

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? *

Individual 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.

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

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:

Address:

Date of Service of Notice: *

Name:

Address:

Date of Service of Notice: *

(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

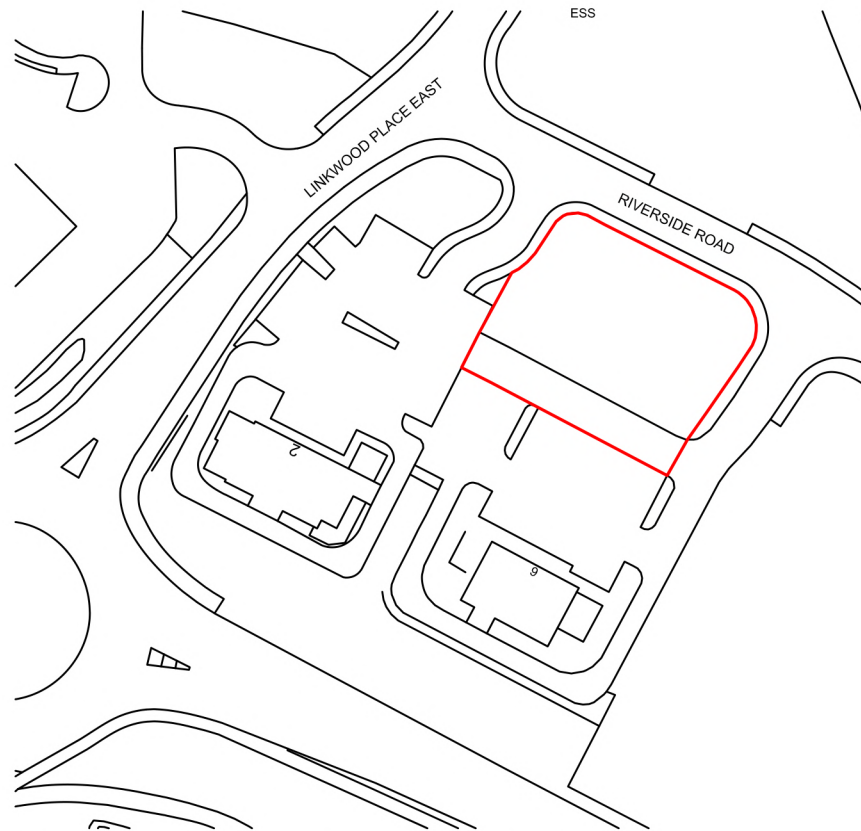
Declaration Date: 22/07/2021

Payment Details

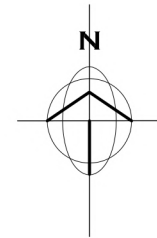
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Payment date: 22/07/2021 13:58:35

Created: 22/07/2021 13:58



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Tel: 01253 884063
Email: sam@cfmconsultants.co.uk
New Media House, 8 Harthorn Road, Poulton-le-Fylde, FY16 7SR

**4 Riverside Road,
Elgin,
IV30 6LS**

Drawing : Location Plan

Scale : 1:1250 @ A4

Drawing No. : SW/01780/001A

Date : 11/06/21

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

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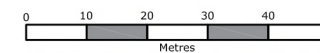
Town & Country Planning
(Scotland) Act, 1997
as amended

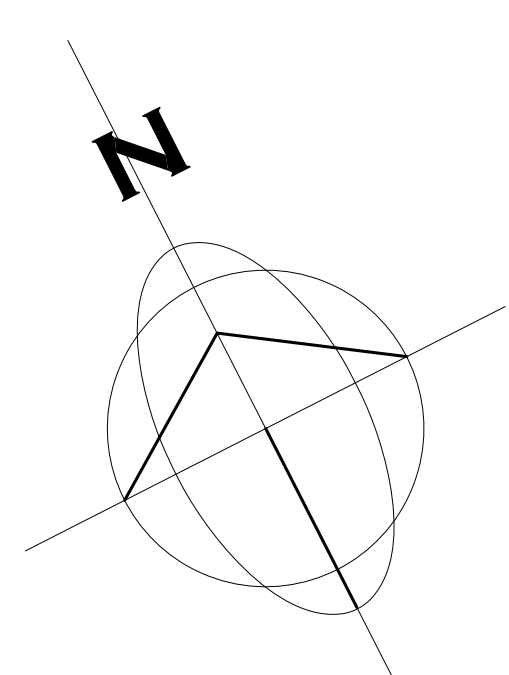
REFUSED

11 November 2021

Development Management
Environmental Services
The Moray Council

LOCATION PLAN



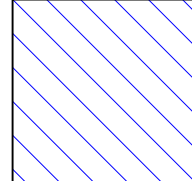
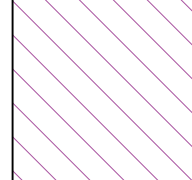


Herras Fencing Blocking Access

RIVERSIDE ROAD

RIVERSIDE PLACE

SERVICE EASEMENTS

-  soft landscaping only
-  soft/hard landscaping only (no buildings)

