

## **REPORT OF HANDLING**

<b>Ref No:</b>	23/01971/APP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH		
<b>Date:</b>	04/03/2024	<b>Typist Initials:</b>	EW

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Transportation Manager	25/01/24	No objection following the submission of an amended plan which shows how 3 parking spaces could be achieved on site.
Environmental Health Manager	08/12/23	No objection with conditions which would seek to control the hours of operation, and an informative note that the premises would have to comply with Health and Safety at work regulations.
Scottish Water	22/11/23	No objection subject to the applicant undertaking the Scottish Water Pre-Development Enquiry Process.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
<b>National Planning Framework 2023</b>		
NPF14 - Design, quality and place	Y	
NPF26 - Business and industry	Y	
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF13 - Sustainable transport	N	
<b>Moray Local Development Plan 2020</b>		
PP2 Sustainable Economic Growth	Y	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

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

### 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

Planning permission is sought to convert the front section of an existing domestic garage to a hair salon at 7 Mitchell Crescent Elgin. The rear section of the garage would be used as a garden store.

Physical alterations to the garage would entail replacing the existing garage door with an entrance door with glass panel surround and blocking off an existing side door. Internally the garage would be partitioned to create the front bespoke salon space and the rear garden store.

As advised in the supporting statement, the proposed operating arrangements entail: The hair salon operating between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon. It is anticipated that there would be a maximum of 3 clients per day with 1 client in attendance at any one time.

During the course of the application the applicant/agent submitted revised plans to show the removal of the existing front boundary wall to show how three parking spaces would be achieved on site. The provision of three parking spaces on site would allow for 2 parking spaces for the property and 1 space for customers. Following the submission of the revised plan, further neighbour notification on the proposals was undertaken.

### **Site**

7 Mitchell Crescent is part of an adjoining row of residential properties on a residential street in Elgin.

Properties No1 to and including No7 make up the adjoining row of properties. Neighbouring property No9 is separated from No7 by their driveways but their garages adjoin.

North Street which is a busy mixed use street is located approximately 100m meters to the east of the site. However, Mitchell Crescent itself is characterised as a residential street.

### **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 hair salon to operate between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon and likely customer numbers to be in the region of 3 clients per day with 1 client in attendance at any one time. A hair salon is not a typical use ordinarily associated or compatible with residential use. Further, it is considered that given the proposal would entail the creation of a bespoke salon within a domestic garage building within the confines of a private home, it would not be possible to practically or effectively enforce any such planning condition(s) which would seek to restrict the operation of the hair 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 an increase of footfall and traffic movements with their associated noise and disturbance which would have a significant adverse impact on the residential amenity of the surrounding residential properties.

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

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

#### **Design Considerations NPF14 and MLDP 2020 DP1**

The external alterations associated with the change of use would be acceptable and in and of themselves would 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 bespoke hair salon.

#### **Access and Parking (NPF13 / MLDP DP1 & PP3)**

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

The Transportation Section has raised no objection to the proposal based on the submission of revised plans which show how the 3 parking spaces could be achieved on site allowing for 2 parking spaces for the property and 1 space for customers. Transportation has recommended conditions which would detail the required access and parking specifications. Subject to compliance with these conditions the proposal would be acceptable under Policies NPF13 and the access and parking requirements of Policy DP1 and PP3. However, this is separate from the unacceptable use of the salon.

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

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

#### **Recommendation**

Refuse

<b>OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT</b>
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None.

