**Planning Application Ref. No: 23/01371/APP**

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

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

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

**Reason(s) for objection**

**Condition(s)**

**Further comment(s) to be passed to applicant**

Informative:

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.

**Further information required to consider the application**

**Contact:** Julia McDonald  
**email address:**  
**Consultee:**

**Date.....05/09/23.....**  
**Phone No .....**

**Return response to**

**consultation.planning@moray.gov.uk**

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## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	5th September 2023
<b>Planning Authority Reference</b>	23/01371/APP
<b>Nature of Proposal (Description)</b>	Retrospective consent to convert of part of garage to hair salon at
<b>Site</b>	22 Duffus Crescent Elgin Moray IV30 5PY
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133061210
<b>Proposal Location Easting</b>	320636
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<b>Area of application site (M<sup>2</sup>)</b>	
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RZFIFKBG0CQ00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RZFIFKBG0CQ00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	22nd August 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr And Mrs Ryann Ferguson
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	22 Duffus Crescent Elgin Moray IV30 5PY
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

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Please respond using the attached form:-



## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 23/01371/APP**

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

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

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

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

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

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

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

#### **Condition(s)**

1. Within six months of the date of this decision notice the existing driveway shall be reconfigured and extended to provide four car parking spaces. The car parking spaces shall thereafter be retained within the site throughout the lifetime of the development for use by residents and customers, unless otherwise agreed in writing with the Council as Planning Authority.

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

2. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access

**Further comment(s) to be passed to applicant**

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

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

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

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

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 05 September 2023**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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# **Consultee Comments for Planning Application 23/01371/APP**

## **Application Summary**

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## **Consultee Details**

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally - Adrian Muscutt



# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details

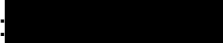


## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:  is causing me no issues at all.

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: These applicants are really lovely people.

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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



# Comments for Planning Application 23/01371/APP

## Application Summary

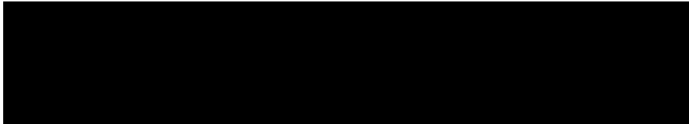
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

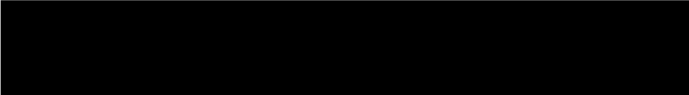
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

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## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

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

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

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

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 23/01371/APP

## Application Summary

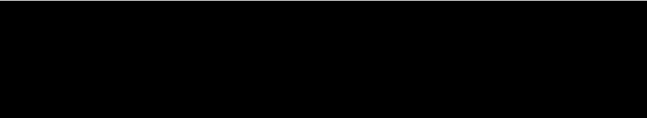
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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



# Comments for Planning Application 23/01371/APP

## Application Summary

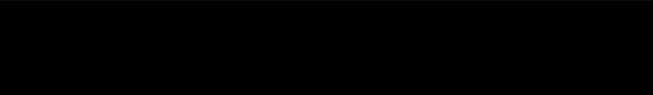
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

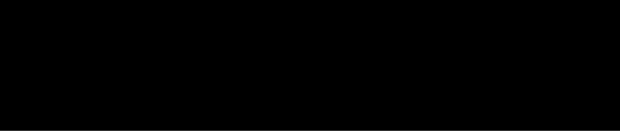
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Parking
- Road access
- Road safety
- Traffic

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

Support mums working from home!

# Comments for Planning Application 23/01371/APP

## Application Summary

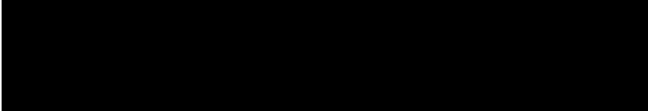
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details




## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

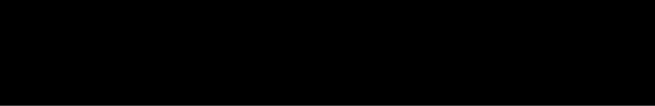
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Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I'm in support of this application.