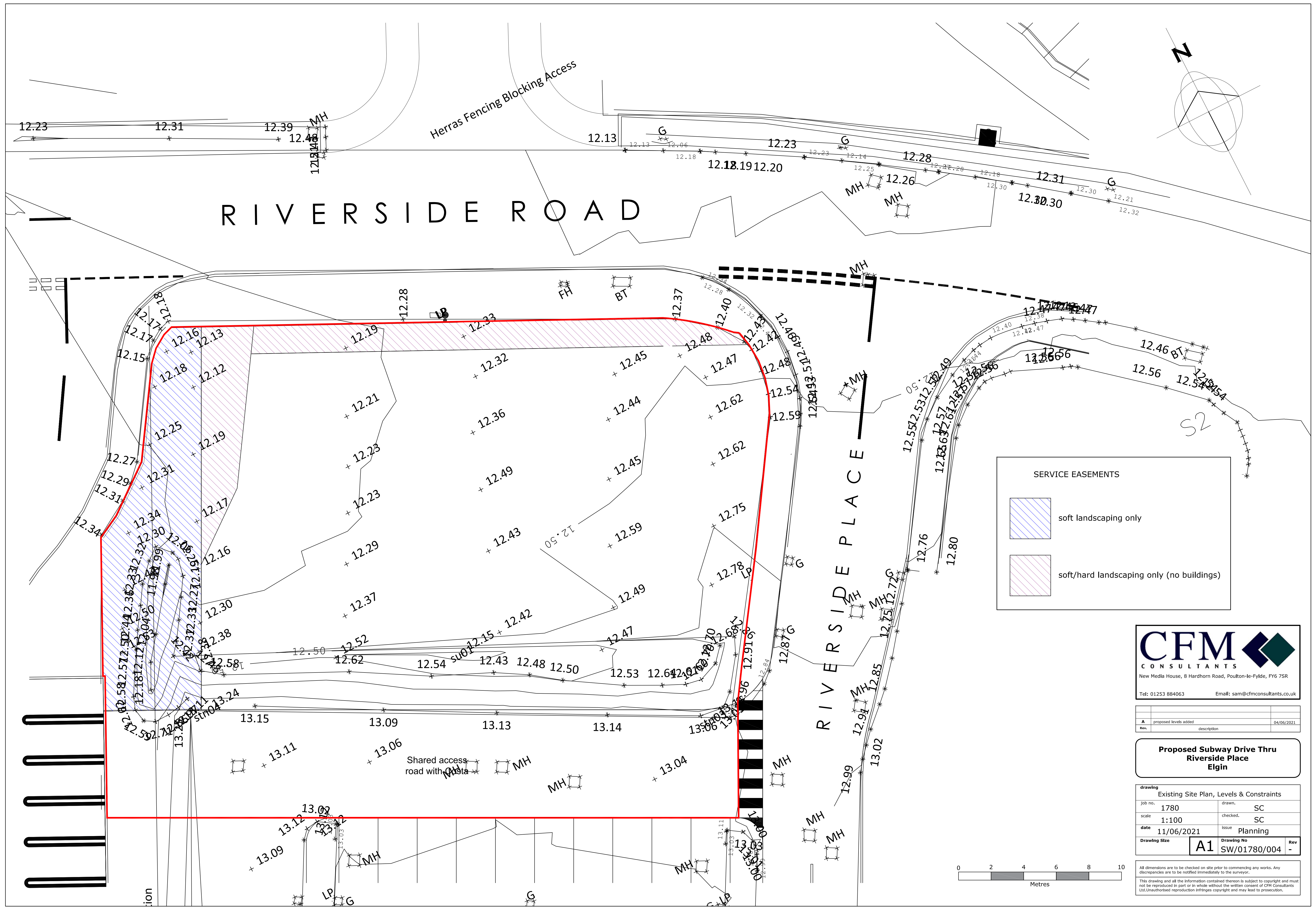
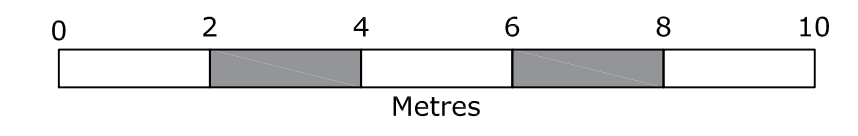
CFM CONSULTANTS
 New Media House, 8 Hardhorn Road, Poulton-le-Fylde, FY6 7SR
 Tel: 01253 884063 Email: sam@cfmconsultants.co.uk

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

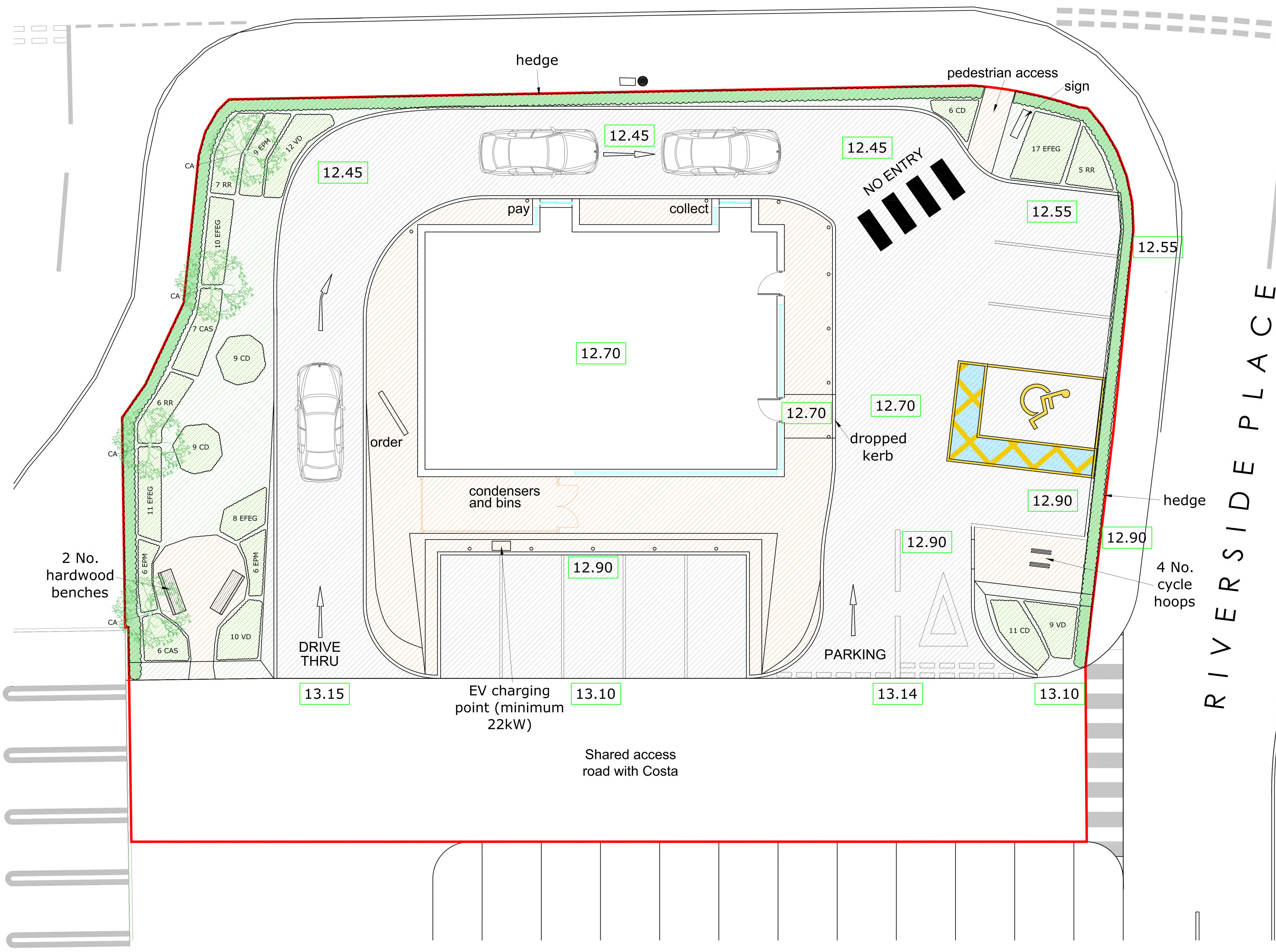
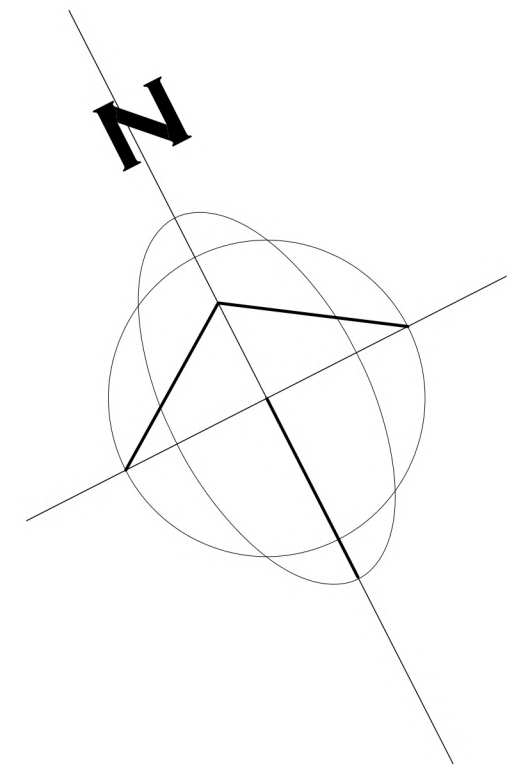
**Proposed Subway Drive Thru
Riverside Place
Elgin**