HISTORY				
Reference No.	Description			
23/01478/ID	Operate hairdressing business at 7 Mitchell Crescent Elgin Moray IV30 4EH			
	Decision	Planning Permission Required	Date Of Decision	07/09/23

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

<b>DOCUMENTS, ASSESSMENTS etc. *</b> <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	<b>Supporting Statement</b>	
Main Issues:	<p>Seeks to provide comments in support of the application and details the operating arrangements.</p> <p>The proposed operating arrangements entail: The hair salon operating between 3pm and 6pm Tuesday to Saturday with the applicant being the only person working in the salon. It is anticipated that there would be a maximum of 3 clients per day with 1 client in attendance at any one time.</p>	

<b>S.75 AGREEMENT</b>		
Application subject to S.75 Agreement		NO
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)			

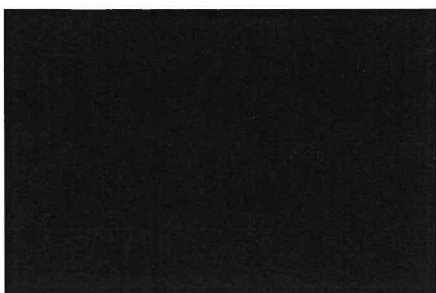


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**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:-

**Convert front section of garage to hair salon retaining rear section as garden store at 7 Mitchell Crescent Elgin Moray IV30 4EH**

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

Date of Notice: **6 March 2024**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

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

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

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

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

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

- i) A bespoke hair salon is an incompatible use within a domestic garage in the confines of a residential property.
- ii) The salon within the private residential property is incompatible with the residential location, and, the increase in footfall and traffic movements with their associated noise and disturbance would have an adverse impact on the residential amenity of the surrounding residential properties.

The proposal is therefore contrary to NPF Policies 26 b) and 14 c) and MLDP 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

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

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

Reference	Version	Title
		Location plan
23-37-D-1	A	Elevations and floor plans

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

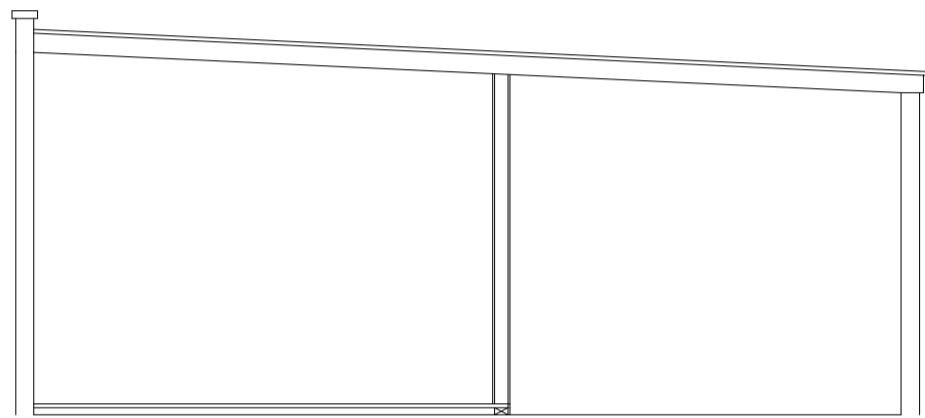
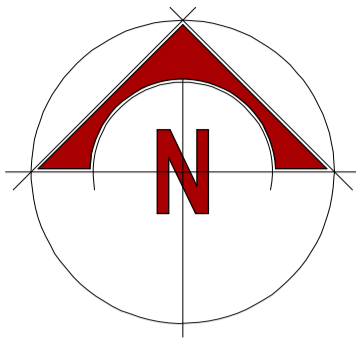
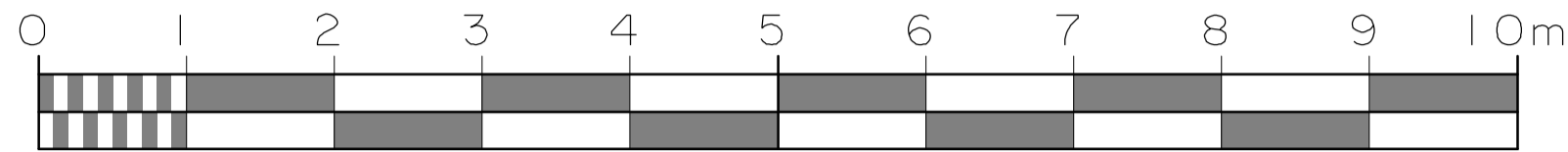
Revised plans to show additional onsite parking.

