



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR269

Planning Application 21/01146/APP – Erection of hot sandwich shop including drive through at 4 Riverside Road, Elgin, IV30 6LS

Ward 6 – Elgin City North

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 1 October 2021 on the grounds that:

The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

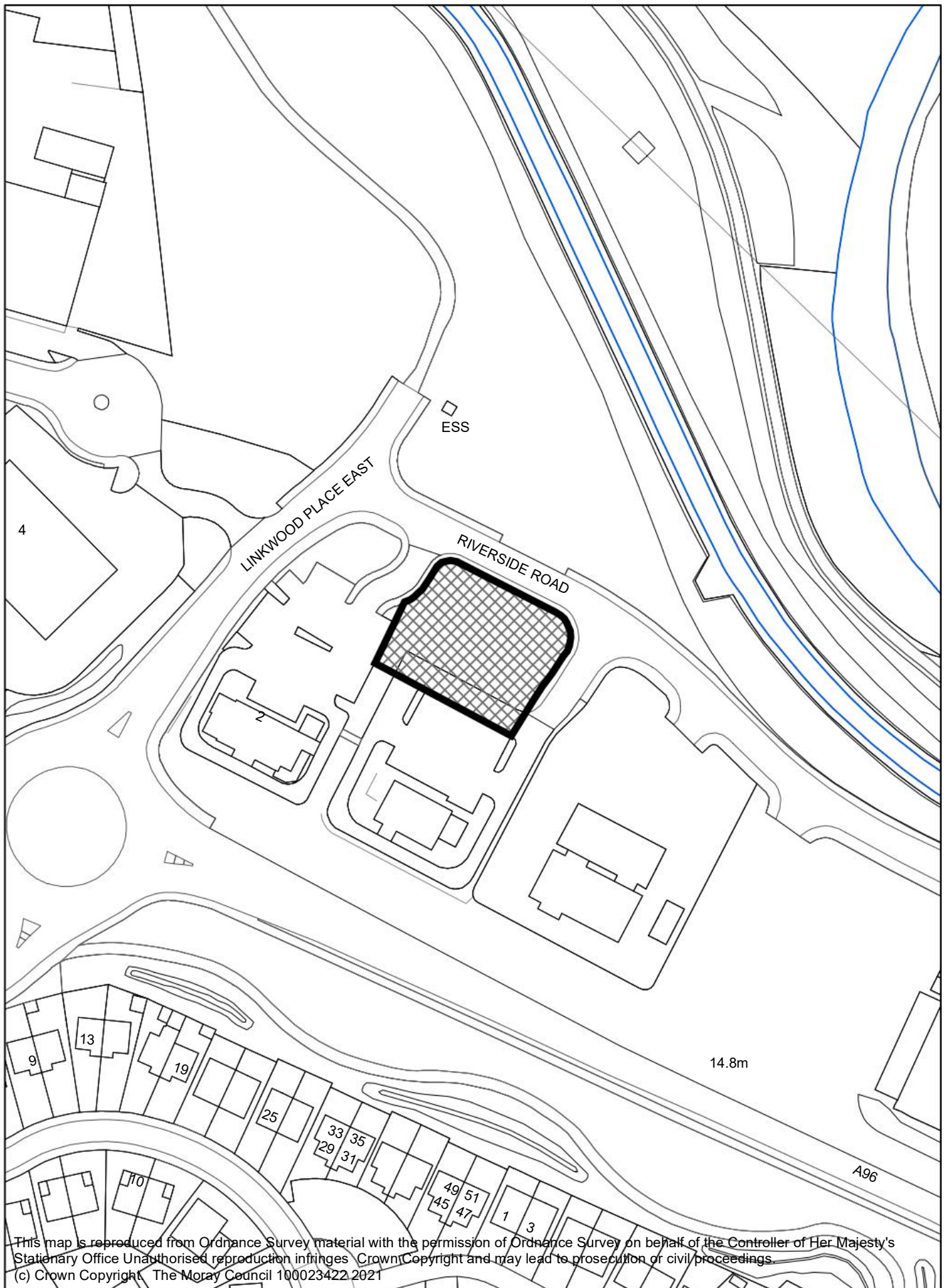
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

No Further Representations were received in response to the Notice of Review.



**Location plan for Planning Application Reference Number :
21/01146/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100430952-001

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

Type of Application

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

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

Description of Proposal

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

Erection of Subway sandwich shop, including drive thru

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	CFM Consultants Ltd		
Ref. Number:	1780	You must enter a Building Name or Number, or both: *	
First Name: *	Sam	Building Name:	New Media House
Last Name: *	Cheshire	Building Number:	
Telephone Number: *	01253 884 063	Address 1 (Street): *	8 Hardhorn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Poulton-le-Fylde
Fax Number:		Country: *	United Kingdom
		Postcode: *	FY6 7SR
Email Address: *	sam@cfmconsultants.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	40
Last Name: *		Address 1 (Street): *	Redwood Avenue
Company/Organisation	SLD Group Property Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV2 6HA
Fax Number:			
Email Address: *	sam@cfmconsultants.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

4 RIVERSIDE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6LS

Please identify/describe the location of the site or sites

Northing

862483

Easting

323694

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

920.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Undeveloped land

Access and Parking

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

☐ Yes ☒ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">11</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

Bin store area provided on plans

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 3 Restaurant/cafe

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

140

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Jack T C Brown

Address:

Northern Property Suite 8/1, 175, Finnieston Street, Glasgow, G3 8HD

Date of Service of Notice: *

22/07/2021

Name:

Address:

Costa Limited Costa House Houghton Hall Business Park, Porz Avenue, Houghton Regis, Dunstable, LU5 5YG

Date of Service of Notice: *

22/07/2021

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Sam Cheshire

On behalf of: SLD Group Property Ltd

Date: 22/07/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Sam Cheshire

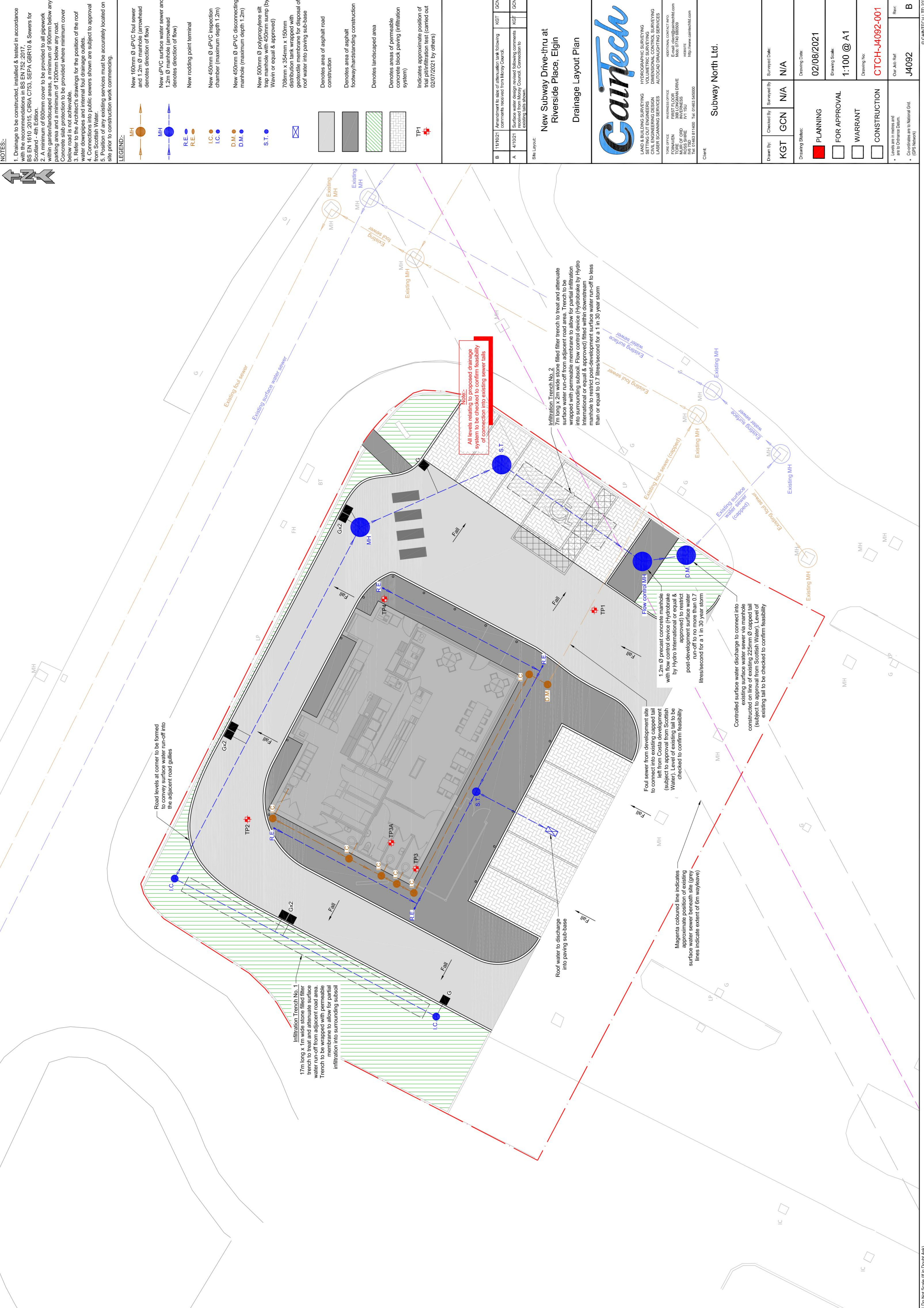
Declaration Date: 22/07/2021

Payment Details

Online payment: 005664

Payment date: 22/07/2021 13:58:35

Created: 22/07/2021 13:58



NOTES:

- Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752:2017.
- SS EN 1010:2015, CIRIA C753, SEPA GR810 & Sewers for Scotland - 4th Edition.
- Within garden landscaped areas, a minimum of 900mm below any parking area and a minimum of 1200mm below any road.
- Concrete slab protection to be provided where minimum cover below road is not achievable.
- Refer to the Architect's drawings for the position of the roof water downpipes and internal foul drainage outlets.
- Connections into public sewers shown are subject to approval from Scottish Water.
- Position of any existing working services must be accurately located on site prior to construction work commencing.

LEGEND:

- MH: Manhole
- RE: Road Edge
- IC: Inspection Chamber
- DM: Ductile Iron Manhole
- S.T.: Street
- TP1: Traffic Point 1

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

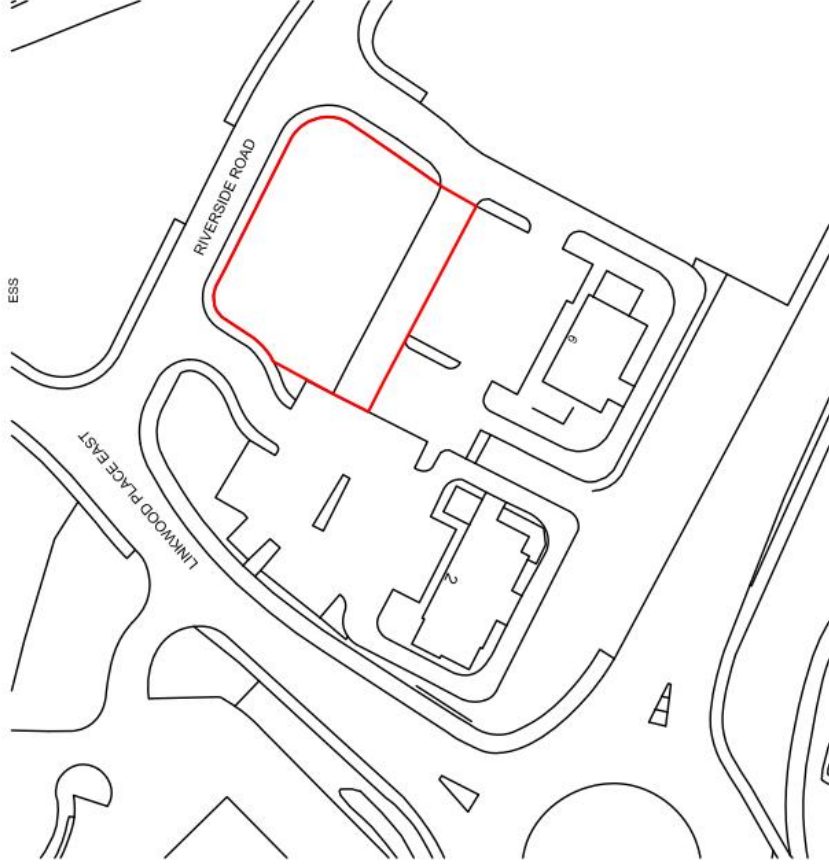
- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

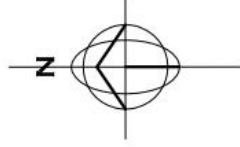
- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile for disposal of roof water into paving sub-base
- Denotes area of asphalt road construction
- Denotes area of asphalt footway/handstanding construction
- Denotes landscaped area
- Denotes areas of permeable concrete block paving (infiltration system)
- Indicates approximate position of wall cladding (carried out 02/07/2021 by others)

Legend:

- New 160mm Ø pVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
- New 450mm Ø pVC inspection chamber (maximum depth 1.2m)
- New 450mm Ø pVC disconnecting manhole (maximum depth 1.2m)
- New 500mm Ø polypropylene slit trap manhole with 450mm sump (by Wavin or equal & approved)
- 700mm x 354mm x 150mm disconnection tank wrapped with geotextile



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



Reproduced from Ordnance Survey Digital Data by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright 2021. All rights reserved. No part of this publication may be reproduced or stored in a retrieval system without the prior permission of Ordnance Survey.



Tel: 01253 844933
Email: sales@cfmconsultants.co.uk
From: 4 Riverside Road, Poulton-le-Fylde, FY8 7SR

**4 Riverside Road,
Poulton-le-Fylde,
FY8 7SR**

Drawing : Location Plan

Scale : 1:1250 @ A4

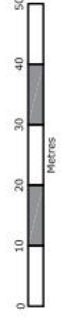
Drawing No. : SW/01780/001A

Date : 11/06/21

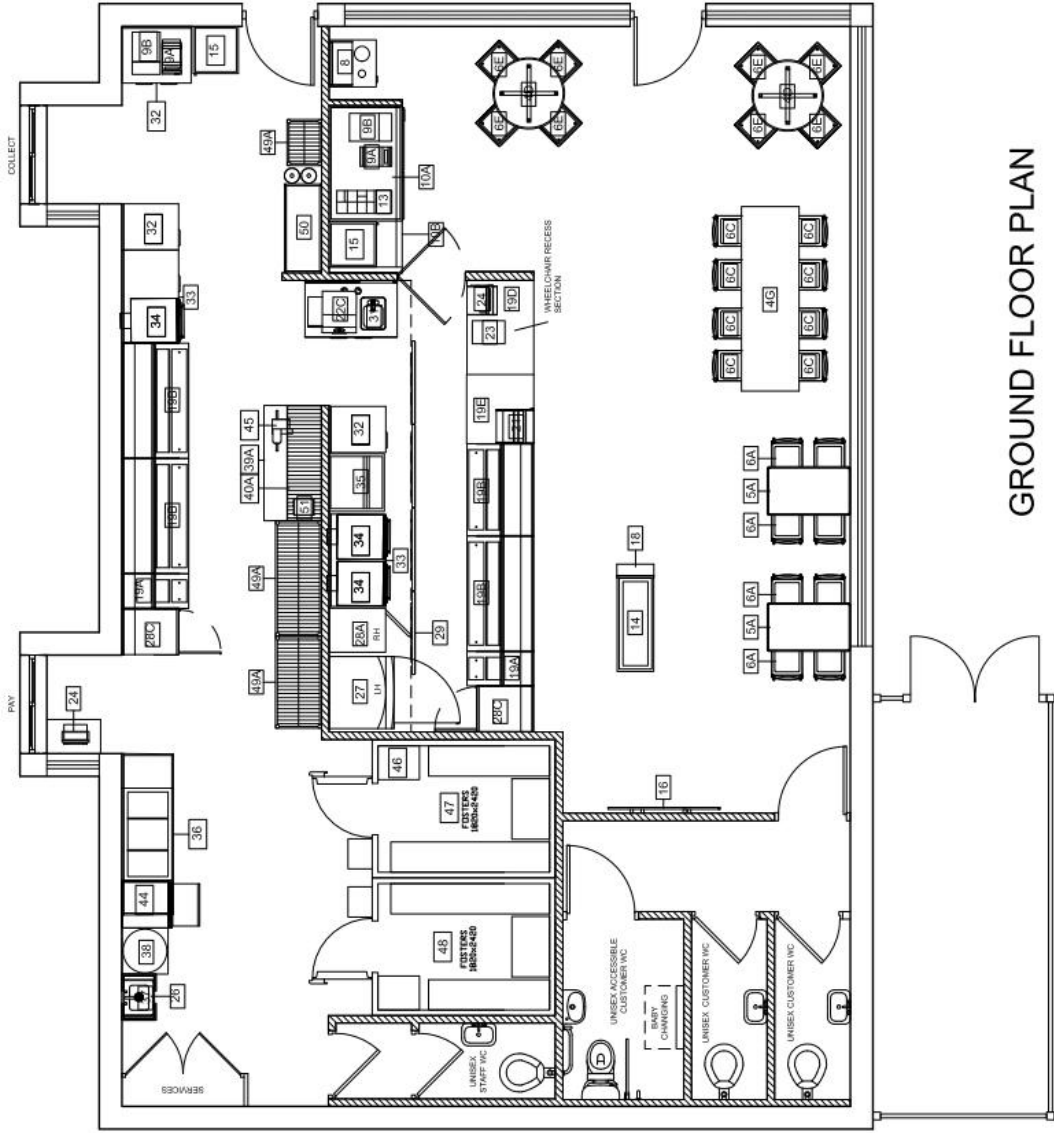
All drawings and documents are the property of CFM CONSULTANTS and shall remain confidential. Any unauthorised reproduction infringes copyright and may lead to prosecution.

This drawing and all the information contained therein is subject to copyright and must not be reproduced in part or in whole without the prior written permission of CFM CONSULTANTS. Any unauthorised reproduction infringes copyright and may lead to prosecution.

