

22/01396/PPP
9th November 2022

**Proposed 40 bed care home on Land To The Rear Of
Eight Acres Hotel Morriston Road Elgin Moray
for Parklands Developments Ltd**

Comments:

- A site visit has been carried out.
- Application is for planning permission in principle.
- 3 objections received from members of the public.

Procedure:

- None.

Recommendation:

Approve subject to the following conditions:-

Conditions/Reasons

1. In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended:
 - (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and
 - (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If an application for approval of matters specified in conditions has not been made or the development has not begun within the specified dates this planning

permission in principle shall lapse unless there is a specific condition attached to this permission which varies the stated timescales.

Reason: The time limit condition is in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement of development.

3. The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4-8 below.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

4. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes, as well as external lighting of the building, car park and grounds shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

5. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

8. Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

9. Prior to the commencement of development details of retention/diversion of a pathway through the northern part of the site connecting the existing access to the north of the hotel and the Quarry Wood to the west shall be submitted and approved in writing by the Council, as Planning Authority. Thereafter the path shall be provided prior to development commencing. Thereafter use of the pathway shall be maintained/provided for use during construction works and post completion unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure access rights for the public through the northern part of the site are retained.

10. As part of condition 5 in respect of the drainage of the site, all drainage shall be designed in accordance with the information contained in the approved Drainage Impact Assessment (by hga, reference number 3871 issue 1, dated 22 Sept 2022).

Reason: To ensure drainage is designed and provided in accordance with the detailed agreed in the approved Drainage Impact Assessment.

11. As part of condition 4 in respect of the design of the proposed care home, the building shall be no more than two storeys in height.

Reason: To ensure the design of the building is in keeping with the scale and character of development in the surrounding area.

12. The development shall be carried out in full accordance with the mitigation and recommendations contained in section 6 of the approved Preliminary Ecological Appraisal in respect of Flora, Amphibians and Reptiles, Birds, Bats and Other Mammals.

Reason: To ensure the development does not adversely impact on species that may be present on or adjacent to the site.

13. No development shall commence until a scheme of biodiversity enhancement (together with timescale for provision) in line with the recommendations contained in section 6.34 of the approved Preliminary Ecological Appraisal has been submitted to and approved in writing by the Council, as Planning Authority.

Thereafter the measures shall be implemented in accordance with the approved details.

Reason: To ensure suitable biodiversity enhancement is provided as part of this proposal, in accordance with National Planning Framework 4 Policy 3 – Biodiversity.

14. No development shall commence until a statement, which demonstrates the proposal will be sited and designed to meet the following requirements has been submitted to and approved in writing by the Council, as Planning Authority:

- minimise lifecycle greenhouse gas emissions as far as possible; and
- adapt to current and future risks from climate change.

This statement shall address the requirements of the “Moray Council’s Carbon Guidance for Planning Applications and S36 and S37 consents” insofar as they are relevant to the proposal, and provide timescales for the full implementation of any measures specified.

Thereafter the development shall be implemented in full accordance with the approved details unless otherwise agreed with the Council, as Planning Authority.

Reason: To ensure compliance with National Planning Framework 4 Policy 2 – Climate Mitigation and Adaption.

15. No development shall commence until a Waste Management Plan shall be submitted to and approved in writing by the Council. The Waste Management Plan shall relate to the operation of the development hereby approved and include information on the following:

- a) identification of the likely waste sources associated with the operation of the development;
- b) proposed waste management requirements, including provisions to maximise waste reduction and waste separation at source; and
- c) proposed waste management and storage strategy, which shall include details of:
 - i. measures to minimise cross-contamination of materials;
 - ii. storage of waste and by-products (including measures to ensure waste is secure from wind/weather);
 - iii. provision of access for collection of waste, and;
 - iv. recycling and localised waste management facilities.

Thereafter, the Waste Management Plan shall be implemented in full accordance with the details hereby approved prior to the completion or first operation of development hereby approved (whichever is the soonest).

Reason: To ensure waste is minimised as a result of the operation of the proposed development, in accordance with National Planning Framework 4 Policy 12 - Zero Waste.