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

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



# Comments for Planning Application 23/01371/APP

## Application Summary

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Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: All for small businesses making a success

# Comments for Planning Application 23/01371/APP

## Application Summary

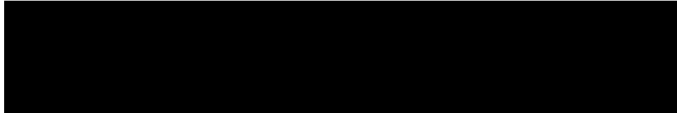
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## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 23/01371/APP

## Application Summary

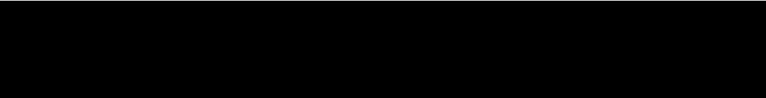
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Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

Reasons for objection are noted below -

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

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

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

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

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

In the report from the transport manager it states -

Within six months of the date of this decision notice the existing driveway shall be reconfigured and extended to provide four car parking spaces. The car parking spaces shall thereafter be retained within the site throughout the lifetime of the development for use by residents and customers, unless otherwise agreed in writing with the Council as Planning Authority.

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

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

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

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

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

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

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

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

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

MLDP 2020 DP1 section e -

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

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

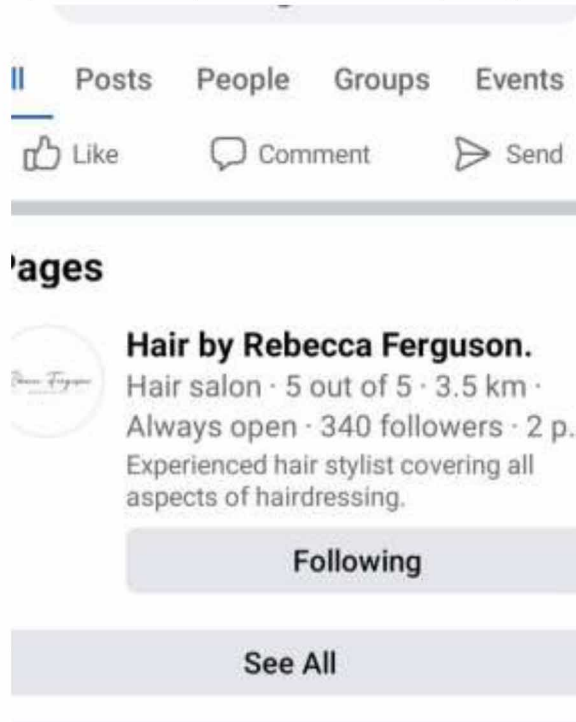
I would like to object to retrospective planning application 23/01371/APP for the following reasons:

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



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

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



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

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

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

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



# Comments for Planning Application 23/01371/APP

## Application Summary

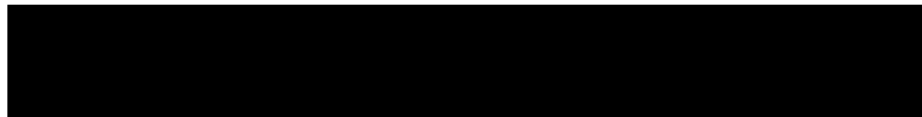
Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

Rational:

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

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

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

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

# Comments for Planning Application 23/01371/APP

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## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

Address: 22 Duffus Crescent Elgin Moray IV30 5PY

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

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

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

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## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 23/01371/APP

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## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

# Comments for Planning Application 23/01371/APP

## Application Summary

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Comment Reasons:

Comment:

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## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

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Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

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



# Comments for Planning Application 23/01371/APP

## Application Summary

Application Number: 23/01371/APP

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

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

# Comments for Planning Application 23/01371/APP

## Application Summary

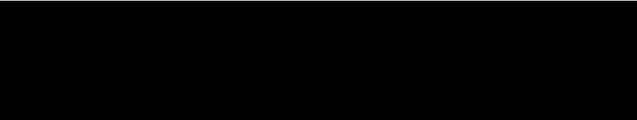
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## Comment Details