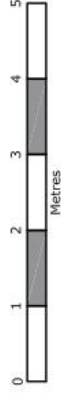
LOCATION PLAN



33	REFRIGERATED BACK COUNTER
34	RAPID COOK OVEN
35	FRESH DISPLAY
36	3 COMP SINK
37	MOP SINK
38	HOT WATER TANK
39A	WORKTABLE 48"
40A	WALL SHELF
40B	SMART WALL SYSTEM
43	CLEANING PRODUCT RACK
44	DISHWASHER
45	VEGETABLE SLICER
47	FRIDGE
48	FREEZER
49A	STORAGE UNITS
50	SODA STORAGE
52	MICROWAVE



GROUND FLOOR PLAN



#	Item
1	WOOD PLANK FOCAL WALL
2	WALL BENCH
3	WALL ART
4B	30" X 42" X 30" TABLE
4D	36" ROUND TABLE
5A	24" X 20" X 30" TABLE
5D	KIOSK COUNTER
6A	CHAIR
6B	CHAIR
6E	UPHOLSTERED OTTOMAN
7	KIOSK TERMINAL
8	TRASH/RECYCLE RECEPTACLE
9A	SODA FOUNTAIN
9B	ICE MACHINE
10A	BEVERAGE DESTINATION CENTER
10B	BEVERAGE SHROUD
13	BEVERAGE CADDY
14	CHIP DISPLAY
15	DISPLAY REFRIGERATOR
16	ILLUMINATED CHOICE MARK SIGN
18	TOY DISPLAY
19A	16" HOT FOOD SECTION
19B	GOLD PAN
19D	CASH SECTION
20A	PICK-UP SHELF
20B	COFFEE MACHINE
21	COOKIE DISPLAY CASE
22	OVEN CART
22C	COFFEE MACHINE
23	SAFE
24	P.O.S.
24A	P.O.S. SHROUD
26	HAND SINK
27	BREAD OVEN
28A	COMBINATION BREAD CABINET
28C	FRONT LINE BREAD DISPLAY
29	DIGITAL MENUBOARD
31	SINK COUNTER
32	BACK COUNTER



Tel: 01253 891 488 Email: sam@cfmconsultants.co.uk
8 Hardacre Road, Poulton-le-Fylde, FY6 7SR

**Proposed Subway
Riverside Place
Elgin**

Drawing: One Page Layout

Scale: 1:100 @ A4

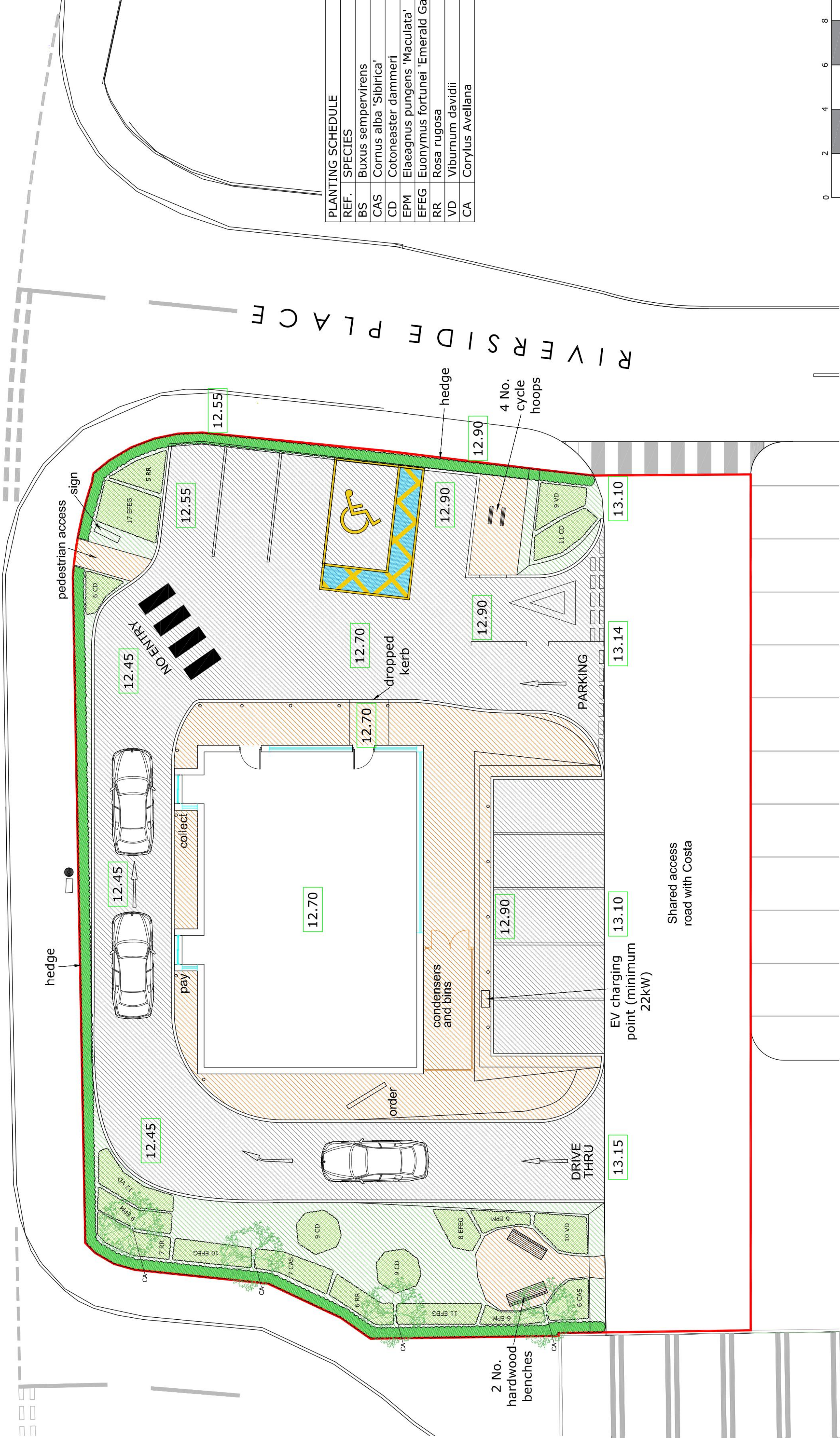
Drawing No.: SW/01780/002

Date: 10/06/2021

Revision: 00

PLEASE NOTE: These drawings are prepared for the purposes of landowner approval and shall not be construed as a contract or a guarantee of any kind. The drawings are prepared on the basis of the information provided to the consultants and the consultants accept no liability for any errors or omissions. All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor. The drawings are the property of the consultants and shall remain their property. The drawings are to be used for the purposes of the project only and shall not be reproduced in whole or in part without the written consent of CFM Consultants Ltd. Any unauthorised reproduction infringes copyright and may lead to prosecution.

RIVERSIDE ROAD



PLANTING SCHEDULE				
REF.	SPECIES	POT SIZE	HEIGHT	DENSITY QUANTITY
BS	Buxus sempervirens	2L	30-40cm	5/m 400
CAS	Cornus alba 'Sibirica'	2L	40-60cm	2/m ² 13
CD	Cotoneaster dammeri	3L	10-20cm	3/m ² 35
EPM	Elaeagnus pungens 'Maculata'	3L	30-40cm	3/m ² 21
EFEG	Euonymus fortunei 'Emerald Gaiety'	3L	20-30cm	3/m ² 38
RR	Rosa rugosa	3L	40-60cm	2/m ² 18
VD	Viburnum davidii	3L	20-30cm	3/m ² 31
CA	Corylus Avellana	10L	100-130cm	- 4

CFMCONSULTANTS

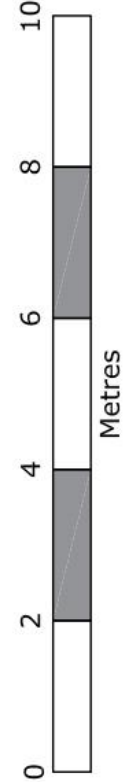
New Media House, 8 Hardthorn Road, Poulton-le-Fylde, FY6 7SR
Tel: 01253 884063 Email: sam@cfmconsultants.co.uk

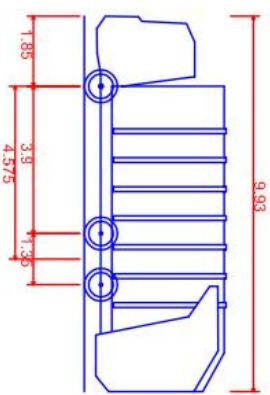
D	Landscaping alterations	14/10/2021
C	Landscaping alterations, EV charger and cycle hoops added	23/09/2021
B	Proposed access added	13/07/2021
A	Proposed levels added	04/06/2021
Rev.	description	

Proposed Subway Drive Thru
Riverside Place
Elgin

drawing		Proposed Site Plan	
job no.	1780	drawn.	SC
scale	1:100	checked.	SC
date	24/05/2021	issue	Planning
Drawing Size	A1	Drawing No	SW/01780/007
Rev	D		

All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be reported immediately to the Surveyor. All dimensions and requirements are to be checked on site prior to commencing any works. Any discrepancies are to be reported immediately to the Surveyor. All dimensions and requirements are to be checked on site prior to commencing any works. Any discrepancies are to be reported immediately to the Surveyor.

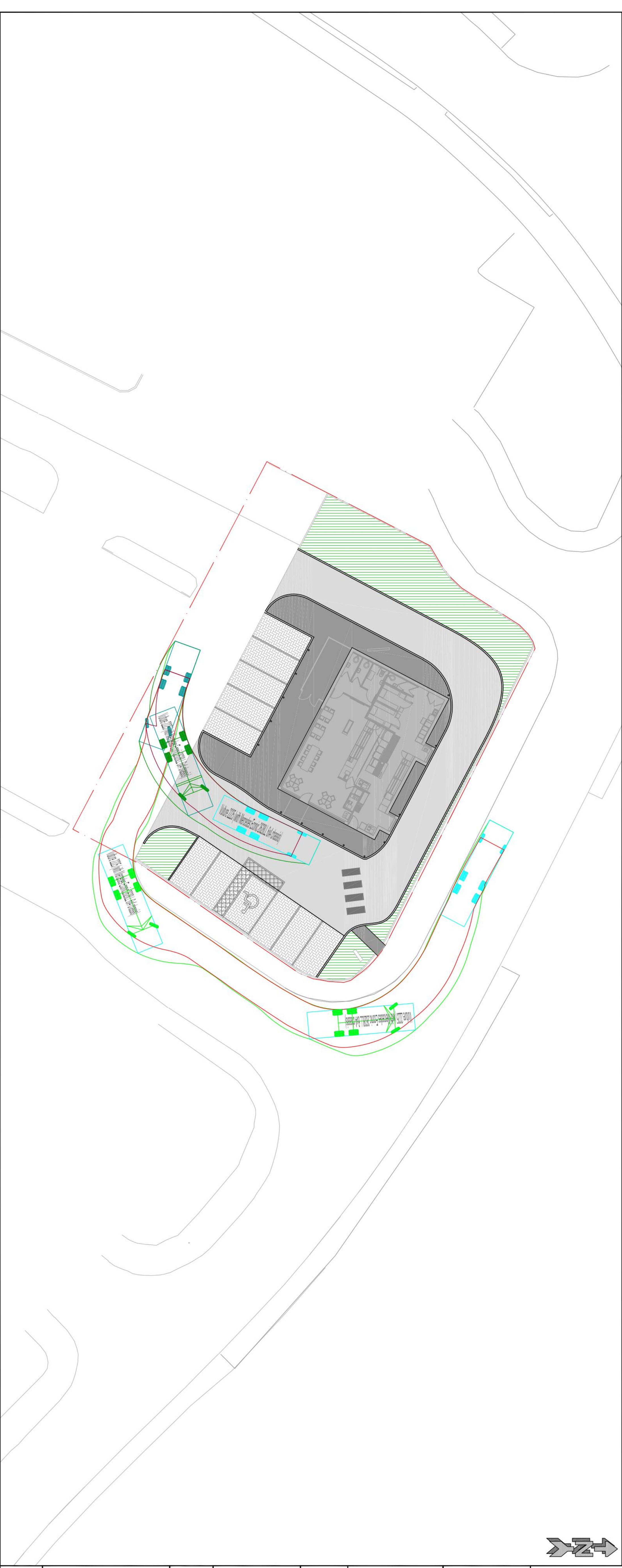
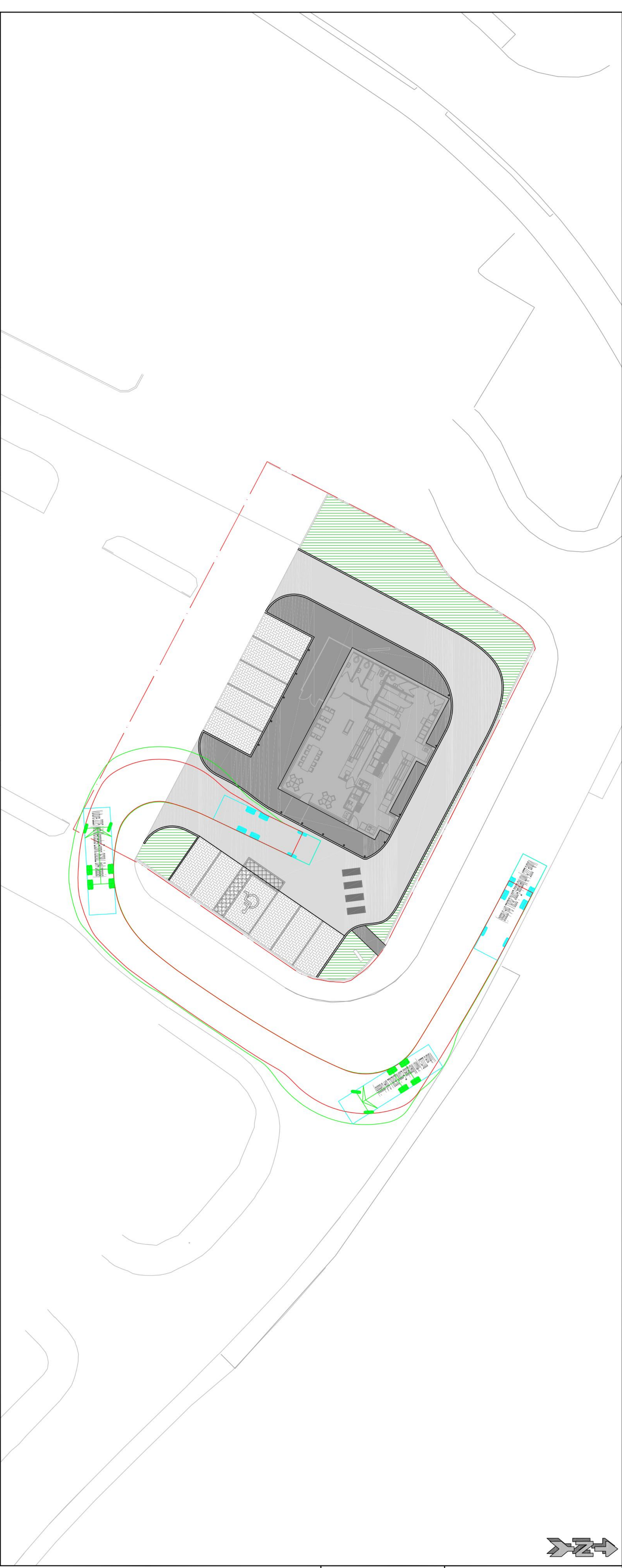




Vauxhall 2225 (with Mercedes Ecomic 2628L 6x4 chassis)
Overall Length 9.530m
Overall Width 2.530m
Overall Height 3.749m
Min Body Ground Clearance 0.302m
Lock to lock time 4.00s
Wall to Wall Turning Radius 9.100m

LEGEND:-

- Denotes area of asphalt road construction
- Denotes area of asphalt footway/hardstanding construction
- Denotes landscaped area



Site Layout:

New Subway Drive-thru at
Riverside Place, Elgin
Vehicle Swept Path Analysis



LAND & BUILDING SURVEYING
HYDROGRAPHIC SURVEYING
3D LASER SCANNING
CIVIL ENGINEERING DESIGN
LASER SCANNING SERVICES
AUTOCAD DRAUGHTING SERVICES
TOPOGRAPHY
FOTOMEN
ROCKS SHIRE
INVESTIGATIONS
Tel: 01463 871140 Tel: 01463 546000

Client: Subway North Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KG	GCN	N/A	N/A

Drawing Status:	Drawing Date:
<input checked="" type="checkbox"/> PLANNING	02/08/2021

<input type="checkbox"/> FOR APPROVAL	Drawing Scale:
<input type="checkbox"/> WARRANT	1:200 @ A1

<input type="checkbox"/> CONSTRUCTION	Drawing No:
	CTCH-J4092-002

Levels are in metres and are to Ordnance Datum.	Our Job Ref:	Rev:
Coordinates are to National Grid.	J4092	

Erection of Subway sandwich shop including drive thru - 4 Riverside Road, Elgin, Moray, IV30 6LS

Application Description

The application seeks permission for the erection of a Subway sandwich shop including a drive thru element, with associated parking, landscaping and drainage.

Site

The application site lies within the eastern part of the Linkwood Industrial Estate area, designated I6 in the Moray Local Development Plan 2020. The A96 is the main access road to the industrial estate. Immediately adjacent to the site is a KFC and Costa Coffee.

Although it is acknowledged that the site is within an area designated industrial in the local plan, this particular parcel of land is unlikely to be suitable for any industrial use due to its small size and drainage constraints. The proposed use is a small scale development, primarily targeting the users of the surrounding industrial estate.

Design

The building is rectangular in shape, designed as a steel portal frame building with a low pitch roof hidden behind a parapet wall. The walls will be Kingspan wall panel systems (or similar), with a feature wall clad in Subway green to the west elevation to attract users entering the industrial estate. A full package of design drawings have been provided to accompany the application.

Access is via the existing shared access road with Costa, approved as part of application 16/01917/APP.

A Drainage Impact Assessment & SUDS Strategy, along with a Drainage Layout Plan have been provided to accompany the application.

Proposed Use

The proposed use will be as a Subway sandwich shop. It is anticipated that opening hours will be 7am – 10pm, seven days a week. It is expected that the proposal would create 8 full time jobs and 8 part times jobs. There will be no amplified music, only internal background music for customers in store. There will be some takeaway element from the store. Most customers who want to takeaway from the site are likely to use the drive thru lane.

There will be a 200mm diameter extract to the bread oven area, as typically installed at all Subway units, as well as the usual toilet extraction systems.

Supporting Planning Statement

Site: 4 Riverside Road, Elgin IV30 6LS

Proposal: Erection of sandwich shop including drive through (Planning Application Ref: 21/01146/APP)

Applicant: SLD Group Property Limited

September 2021

Ryden | Planning



CONTENTS

- 01** INTRODUCTION
- 02** PLANNING POLICY CONSULTATION
- 03** APPLICANT'S RESPONSE
- 04** CONCLUSION

1 INTRODUCTION

- 1.1 CFM Consultants Limited has submitted, on behalf of SLD Group Property Limited, a planning application for the erection of a sandwich shop, including a drive through, at 4 Riverside Road, Elgin.
- 1.2 The application reference is 21/01146/APP.
- 1.3 The application was accompanied by a number of supporting documents, including a brief planning statement prepared by CFM.
- 1.4 The assessment of the application by the planning authority is well advanced and a number of consultation responses have been received. These consultation responses have raised matters relating to drainage, transport, and planning policy.
- 1.5 The matters relating to drainage and transport are largely technical. It is anticipated that these can be agreed and resolved.
- 1.6 The matters relating to planning policy relate to land-use, relationship to the town centre, and open space.
- 1.7 On land-use, the planning authority's assessment is that the recently-adopted local development plan confirmed the status of the application site as being reserved for business and industrial uses.
- 1.8 On the relationship to the town centre and open space the planning authority has requested additional information.
- 1.9 Ryden Planning has been retained to provide planning advice in relation to the policy position.
- 1.10 Following discussions between Ryden Planning and Moray Council, it has been agreed that a further supporting planning statement can be submitted for consideration. This document therefore seeks to address the issues which have been raised in relation to planning policy.

2. PLANNING POLICY: CONSULTATION

- 2.1 The consultation response from the council's development plan team recommends refusal of the application for a number of reasons. These reasons are based on what are considered to be departures from the current Moray Local Development Plan (adopted 2020). The policies referred to are:

- DP1 Development Principles;
- DP5 Business and Industry; and
- DP7 Retail/Town Centres.

POLICY DP5 (BUSINESS AND INDUSTRY) AND THE RELATED SITE ALLOCATION OF I6 (LINKWOOD EAST)

- 2.2 The consultation response notes that the recent Examination of the Proposed Local Development Plan led the Reporter to conclude that the whole of Linkwood East should continue to be allocated for business and industry and, in particular, development which falls within Classes 4, 5 and 6.
- 2.3 The Reporter had noted the activities already present on the Linkwood East site that do not fall within Class 4, 5, or 6. Nevertheless she considered that the Linkwood East site, as a whole, contributes to the effective employment land supply within Elgin and it was therefore appropriate to identify it for employment use. It is of note that the site allocation I6 covers the entire area of land at Linkwood East, including the recently developed retail store (Grampian Furnishing), two restaurant/drive-through developments (KFC and Costa), and a car sales development.
- 2.4 The consultation response notes that the proposed development **would** be compatible with the neighbouring uses, given that they are similar in character (drive-through fast-food outlets). It is also noted that the land to the east is occupied by a car sales company and beyond that is the Class 1 furniture warehouse granted planning permission a few years ago. Nevertheless, the consultation response maintains the position that the proposal is not considered suitable for the industrial estate.
- 2.5 In support of this position, the consultation response lists the supply of serviced employment land within Elgin and concludes that, in order to maintain choice, a site such as the application site should be retained as being available for Class 4, 5, or 6.

POLICY DP7 (RETAIL/TOWN CENTRES)

- 2.6 The consultation response notes that the policy requires proposals that are likely to attract significant footfall to be located within the town centre. The consultation response requests additional information in relation to footfall and the relationship between the drive-through and sit-in elements of the proposal.

POLICY DP1 (DEVELOPMENT PRINCIPLES)

- 2.7 The consultation response notes that the policies relating to the provision of open space apply to all development proposals. Proposals are required to include the provision of open space in line with the quantity and quality requirements of **Policy EP5 Open Space**. For new industrial sites, open space provision is 15% of the site. The consultation response requests additional information in relation to landscaping.
- 2.8 The consultation response also notes that the proposal requires to give further consideration to the layout of the site particularly in relation to car parking.
- 2.9 The next chapter provides the applicant's response to the matters raised by the planning authority in relation to these policies.