16. No development shall commence until a Construction Environmental Management

Plan (CEMP) shall be submitted to and agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The plan shall include:

- a) measures to minimise construction related noise, vibration, dust and artificial lighting on nearby residential properties and ecology, including the nearby Quarry Wood SSSI;
- b) a waste management strategy that includes:
 - i. identification of the likely waste sources associated with the operation of the development;
 - ii. proposed waste management requirements, including provisions to maximise waste reduction and waste separation at source; and
 - iii. proposed waste management and storage strategy, which shall include details of measures to minimise cross-contamination of materials, storage of waste (including measures to ensure waste is secure from wind/weather), provision of access for collection of waste, and recycling and localised waste management facilities;
- c) measures to ensure soil disturbance is minimised during construction;
- d) protection measures for trees on and adjacent to the site to be provided during the course of works; and
- e) a scheme for the layout and location of construction compound(s) including parking, fencing, plant and temporary buildings, as well as timing for provision and removal/reinstatement.

The above measures shall be accompanied by information for the timing of their provision. Thereafter the development shall be carried out in accordance with the details hereby approved unless otherwise agreed with the Council, as Planning Authority, in writing.

Reason: To ensure environmental impacts are suitably managed and maintained during the construction phase.

17. Prior to development commencing the tree protection measures as specified in Section 7.0 – 7.4 and shown in Appendix Five: Tree Protection Plan of the approved Arboricultural Report shall be provided in full and retained until completion of construction works. Thereafter post construction a survey shall be undertaken in accordance with section 7.5 of the approved Arboricultural Report and its findings reported to the Council, as Planning Authority along with timescale for implementation of any suggested mitigation/remedial works required to ensure tree health and site safety.

Reason: To ensure tree protection measures are provided in full accordance with the details approved as part of this application.

18. No development shall commence until a detailed drawing (scale 1:200) showing the type and specifications of the proposed EV charging units(s) to serve a minimum 3 spaces with a minimum power output of 22Kw (Rapid Charger). EV charging unit is to be connected to an appropriate electricity supply and should include details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit.

Thereafter the EV charging facilities shall be provided in accordance with the approved details prior to the development becoming operational or opened to the public and maintained for use thereafter 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, through the provision of details currently lacking from the submission.

19. As part of condition 5 in respect of parking layout, no development shall commence until a scheme of car parking (including disabled parking spaces) shall be provided at a rate as shown in drawing No. 133-200 F submitted on 28.03.2023. Thereafter, the parking spaces shall be provided in accordance with the approved details and be retained and available for use for the lifetime of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

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

20. No development shall commence until details have been submitted and approved in writing by the Council, as Planning Authority (plans scale 1:200 min) showing the design and location for the provision of secure, covered and enclosed cycle parking for a minimum of 4 cycles. Thereafter the cycle parking shall be provided prior to the building being completed or becoming operational and shall be maintained and available for use thereafter for the lifetime of the building use unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of sustainable transport, the provision of cycle parking and the provision of details currently lacking from the submission.

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

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

22. The access to the site and vehicle circulation inside the development shall be developed to accommodate vehicle swept paths in accordance with the drawing submitted as Appendix 02 of the updated Transport Statement.

Reason: To ensure acceptable infrastructure at the development access.

23. Prior to the operation or completion of the care home, whichever is the sooner, a pedestrian access shall be provided on the southern boundary of the site connecting to the existing footway along the A96 as shown in the drawing No. 133-200 F submitted on 28.03.2023.

Reason: To minimise the walking distance for staff/visitors who may be arriving by public transport.

24. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council as Planning Authority. This plan shall include measures, targets and monitoring for the following areas as appropriate
- (a) improving community resilience, reducing inequalities and maximising local job creation;
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services;
 - (c) creation of new firms and;
 - (d) enabling community ownership of buildings and infrastructure.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 – Community Wealth Building.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal complies with the development plan, namely National Planning Framework 4 and the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

List of Informatives:

TRANSPORT SCOTLAND has commented that:-

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.

Area Manager (A96)
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Tel 0141 272 7100

Operating Company – North East
Caledonian House, West Kinfauns, Perth, PH2 7XZ.
Email occr-northeast@amey.co.uk

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:

<http://www.moray.gov.uk/downloads/file134860.pdf>

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

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

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

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

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

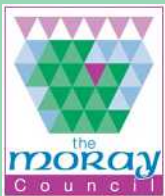
The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

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.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
133-100		Location plan
133-200	F	Site plan

Documents to be Approved.