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 -

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RIVERSIDE ROAD



AMENDED PLANS

PLANTING SCHEDULE					
REF.	SPECIES	POT SIZE	HEIGHT	DENSITY	QUANTITY
BS	Buxus sempervirens	2L	30-40cm	5/m ²	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

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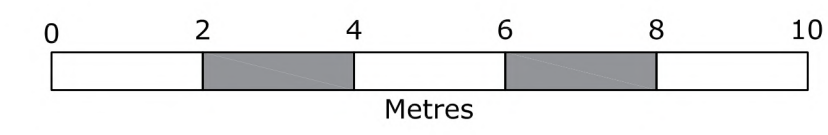
11 November 2021

Development Management
Environmental Services
The Moray Council

Rev.	description	date
D	landscaping alterations	14/10/2021
C	landscaping alterations, EV charger and cycle hoops added	23/09/2021
B	red edge adjusted	13/07/2021
A	proposed levels added	04/06/2021

**Proposed Subway Drive Thru
Riverside Place
Elgin**

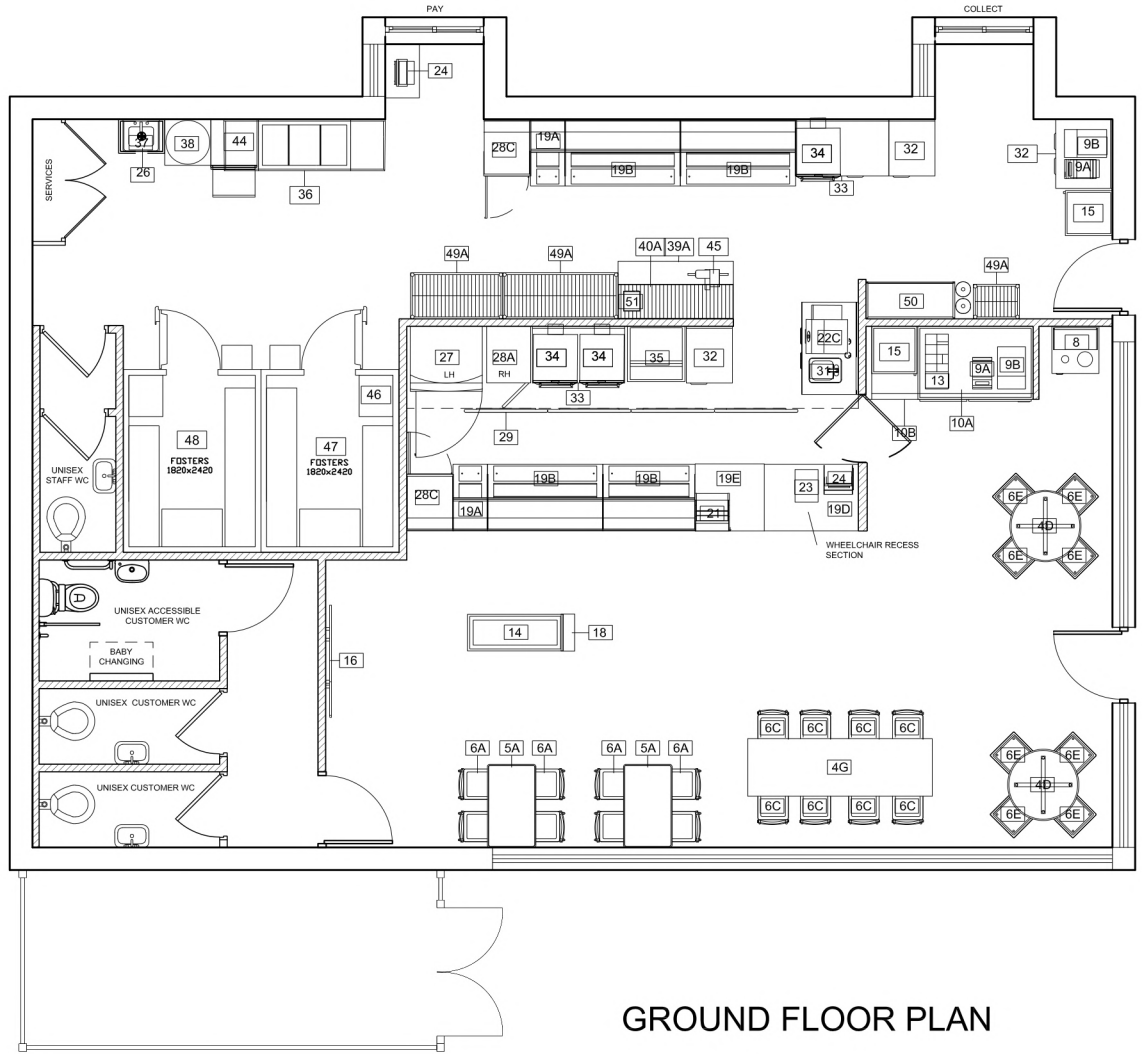
drawing Proposed Site Plan			
job no.	1780	drawn.	SC
scale	1:100	checked.	SC
date	24/05/2021	issue	Planning
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		Rev	D