3. APPLICANT'S RESPONSE

A CONTEXT FOR THE RESPONSE

- 3.1 In February 2011, the Moray Council granted Planning Permission in Principle for the development of a 'commercial estate' on a site at East Road, Elgin, Moray. The reference of the planning permission was 09/01477/OUT. In general terms, the redline boundaries for the planning permission were broadly equivalent to the area of land which is now covered by Local Development Plan Allocation I6.
- 3.2 The Planning Permission in Principle permitted a range of use classes to be developed within the site. These are listed in Condition 10 of the planning permission. The permitted uses included Classes 2, 3, 4, 5, 6, 7, and 11. A limited amount of Class 1 retail use was also permitted, provided it was ancillary retailing to any industrial or commercial business provided on the site (Condition 11 of the planning permission details this).
- 3.3 The access road framework which was approved within Planning Permission in Principle was physically implemented. However, rather than being approved via an application for matters specified in condition, the then applicant sought a new detailed planning permission for the road network. In doing so, the applicant failed to realise that by using an application for detailed planning permission rather than an application for matters specified in condition, he was failing to implement 09/0477/OUT.
- 3.4 The reason that this planning history is important is that, within the last 10 years, there was existing a planning permission which could have been implemented any time up until 7 years ago. That planning permission was for a much wider range of uses than the Classes 4, 5, and 6 uses which are now contained within LDP Allocation I6. At one stage, a cinema (Class 11) was proposed for the site and this would have been consistent with the planning permission.
- 3.5 Also of material consideration is that, although the planning authority has, through the local development plan process sought to narrow the range of uses which can be implemented at the site covered by Allocation I6, it has nevertheless granted planning permission for a range of uses on the road frontage part of the site which are more consistent with the 2011 planning permission than they are with the LDP Policy position. These uses have included:
- A KFC drive-through (granted planning permission in 2011);
 - A furniture retail store (granted planning permission in 2017);
 - A Costa Coffee drive-through (granted planning permission 2017); and
 - A car sales use (granted planning permission in 2018).
- 3.6 Together, these uses now take up the entire frontage of the I6 site, as it faces the trunk road.
- 3.7 The only site remaining in this linear section of Site I6 is the application site. It is a relatively small site. The applicant always anticipated that it was likely to be occupied by a further Class 3-type use. In anticipation of that, the access roads infrastructure for the

Costa drive-through were developed in a way which would also serve the site which is the subject of the current application.

- 3.8 To illustrate all of this, the aerial photograph below illustrates all of the above planning uses. It also shows very clearly the context of the application site (identified as Plot 3B). It would not be unreasonable to describe the application site as a last-remaining, residual site within the linear stretch of Site I6 which sits between Riverside Road and the trunk road.
- 3.9 It is submitted that it is reasonable to take into account all of the above as a material consideration in the consideration of the current application.



APPLICANT'S RESPONSE IN RELATION TO SPECIFIC MATTERS RAISED

POLICY DC5 (BUSINESS AND INDUSTRY) AND THE RELATED SITE ALLOCATION OF I6 (LINKWOOD EAST)

- 3.10 The applicant accepts that the proposed development is contrary to the site-specific land-use allocation for the application site (I6 of the Local Development Plan). The applicant also accepts that Policy DP5 protects such allocations of land which is allocated for business and industry.
- 3.11 However, the applicant submits that there is a strong case to consider a range of relevant material considerations which may allow the planning authority to set a more flexible interpretation of policy in relation to this specific site. These include:
- The policy designation does not reflect what has actually been developed on the linear area of land at Linkwood East between Riverside Road and the trunk road;

- The policy designation does not reflect that these developments which have been implemented have a life-span of between 30 and 50 years (and unless these uses and buildings are subject to some major economic downturn, mean that the land in question will not be available for developments within Use Classes 4, 5, or 6 for that period of time);
- The uses which have been implemented probably have an employment density per square metre at least as good as developments in Classes 4 and 5, and probably much better than Class 6;
- The application site is one small site remaining in the linear strip of land lying between Riverside Road and the trunk road and to insist that the application site alone should be reserved for uses within Classes 4, 5, or 6, is unreasonable;
- Although it is accepted, as has been suggested by the planning authority, that the site could potentially be developed for Class 4, such development is very unlikely at this location; and
- As noted within the consultation response by the Development Plan Team, the proposed development **would** be compatible with the neighbouring uses, given that they are similar in character (drive through fast food outlets).

3.12 All of the above material considerations are specific to the application site itself. This leaves the question as to whether or not the development of the application site for the use proposed would negatively affect or undermine the supply of land within Elgin in particular, and the Moray in general, in relation to development land available for Classes 4, 5, and 6. In the submission of the applicant, the council's own industrial land supply figures demonstrate that the development of the application site would not materially affect the supply of industrial and business land within the area.

POLICY DP7 (RETAIL/TOWN CENTRES)

- 3.13 The applicant accepts that the proposed development would attract footfall at the location of Linkwood East. However, the applicant also submits that the provision of the proposed facility at this location is primarily aimed at two principal markets: (1) the surrounding employment and residential areas; and (2) the through traffic on the trunk road which would not visit Elgin town centre.
- 3.14 Also of note is that the applicant already operates a Subway unit within Elgin town centre. The applicant wishes to open a second Subway unit within Elgin to address an entirely different market. The applicant does not wish to undermine the existing Subway operation within the town centre and would not consider promoting this current development proposal if there was any risk of that. It is accepted that the planning system should, on the whole, be 'blind' to the facias which are above any particular use. However, it would be unrealistic to ignore or set aside the facts in relation to the applicant's intentions to operate two Subway units within the Elgin area, each addressing different markets.
- 3.15 The applicant has operated the existing Subway store in Elgin's town centre for over 10 years but has always aspired to add another location on the A96 trunk road. The current Subway unit provides a service to customers in the town centre who are shopping, working, and living within the area, or coming to or from the bus station.

- 3.16 The applicant is aware of the customers who live outside the centre don't want to park their car, pay for parking, go to the centre, and buy a Subway product. The applicant anticipates that these customers would be more likely to use the site which is the subject of this planning application, thereby servicing a totally different market. Although it is not possible to say precisely how the patronage of the proposed unit would settle down, the business plan for the proposed unit anticipates a breakdown as follows: 50% drive-through; 20% sit in (mainly from those travelling on the A96); 20% takeaway (local employment and residential); and 10% delivery.
- 3.17 As can be seen, the proposed facility is aimed at attracting customers who would not currently go to the town centre for this product. The 10% attributed to delivery obviously is undefined in terms of geographical catchment. It would seem reasonable that the existing facilities which may experience the effect of the new Subway would be Costa, KFC, and the nearby McDonald's, none of which is protected by planning policy.
- 3.18 For the record, the Subway unit in the St Giles Shopping Centre has had a lease in place since 2004. This lease was extended in 2019 for an additional 10 years. There is therefore a lease commitment in the town centre until 2029. The store has also recently been remodelled investing in new equipment, new décor, a full refresh of the facilities, and the installation of new digital LCD menu screens. The remodel costs were approximately [REDACTED] which demonstrates the commitment of the applicant to the town centre operation.

POLICY DP1 (DEVELOPMENT PRINCIPLES)

- 3.19 Updated and revised plans and drawings have been submitted. Setting the application site within the context of (1) the use proposed, (2) the adjacent uses, and (3) the general landscape setting of the linear area of land referred to above (including the planning authority's most recent approval of the car sales operation on the site to the east), it is considered that these revisions satisfy the provisions of Policy DP1.

4. CONCLUSIONS

- 4.1. Ten years ago, The Moray Council granted planning permission for the land at Linkwood East to be used for a range of commercial uses which could have seen the entire site developed for uses which may not have included any within Classes 4, 5, or 6.
- 4.2. During the past decade, the linear area of land between Riverside Road and the trunk road has been developed along these lines. Class 1, Class 3, and sui generis uses have been developed.
- 4.3. One, very small, site within that linear area remains – the application site.
- 4.4. There has been no interest in business or industrial uses for this site. It was the intention to develop the site in a way which completed the set of drive-through units at this location (KFC, Costa, and one other).
- 4.5. The applicant accepts that adopted planning policy now takes a different position to that which the council took when granting planning permission ten years ago for the Linkwood East site. Nevertheless, the applicant believes that, with the development of the linear area of land having taken the form that it has, the development of this last, small, remaining site within that linear area would cause no undermining of general policy, no threat to industrial land supply, but would bring forward early development of the site, completing the area, and delivering investment and jobs.
- 4.6. The applicant requests that the planning authority gives further consideration to this application on the basis of this submission and requests that the application be considered for approval.

EDINBURGH

7 Exchange Crescent
Conference Square
EH3 8AN
0131 225 6612

GLASGOW

130 St Vincent Street
G2 5HF
0141 204 3838

ABERDEEN

25 Albyn Place
AB10 1YL
01224 588866

LEEDS

3rd Floor Carlton Tower
34 St Pauls Street
LS1 2QB
0113 243 6777

LONDON

4th Floor Langham House
302-308 Regent Street
W1B 3AT
020 7436 1212

MANCHESTER

2nd Floor
28 King Street
M2 6AY
0161 249 9778



NEW SUBWAY DRIVE-THRU AT RIVERSIDE PLACE, ELGIN

Drainage Impact Assessment & SUDS Strategy

August 2021



First Floor, 36B Longman Drive, Inverness, IV1 1SU

REPORT CONTROL SHEET:

CLIENT: Subway North Ltd.

PROJECT TITLE: New Subway Drive-thru at Riverside Place, Elgin

REPORT TITLE: Drainage Impact Assessment & SUDS Strategy

PROJECT REFERENCE: J4092

VERSION & APPROVAL SCHEDULE:

Date	Version	Author	Approved By
04/08/2021	1	K. Tough	G. Noble
04/10/2021	2	K. Tough	G. Noble
11/10/2021	3	K. Tough	G. Noble

TABLE OF CONTENTS:

- 1.0 Introduction**
- 2.0 Site Investigation**
- 3.0 Foul Water Disposal**
- 4.0 Surface Water Drainage/SUDS Strategy**
- 5.0 Flooding**
- 6.0 Maintenance**

APPENDICES:

- 1 – Ground Investigation Report**
- 2 – Pre-development Surface Water Run-off Calculation**
- 3 – Infiltration Trench No. 1 Calculation**
- 4 – Infiltration Trench No. 2 Calculation**

DRAWINGS:

- J4092-001 – Drainage Layout Plan**

1.0 Introduction

The development site is located on the east side of Elgin, within an area of land immediately north of a newly constructed Costa café and drive-thru building (323697E 862489N).

The proposal is to construct a new Subway restaurant and drive-thru building. A new access road and parking areas will be formed, with the access into the site being taken off the existing road currently serving the Costa café and drive-thru.

The overall site area equals approximately 0.119 hectares.

2.0 Site Investigation

A site investigation was carried out by Blake Geoservices in July 2021 to determine the suitability of the subsoil for surface water drainage disposal by infiltration. Five trial holes were excavated across the extent of the development site.

The results of this investigation revealed the ground conditions to generally be topsoil overlying medium-dense, gravelly sand. No groundwater ingress was noted within any of the trial holes.

Infiltration tests in accordance with BRE Digest 365 and percolation tests in accordance with BS 6297:2007 were attempted within a number of trial holes. Despite achieving suitable results from the tests, there is insufficient space within whole of the development site to propose below ground soakaways whilst applying the minimum offsets from buildings and/or boundaries. Therefore, infiltration systems will only be proposed in certain areas of the development site.

Refer to Appendix 1 for further information.

3.0 Foul Water Disposal

Existing Scottish Water Infrastructure

There are a number of existing public sewers (both foul and surface water sewers) located in and around the development site. An existing 150mm diameter (capped) tail has been left near the east side of the site as part of the nearby 'Costa' development.

Refer to drawing J4092-001 for the location of the existing sewers.

Proposed Foul Water Disposal

A new 160mm diameter uPVC foul sewer will be laid adjacent to the building to collect the foul water and convey it to the east of the site.

A disconnecting manhole will be constructed adjacent to the new building, on the line of the existing capped tail mentioned above, subject to approval from Scottish Water. The invert level of the existing tail should be checked to confirm the feasibility of this proposal.

Refer to drawing J4092-001 for details of this arrangement.

4.0 Surface Water Drainage/SUDS Strategy

Pre-development flows for the total proposed impermeable area (road, hardstanding & roof areas) have been calculated to be **0.7 litres/second for a 1 in 30 year storm** (refer to Appendix 2 – Pre-development surface water run-off calculation).

Access Road & Parking Bay Construction

The access road (out with any parking areas) will be formed with an asphalt construction. All surface water run-off from these areas will be collected and discharged into a stone filled treatment/attenuation tank located beneath the parking area on the east side of the site. The two parking areas proposed within the development site will be formed with a permeable concrete paving construction.

Access Road Water Run-off (From Drive-thru Entrance)

Surface water run-off from the drive-thru entrance area will be collected by traditional road gullies and conveyed into a stone filled filter trench which will be located at the rear of the edging kerb. The 17m long x 1m wide trench will be lined with a permeable membrane to allow for partial infiltration into the surrounding subsoil. A perforated uPVC pipe will also be laid within the trench to allow for an overflow into the main surface water drainage system.

The outlet from the filter trench will connect into a traditional surface water sewer which will convey surface water to the upstream end of the aforementioned treatment/attenuation tank.

Due to constraints relating to space on the north side of the site, surface water from the section of road between the building and the site boundary will be collected by traditional road gullies and discharged into the aforementioned attenuation tank directly.

Refer to Appendix 3 for the infiltration trench No. 1 calculation.

Parking Areas Surface Water Runoff Treatment & Disposal

Surface water run-off from the parking areas and the asphalt surface immediately adjacent to each row of parking bays will be collected and treated by a permeable concrete block paving system.

The parking areas on the south and east sides of the development site (10No. parking bays) will collect surface water at source and infiltrate into the paving sub-base. A free-draining sub-base (minimum 300mm deep) will be constructed beneath the paving surface and bedding to ensure that the appropriate level of treatment is provided. The paving construction will be wrapped with a permeable membrane to allow for infiltration into the surrounding subsoil. All surrounding ground and road levels will be formed to convey surface water run-off onto the permeable paving surface.

Using the 'simple index approach' as set out in the CIRIA SUDS Manual 2015, it has been determined that permeable paving will be suitable for providing sufficient treatment to meet the pollution hazard index for this part of the development (pollution hazard level = medium).

Refer to drawing J4092-001 for details of this arrangement.

Roof Water Runoff Treatment & Disposal

Roof water run-off from the building will be collected and discharged into the sub-base of the permeable paving within the parking area located on the south side of the site.

Using the 'simple index approach' as set out in the CIRIA SUDS Manual 2015, it has been determined that this arrangement will be suitable for providing sufficient treatment to meet the pollution hazard index for this part of the development (pollution hazard level = low).

Refer to drawing J4092-001 for details of this arrangement.

Surface Water Runoff Treatment & Disposal

As described above, all surface water from areas out with the parking areas on the south and east sides of the site will be discharged into a stone filled treatment/attenuation tank which will be located beneath the parking area on the east side of the site. A tank measuring 7 metres long x 2m wide x 1m deep will be required. The trench will be lined with a permeable membrane to allow for partial infiltration into the surrounding subsoil. A perforated uPVC pipe will also be laid within the trench to allow for outflow into the nearby existing surface water sewer system.

The outflow from the attenuation tank will be conveyed to a flow control manhole (Hydrobrake by Hydro International or equal and approved) which will restrict the post-development surface water flows to a maximum of **0.7 litres/second for a 1 in 30 year storm**. The outlet from the flow control manhole will connect into the existing surface water sewer tail (left from the 'Costa' development), which is located beneath the existing access road, subject to approval from Scottish Water.

Refer to drawing J4092-001 for details of this arrangement. Refer to Appendix 4 for the infiltration trench No. 2 calculation.

5.0 Flooding

Potential Sources of Flood Risk

At this location there are several potential sources of flooding that may require to be considered. These are outlined below along with a qualitative assessment of the risk they pose to the development.

- **Pluvial flooding:** The SEPA Indicative Flood Map shows the location of the site to be out with any area that is at risk from pluvial flooding.
- **River flooding:** The SEPA Indicative Flood Map shows the location of the site to be out with any area that is at risk from river flooding. The site is also out with the functional floodplain of the nearby River Lossie and Elgin Flood Alleviation Scheme.
- **Sewer flooding:** If the capacity of any sewer is exceeded in an extreme storm event or a blockage occurs, surcharging of the network can result in surface flooding. The sewer network for the development has been designed in accordance with best practice to ensure that properties are not at risk of flooding.
- **1 in 200 year overland flow:** Road levels will be formed to ensure that surface water run-off from excess storm events will be conveyed away from new & existing buildings.

Conclusions & Recommendations

As highlighted above, the site is not at risk of flooding from any source nor will the development have any impact on any neighbouring properties.

6.0 Maintenance

All components of the foul and surface water drainage systems within the development site will be privately owned and maintained.

Approval from Scottish Water will be required for the proposed connections into the existing foul & surface water sewers.

The new surface water drainage system, including the permeable paving and attenuation tank is to be privately owned and maintained. Regular maintenance of the permeable paving will be required and this will be carried out in accordance with the following schedule of works: -

Annual maintenance

- Visually inspect the paving for ponding during heavy rainfall or following heavy rainfall
- Brush/vacuum joints. Replace any lost jointing material

Occasional maintenance – as required

- Replace any damaged blocks
- Repair any rutting
- Brush blocks with soapy water
- Light pressure wash
- Treat with weedkiller
- Treat with de-icing salts

APPENDICES:

- 1 – Ground Investigation Report**
- 2 – Pre-development Surface Water Run-off Calculation**
- 3 – Infiltration Trench No. 1 Calculation**
- 4 – Infiltration Trench No. 2 Calculation**

Mr Kevin Tough
Caintech Ltd
First Floor,
36B Longman Drive,
Inverness, IV1 1SU



Monday 19th July 2021

ELECTRONIC

SITE INVESTIGATION AT RIVERSIDE ROAD, ELGIN

Dear Sirs,

COPY

Thank you for the commission of site investigation services at the above site, the information gathered is provided below.

Scope of work

Blake Geoservices Ltd (the Contractor) was appointed by Caintech (the Client) on the 2nd July 2021 to undertake intrusive site investigations at an undeveloped plot at Riverside Road, Elgin, grid reference NJ 23700 62491. The scope of work was discussed with the Client prior to mobilisation and investigation points were determined by the Contractor upon mobilising to site. The purpose of the investigation was to provide geotechnical information for the Client's consideration and further reference, comprising of machine excavated trial pits with in-situ infiltration testing. A factual report was requested with no geotechnical interpretation commissioned.

Findings of Intrusive Investigation

The intrusive investigation comprised of 5 no. machine excavated trial pits. The location of the trial pits on site were determined by the Contractor upon the works commencing. The trial pits were logged by a suitably qualified engineering geologist to the methods outlined in BS5930:2015. The logs of the trial pits are enclosed and indicate –

Topsoil to a maximum of 0.45mbgl.

No made ground, although buried macadam encountered.

Granular sub-soils predominantly gravelly SAND.

No evidence of shallow groundwater ingress.

The trial pits were terminated due to proving natural granular strata, and were continued as far as practically applicable, in the case of TP3 & TP3a upon a layer of impenetrable buried macadam. The trial pits were backfilled with compacted arisings upon completion. There was no discernible olfactory evidence of gross hydrocarbon contamination or otherwise during the exploratory works.



Infiltration Testing

In-situ testing for infiltration rate (an "f" value) to be used in surface water soakaway design was proposed and was undertaken within trial pits TP1 & TP2. The methodology for the infiltration testing was taken from but not bound to the advice in BRE Digest 365. The results of the infiltration testing are enclosed as are calculated "f" values.

Conclusions

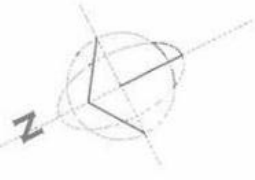
A total of 5no. machine excavated trial pits accompanied with infiltration testing were undertaken at Riverside Road, Elgin. The findings of the investigation are presented within this report and its attachments, with all strata logged to the methodology outlined in BS5930:2015. The strata encountered is generally topsoil overlying granular subsoils. No shallow groundwater ingress was noted within the trial pits. Upon completion the trial pits were backfilled and the locations left level and tidy.

I trust this is sufficient to your requirements, please do not hesitate to get in touch should you require any further information.