## **NOTICE OF APPEAL**

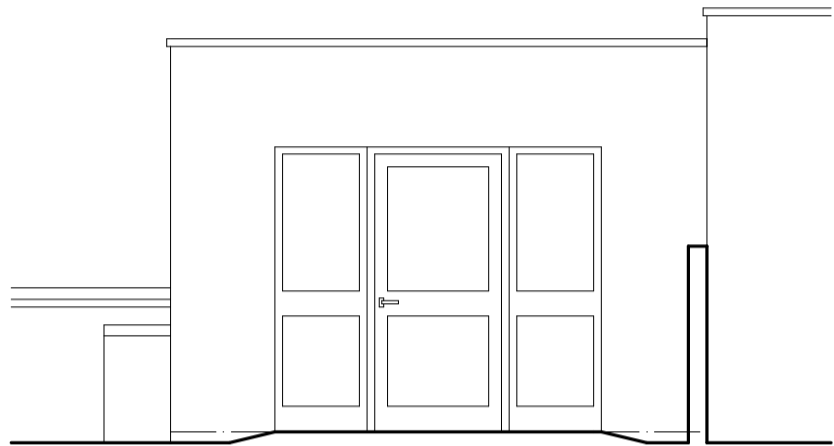
### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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)

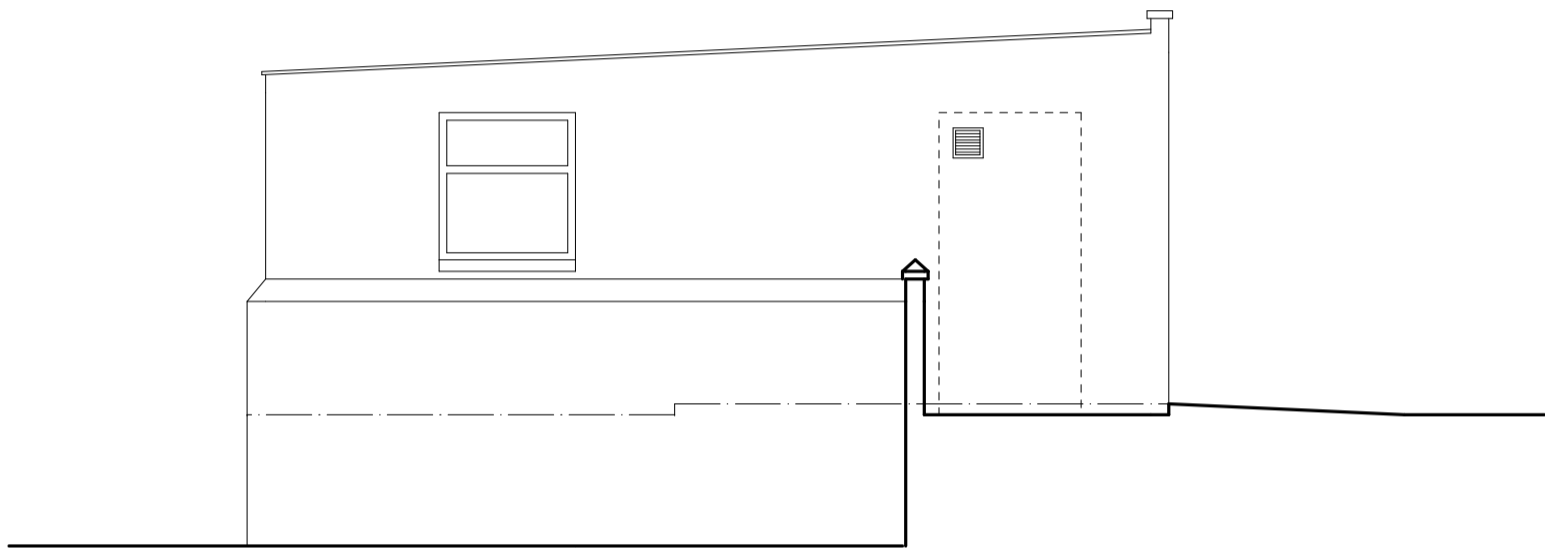
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has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