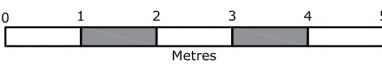
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33	REFRIGERATED BACK COUNTER
34	RAPID COOK OVEN
35	FRESH DISPLAY
36	3 COMP SINK
37	MOP SINK
38	HOT WATER TANK
39A	WORKTABLE 48"
40A	WALL SHELF
40B	SMART WALL SYSTEM
43	CLEANING PRODUCT RACK
44	DISHWASHER
45	VEGETABLE SLICER
47	FRIDGE
48	FREEZER
49A	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	18" HOT FOOD SECTION
19B	COLD 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



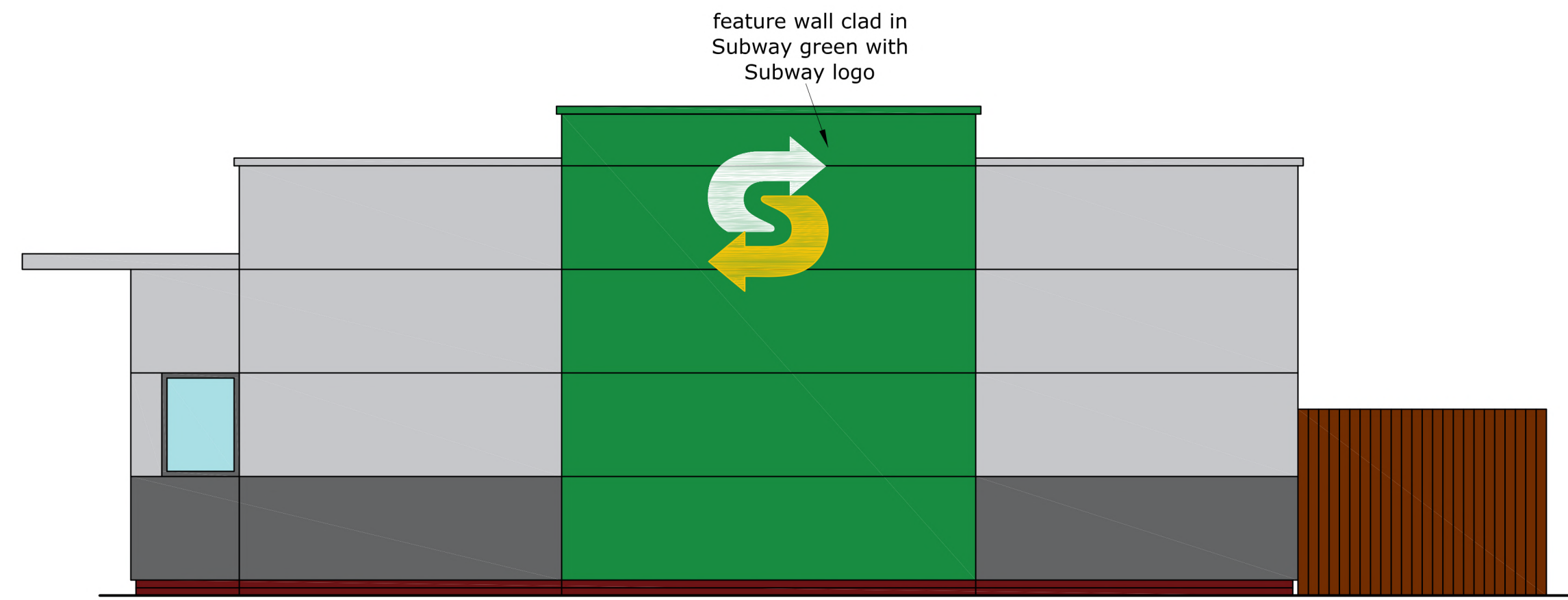
Tel: 01253 891 988 Email: sam@cfmconsultants.co.uk
8 Hardhorn Road, Poulton-le-Fylde, FY6 7SR

**Proposed Subway
Riverside Place
Elgin**

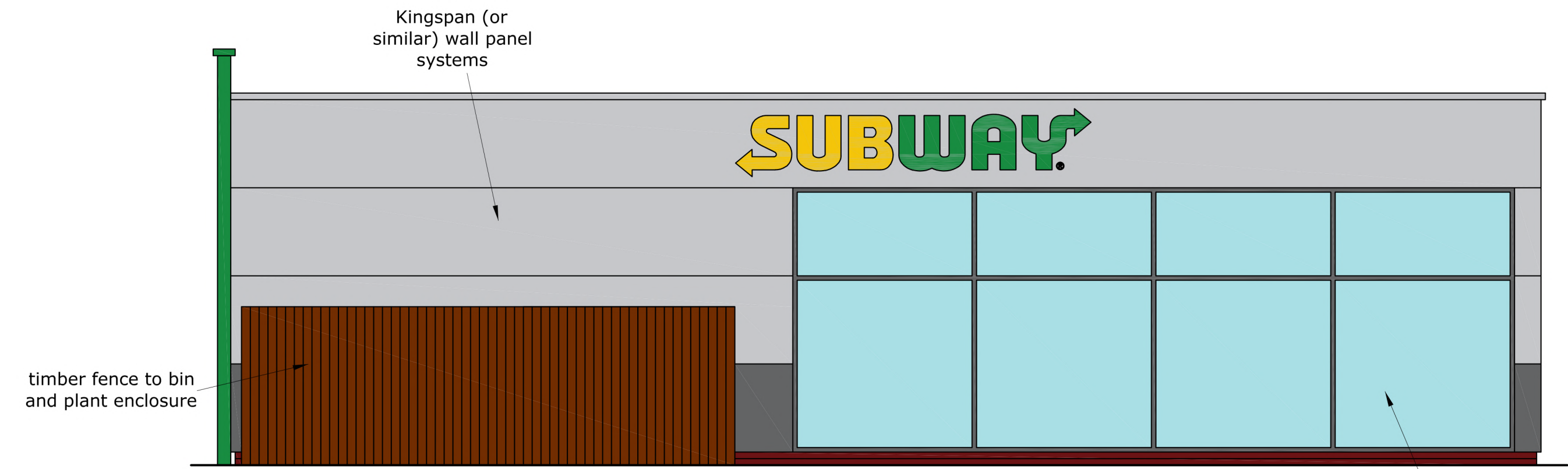
Drawing: One Page Layout
Scale: 1:100 @ A4
Drawing No.: SW/01780/002
Date: 10/06/2021 **Revision:** 00