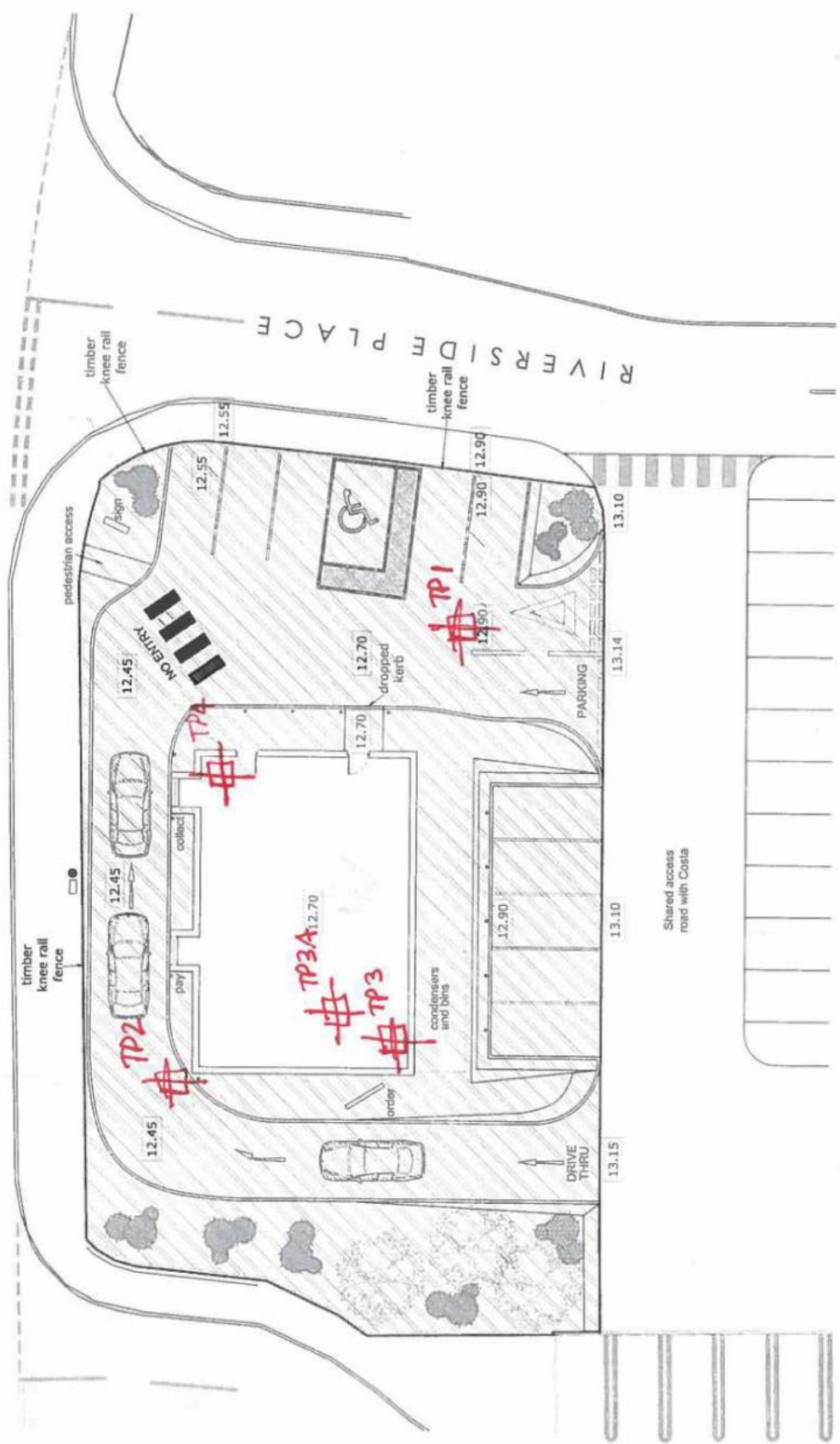
Yours sincerely,

Chris Blake BSc FGS
Director

This report is property of Blake Geoservices Ltd who retains the copyright of the content. The contents are intended solely for the interpretation of the client, or any third parties nominated by them. The report should only be used for the purposes of which it is intended, and prior to any subsequent copying, lending, or otherwise, permission should first be gained in writing by Blake Geoservices Ltd, or an agent acting on their behalf. This report is a purely factual account of conditions encountered on site at the time of investigation, and no extrapolation of results has been undertaken. No warranty is given to the conditions on the site prior to, or following this investigation. Blake Geoservices take no responsibility for conditions that were not encountered by the intrusive work, either below, or adjacent to the investigation points.



RIVERSIDE ROAD



CFM
CONSULTANTS
Newcastle, 81-83 The Arcade, Newcastle, NSW 2060
Tel: 08131 944682 Email: info@cfmconsultants.com.au

No.	Description	Date
1	Issue for client	20/01/2021
2	Issue for client	20/01/2021

Proposed Subway Drive Thru
Riverside Place
Eglin

Proposed Site Plan	
Plot No.	1780
Scale	SC
Date	24/05/2021
Working No.	A1 SW/01780/007

All dimensions are to be checked on site after the construction of the works. The client is responsible for ensuring that the site is suitable for the proposed works. The client is also responsible for ensuring that the site is suitable for the proposed works. The client is also responsible for ensuring that the site is suitable for the proposed works.

Geotechnical Results

Collated Infiltration Test Results to BRE 365

Site Riverside Road, Elgin
Date 15/07/2021

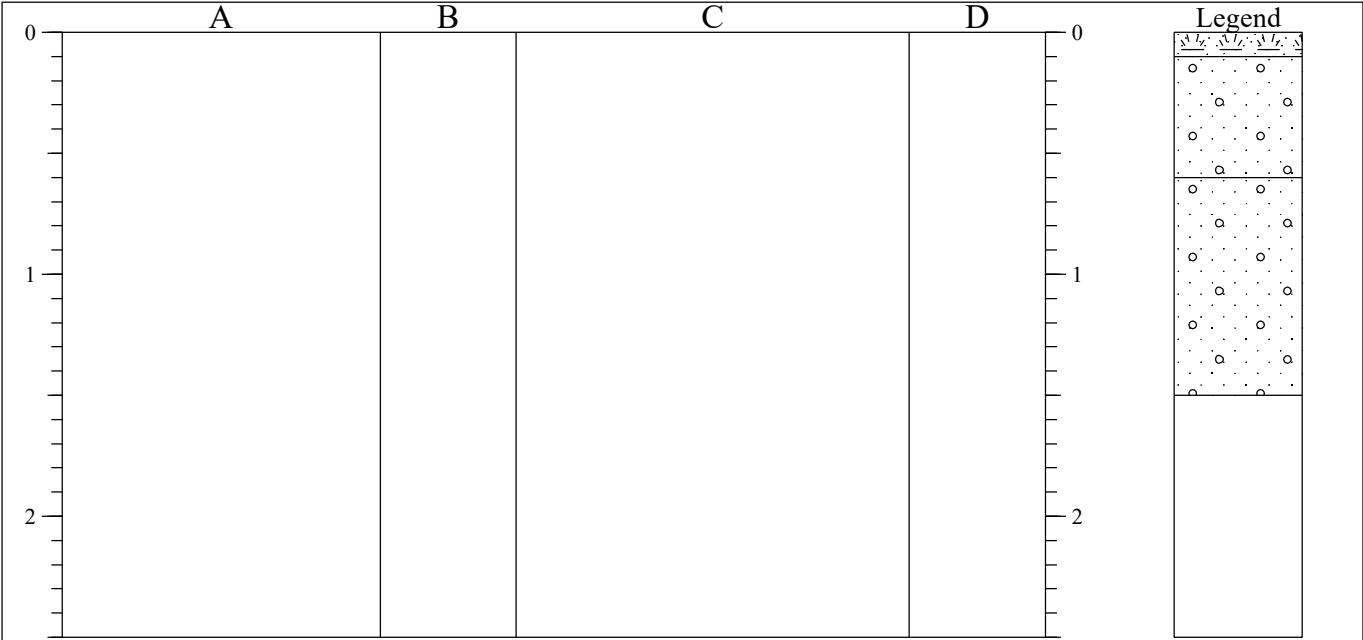
Location	Depth of pit (base in mbgl)	GW Present?	Fill 1		Fill 2		Fill 3	
			Time empty (mins)	f value (m/s)	Time empty (mins)	f value (m/s)	Time empty (mins)	f value (m/s)
TP1	1.50	N	38.00	9.40×10^{-5}	40.00	8.93×10^{-5}	40.00	8.93×10^{-5}
TP2	1.60	N	40.00	9.62×10^{-5}	42.00	9.16×10^{-5}	42.00	9.16×10^{-5}

Note:

* These tests were undertaken with guidance from BRE Digest 365 as far as practically possible to allow an indication of f values to be considered for design purposes, often site conditions or safety measures prevent the full guidance of said document to be strictly followed. No pits are left open overnight with water or otherwise. Excavation to depth often proves difficult.

TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 1
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1



STRATA				SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests	
0.00-0.10		Brown TOPSOIL				
0.10-0.60		Dark brown, very gravelly, SAND, sand is medium, gravel is coarse, angular of sandstone.				
0.60-1.50		Brown & orange, gravelly, SAND, sand is medium, gravel is coarse, rounded of mixed lithologies.				

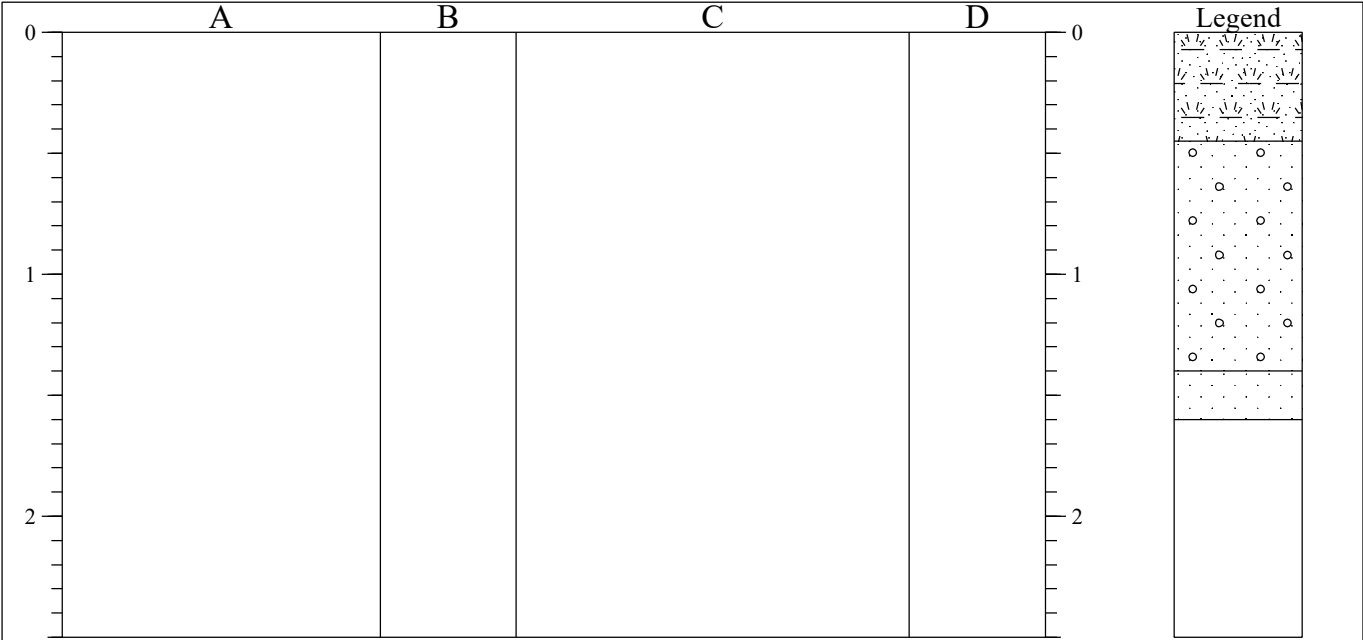
Shoring/Support: N/A Stability: Stable to base		GENERAL REMARKS No groundwater ingress noted. Pit used for infiltartion test.
<p>A: 1.50 B: 0.50 D</p>		

All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	-------------------------	--------------------------------------	------------------

AGS3 UK TP 21135 RIVERSIDE RD GPJ AGS 3.1 GDT 16/7/21

TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 2
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1



STRATA				SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests	
0.00-0.45		Brown TOPSOIL with frequent rounded cobbles.				
0.45-1.40		Dark brown, gravelly, SAND, sand is medium, gravel is coarse, rounded of mixed lithologies.				
1.40-1.60		Light brown, slightly gravelly, SAND, sand is medium, gravel is medium, rounded of mixed lithologies.				

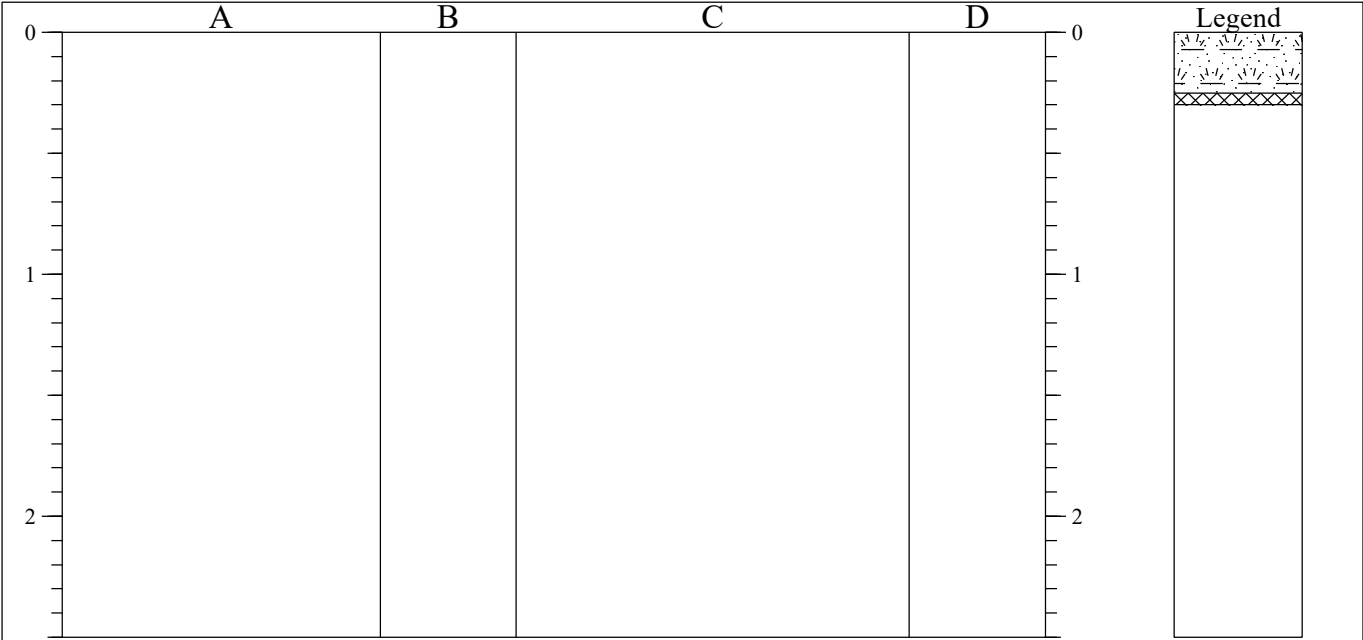
<p>Shoring/Support: Stability: Stable to base</p> <p>1.50 A D B 0.50 C</p>	<p>GENERAL REMARKS</p> <p>No groundwater ingress noted. Pit used for infiltration test.</p>
--	---

All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	-------------------------	--------------------------------------	------------------

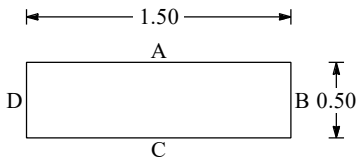
AGS3 UK TP 21135 RIVERSIDE RD GPJ AGS 3.1 GDT 16/7/21

TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 3
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1



STRATA				SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests	
0.00-0.25		Brown TOPSOIL with frequent rounded cobbles.				
0.25-0.30		MACADAM				

<p>Shoring/Support: Stability: Stable to base</p> 	GENERAL REMARKS
	Terminated upon layer of macadam.


All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	-------------------------	--------------------------------------	------------------

AGS3 UK TP 21135 RIVERSIDE RD GPJ AGS 3.1 GDT 16/7/21

TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 3a
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1

[illegible]

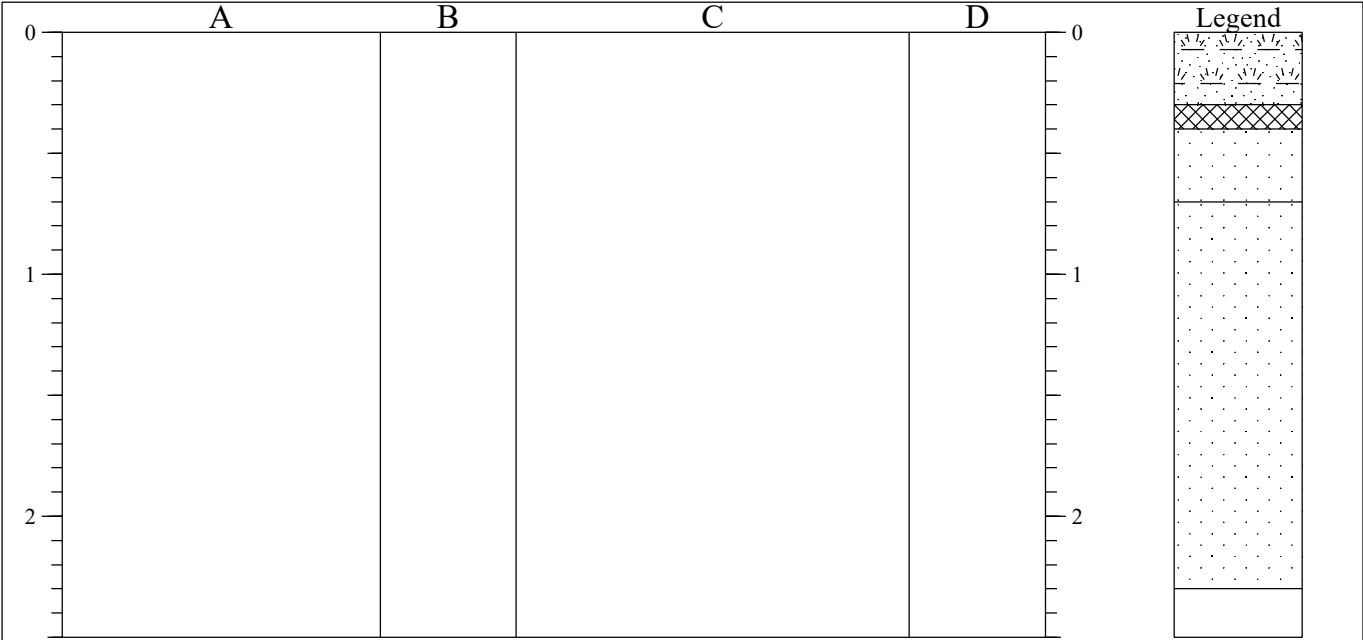
<p>Shoring/Support: Stability: Stable to base</p> 	<p>GENERAL REMARKS</p>
	<p>Terminated upon layer of macadam.</p>

All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	-------------------------	--------------------------------------	------------------

AGS3 UK TP 21135 RIVERSIDE RD.GPJ AGS 3 1.GDT 16/7/21

TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 4
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1




STRATA				SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests	
0.00-0.30		Brown TOPSOIL with frequent rounded cobbles.				
0.30-0.40		MACADAM				
0.40-0.70		Dark brown medium SAND.				
0.70-2.30		Orange becoming light brown, slightly gravelly, SAND, sand is medium, gravel is fine, rounded of mixed lithologies.				