LONGITUDINAL SECTION.  
SCALE 1-50



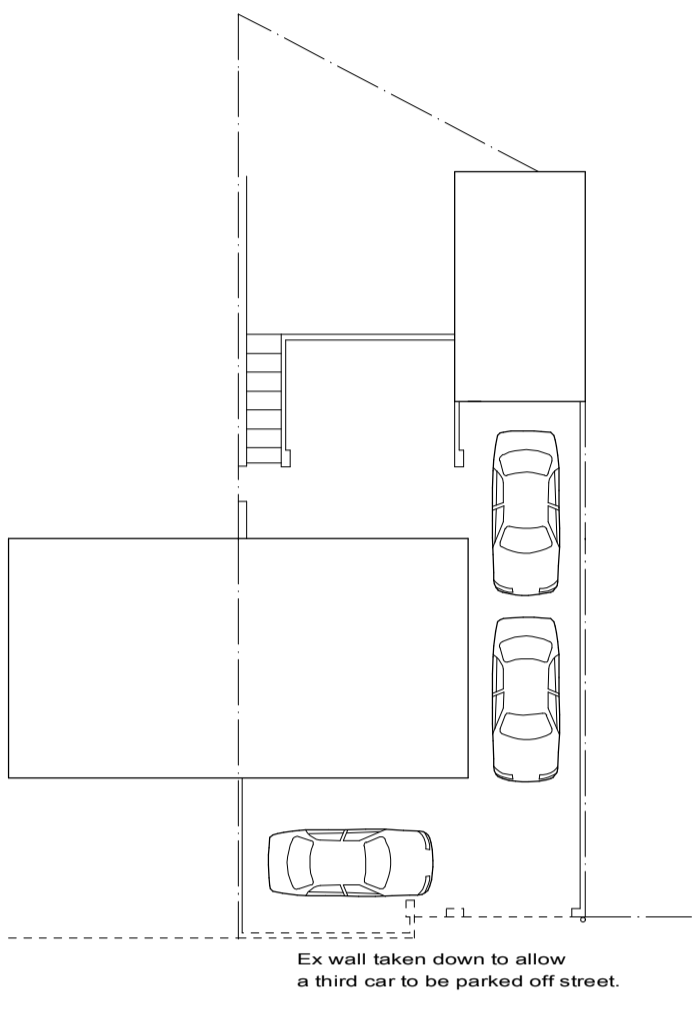
FRONT ELEVATION  
SCALE 1-50



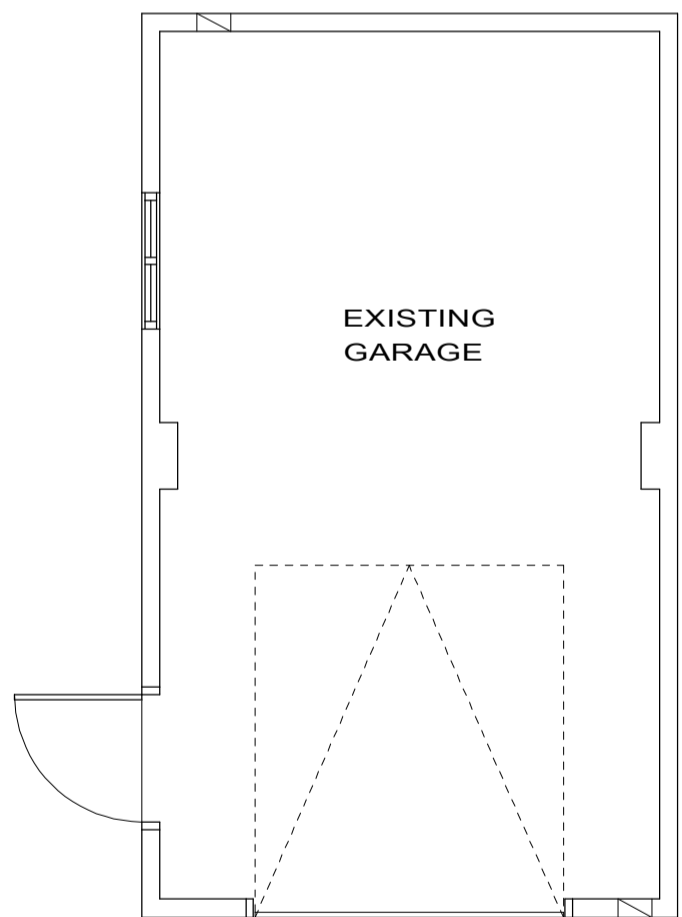
SIDE ELEVATION  
SCALE 1-50

The building will be unheated but insulation will be provided.  
The garage door infill of glazed windows and doorway will attract heat from the sun as they face directly South.