PLEASE NOTE: These drawings are prepared for the purposes of landlord approval and store fit out/construction only and should not be construed as a comprehensive design providing full compliance with all relevant current and future legislation. 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. Any unauthorised reproduction infringes copyright and may lead to prosecution.

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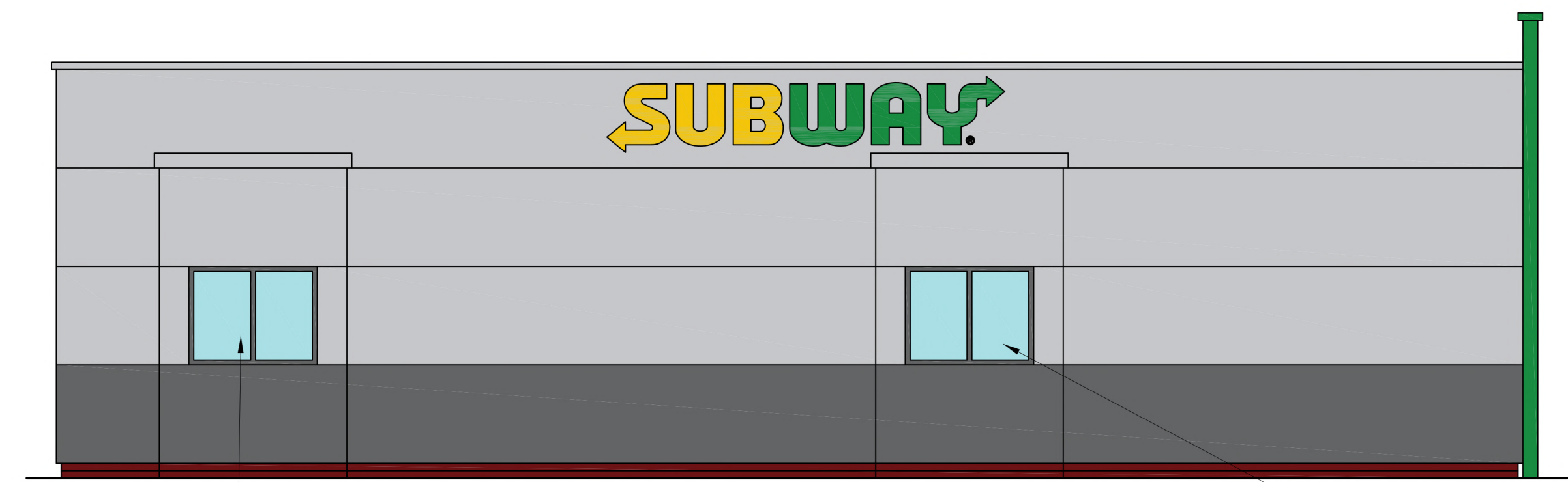
PROPOSED WEST ELEVATION