<p>Shoring/Support: Stability: Stable to base</p> <p>Diagram showing a rectangular pit with dimensions: width 1.50, depth 0.50. Labels A, B, C, D indicate specific points or sections.</p>	<p>GENERAL REMARKS</p> <p>No groundwater ingress noted.</p>
---	--

All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	-------------------------	--------------------------------------	------------------

AGS3 UK TP 21135 RIVERSIDE RD GPJ AGS 3.1 GDT 16/7/21

Caintech Ltd		Page 1
First Floor	J4092	
36A Longman Road	Subway Drive-thru, Elgin	
Inverness IV1 1SU	Pre-development Run-off	
Date 09/08/2021 10:13	Designed by KGT	
File	Checked by	
Causeway	Source Control 2015.1	

ICP SUDS Mean Annual Flood

Input


Return Period (years) 200 SAAR (mm) 772 Urban 0.000
Area (ha) 0.100 Soil 0.400 Region Number Region 1

Results 1/s

QBAR Rural 0.4
QBAR Urban 0.4

Q200 years 1.1

Q1 year 0.3
Q30 years 0.7
Q100 years 0.9


Caintech Ltd		Page 1
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Half Drain Time : 37 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m ³)	Status
15 min Summer	10.979	0.279	0.4	0.0	0.4	1.1	0 K
30 min Summer	11.054	0.354	0.5	0.0	0.5	1.5	0 K
60 min Summer	11.114	0.414	0.6	0.0	0.6	1.8	0 K
120 min Summer	11.149	0.449	0.7	0.0	0.7	2.0	0 K
180 min Summer	11.153	0.453	0.7	0.0	0.7	2.0	0 K
240 min Summer	11.145	0.445	0.7	0.0	0.7	2.0	0 K
360 min Summer	11.123	0.423	0.6	0.0	0.6	1.9	0 K
480 min Summer	11.101	0.401	0.6	0.0	0.6	1.8	0 K
600 min Summer	11.081	0.381	0.5	0.0	0.5	1.7	0 K
720 min Summer	11.063	0.363	0.5	0.0	0.5	1.6	0 K
960 min Summer	11.033	0.333	0.5	0.0	0.5	1.4	0 K
1440 min Summer	10.991	0.291	0.4	0.0	0.4	1.2	0 K
2160 min Summer	10.950	0.250	0.3	0.0	0.3	1.0	0 K
2880 min Summer	10.924	0.224	0.3	0.0	0.3	0.9	0 K
4320 min Summer	10.891	0.191	0.2	0.0	0.2	0.7	0 K
5760 min Summer	10.870	0.170	0.2	0.0	0.2	0.6	0 K
7200 min Summer	10.856	0.156	0.2	0.0	0.2	0.5	0 K
8640 min Summer	10.846	0.146	0.1	0.0	0.1	0.5	0 K
10080 min Summer	10.838	0.138	0.1	0.0	0.1	0.4	0 K
15 min Winter	11.005	0.305	0.4	0.0	0.4	1.3	0 K
30 min Winter	11.089	0.389	0.6	0.0	0.6	1.7	0 K
60 min Winter	11.151	0.451	0.7	0.0	0.7	2.0	0 K
120 min Winter	11.175	0.475	0.7	0.0	0.7	2.1	0 K


Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
15 min Summer	56.724	0.0	1.4	21
30 min Summer	41.236	0.0	2.0	31
60 min Summer	28.755	0.0	2.8	48
120 min Summer	19.358	0.0	3.8	82
180 min Summer	15.245	0.0	4.5	114
240 min Summer	12.837	0.0	5.0	146
360 min Summer	10.050	0.0	5.9	210
480 min Summer	8.437	0.0	6.6	272
600 min Summer	7.363	0.0	7.2	334
720 min Summer	6.586	0.0	7.7	394
960 min Summer	5.521	0.0	8.6	516
1440 min Summer	4.306	0.0	10.1	758
2160 min Summer	3.353	0.0	11.8	1124
2880 min Summer	2.805	0.0	13.1	1476
4320 min Summer	2.179	0.0	15.3	2208
5760 min Summer	1.821	0.0	17.0	2936
7200 min Summer	1.585	0.0	18.5	3672
8640 min Summer	1.415	0.0	19.9	4408
10080 min Summer	1.286	0.0	21.1	5128
15 min Winter	56.724	0.0	1.5	22
30 min Winter	41.236	0.0	2.3	32
60 min Winter	28.755	0.0	3.1	50
120 min Winter	19.358	0.0	4.2	86

Caintech Ltd		Page 2
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m ³)	Status
180 min Winter	11.164	0.464	0.7	0.0	0.7	2.1	0 K
240 min Winter	11.145	0.445	0.7	0.0	0.7	2.0	0 K
360 min Winter	11.107	0.407	0.6	0.0	0.6	1.8	0 K
480 min Winter	11.074	0.374	0.5	0.0	0.5	1.6	0 K
600 min Winter	11.047	0.347	0.5	0.0	0.5	1.5	0 K
720 min Winter	11.025	0.325	0.4	0.0	0.4	1.4	0 K
960 min Winter	10.990	0.290	0.4	0.0	0.4	1.2	0 K
1440 min Winter	10.945	0.245	0.3	0.0	0.3	1.0	0 K
2160 min Winter	10.907	0.207	0.3	0.0	0.3	0.8	0 K
2880 min Winter	10.883	0.183	0.2	0.0	0.2	0.6	0 K
4320 min Winter	10.856	0.156	0.2	0.0	0.2	0.5	0 K
5760 min Winter	10.840	0.140	0.1	0.0	0.1	0.4	0 K
7200 min Winter	10.829	0.129	0.1	0.0	0.1	0.4	0 K
8640 min Winter	10.822	0.122	0.1	0.0	0.1	0.3	0 K
10080 min Winter	10.816	0.116	0.1	0.0	0.1	0.3	0 K

Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
180 min Winter	15.245	0.0	5.0	120
240 min Winter	12.837	0.0	5.6	154
360 min Winter	10.050	0.0	6.6	218
480 min Winter	8.437	0.0	7.4	282
600 min Winter	7.363	0.0	8.0	344
720 min Winter	6.586	0.0	8.6	404
960 min Winter	5.521	0.0	9.6	528
1440 min Winter	4.306	0.0	11.3	768
2160 min Winter	3.353	0.0	13.2	1128
2880 min Winter	2.805	0.0	14.7	1496
4320 min Winter	2.179	0.0	17.1	2208
5760 min Winter	1.821	0.0	19.1	2944
7200 min Winter	1.585	0.0	20.8	3672
8640 min Winter	1.415	0.0	22.3	4392
10080 min Winter	1.286	0.0	23.6	5088

Caintech Ltd		Page 3
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	


Rainfall Details

Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	30	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	14.000	Shortest Storm (mins)	15
Ratio R	0.200	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+35

Time Area Diagram

Total Area (ha) 0.013

Time (mins) Area			Time (mins) Area			Time (mins) Area		
From:	To:	(ha)	From:	To:	(ha)	From:	To:	(ha)
0	4	0.005	4	8	0.004	8	12	0.004

Caintech Ltd		Page 4
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Model Details


Storage is Online Cover Level (m) 12.300

Infiltration Trench Structure

Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	1.0
Infiltration Coefficient Side (m/hr)	0.33500	Trench Length (m)	17.0
Safety Factor	2.0	Slope (1:X)	150.0
Porosity	0.30	Cap Volume Depth (m)	1.000
Invert Level (m)	10.700	Cap Infiltration Depth (m)	1.000

Pipe Outflow Control

Diameter (m)	0.150	Roughness k (mm)	0.600	Upstream Invert Level (m)	11.450
Slope (1:X)	100.0	Entry Loss Coefficient	0.500		
Length (m)	25.000	Coefficient of Contraction	0.600		


Caintech Ltd		Page 1
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 2	
Date 11/10/2021 11:23 File J4092 - Infiltration Trench No. 2.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Half Drain Time : 30 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m ³)	Status
15 min Summer	11.515	0.515	0.4	0.5	0.9	2.1	0 K
30 min Summer	11.682	0.682	0.5	0.6	1.1	2.8	0 K
60 min Summer	11.795	0.795	0.6	0.6	1.3	3.2	0 K
120 min Summer	11.839	0.839	0.7	0.6	1.3	3.4	0 K
180 min Summer	11.828	0.828	0.7	0.6	1.3	3.4	0 K
240 min Summer	11.803	0.803	0.6	0.6	1.3	3.3	0 K
360 min Summer	11.740	0.740	0.6	0.6	1.2	3.0	0 K
480 min Summer	11.679	0.679	0.5	0.6	1.1	2.8	0 K
600 min Summer	11.624	0.624	0.5	0.6	1.1	2.5	0 K
720 min Summer	11.575	0.575	0.5	0.5	1.0	2.3	0 K
960 min Summer	11.492	0.492	0.4	0.5	0.9	2.0	0 K
1440 min Summer	11.361	0.361	0.3	0.5	0.7	1.4	0 K
2160 min Summer	11.194	0.194	0.1	0.5	0.7	0.7	0 K
2880 min Summer	11.120	0.120	0.1	0.5	0.6	0.4	0 K
4320 min Summer	11.062	0.062	0.0	0.4	0.5	0.2	0 K
5760 min Summer	11.050	0.050	0.0	0.4	0.4	0.1	0 K
7200 min Summer	11.043	0.043	0.0	0.3	0.3	0.1	0 K
8640 min Summer	11.039	0.039	0.0	0.3	0.3	0.1	0 K
10080 min Summer	11.036	0.036	0.0	0.3	0.3	0.1	0 K
15 min Winter	11.581	0.581	0.5	0.6	1.0	2.3	0 K
30 min Winter	11.772	0.772	0.6	0.6	1.2	3.1	0 K
60 min Winter	11.894	0.894	0.7	0.7	1.4	3.7	0 K
120 min Winter	11.913	0.913	0.7	0.7	1.4	3.7	0 K


Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
15 min Summer	56.724	0.0	2.9	21
30 min Summer	41.236	0.0	4.2	31
60 min Summer	28.755	0.0	5.8	48
120 min Summer	19.358	0.0	7.8	82
180 min Summer	15.245	0.0	9.3	116
240 min Summer	12.837	0.0	10.4	148
360 min Summer	10.050	0.0	12.2	212
480 min Summer	8.437	0.0	13.7	276
600 min Summer	7.363	0.0	14.9	338
720 min Summer	6.586	0.0	16.0	400
960 min Summer	5.521	0.0	17.9	524
1440 min Summer	4.306	0.0	20.9	776
2160 min Summer	3.353	0.0	24.4	1124
2880 min Summer	2.805	0.0	27.3	1476
4320 min Summer	2.179	0.0	31.8	2180
5760 min Summer	1.821	0.0	35.4	2936
7200 min Summer	1.585	0.0	38.5	3616
8640 min Summer	1.415	0.0	41.3	4328
10080 min Summer	1.286	0.0	43.8	4984
15 min Winter	56.724	0.0	3.2	21
30 min Winter	41.236	0.0	4.7	32
60 min Winter	28.755	0.0	6.5	50
120 min Winter	19.358	0.0	8.8	86

Caintech Ltd		Page 2
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 2	
Date 11/10/2021 11:23 File J4092 - Infiltration Trench No. 2.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (1/s)	Max Control (1/s)	Max Σ Outflow (1/s)	Max Volume (m ³)	Status
180 min Winter	11.868	0.868	0.7	0.7	1.3	3.5	0 K
240 min Winter	11.813	0.813	0.6	0.6	1.3	3.3	0 K
360 min Winter	11.708	0.708	0.6	0.6	1.2	2.9	0 K
480 min Winter	11.619	0.619	0.5	0.6	1.1	2.5	0 K
600 min Winter	11.545	0.545	0.4	0.5	1.0	2.2	0 K
720 min Winter	11.483	0.483	0.4	0.5	0.9	1.9	0 K
960 min Winter	11.377	0.377	0.3	0.5	0.7	1.5	0 K
1440 min Winter	11.177	0.177	0.1	0.5	0.7	0.6	0 K
2160 min Winter	11.081	0.081	0.0	0.5	0.5	0.2	0 K
2880 min Winter	11.057	0.057	0.0	0.4	0.4	0.1	0 K
4320 min Winter	11.043	0.043	0.0	0.3	0.3	0.1	0 K
5760 min Winter	11.036	0.036	0.0	0.3	0.3	0.1	0 K
7200 min Winter	11.032	0.032	0.0	0.2	0.3	0.0	0 K
8640 min Winter	11.030	0.030	0.0	0.2	0.2	0.0	0 K
10080 min Winter	11.028	0.028	0.0	0.2	0.2	0.0	0 K

Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
180 min Winter	15.245	0.0	10.4	122
240 min Winter	12.837	0.0	11.6	156
360 min Winter	10.050	0.0	13.7	222
480 min Winter	8.437	0.0	15.3	286
600 min Winter	7.363	0.0	16.7	350
720 min Winter	6.586	0.0	17.9	414
960 min Winter	5.521	0.0	20.0	550
1440 min Winter	4.306	0.0	23.4	772
2160 min Winter	3.353	0.0	27.4	1108
2880 min Winter	2.805	0.0	30.5	1468
4320 min Winter	2.179	0.0	35.6	2160
5760 min Winter	1.821	0.0	39.7	2920
7200 min Winter	1.585	0.0	43.1	3600
8640 min Winter	1.415	0.0	46.2	4192
10080 min Winter	1.286	0.0	49.0	5080

Caintech Ltd		Page 3
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 2	
Date 11/10/2021 11:23 File J4092 - Infiltration Trench No. 2.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	


Rainfall Details

Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	30	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	14.000	Shortest Storm (mins)	15
Ratio R	0.200	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+35

Time Area Diagram

Total Area (ha) 0.027

Time (mins)			Time (mins)			Time (mins)		
From:	To:	Area (ha)	From:	To:	Area (ha)	From:	To:	Area (ha)
0	4	0.009	4	8	0.009	8	12	0.009

Caintech Ltd		Page 4
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 2	
Date 11/10/2021 11:23 File J4092 - Infiltration Trench No. 2.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Model Details

Storage is Online Cover Level (m) 12.600

Infiltration Trench Structure

Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	2.0
Infiltration Coefficient Side (m/hr)	0.32700	Trench Length (m)	7.0
Safety Factor	2.0	Slope (1:X)	150.0
Porosity	0.30	Cap Volume Depth (m)	1.000
Invert Level (m)	11.000	Cap Infiltration Depth (m)	1.000

Hydro-Brake Optimum® Outflow Control

Unit Reference	MD-SHE-0039-7000-1000-7000
Design Head (m)	1.000
Design Flow (l/s)	0.7
Flush-Flo™	Calculated
Objective	Minimise upstream storage
Diameter (mm)	39
Invert Level (m)	11.000
Minimum Outlet Pipe Diameter (mm)	75
Suggested Manhole Diameter (mm)	1200

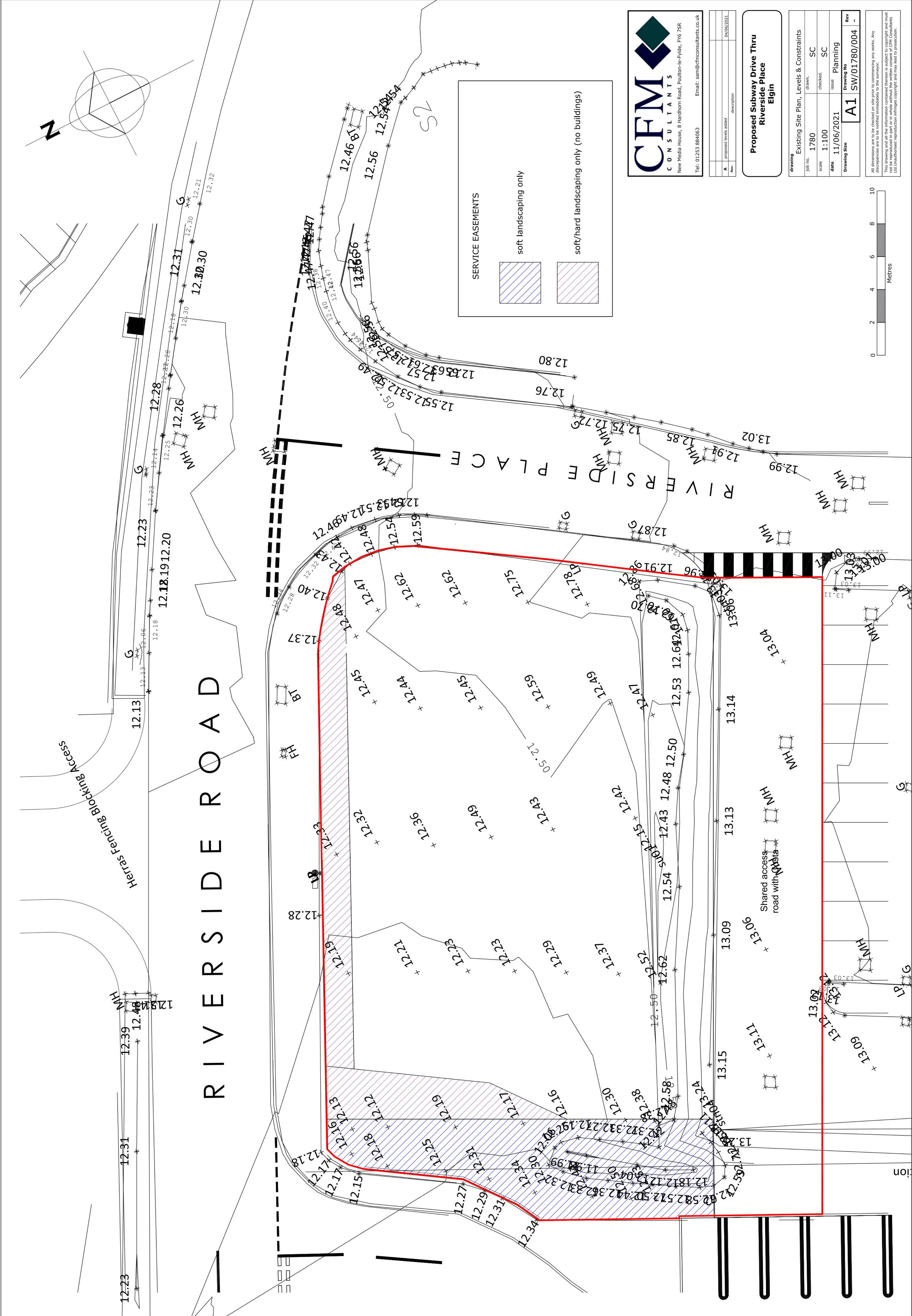
Control Points	Head (m)	Flow (l/s)	Control Points	Head (m)	Flow (l/s)
Design Point (Calculated)	1.000	0.7	Kick-Flo®	0.345	0.4
Flush-Flo™	0.172	0.5	Mean Flow over Head Range	-	0.5

The hydrological calculations have been based on the Head/Discharge relationship for the Hydro-Brake Optimum® as specified. Should another type of control device other than a Hydro-Brake Optimum® be utilised then these storage routing calculations will be invalidated

Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)
0.100	0.5	0.800	0.6	2.000	1.0	4.000	1.3	7.000	1.7
0.200	0.5	1.000	0.7	2.200	1.0	4.500	1.4	7.500	1.7
0.300	0.5	1.200	0.8	2.400	1.0	5.000	1.4	8.000	1.8
0.400	0.5	1.400	0.8	2.600	1.1	5.500	1.5	8.500	1.8
0.500	0.5	1.600	0.9	3.000	1.1	6.000	1.6	9.000	1.9
0.600	0.6	1.800	0.9	3.500	1.2	6.500	1.6	9.500	1.9

DRAWINGS:

J4092-001 – Drainage Layout Plan



Consultee Comments for Planning Application 21/01146/APP

Application Summary

Application Number: 21/01146/APP

Address: 4 Riverside Road Elgin Moray IV30 6LS

Proposal: Erect a Subway sandwich shop including drive thru at

Case Officer: Lisa Macdonald

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

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	2nd September 2021
Planning Authority Reference	21/01146/APP
Nature of Proposal (Description)	Erect a Subway sandwich shop including drive thru at
Site	4 Riverside Road Elgin Moray IV30 6LS
Site Postcode	N/A
Site Gazetteer UPRN	000133072255
Proposal Location Easting	323694
Proposal Location Northing	862483
Area of application site (M²)	920
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWOOP8BGGS500
Previous Application	
Date of Consultation	
Is this a re-consultation of an existing application?	No
Applicant Name	SLD Group Property Ltd
Applicant Organisation Name	
Applicant Address	40 Redwood Avenue Inverness IV2 6HA
Agent Name	CFM Consultants Ltd
Agent Organisation Name	
Agent Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/01146/APP

**Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin
Moray IV30 6LS for SLD Group Property Ltd**

Ward: 06_17 Elgin City North

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2020		DP1 Development Principles		X
			DP5 Business and Industry	X	
			DP7 Retail/Town Centres		X
			EP5 Open Space		X
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

I6 Linkwood East and DP5 Business and Industry

The additional information submitted in the Supporting Planning Statement has been reviewed. Whilst the planning history of the site is understood it is noted that the site has progressed under several Local Plan/Local Development Plans dating back to 2009/10. This proposal falls to be considered under the adopted Moray Local Development Plan 2020. The issue of widening the uses on the site with consideration of how the site has developed over time was the subject of examination during the review of the 2020 Local Development Plan. The Reporter did not add use class 3, 7 and 11 to the suitable uses for the site. The Reporter stated that while they noted the activities already present on the site the intention of this designation is primarily for employment uses. The Reporter noted that the site contributed to the effective employment land supply within Elgin and it was therefore appropriate to identify this for employment use. It is not considered that there are any new material considerations that would now justify departing from the Reporter's decision.