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Comment Reasons:

Comment:

# Comments for Planning Application 23/01371/APP

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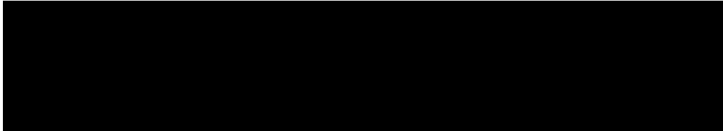
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Stance: Customer made comments in support of the Planning Application

Comment Reasons:

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

Objections from 10<sup>th</sup> September

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



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

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

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

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

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

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

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

[REDACTED]

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

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

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

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

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

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

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

#### Responses to objection dated 8<sup>th</sup> September

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

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

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

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

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

3. Response as noted above at points 3 and 4 – in addition –

[REDACTED]

[REDACTED]

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

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

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

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

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

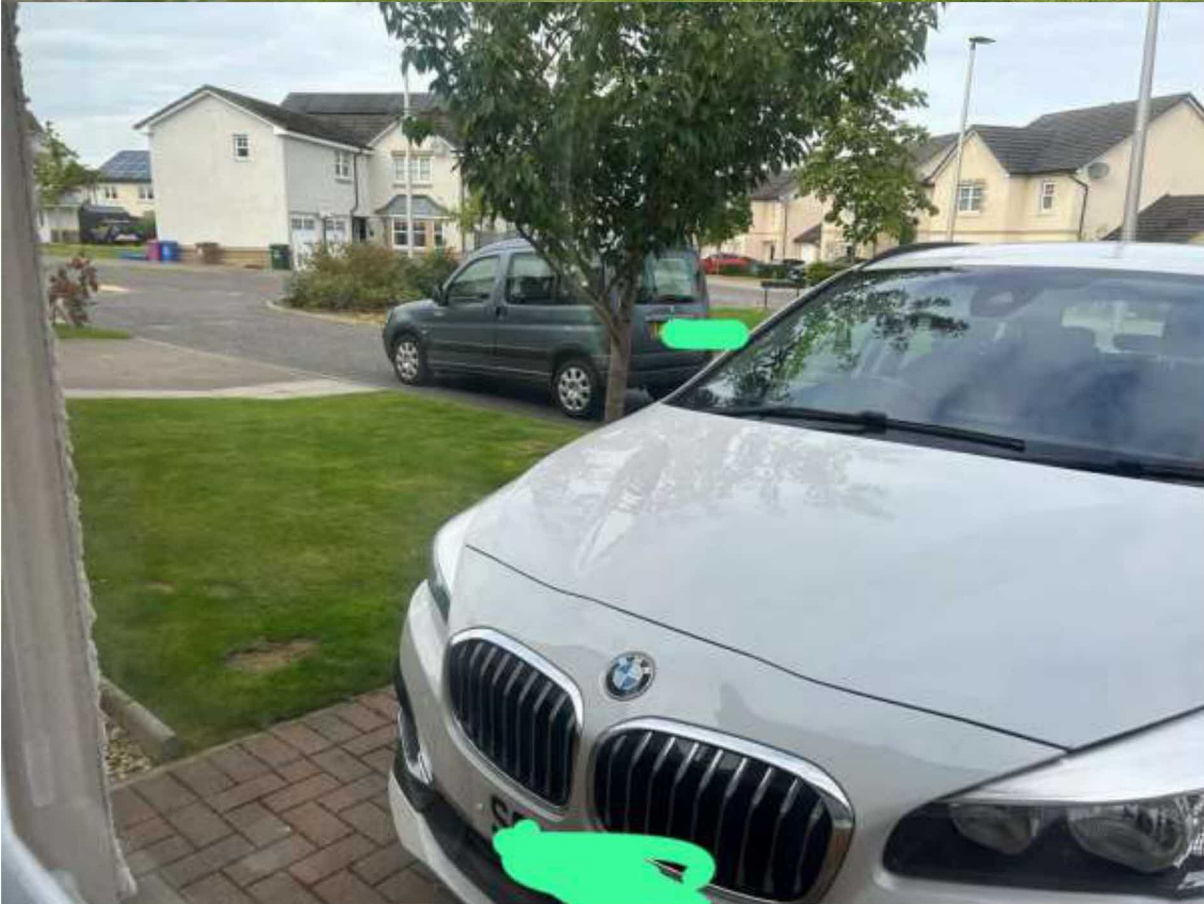
Having 340 followers on a social media page is no indication of how many customers the Mrs Ferguson has. Social media followers can be friends, colleagues, other hairdressers to name a few. The supportive comments are simply stating that customers can walk to the salon if they live in Hamilton Gardens,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