- Arboricultural Report
- Transport Statement
- Drainage Impact Assessment
- Preliminary Ecological Appraisal



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

22/01396/PPP

Site Address:

Land To The Rear Of Eight Acres Hotel

Morrison Road Elgin

Applicant Name:

Parklands Developments Ltd

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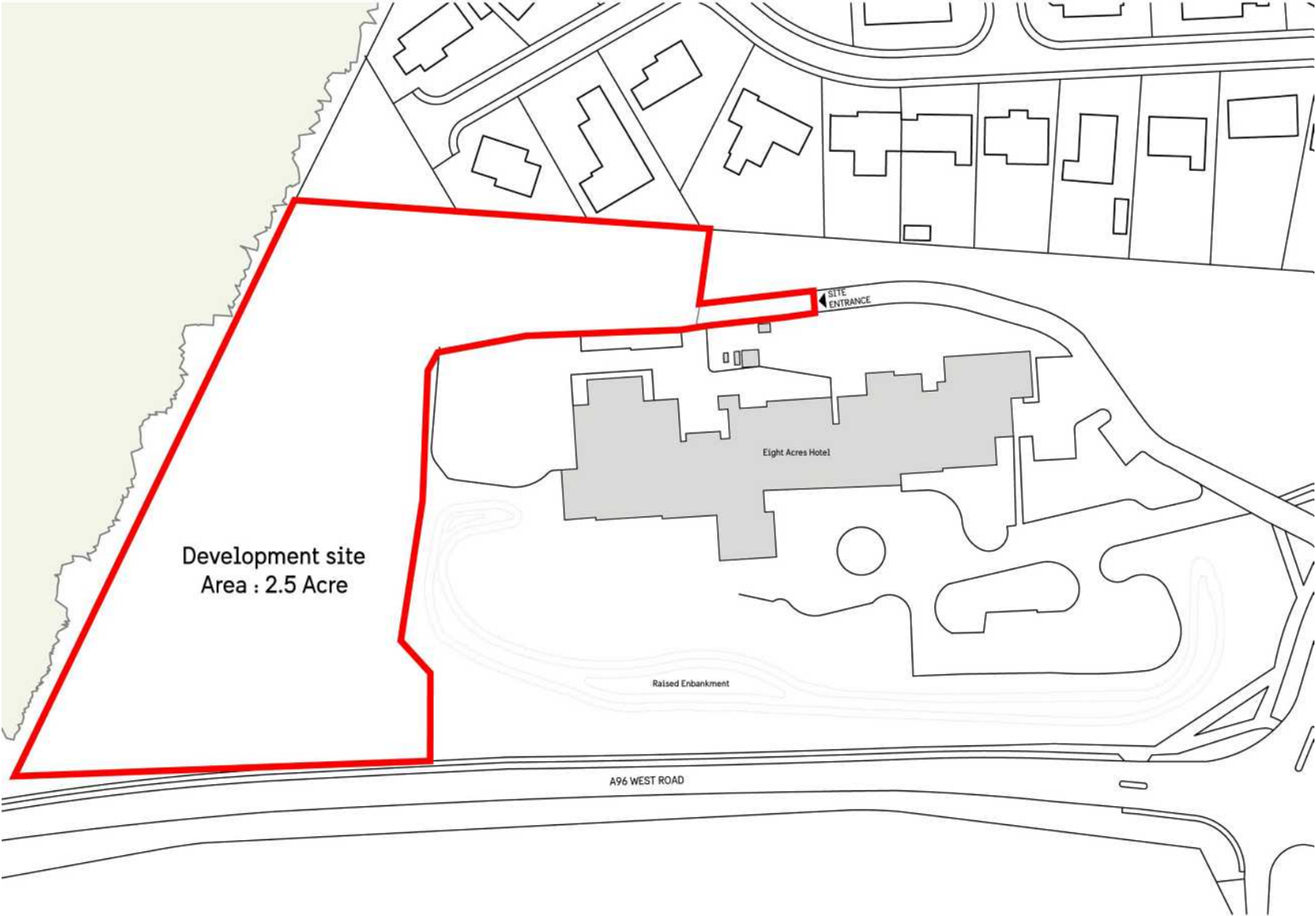
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Location Plan