To date site I6 has only delivered one plot of land within classes 4, 5 and 6 which was the purpose of the I6 designation. The only other development delivered to date has been drive through units, furniture show room (with café) and a car sales showroom. The remaining land has therefore been reserved for the intended use of the site i.e. classes 4, 5, and 6. Whilst the Supporting Planning Statement submitted by the applicant describes the application site as a last-remaining, residual site within the linear stretch of I6 that sits between Riverside Road and the A96 it is noted that there remains an undeveloped site between Grampian Furnisher and the car showroom.

As previously stated the proposal is located on site I6 Linkwood East. The designation text states the site is suitable for Use class 4 Business, Use Class 5 General Industrial, and Use Class 6 Storage and Distribution. The proposal is a departure from the permitted uses.

Site I6 is identified as an industrial estate within the Local Development Plan and as stated within policy *DP5 Business and Industry* industrial estates will primarily be reserved for use defined by Classes 4, 5 and 6. Other uses are only considered in relation to their suitability to the industrial area, their compatibility with neighbouring uses and the supply of serviced employment land.

Whilst the proposal may be considered compatible with neighbouring uses given they are similar drive through fast food outlets the proposal is not considered suitable for the industrial estate for the following reasons

- The designation text clearly states the site is suitable for class 4, 5 and 6. Further development of non-conforming uses undermines the intention of the designation and is not acceptable. The extent of "other uses" already constructed means that no further development outwith classes 4, 5 and 6 are acceptable.
- The proposal does not comply with the suitable uses set out within the I6 designation and is a departure from policy DP5 as the designation would no longer be primarily for industrial uses (class 4, 5, and 6). The proposal is considered unsuitable for the industrial estate and would limit the already restricted choice of immediately available sites within Elgin.
- There is a limited supply of serviced employment land within Elgin (14.47ha) and

this is restricted to only 3 sites – I7 Barmuckity (11.8ha) I2 Chanonry (1.27ha) and this site I6 Linkwood East (1.4ha). Whilst the Employment Land Audit identifies up to 11.8ha of land at I7 Barmuckity take up has been very good and there is consent in place for a number plots. Therefore it is anticipated that the level of immediately available land will reduce significantly over the next few years. Whilst the proposed site is a relatively small it is one of only a few sites within Elgin and developing this would limit choice of industrial/business sites. The small size of the site does limit the potential uses of the site however, it would be capable of accommodating starter units, workshops or garage/repairs. It is noted that starter units currently being marketed at Elgin Business Park range in size from 98 to 147m² and a standalone unit within Chanonry Industrial Estate currently being marketed has a ground floor area of 148m² within a 0.04ha site - which is comparable to the 140m² floorspace of the proposed subway sandwich shop on the 920m² site.

The proposal does not comply with the suitable uses set out within the I6 designation and is a departure from policy DP5 as the designation would no longer be primarily for industrial uses (class4, 5, and 6). The proposal is considered unsuitable for the industrial estate and would limit the already restricted choice of immediately available sites within Elgin. The examination of the Local Development Plan did not extend the permitted uses upon the site with the Reporter stating the intention of this designation is primarily for employment uses and that the site contributed to the effective employment land supply.

DP7 Retail/Town Centres

Additional information has been provided in respect of footfall on a confidential basis. Reviewing this along with the Supporting Planning Statement it is now considered that the anticipated footfall is at a level unlikely to have significant adverse impacts on the town centre. The Planning Statement also sets out that half of the customers will be drive-through, 20% take-away (drawn from local employment and residential) and 20% sit in (mainly from those passing on A96) and 10% delivery. This further demonstrates that impacts are likely to be primarily on similar drive-through units that are not located within the town centre including the Costa, KFC, and McDonalds located close to the site. There is therefore no requirement under part b) of policy DP7 to consider sequentially preferable sites or undertake a retail impact assessment.

DP1 Development Principles

The revisions to the open space are welcomed and help to bring this in line with the requirements of DP1.

- The open space now provides a variety of shrubs, semi-mature trees, hedging and a small area for staff and customers to sit. The open space meets the quantity and quality requirements of policy DP1/EP5.
- Hedging is now proposed along the boundaries which will help to mitigate the impacts of car parking and also support biodiversity.
- Parking has been rearranged such that it now meets the policy requirement for a maximum of 50 % of the parking to the front of the building.

Conclusion

It is recommended the proposal is refused as

- It is not a suitable use for the site as set out within the I6 designation text.
- It is an unacceptable departure from DP5 as industrial estates are primarily reserved for classes 4, 5 and 6 and the extent of “other uses” already constructed means that no further development outwith classes 4, 5 and 6 are suitable. The proposal would also impact on the choice of serviced employment land within Elgin.

Contact: Rowena MacDougall

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

Date.....27/10/21.....

Phone No

Consultee: Development Plans

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/01146/APP

Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS for SLD Group Property Ltd

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

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

Further comment(s) to be passed to applicant

Moray Council do not object to this application however, the applicant appears to be connecting the surface water discharge into an existing system, if this is a Scottish Water sewer approval will need to be obtained from Scottish Water.

Contact:	Javier Cruz	Date..... 11/10/2021
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Friday, 20 August 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

4 Riverside Road, Elgin, IV30 6LS
Planning Ref: 21/01146/APP
Our Ref: DSCAS-0046940-PJJ
Proposal: Erect a Subway sandwich shop including drive thru

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenlatterach Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Moray West Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Asset Impact Assessment

Scottish Water records appear to show a private water pipe within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. You should contact the owner(s) to establish their requirements for building in the vicinity of this asset.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?".

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

Angela Allison

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Moray Council Elgin	Council Reference:-	21/01146/APP
	TS TRBO Reference:-	NE/114/2021

Application made by SLD Group Property Ltd per CFM Consultants Ltd, New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR and received by Transport Scotland on 30 August 2021 for planning permission for erect a subway sandwich shop including drive thru located at 4 Riverside Road Elgin Moray affecting the A96 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A96)

0141 272 7100

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

NORTH EAST

Address:-

Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW

Telephone Number:-

01738 448600

e-mail address:-

NEplanningapplications@bearsotland.co.uk

Transport Scotland Response Date:- 03-Sep-2021

Transport Scotland Contact:- Iain Clement

Transport Scotland Contact Details:-

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland , Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted .

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd September 2021
Planning Authority Reference	21/01146/APP
Nature of Proposal (Description)	Erect a Subway sandwich shop including drive thru at
Site	4 Riverside Road Elgin Moray IV30 6LS
Site Postcode	N/A
Site Gazetteer UPRN	000133072255
Proposal Location Easting	323694
Proposal Location Northing	862483
Area of application site (M²)	920
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWOOP8BGGS500
Previous Application	
Date of Consultation	19th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	SLD Group Property Ltd
Applicant Organisation Name	
Applicant Address	40 Redwood Avenue Inverness IV2 6HA
Agent Name	CFM Consultants Ltd
Agent Organisation Name	
Agent Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01146/APP

Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS for SLD Group Property Ltd

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

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

Preamble

The proposed development (Drawing SW/01780/007 Rev C) includes 9 standard parking spaces and 1 disabled standard space, 1 (min 22Kw) EV charger serving 2 parking spaces and 2 Sheffield stands for 4 cycles.

The parking standard (maximum) for a restaurant of the same would be 14 standard spaces.
The parking standard (maximum) for a takeaway of the same size would be 5 spaces

The site shares access from the existing car park serving the existing Costa drive through would pass between parking spaces serving both sites.

It is considered likely that the site layout could result in visitors from Costa and the proposed Subway sharing use of the combined parking unless specific measures are taken to enforce use of the associated parking.

Taking account of the above factors, the proposed development, layout and level of parking are considered acceptable.

Condition(s)

Parking shall be provided in accordance with the approved plans (Drawing SW/01780/007 Rev C) prior to the development becoming operational and shall thereafter be maintained and available for use unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure the permanent availability of the level of parking necessary in the interest of an

acceptable development and road safety.

Prior to any development becoming operational and opened to the public the EV charging shall be provided and thereafter maintained and available for use unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport.

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 and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Contact: JEK
email: transport.develop@moray.gov.uk
Consultee: Transportation

Date...28/09/21.....
Phone No

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd September 2021
Planning Authority Reference	21/01146/APP
Nature of Proposal (Description)	Erect a Subway sandwich shop including drive thru at
Site	4 Riverside Road Elgin Moray IV30 6LS
Site Postcode	N/A
Site Gazetteer UPRN	000133072255
Proposal Location Easting	323694
Proposal Location Northing	862483
Area of application site (M²)	920
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWOOP8BGGS500
Previous Application	
Date of Consultation	19th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	SLD Group Property Ltd
Applicant Organisation Name	
Applicant Address	40 Redwood Avenue Inverness IV2 6HA
Agent Name	CFM Consultants Ltd
Agent Organisation Name	
Agent Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 21/01146/APP

Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS for SLD Group Property Ltd

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Informative notes:

- The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.
- The proprietor will require to register the premises in terms of the Food Premises (Registration) Regulations 1991.
- The premises will require to comply with The Health and Safety at Work etc. Act 1974 and associated regulations enforced by this section.

Further information required to consider the application

Contact: Tim Betts
email address:
Consultee:

Date...01.09.2021.....
Phone No

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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

SEP 2021

MANAGER
DEVELOPMENT
MANAGEMENT BUILDING
STANDARDS 29/08/2021

Links

PLANNING APPLICATIONS
21/01172/APP + 21/01110/APP +
21/01146/APP + 21/01218/APP
21/01192/APP

ALL POSSIBLE PROTECTION
TO ALL WILDLIFE FROM
FRONT ON EASY SITE

NATURAL SCOT PROTECTION
SPECIES KNOWN TO OCCUR
NATURALLY IN SCOTLAND
& THEIR PROTECTION A
Great Many!

COMMON PASS TO WHOM IT MAY CONCERN

GOOD PROOF BINS WILL
TO SOME EXTENT
MITIGATE THE PROBLEM
BUT ONLY TO A
CERTAIN EXTENT

Yours faithfully



REPORT OF HANDLING

Ref No:	21/01146/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Erect a hot sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS		
Date:	05.11.2021	Typist Initials:	SS

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transport Scotland	03/09/21	No objection
Strategic Planning And Development	27/10/21	<p>Objection - The proposal is not a suitable use for the site as set out within the I6 designation text. It is an unacceptable departure from DP5 as industrial estates are primarily reserved for classes 4, 5 and 6 and the extent of "other uses" already constructed means that no further development outwith classes 4, 5 and 6 are suitable. The proposal would also impact on the choice of serviced employment land within Elgin. The question of extending the range of suitable uses for the site was examined as part of the enquiry into the MLDP 2020 and the reporter concluded that the designation should remain as it is at present.</p> <p>Additional information has demonstrated that the development will not have a significant adverse impact on the town centre so there is no requirement for a retail impact assessment or to consider sequentially preferable site.</p> <p>The proposal complies with DP1 and EP5 in relation to layout, parking and landscaping.</p>

Moray Flood Risk Management	11/10/21	No objection.
Contaminated Land	25/08/21	No objection.
Environmental Health Manager	02/09/21	No objections – the proposal will require to comply with Food Hygiene and Health and Safety Regulations.
Transportation Manager	28/09/21	Initial concerns regarding the absences of cycle stands and EV charging provision addressed, No objection subject to conditions to ensure that that parking and ev charging are provided as shown on the approved plans.
Scottish Water	20/08/21	No objection.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP7 Retail/Town Centres	N	
DP5 Business and Industry	Y	See below
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
Elgin - I6 Linkwood East	Y	See below

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: One		
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		
Issue: General comments regarding the protection of flora and fauna.		
Comments (PO): This is a relatively small site with limited ecological value. The proposed planting will increase the biodiversity value of the site.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

The Proposal

This application seeks planning permission for a hot sandwich shop and 'Drive-thru' with associated parking and drainage.

The Site

The site is a vacant plot within the Linkwood East Industrial Site and is covered by the Elgin I6 designation in the MLDP 2020. It is a flat, open site that is currently unoccupied. There is an existing access from Riverside Place which joins Riverside Road. The access is shared with Costa which is immediately to the south of the site. There is a KFC to the south west and a car show room and a furniture shop to the south east. The land to the east and that on the northern side of Riverside Road are the only other vacant plots within the I6 designation.

The Supporting Statement notes that at one time, what is now the I6 site, benefitted from planning permission in principle (09/01477/OUT) for a mixed commercial development. This would have allowed a wide range of uses falling into class 2-7 and 11 (professional services, restaurants and cafes, business, industrial, storage and distribution, hotels and professional services) with some ancillary retail but that consent lapsed in February 2014. For the avoidance of doubt hot food for takeaway is a sui generis use and would not have been accommodated under the terms of the previous permission.

Siting & Principal of Development (DP5 & Elgin I6)

The proposal is within the Elgin I6 designation and policy DP5 states that industrial sites are reserved for class 4 (business), Class 5 (industrial) and Class 6 Storage and distribution uses. The proposed use is a sui generis use that is not suitable for an industrial site. It is recognised that there are a number of non-compliant uses on the site including Costa and KFC and this proposal would sit comfortably alongside the existing uses however the site remains a key component of available employment land in Elgin. It is noted that the question of widening the range of acceptable uses for this site was the subject of examination during the review of the MLDP 2020. The Reporter acknowledged the non-compliant activities already present on the site but found that the site should remain primarily for employment uses and that it contributed to the effective employment land supply in Elgin. The I6 designation therefore remains an industrial site which should primarily be occupied by employment uses. The site contributes to the effective employment land supply in Elgin and the loss of this site would limit the already limited choice of immediately available employment sites in Elgin. There is a limited supply of serviced employment land within Elgin amounting to 14.4 ha in total across I7 Barmuckity (11.8 ha), I2 Channory (1.27) and I6 Linkwood East (1.4ha) and the loss of this site from available employment land would further erode the supply. The site is small but could accommodate a starter unit and the availability of a range of types and sizes of employment land is important to meet a range of needs.

In their supporting statement the applicant argues that the policy designation does not reflect what has been developed in the portion of the I6 site between Riverside Road and the Trunk Road and it is unreasonable to insist on reserving this plot for industrial uses. It is recognised non-compliant uses have been approved on the I6 site including a furniture shop, a car show room, a KFC and a Costa. These dominate the frontage of the site and take up most of the I6 designation to the south of Riverside Road. In addition to the application site there is one other remaining plot between the car show room and the furniture shop. The only compliant development on the I6 site is to the north of Riverside Road and another large plot also remains in that area. Nonetheless, each application must be considered on its own merits. The possibility of extending the range of suitable uses for this site has been examined by the Reporter and the decision was taken that the site should be retained

primarily for employment uses. The proposed use is not compliant with the range of uses set out in the I6 designation and is a departure from policy DP5. The site contributes to the effective employment land supply and any loss of employment land in Elgin should be resisted.

Impact on Town Centre (DP7)

Policy DP7 seeks to protect town centres by directing developments that would attract significant footfall to the town centre. Away from the town centre developments that will attract significant footfall must demonstrate that there are no suitable sequentially preferable sites and that there will be no unacceptable impact on the vitality and viability of the town centre. In this instance, additional supporting information has been provided to demonstrate that the development will not attract 'significant' footfall therefore there is no requirement for a Retail Impact Assessment or to demonstrate that there are no sequentially preferable sites available. Furthermore the supporting information highlights that 50% of customers will be 'drive 'thru' with 20% takeaway, 20% sit in and 10% delivery. The greatest impacts are therefore likely to be felt by other 'drive thru' establishments which by nature are not sited in the town centre. The application has demonstrated that there is no requirement for further assessment under policy DP7.

Design & Layout (DP1)

The proposed building is a simple and functional single storey building with a flat roof. It will be finished in grey sheeting with some green detailing to reflect the corporate style of intended occupier. The form, style and finish of the building is in keeping with that of neighbouring developments including Costa immediately to the south. It is considered to be appropriate for a building of this purpose in this setting. The design and materials comply with policy DP1 (i).

The layout is logical given the Drive-thru nature of the development. The building sits in the middle of the plot with the vehicular access around it. The layout has been altered so that no more than 50% of the parking is at the front of the building. This brings the proposal in line with policy DP1 (ii) (b). The orientation of the building matches that of other surrounding developments. The layout is appropriate to the setting and complies with policy DP1.

Landscaping and Open Space (DP1 & EP5)

The plans have been altered to show additional planting on the boundary and around the parking area in the eastern part of the site. A small outdoor seating area has also been proposed which could be used by staff or customers. The planting will help soften the impact of the development integrate it into its surroundings. The proposed landscaping and open space meet both the quality and quantity requirements set out in policy EP5 and are considered to be acceptable for a development of this size and scale. The proposal complies with policies DP1 (i) (c) and EP5.

Access and Parking (PP3 & DP1)

The site is accessed via an existing access from Riverside Place and Riverside Road which will be shared with Costa to the south.

The revised layout shows 9 standard spaces, 1 disabled parking space, 1 EV charger serving two bays and 4 bike stands. The Council's parking standards do not make specific provision for 'drive-thru' developments of this type. A conventional restaurant of the same size would require 14 spaces while a takeaway would require 5. The proposed level of parking falls between the two thresholds which is considered to be acceptable given the nature of the development proposed. Transportation have no objection subject to conditions to ensure that the parking and EV charging are timeously provided in accordance with the submitted plans.

The proposals accord with policies DP1 (ii) AND PP3 (iv).

Drainage and Water Supply (DP & EP12)

The application site has been found to be suitable for ground infiltration but there is limited space to provide soakaways. The original proposal included below ground attenuation of water which is not

supported by the Council's policy. The proposal has since been revised to show a system of infiltration trenches discharging to an existing surface water sewer. Approval from Scottish Water will be required to discharge to their sewer. Flood Risk Management confirm that the changes to the scheme are sufficient to remove their objection. The revised proposal will ensure that surface water is dealt with in an acceptable and sustainable manner in accordance with policy DP1 (iii) and EP12.

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

Recommendation

The proposal is not for a use specified in the I6 designation and as such is a departure from policy DP5. The site forms part of the effective employment land supply and the proposal would result in the loss of employment land in Elgin. The proposal is contrary to policy and is therefore recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	
PINS	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement.	
Main Issues:	Documents setting out the nature of business, potential impacts on town centre and assessment of proposal against policy.	
Document Name:	Drainage Impact Assessment.	
Main Issues:	Assessment of site and justification for drainage solution proposed.	

S.75 AGREEMENT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Erect a hot sandwich shop including drive thru at 4 Riverside Road Elgin
Moray IV30 6LS**

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

Date of Notice: **11 November 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
J4092	B	Drainage layout
SW/01780/001A		Location plan
SW/01780/008		Proposed elevations and section
SW/01780/002	00	Proposed floor plan
SW/01780/007	D	Proposed site plan and levels
CTCH-J4092-002		Vehicle swept path analysis

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

- Parking layout altered & EV charging added.
- Additional landscaping and open space provided.
- Drainage proposals altered.