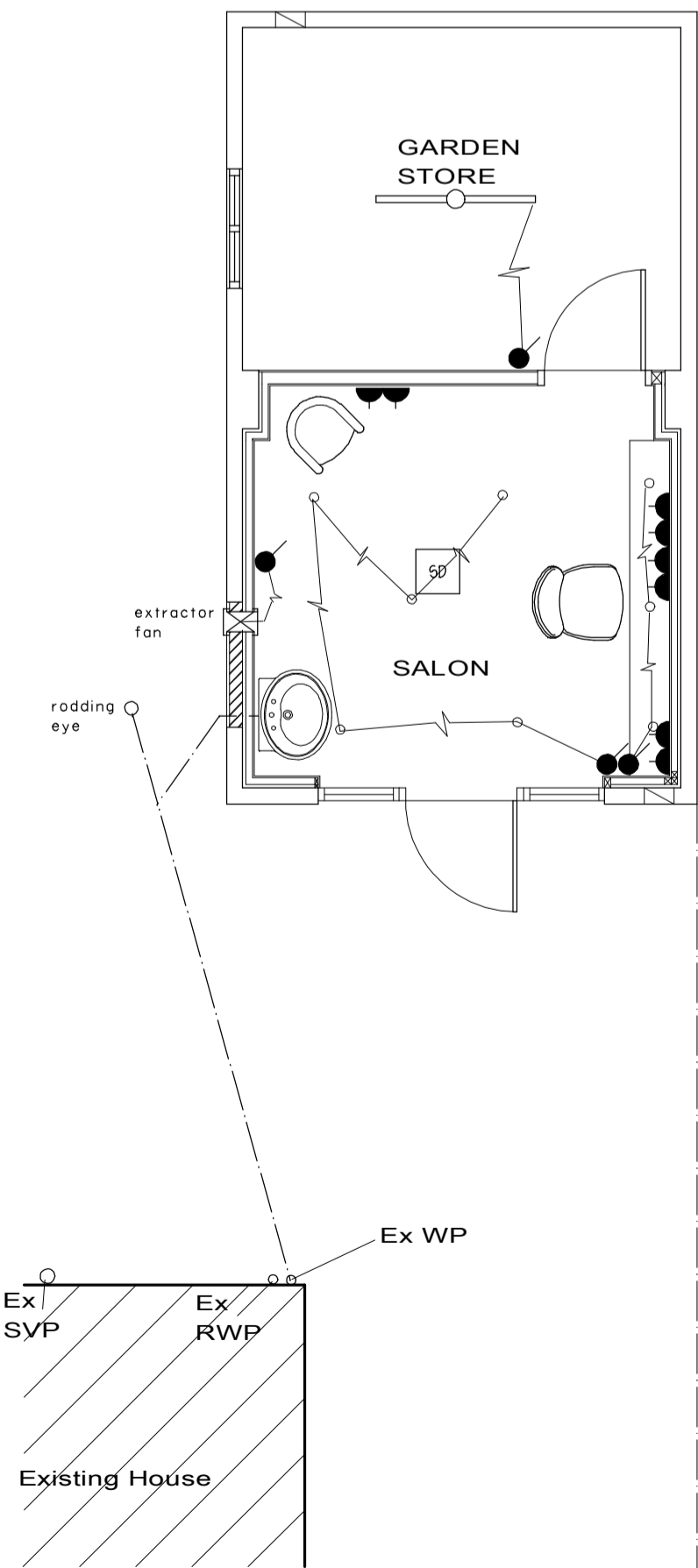
The opening hours will only be for 3 hours a day between 3pm and 6pm. There will be no staff only the applicant working from this salon. The premises will operate from Tuesday to Saturday inclusive but closed on Sunday and Mondays.