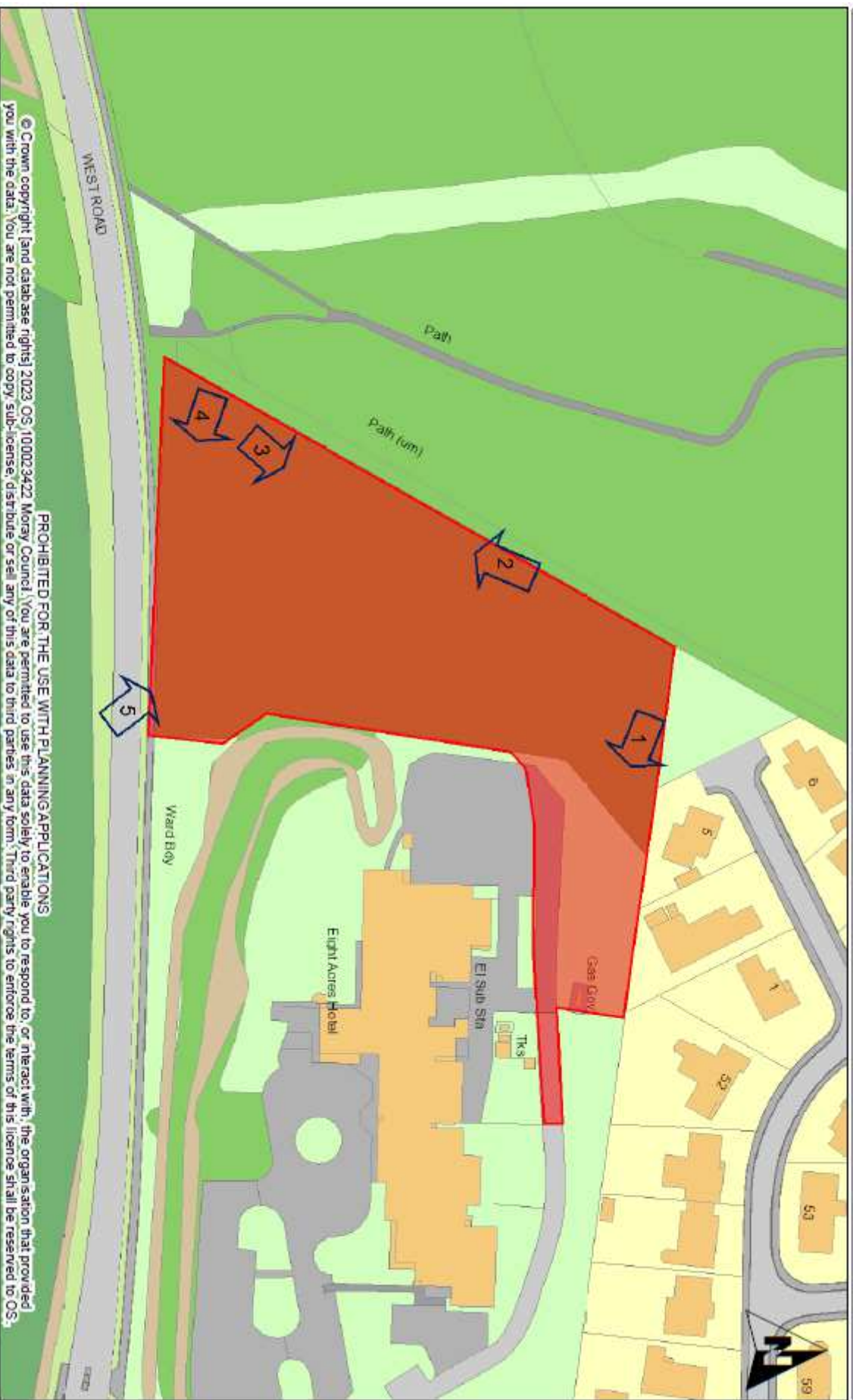
Site Location



Site plan



22/01396/PPP - Photograph Positions



Map Description: Arrows point in direction photograph was taken

Scale: 1:1,250 @ A4



Photo 1—view along proposed access



Photo 2— South view along boundary with Quarry Wood



Photo 3—North East view within site



Photo 4—East view along boundary with A96 West Road



Photo 5—North West from A96 West Road



PLANNING APPLICATION: 22/01396/PPP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- Planning permission in principle is sought for the erection of a 40 bed care home, with associated parking, access and landscaping.
- As the application is for planning permission in principle, limited information is provided with the application. The indicative site plan shows a care home building towards the south of the site, with a secure garden between the proposed care home and the A96 to the south.
- Car parking would be to the north, with access taken via the existing access to the rear (north) of the Eight Acres Hotel.
- A new pedestrian access is proposed to the south connecting into the A96 West Road.
- A Tree Survey submitted with the application identifies that a group of trees and bushes adjacent to the function suite of the hotel would be removed to accommodate this proposal.
- A Preliminary Ecological Appraisal, Transport Assessment and Drainage Impact Assessment have also been submitted with this application.

2. THE SITE

- An area of vacant ground (approximately 1 ha) to the west of the Eight Acres Hotel, Morriston Road, Elgin.
- The site is bounded by the hotel to the east, A96 trunk road to the south, Quarry Wood to the west and an area of housing to the north.
- The site is largely overgrown grass, though there are trees and shrubs within the site, more so to the north of the site.
- The site is within the Elgin Settlement Boundary as designated in the Moray Local Development Plan 2020 however the site itself is not covered by any formal land use designation.
- Quarry Wood to the west of the site is designated as a Site of Special Scientific Interest. It is described as ancient woodland with a recorded history extending to at least the eighteenth century and is one of the best examples of oak woodland in Moray and the lowest altitude example in north-east Scotland.