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100507181-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ryden LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Brian	Building Name:	
Last Name: *	Muir	Building Number:	130
Telephone Number: *	0141 270 3120	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G2 5HF
Email Address: *	brian.muir@ryden.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="40"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Redwood Avenue"/>
Company/Organisation	<input type="text" value="SLD Group Property Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Inverness"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV2 6HA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="liam@subwaynorth.co.uk"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

4 Riverside Road Elgin IV30 6LS

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

Description of Proposal

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

Erection of hot sandwich shop including drive through

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see Paper Apart: Applicant's Statement

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

☐ Yes ☒ No

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

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

Please see Paper Apart: List of Documents

Application Details

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

21/01146/APP

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

22/07/2021

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

11/11/2021

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The applicant considers that a site visit and inspections will assist the members of the local review body in their understanding of the application site and the context for the site.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Brian Muir

Declaration Date: 25/11/2021

Notice of Review Site: 4 Riverside Road, Elgin IV30 6LS

Notice of Review Proposal: Erection of hot Sandwich Shop including Drive Through

Applicant: SLD Group Property Limited

Agent: Ryden LLP

Reference of original planning application: 21/01146/APP

Notice of Review submitted November 2021

NOTICE OF REVIEW APPLICANT'S STATEMENT (PAPER APART)

(This document extends to 6 pages)



1. Overview

- Ten years ago, The Moray Council granted planning permission for the land at Linkwood East to be used for a range of commercial uses which could have seen the entire site developed for uses which may not have included any within Classes 4, 5, or 6.
- The site which is the subject of this Notice of Review (Document APP 2) lies within the land for which the above planning permission was granted.
- During the past decade, the linear area of land between Riverside Road and the trunk road has been developed along these lines. Class 1, Class 3, and sui generis uses have been developed.
- The application site is a small site within this zone.
- There has been no interest in business or industrial uses for the application site. Because of its location, it was always the intention to develop the site in a way which completed the other two of drive-through units at this location (KFC and Costa).
- The applicant accepts that adopted planning policy now takes a different position to that which the council took when granting planning permission ten years ago for the Linkwood East site.
- Nevertheless, the applicant believes that, with the development of the linear area of land having taken the form that it has, the development of this small site within that linear area would not undermine planning policy, nor pose any threat to general industrial land supply. On the contrary, it would deliver the early development of the site, delivering investment and jobs.
- Planning officers have refused the planning application under delegated powers. The refusal is for a single reason: *The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposed use does not comply with the range of acceptable uses identified in Policies DP5 and Elgin I6 would result in the loss of employment land in Elgin.* (Document APP 10)
- The applicant submits that the members of the Local Review Body are entitled to strike different balance when placing weight on the objectives of local development plan policy.
- In this case, the applicant submits that members of the Local Review Body can safely reach a different decision to that taken by the planning officer when the application was determined under delegated powers.
- The remainder of this document provides more information in support of this application for a Notice of Review.

2. Supporting information

RELEVANT PLANNING HISTORY

In February 2011, the Moray Council granted Planning Permission in Principle for the development of a 'commercial estate' on a site at East Road, Elgin, Moray. The reference of the planning permission was 09/01477/OUT. In general terms, the redline boundaries for the planning permission were broadly equivalent to the area of land which is now covered by Local Development Plan Allocation I6.

The Planning Permission in Principle permitted a range of use classes to be developed within the site. These are listed in Condition 10 of the planning permission. The permitted uses included Classes 2, 3, 4, 5, 6, 7, and 11. A limited amount of Class 1 retail use was also permitted, provided it was ancillary retailing to any industrial or commercial business provided on the site (Condition 11 of the planning permission details this).

The access road framework which was approved within Planning Permission in Principle was physically implemented. However, rather than being approved via an application for matters specified in condition, the then applicant sought a new detailed planning permission for the road network. In doing so, the applicant failed to realise that by using an application for detailed planning permission rather than an application for matters specified in condition, he was failing to implement 09/0477/OUT.

The reason that this planning history is important is that, within the last 10 years, there was existing a planning permission which could have been implemented any time up until 7 years ago. That planning permission was for a much wider range of uses than the Classes 4, 5, and 6 uses which are now contained within LDP Allocation I6. At one stage, a cinema (Class 11) was proposed for the site and this would have been consistent with the planning permission.

Also of material consideration is that, although the planning authority has, through the local development plan process sought to narrow the range of uses which can be implemented at the site covered by Allocation I6, it has nevertheless granted planning permission for a range of uses on the road frontage part of the site which are more consistent with the 2011 planning permission than they are with the LDP Policy position. These uses have included:

- A KFC drive-through (granted planning permission in 2011);
- A furniture retail store (granted planning permission in 2017);
- A Costa Coffee drive-through (granted planning permission 2017); and
- A car sales use (granted planning permission in 2018).

Together, these uses now dominate frontage of the I6 site, as it faces the trunk road.

The application site lies within this linear section of Site I6. It is a relatively small site.

The applicant always anticipated that it was likely to be occupied by a further Class 3-type use. In anticipation of that, the access roads infrastructure for the Costa drive-through were developed in a way which would also serve the site which is the subject of the current application.

To illustrate all of this, the aerial photograph below illustrates all of the above planning uses. It also shows very clearly the context of the application site (identified as Plot 3B). It would not be unreasonable to describe the application site as a last-remaining, residual site within the linear stretch of Site I6 which sits between Riverside Road and the trunk road.

It is submitted that it is reasonable to take into account all of the above as a material consideration in the consideration of the current application.



RELEVANT PLANNING POLICY

POLICY DC5 (BUSINESS AND INDUSTRY) AND THE RELATED SITE ALLOCATION OF I6 (LINKWOOD EAST)

The applicant accepts that the proposed development is contrary to the site-specific land-use allocation for the application site (I6 of the Local Development Plan). The applicant also accepts that Policy DP5 protects such allocations of land which is allocated for business and industry.

However, the applicant submits that there is a strong case to consider a range of relevant material considerations which may allow the planning authority to set a more flexible interpretation of policy in relation to this specific site. These include:

- The policy designation does not reflect what has actually been developed on the linear area of land at Linkwood East between Riverside Road and the trunk road (and this includes planning decision as recently as 2018 to approve car sales);
- The policy designation does not reflect that these developments which have been implemented have a life-span of between 30 and 50 years (and unless these uses and buildings are subject to some major economic downturn, mean that the land in question will not be available for developments within Use Classes 4, 5, or 6 for that period of time);
- The uses which have been implemented probably have an employment density per square metre at least as good as developments in Classes 4 and 5, and probably much better than Class 6;
- The application site is one small site remaining in the linear strip of land lying between Riverside Road and the trunk road and to insist that the application site alone should be reserved for uses within Classes 4, 5, or 6, is unreasonable;
- Although it is accepted, as has been suggested by planning officers, that the site could potentially be developed for Class 4, such development is very unlikely at this location; and
- As noted within the consultation response by the Development Plan Team (Document APP 9, Page 3 Paragraph 1 under the sub-heading 'Siting and Principal of Development (DP5 & Elgin I6)'), the proposed development **would** be compatible with the neighbouring uses, given that they are similar in character (drive through fast food outlets).

All of the above material considerations are specific to the application site itself.

This leaves the question as to whether or not the development of the application site for the use proposed would negatively affect or undermine the supply of land within Elgin in particular, and the Moray in general, in relation to development land available for Classes 4, 5, and 6.

In the submission of the applicant, the council's own industrial land supply figures demonstrate that the development of the application site would not materially affect the supply of industrial and business land within the area.

3. Conclusion

The application site lies within a linear strip of land which has been developed during the past decade for a range of commercial uses. None of these uses fall within Classes 4, 5 or 6.

The application site lies within this linear strip. It is a small site and its development for the application proposal would be consistent with the adjacent land-uses.

The planning officers wish to defend the retention of the application site for a use which falls within Class 4, 5, or 6. Such uses could include an office pavilion, a general industrial workshop, or a storage and distribution depot. It is the submission of the applicant that the remaining, small site is not really suitable for any of these uses.

The reason for refusal in the Decision Notice seeks to protect the land for employment use. It is the applicant's submission that the uses which have been implemented within the linear strip fronting the trunk road probably have an employment density per square metre at least as good as developments in Classes 4 and 5, and probably much better than Class 6. The applicant believes that this will be the case for the proposed development which is the subject of this Notice of Review. Employment opportunity will therefore not be lost. Rather, it will be implemented soon rather than waiting many years, perhaps decades for a use compliant with Class 4, 5, or 6.

The applicant commends this Notice of Review to members and requests that the Notice of Review is allowed and planning permission granted for the proposed development.

(End of statement)

Note 1: For the avoidance of doubt, the images reproduced in this document are images which were lodged with the original planning application.

Notice of Review Site: 4 Riverside Road, Elgin IV30 6LS

Notice of Review Proposal: Erection of hot Sandwich Shop including Drive Through

Applicant: SLD Group Property Limited

Agent: Ryden LLP

Reference of original planning application: 21/01146/APP

Notice of Review submitted November 2021

NOTICE OF REVIEW APPLICANT'S LIST OF DOCUMENTS & EVIDENCE (PAPER APART)

Principal Documents (submitted as part of the planning application process)

APP 1	Planning Application Form and Certificates
APP 2	Location Plan
APP 3	Existing Site Plan
APP 4	Proposed Site Plan
APP 5	Proposed Floor Plan
APP 6	Proposed Elevations and Section
APP 7	Drainage Layout
APP 8	Vehicle Swept Path Analysis

Related Supporting Documents

(Planning authority decision documents)

APP 9	Report of Handling (5 November 2021)
APP 10	Decision Notice (11 November 2021)

(End of List of Documents)

24 November 2021
Ryden | Planning SLDE0001



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100430952-001

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

Type of Application

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

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

Description of Proposal

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

Erection of Subway sandwich shop, including drive thru

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	CFM Consultants Ltd		
Ref. Number:	1780	You must enter a Building Name or Number, or both: *	
First Name: *	Sam	Building Name:	New Media House
Last Name: *	Cheshire	Building Number:	
Telephone Number: *	01253 884 063	Address 1 (Street): *	8 Hardhorn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Poulton-le-Fylde
Fax Number:		Country: *	United Kingdom
		Postcode: *	FY6 7SR
Email Address: *	sam@cfmconsultants.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	40
Last Name: *		Address 1 (Street): *	Redwood Avenue
Company/Organisation	SLD Group Property Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV2 6HA
Fax Number:			
Email Address: *	sam@cfmconsultants.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

4 RIVERSIDE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6LS

Please identify/describe the location of the site or sites

Northing

862483

Easting

323694

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

920.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Undeveloped land

Access and Parking

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

☐ Yes ☒ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">11</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

Bin store area provided on plans

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 3 Restaurant/cafe

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

140

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Jack T C Brown

Address:

Northern Property Suite 8/1, 175, Finnieston Street, Glasgow, G3 8HD

Date of Service of Notice: *

22/07/2021

Name:

Address:

Costa Limited Costa House Houghton Hall Business Park, Porz Avenue, Houghton Regis, Dunstable, LU5 5YG

Date of Service of Notice: *

22/07/2021

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Sam Cheshire

On behalf of: SLD Group Property Ltd

Date: 22/07/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Sam Cheshire

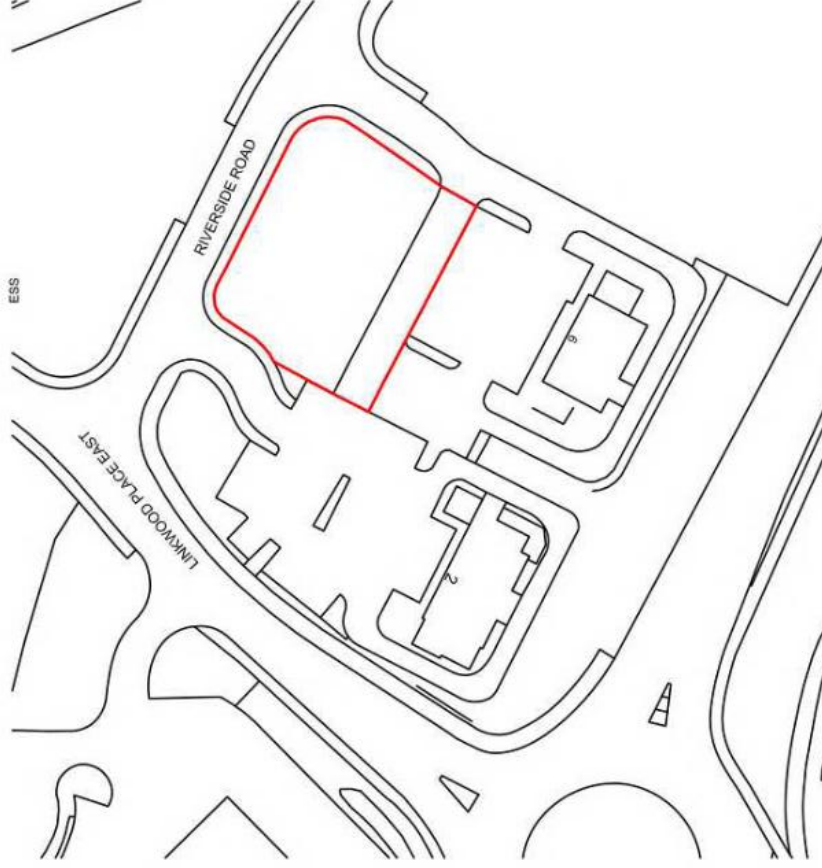
Declaration Date: 22/07/2021

Payment Details

Online payment: 005664

Payment date: 22/07/2021 13:58:35

Created: 22/07/2021 13:58



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

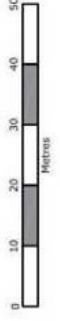
Town & Country Planning
(Scotland) Act, 1987
as amended

REFUSED

11 November 2021

Development Management
Environmental Services
The Moray Council

LOCATION PLAN



Reproduced from Ordnance Survey Digital Data by permission of Ordnance Survey on behalf of the Crown. Copyright © 2021. All rights reserved. Crown Copyright 2021. Reproduction in any form is prohibited without the prior permission of Ordnance Survey.



Tel: 01253 884603
Email: sales@cfmconsultants.co.uk
New Mills House, 11 High Street, Farnham, Surrey, GU14 7JH

**4 Riverside Road,
Farnham,
Surrey
GU14 7JH**

Drawing : Location Plan

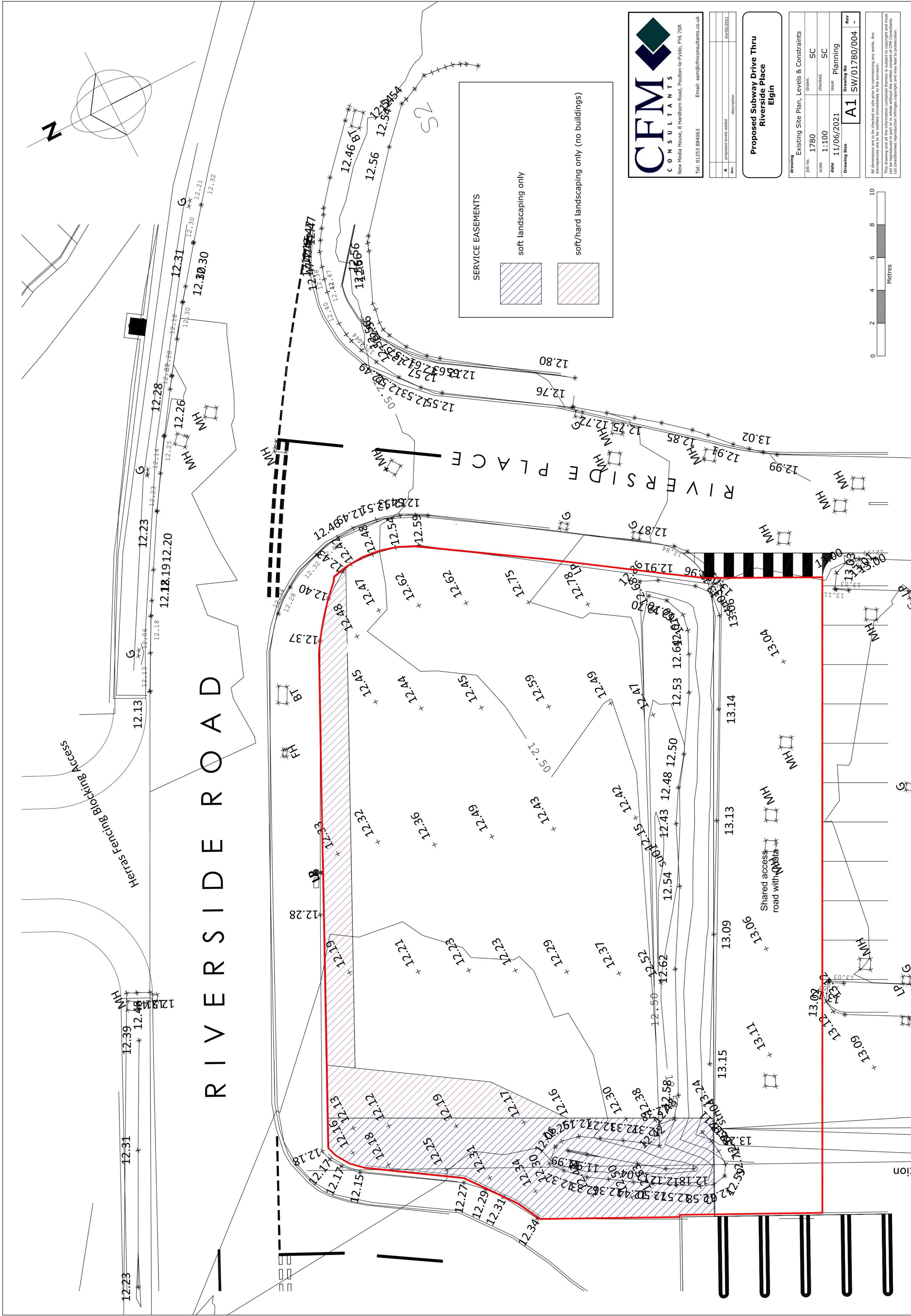
Scale : 1:1250 @ A4

Drawing No. : SW/01/780/001A

Date : 11/06/21

All information on this plan is for reference only. It is not to be used for any other purpose. Any discrepancies are to be referred immediately to the surveyor.

This drawing and all the information contained therein is subject to copyright and must not be reproduced in part or in whole without the prior written permission of CFM CONSULTANTS. Any unauthorised reproduction is liable to legal action.



A	proposed levels added	
Rev.	description	04/06/2021

**Proposed Subway Drive Thru
Riverside Place
Elgin**

drawing	Existing Site Plan, Levels & Constraints			
	job no.	1780	drawn.	SC
	scale	1:100	checked.	SC
	date	11/06/2021	issue	Planning
Drawing Size		A1	Drawing No	SW/01780/004
				Rev -

All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor.

This drawing and all the information contained thereon is subject to copyright and must not be reproduced in part or in whole without the written consent of CFM Consultants Ltd. Unauthorised reproduction infringes copyright and may lead to prosecution.