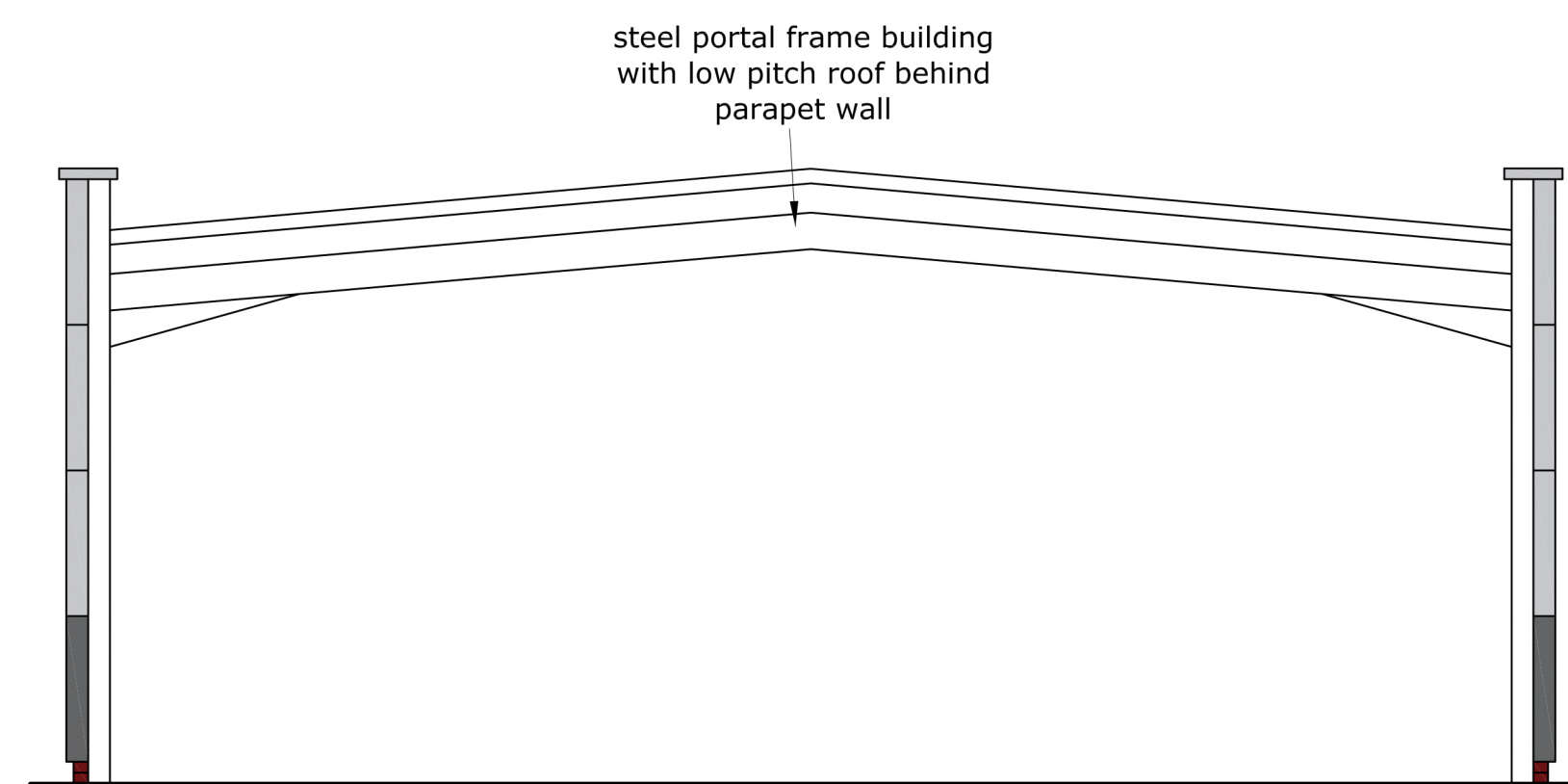
PROPOSED SOUTH ELEVATION



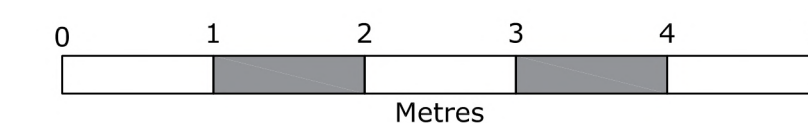
PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION



TYPICAL SECTION



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

REFUSED

11 November 2021

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The Moray Council

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New Media House, 8 Hardhorn Road, Poulton-le-Flyde, FY6 7SR

Tel: 01253 884063 Email: sam@cfmconsultants.co.uk

Rev.	description

**Proposed Subway Drive Thru
Riverside Place
Elgin**

drawing			
Proposed Elevations and Section			
job no.	1780	drawn.	SC
scale	1:50	checked.	SC
date	09/06/2021	issue	Planning
Drawing Size	A1	Drawing No	SW/01780/008
		Rev	-

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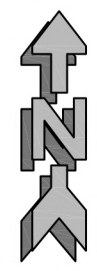
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Town & Country Planning (Scotland) Act, 1997 as amended

REFUSED

11 November 2021

Development Management Environmental Services
The Moray Council



- NOTES:-**
- Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752:2017, BS EN 1610:2015, CIRIA C753, SEPA GBR10 & Sewers for Scotland - 4th Edition.
 - 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. 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 services must be accurately located on site prior to construction work commencing.

- LEGEND:-**
- MH: New 160mm Ø uPVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
 - MH: New uPVC surface water sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)
 - R.E.: New rodding point terminal
 - I.C.: New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)
 - D.M.: New 450mm Ø uPVC disconnecting manhole (maximum depth 1.2m)
 - S.T.: New 500mm Ø polypropylene silt trap manhole with 450mm sump (by Wavin 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/hardstanding construction
 - : Denotes landscaped area
 - : Denotes areas of permeable concrete block paving (infiltration system)
 - TP1: Indicates approximate position of trial pit/infiltration test (carried out 02/07/2021 by others)

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

Site Layout:

New Subway Drive-thru at Riverside Place, Elgin

Drainage Layout Plan

CainTech

LAND & BUILDING SURVEYING
SETTING OUT ENGINEERS
CIVIL ENGINEERING DESIGN
LASER SCANNING SERVICES

HYDROGRAPHIC SURVEYING
VOLUMETRIC SURVEYING
DIMENSIONAL CONTROL SURVEYING
AUTOCAD DRAUGHTING SERVICES

TORE OFFICE: POINAVEN TORR, MUJRS OF ORD, ROSS SHIRE, IVR 5SD, Tel: 01463 811400

INVERNESS OFFICE: FIRST FLOOR, 368 LONGMAN DRIVE, INVERNESS, IV1 1SU, Tel: 01463 545000

ADDITIONAL CONTACT INFO: E-mail: client@caintechltd.com, Mob: 07740 685059, WEBSITE: http://www.caintechltd.com