SITE PLAN  
SCALE 1-200



EXISTING GARAGE PLAN  
SCALE 1-50



PROPOSED NEW LAYOUT  
SCALE 1-50

### NOTES.

Existing concrete floor to have 50x50mm tww battens at 400mm crs laid on top with 22mm T and G flooring and a vineer floor covering finish. Due to the age of the garage it has been assumed that the existing concrete floor has a DPC below the concrete. 50mm Kingspan insulation laid between battens.

New partition formed with 97x47mm tww posts at 600mm crs with double top and bottom rails and centre dwangs and finished both sides with 12.5mm plasterboard. Joints taped and filled and decorated in salon side of partition. 100mm glasswool insulation between posts.

Existing 100mm concrete block walls to have 25mm air gap then 72x47mm tww posts at 600mm crs with 70mm glasswool insulation between posts and finished with 12.5mm plasterboard with joints taped and filled ready for decoration

Existing roof is made up of metal sheeting on 125x50mm rafters at 1200mm crs with purlins between 12.5mm plasterboard added to underside of rafters and to be taped and filled ready for decoration.

Existing side door to be infilled with 100mm concrete block wall to match the existing garage construction. Finished externally with roughcast with waterproofer incorporated in mix to match existing external walls. Lined internally as per the specification above.

The light switch to the garden shed is to be re-positioned as indicated.

The new waste pipe 50mm dia from the wash hand basin taken out through built up doorway and then connected to the existing house drainage system at the rear as indicated. A rodding point is to be provided as indicated. Depth of drain to be assessed on site.

Window and door fixings.  
All new windows and doors to be manufactured to meet minimum recognised product standards and defined component performance to resist forced entry. Units to be installed in accordance with recommendations given in section 8 of BS 8213-4:2007 or manufacturers instructions where they reach or exceed standard.

#### WINDOWS AND DOORS.

New Upvc windows and doors to incorporate low emmisive double glazing providing a U value not more than 1.4W/m2K. Supplier to provide certification for materials and U values provided. Any glazing within 800mm of floor level, part of a door leaf or within 300mm of a door leaf and within 1500mm of floor to be toughened safety glass in accordance with BS6262:Part4 2005.

#### WINDOW AND DOOR FIXING.

All accessible windows and doors to be manufactured to meet min recognised product standards and defined component performance to resist forced entry. Units to be installed in accordance with the recommendations given in Section 8 of BS 8213-4:2007 or manufacturers instructions where they meet or exceed standard.

Access to salon is by a level access path to the building. Maximum 5mm rise at door.  
150mm extract fan provided to salon located in former doorway fitted with isolator switch.

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

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No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans aol.com		
Project CONVERT SMALL AREA OF GARAGE TO PART TIME HAIR SALON AT 7 MITCHELL CRESCENT, ELGIN, MORAY, IV30 4EH.	Project No. 23-37-D-1-A	
Client MIGLENA STEFANOVA	Drawn By Colin T Keir	Scale AS INDICATED.