RIVERSIDE ROAD

AMENDED PLANS

PLANTING SCHEDULE					
REF.	SPECIES	POT SIZE	HEIGHT	DENSITY	QUANTITY
BS	Buxus sempervirens	2L	30-40cm	5/m	400
CAS	Cornus alba 'Sibirica'	2L	40-60cm	2/m ²	13
CD	Cotoneaster dammeri	3L	10-20cm	3/m ²	35
EPM	Elaeagnus pungens 'Maculata'	3L	30-40cm	3/m ²	21
EFEG	Euonymus fortunei 'Emerald Gaiety'	3L	20-30cm	3/m ²	38
RR	Rosa rugosa	3L	40-60cm	2/m ²	18
VD	Viburnum davidii	3L	20-30cm	3/m ²	31
CA	Corylus Avellana	10L	100-130cm	-	4

CFMCONSULTANTS

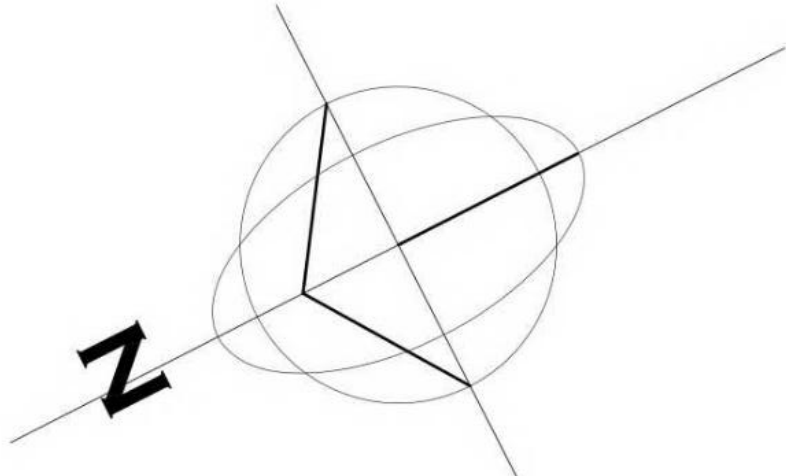
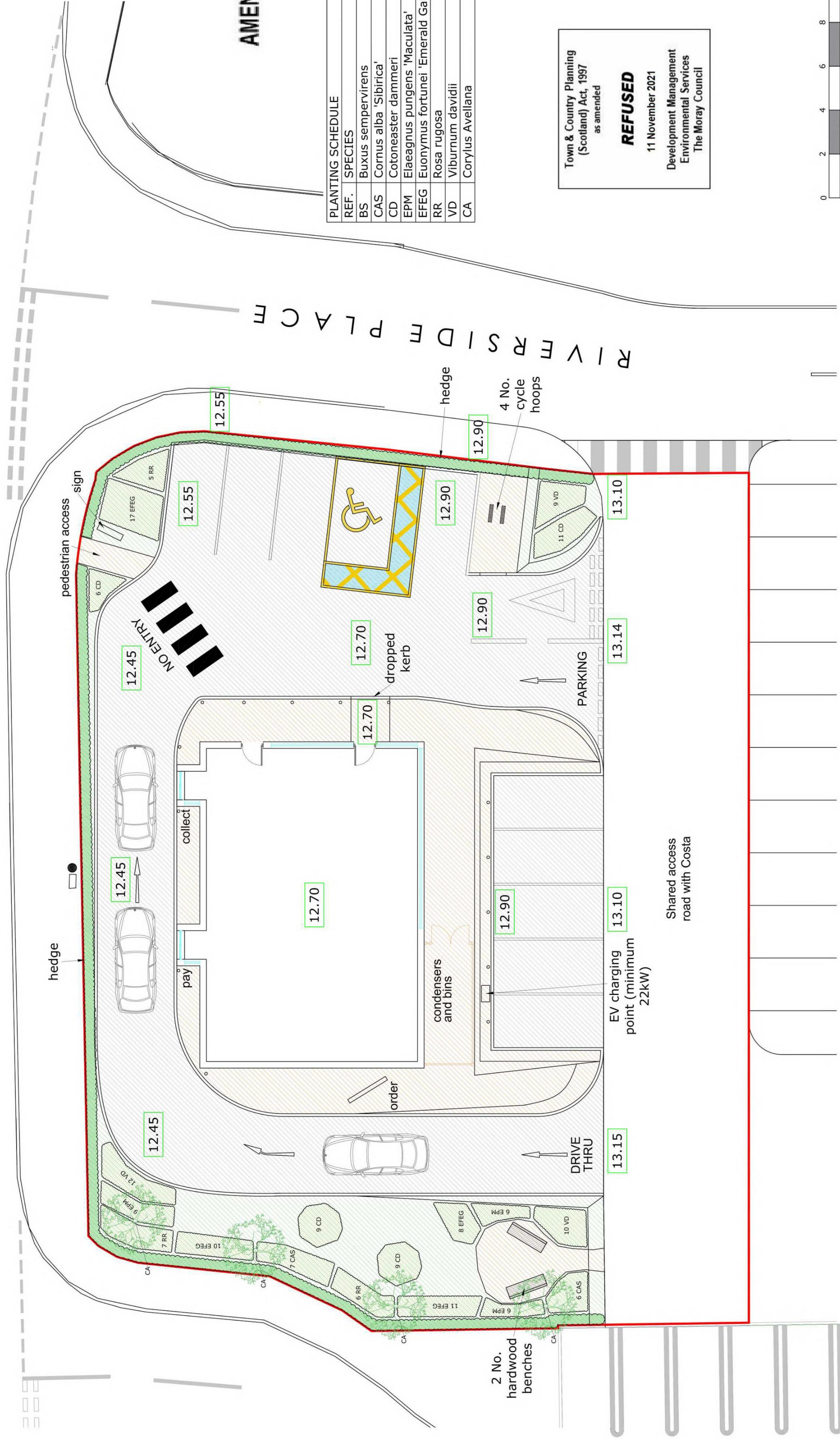
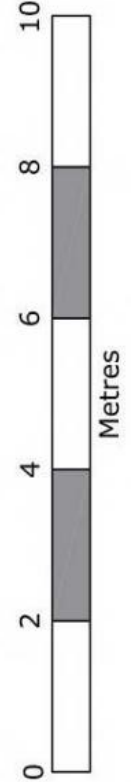
New Media House, 8 Hardthorn Road, Poulton-le-Fylde, FY6 7SR
Tel: 01253 884063 Email: sam@cfmconsultants.co.uk

D	landscaping alterations	14/10/2021
C	landscaping alterations, EV charger and cycle hoops added	23/09/2021
B	EV charging point added	19/07/2021
A	proposed levels added	05/02/2021
Rev:	description	

Proposed Subway Drive Thru
Riverside Place
Elgin

drawing			
job no.	1780	drawn.	SC
scale	1:100	checked.	SC
date	24/05/2021	issue	Planning
Drawing Size	A1	Drawing No	SW/01780/007
Rev	D		

All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be reported to the surveyor immediately.
This drawing is the property of CFM Consultants Ltd. It is to be used for the purpose intended only and not be reproduced in part or in whole without the written consent of CFM Consultants Ltd. Unauthorised reproduction infringes copyright and may lead to prosecution.





Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

11 November 2021

Development Management
Environmental Services
The Moray Council

- NOTES:-
1. Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752 2017.
 2. A minimum of 600mm cover to be provided to all pipework within garden/landscaped areas, a minimum of 900mm below any parking area and a minimum of 1200mm below any road.
 3. Concrete slab protection to be provided where minimum cover below road is not achievable.
 4. Refer to the attached drawings for the position of the roof water downpipes and internal foul drainage outlets.
 5. Connections into public sewers shown are subject to approval from Scottish Water.
 6. Position of any existing services must be accurately located on site prior to construction work commencing.

LEGEND:-	
	New 160mm Ø uPVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
	New uPVC surface water sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
	New rodding point terminal
	New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)
	New 450mm Ø uPVC disconnecting manhole (maximum depth 1.2m)
	New 500mm Ø polypropylene silt trap manhole with 450mm sump (by Wevin or equal & approved)
	708mm x 354mm x 150mm distribution tank wrapped with geotextile membrane for disposal of roof water into paving sub-base
	Denotes area of asphalt road construction
	Denotes area of asphalt footway/hardsurfacing construction
	Denotes landscaped area
	Denotes areas of permeable concrete block paving (infiltration system)
	Indicates approximate position of underground services (carried out 02/07/2021 by others)

B	11/10/21	Amendment to size of attenuation tank following comments received from Moray Council.	KGK	GCN	GCN
A	4/10/21	Surface water design revised following comments received from Moray Council. Connection to existing tails shown.	KGK	GCN	GCN

Site Layout

New Subway Drive-thru at
Riverside Place, Elgin

Drainage Layout Plan

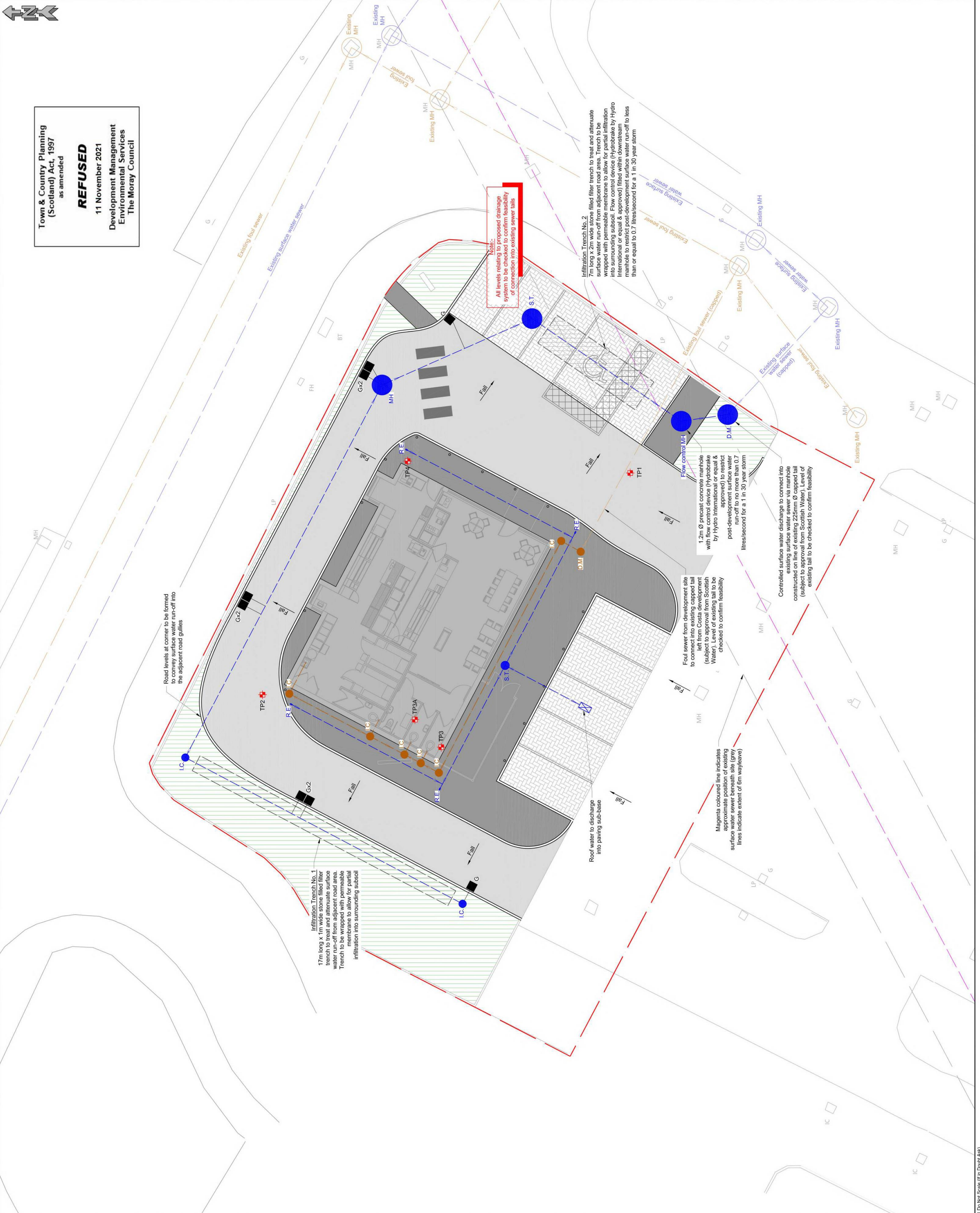
LAND & BUILDING SURVEYING
SURVEYING
DIMENSIONAL CONTROL SURVEYING
LASER SCANNING SERVICES
AUTOCAD DRAUGHTING SERVICES

ADDITIONAL CONTACT INFO:
Email: elgin@cairtechld.com
Mob: 07740 580550
Web: <http://www.cairtechld.com>

TONK OFFICE
FIRST FLOOR
MURDOCH DRIVE
INVERNESS
IV1 1SU
Tel: 01463 811400 Tel: 01463 540009

Client:
Subway North Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KGK	GCN	N/A	N/A
Drawing Status:			
<input checked="" type="checkbox"/> PLANNING			
<input type="checkbox"/> FOR APPROVAL			
<input type="checkbox"/> WARRANT			
<input type="checkbox"/> CONSTRUCTION			
Drawing Date: 02/08/2021			
Drawing Scale: 1:100 @ A1			
Drawing No: CTCH-J4092-001			
Levels are in metres and are to Ordnance Datum.		Our Job Ref:	Rev:
Co-ordinates are to National Grid.		J4092	B
(GPS Network)			



REPORT OF HANDLING

Ref No:	21/01146/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Erect a hot sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS		
Date:	05.11.2021	Typist Initials:	SS

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transport Scotland	03/09/21	No objection
Strategic Planning And Development	27/10/21	<p>Objection - The proposal is not a suitable use for the site as set out within the I6 designation text. It is an unacceptable departure from DP5 as industrial estates are primarily reserved for classes 4, 5 and 6 and the extent of "other uses" already constructed means that no further development outwith classes 4, 5 and 6 are suitable. The proposal would also impact on the choice of serviced employment land within Elgin. The question of extending the range of suitable uses for the site was examined as part of the enquiry into the MLDP 2020 and the reporter concluded that the designation should remain as it is at present.</p> <p>Additional information has demonstrated that the development will not have a significant adverse impact on the town centre so there is no requirement for a retail impact assessment or to consider sequentially preferable site.</p> <p>The proposal complies with DP1 and EP5 in relation to layout, parking and landscaping.</p>

Moray Flood Risk Management	11/10/21	No objection.
Contaminated Land	25/08/21	No objection.
Environmental Health Manager	02/09/21	No objections – the proposal will require to comply with Food Hygiene and Health and Safety Regulations.
Transportation Manager	28/09/21	Initial concerns regarding the absences of cycle stands and EV charging provision addressed, No objection subject to conditions to ensure that that parking and ev charging are provided as shown on the approved plans.
Scottish Water	20/08/21	No objection.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP7 Retail/Town Centres	N	
DP5 Business and Industry	Y	See below
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
Elgin - I6 Linkwood East	Y	See below

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: One		
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		
Issue: General comments regarding the protection of flora and fauna.		
Comments (PO): This is a relatively small site with limited ecological value. The proposed planting will increase the biodiversity value of the site.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

The Proposal

This application seeks planning permission for a hot sandwich shop and 'Drive-thru' with associated parking and drainage.

The Site

The site is a vacant plot within the Linkwood East Industrial Site and is covered by the Elgin I6 designation in the MLDP 2020. It is a flat, open site that is currently unoccupied. There is an existing access from Riverside Place which joins Riverside Road. The access is shared with Costa which is immediately to the south of the site. There is a KFC to the south west and a car show room and a furniture shop to the south east. The land to the east and that on the northern side of Riverside Road are the only other vacant plots within the I6 designation.

The Supporting Statement notes that at one time, what is now the I6 site, benefitted from planning permission in principle (09/01477/OUT) for a mixed commercial development. This would have allowed a wide range of uses falling into class 2-7 and 11 (professional services, restaurants and cafes, business, industrial, storage and distribution, hotels and professional services) with some ancillary retail but that consent lapsed in February 2014. For the avoidance of doubt hot food for takeaway is a sui generis use and would not have been accommodated under the terms of the previous permission.

Siting & Principal of Development (DP5 & Elgin I6)

The proposal is within the Elgin I6 designation and policy DP5 states that industrial sites are reserved for class 4 (business), Class 5 (industrial) and Class 6 Storage and distribution uses. The proposed use is a sui generis use that is not suitable for an industrial site. It is recognised that there are a number of non-compliant uses on the site including Costa and KFC and this proposal would sit comfortably alongside the existing uses however the site remains a key component of available employment land in Elgin. It is noted that the question of widening the range of acceptable uses for this site was the subject of examination during the review of the MLDP 2020. The Reporter acknowledged the non-compliant activities already present on the site but found that the site should remain primarily for employment uses and that it contributed to the effective employment land supply in Elgin. The I6 designation therefore remains an industrial site which should primarily be occupied by employment uses. The site contributes to the effective employment land supply in Elgin and the loss of this site would limit the already limited choice of immediately available employment sites in Elgin. There is a limited supply of serviced employment land within Elgin amounting to 14.4 ha in total across I7 Barmuckity (11.8 ha), I2 Channory (1.27) and I6 Linkwood East (1.4ha) and the loss of this site from available employment land would further erode the supply. The site is small but could accommodate a starter unit and the availability of a range of types and sizes of employment land is important to meet a range of needs.

In their supporting statement the applicant argues that the policy designation does not reflect what has been developed in the portion of the I6 site between Riverside Road and the Trunk Road and it is unreasonable to insist on reserving this plot for industrial uses. It is recognised non-compliant uses have been approved on the I6 site including a furniture shop, a car show room, a KFC and a Costa. These dominate the frontage of the site and take up most of the I6 designation to the south of Riverside Road. In addition to the application site there is one other remaining plot between the car show room and the furniture shop. The only compliant development on the I6 site is to the north of Riverside Road and another large plot also remains in that area. Nonetheless, each application must be considered on its own merits. The possibility of extending the range of suitable uses for this site has been examined by the Reporter and the decision was taken that the site should be retained

primarily for employment uses. The proposed use is not compliant with the range of uses set out in the I6 designation and is a departure from policy DP5. The site contributes to the effective employment land supply and any loss of employment land in Elgin should be resisted.

Impact on Town Centre (DP7)

Policy DP7 seeks to protect town centres by directing developments that would attract significant footfall to the town centre. Away from the town centre developments that will attract significant footfall must demonstrate that there are no suitable sequentially preferable sites and that there will be no unacceptable impact on the vitality and viability of the town centre. In this instance, additional supporting information has been provided to demonstrate that the development will not attract 'significant' footfall therefore there is no requirement for a Retail Impact Assessment or to demonstrate that there are no sequentially preferable sites available. Furthermore the supporting information highlights that 50% of customers will be 'drive 'thru' with 20% takeaway, 20% sit in and 10% delivery. The greatest impacts are therefore likely to be felt by other 'drive thru' establishments which by nature are not sited in the town centre. The application has demonstrated that there is no requirement for further assessment under policy DP7.

Design & Layout (DP1)

The proposed building is a simple and functional single storey building with a flat roof. It will be finished in grey sheeting with some green detailing to reflect the corporate style of intended occupier. The form, style and finish of the building is in keeping with that of neighbouring developments including Costa immediately to the south. It is considered to be appropriate for a building of this purpose in this setting. The design and materials comply with policy DP1 (i).

The layout is logical given the Drive-thru nature of the development. The building sits in the middle of the plot with the vehicular access around it. The layout has been altered so that no more than 50% of the parking is at the front of the building. This brings the proposal in line with policy DP1 (ii) (b). The orientation of the building matches that of other surrounding developments. The layout is appropriate to the setting and complies with policy DP1.

Landscaping and Open Space (DP1 & EP5)

The plans have been altered to show additional planting on the boundary and around the parking area in the eastern part of the site. A small outdoor seating area has also been proposed which could be used by staff or customers. The planting will help soften the impact of the development integrate it into its surroundings. The proposed landscaping and open space meet both the quality and quantity requirements set out in policy EP5 and are considered to be acceptable for a development of this size and scale. The proposal complies with policies DP1 (i) (c) and EP5.

Access and Parking (PP3 & DP1)

The site is accessed via an existing access from Riverside Place and Riverside Road which will be shared with Costa to the south.

The revised layout shows 9 standard spaces, 1 disabled parking space, 1 EV charger serving two bays and 4 bike stands. The Council's parking standards do not make specific provision for 'drive-thru' developments of this type. A conventional restaurant of the same size would require 14 spaces while a takeaway would require 5. The proposed level of parking falls between the two thresholds which is considered to be acceptable given the nature of the development proposed. Transportation have no objection subject to conditions to ensure that the parking and EV charging are timeously provided in accordance with the submitted plans.

The proposals accord with policies DP1 (ii) AND PP3 (iv).

Drainage and Water Supply (DP & EP12)

The application site has been found to be suitable for ground infiltration but there is limited space to provide soakaways. The original proposal included below ground attenuation of water which is not

supported by the Council's policy. The proposal has since been revised to show a system of infiltration trenches discharging to an existing surface water sewer. Approval from Scottish Water will be required to discharge to their sewer. Flood Risk Management confirm that the changes to the scheme are sufficient to remove their objection. The revised proposal will ensure that surface water is dealt with in an acceptable and sustainable manner in accordance with policy DP1 (iii) and EP12.

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

Recommendation

The proposal is not for a use specified in the I6 designation and as such is a departure from policy DP5. The site forms part of the effective employment land supply and the proposal would result in the loss of employment land in Elgin. The proposal is contrary to policy and is therefore recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	
PINS	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

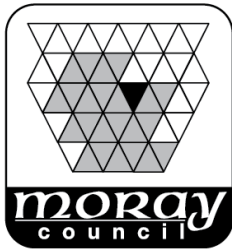
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement.	
Main Issues:	Documents setting out the nature of business, potential impacts on town centre and assessment of proposal against policy.	
Document Name:	Drainage Impact Assessment.	
Main Issues:	Assessment of site and justification for drainage solution proposed.	

S.75 AGREEMENT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO SLD Group Property Ltd
c/o CFM Consultants Ltd
New Media House
8 Hardhorn Road
Poulton-le-Fylde
FY6 7SR

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

**Erect a hot sandwich shop including drive thru at 4 Riverside Road Elgin
Moray IV30 6LS**

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

Date of Notice: **11 November 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
J4092	B	Drainage layout
SW/01780/001A		Location plan
SW/01780/008		Proposed elevations and section
SW/01780/002	00	Proposed floor plan
SW/01780/007	D	Proposed site plan and levels
CTCH-J4092-002		Vehicle swept path analysis

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

- Parking layout altered & EV charging added.
- Additional landscaping and open space provided.
- Drainage proposals altered.

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

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

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