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

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## REPORT OF HANDLING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Comments (PO):** Noted - see comments above.

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **Legislative Framework**

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

The main planning issues are considered below:

### **Proposal and Site**

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

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

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

### **Policy Assessment**

#### **NPF Policy 26 Business and Industry Part b)**

Development proposals for home working, live work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.

#### **NPF Policy 14 Design, Quality and Place Part c)**

Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### **MLDP 2020 Policy DP1 Development Principles**

Policy DP1 (i) a) requires that the scale, density and character of a development must be appropriate to the surrounding area and create a sense of place. Proposals must also not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

#### **MLDP 2020 Policy PP2 Sustainable Economic Growth**

Policies PP2 promote sustainable economic growth provided all potential impacts can be successfully mitigated.

In this case, whilst it is recognised that the application proposal is for the salon to be operated 3 days a week, between 9am and 3pm with a maximum of 3 customers a day and these hours and numbers would be commensurate with a part time use. A salon as a class 1 (shop use) is not a typical use ordinarily associated or compatible with residential use. Further, it is considered that given the creation of a bespoke salon within a private home, it is not possible to practically or effectively enforce any such planning condition which would seek to restrict the operation of the salon to the hours, days and numbers of clients identified by the applicant.

Therefore, the operation of the salon use with uncontrolled hours, days and numbers of clients would result in traffic movements with associated noise and disturbance which would have a significant adverse impact on the character and residential amenity of the surrounding residential properties.

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

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

**Design Considerations NPF14 and MLDP 2020 DP1**

The external alterations associated with the change of use are compatible with the character and appearance of the residential development and in and of themselves do not create any adverse amenity impacts. The proposal meets the design requirements of Policies NPF14 and MLDP 2020 DP1. However, this is separate from the unacceptable use of the salon.

**Access and Parking NPF13 and MLDP 2020 Policy DP1 & PP3**

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

Recommendation - Refusal

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
	<b>Decision</b>		<b>Date Of Decision</b>

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

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>N/A</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b> * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
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Supporting information submitted with application?	YES	
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Summary of main issues raised in each statement/assessment/report

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

<b>S.75 AGREEMENT</b>
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Application subject to S.75 Agreement		NO
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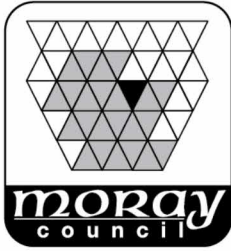
Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			







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

**REFUSAL OF PLANNING PERMISSION**

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

TO

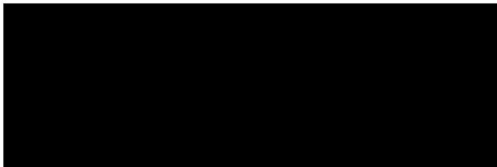


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

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

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

Date of Notice: **31 October 2023**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal is contrary to the provisions of the Development Plan because:

- i) The salon as a class 1 (shop use) is an incompatible use within a residential property.
- ii) The salon within the private residential property is incompatible with the residential area, and, the traffic movements with their associated noise and disturbance would have a significant adverse impact on the character and residential amenity of the surrounding residential properties.

The proposal is therefore contrary to NPF Policies 16 b) and 14 c) and MLDP 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
RF/01		Elevations and floor plans
RF/02		Site location plan

**NOTICE OF APPEAL**

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

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

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

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