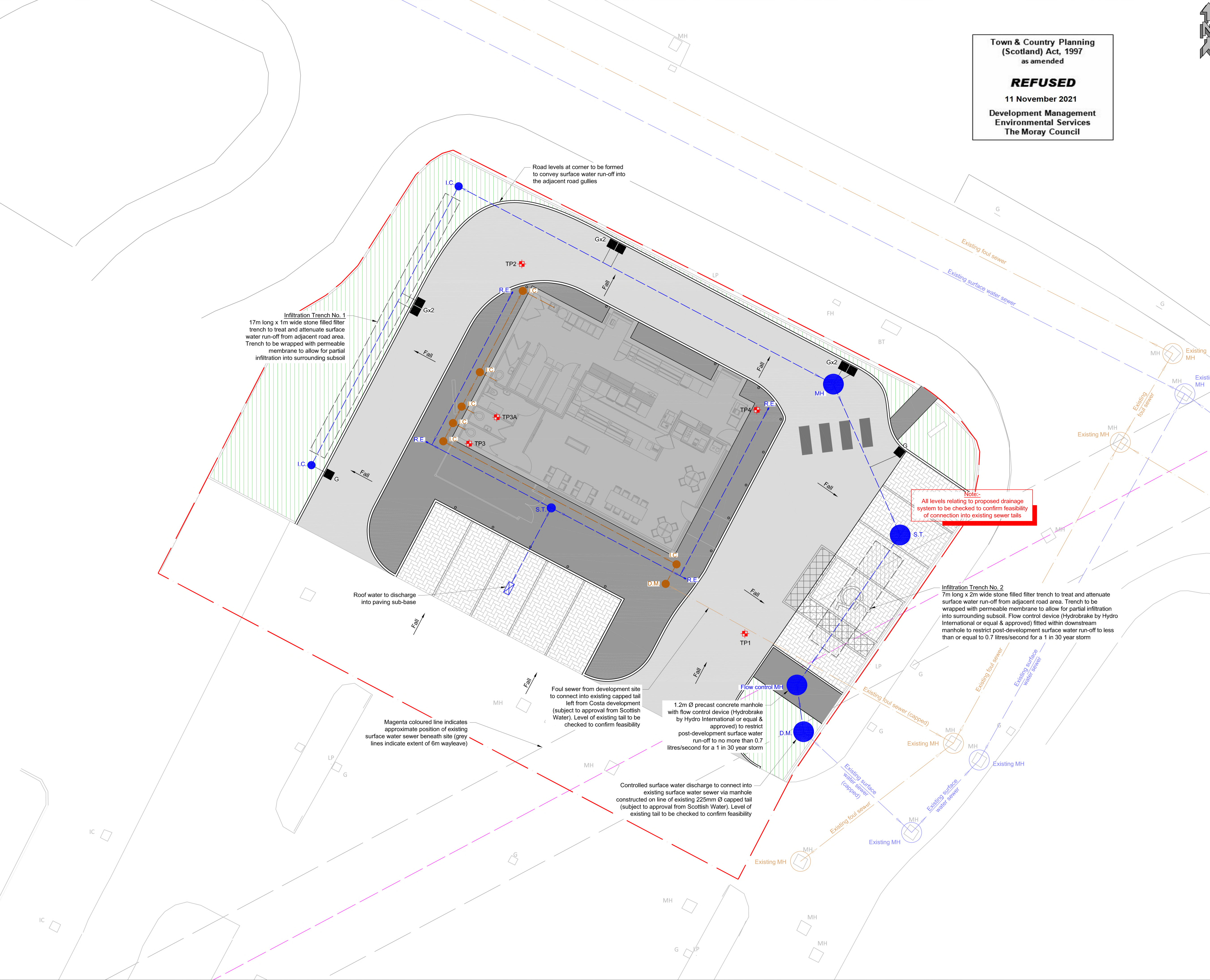
Client:

Subway North Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KGT	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	1:100 @ A1
<input type="checkbox"/> CONSTRUCTION	Drawing No:
	CTCH-J4092-001

Levels are in metres and are to Ordnance Datum.	Our Job Ref:	Rev:
Co-ordinates are to National Grid. (GPS Network)	J4092	B

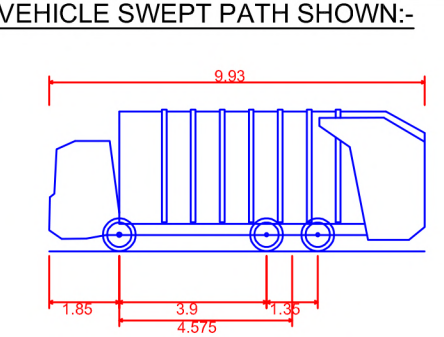
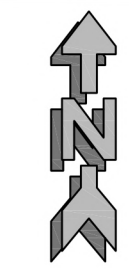


Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

11 November 2021

Development Management
Environmental Services
The Moray Council

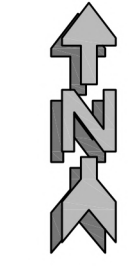
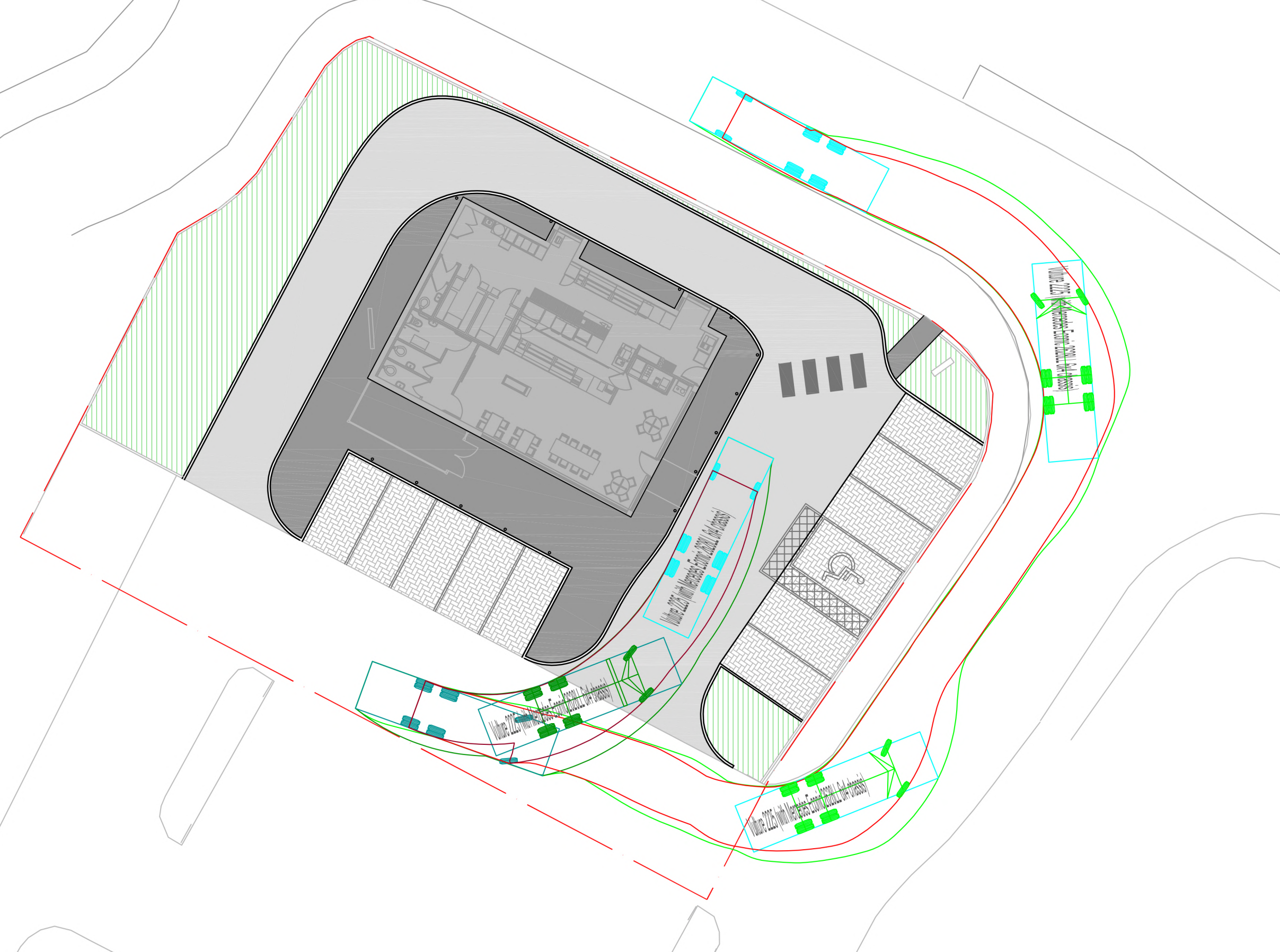
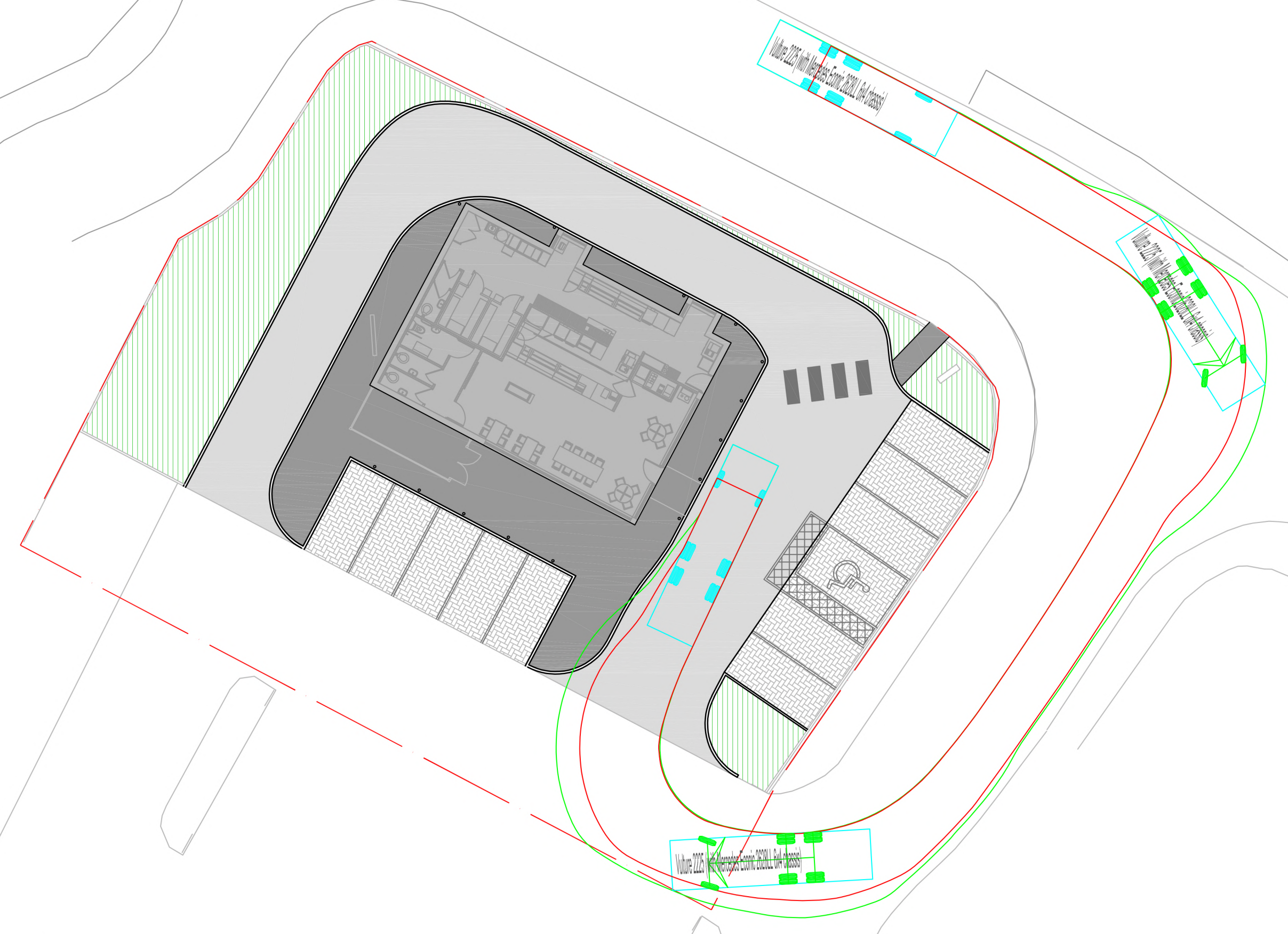


Vehicle 2225 (with Mercedes Econic 2628LL 6x4 chassis)

Overall Length	9.930m
Overall Width	2.430m
Overall Body Height	3.749m
Min Body Ground Clearance	0.302m
Track Width	2.430m
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
SETTING OUT ENGINEERS
CIVIL ENGINEERING DESIGN
LASER SCANNING SERVICES

HYDROGRAPHIC SURVEYING
VOLUMETRIC SURVEYING
DIMENSIONAL CONTROL SURVEYING
AUTOCAD DRAUGHTING SERVICES

TOWN OFFICE FOINAVEN TORRIS MUIR OF ORD ROSS SHIRE IVR 5SD Tel: 01463 811400	INVERNESS OFFICE FIRST FLOOR 368 LONGMAN DRIVE INVERNESS IV1 1SU Tel: 01463 545000	ADDITIONAL CONTACT INFO: E-mail: client@caintechltd.com Mob: 07740 685059 WEBSITE: http://www.caintechltd.com
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Client:

Subway North Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KGT	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:
• Co-ordinates are to National Grid. (GPS Network)	J4092	

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	
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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
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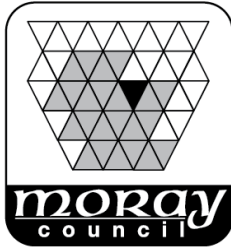
Summary of terms of agreement:

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.