3. HISTORY

11/00232/APP – Erect new 29 bed care home at Eight Acres, Morriston Road, Elgin granted planning permission on 23 August 2011 under delegated powers.

14/01292/APP – Application to renew planning permission ref 11/00232/APP for erection of care home granted planning permission on 19 August 2014 under delegated powers. This application was implemented on 20 February 2017 (small stretch of foundation trench dug) and thus remains a live consent.

4. POLICY

National Planning Framework 4

Policy 1 – Tackling the Climate
Policy 2 – Climate Mitigation and Adaptation
Policy 3 – Biodiversity
Policy 4 – Natural Places
Policy 5 – Soils
Policy 6 – Forestry, Woodland and Trees
Policy 12 – Zero Waste
Policy 13 – Sustainable Transport
Policy 14 – Design, Quality and Place
Policy 16 – Quality Homes
Policy 18 – Infrastructure First
Policy 22 – Flood risk

Moray Local Development Plan 2020

Policy PP3 – Infrastructure and Services
Policy DP1 – Development Principles
Policy EP1 – Natural Heritage Designations
Policy EP2 – Biodiversity
Policy EP5 – Open Space
Policy EP7 – Forestry Woodland and Trees
Policy EP12 – Management and Enhancement Water
Policy EP13 – Foul Drainage

5. ADVERTISEMENTS

- None.

6. CONSULTATIONS

Transport Scotland – No objections, informative notes provided.

SEPA – No objections, refer to standing advice.

Scottish Water – No objections, advise pre-development enquiry is undertaken for water supply (Glenlatterach) and foul drainage (Moray West) connections.

Developer Obligations – No obligations sought.

Moray Flood Risk Management – No objections, condition in respect of surface water drainage recommended.

Environmental Health – No objections.

Contaminated Land – No objections.

Transportation Manager – Following provision of Transport Assessment, no objections subject to conditions in relation to car and cycle parking (including EV charging) and timing for provision of footway to the south A96.

Moray Access Manager – Request that desire line/pathway through the north of the site is retained in detailed layout.

Elgin Community Council – Summary of comments:

- There is definitely a need for more care homes in the area.
- Proximity to trees should be considered in detailed design, especially in respect of maintenance and overshadowing (the latter may impact on health of elderly residents).
- Drystone dyke to west of site – there have been problems with the maintenance of this boundary, what mitigation will be put in place to ensure the boundaries are properly maintained?
- Development density should be considered alongside the existing hotel, and as the site is not designated in the LDP and undeveloped this raises the question whether the site should be developed.
- Access arrangements – how will hotel residents be prevented from wandering into the area of the care home?

Conclude that a sympathetic design and consideration of above points is required to find out if this is a suitable type of development for this site and to make the best of it for residents.

7. OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

Mr William Bennie - Ashlar 54 McIntosh Drive Elgin Moray IV30 6AW - O
William And Anne Garden - Tranarossan 3 Newton Place Elgin Moray IV30 6AZ - R

John And Susan Meichan - Haughton 5 Newton Place Elgin Moray IV30 6AZ - R

The mains issues can be summarised as follows:

Issue: Will area between the houses to the north and the access road be landscaped? And is this 8 metres wide? No tall trees should be planted that will overshadow houses to north.

Comments (PO): At this “in principle” stage of the application, the final layout of the site including landscaping is yet to be agreed. Consideration will be given to this via a subsequent application for Approval of Matters Specified in Conditions.

Issue: Request assurance that areas next to the boundary of a house to the north will never be used for car parking.

Comments (PO): At this “in principle” stage of the application, the final layout of the site including landscaping is yet to be agreed. Consideration will be given to this via a subsequent application for Approval of Matters Specified in Conditions.

Issue: Trees bounding the houses to the north are resident to red squirrels and should not be felled.

Comments (PO): The tree survey provided identifies that trees along the boundary with housing to the north will be retained. It also notes that red squirrels may utilise the trees to varying degrees, although there is no evidence of permanent residence, as confirmed in the Preliminary Ecological Appraisal.

Issue: How will the existing gas storage tank be impacted by this proposal?

Comments (PO): The indicative layout shows the gas governor being retained, however the final layout of the site is yet to be agreed. Consideration will be given to this via a subsequent application for Approval of Matters Specified in Conditions.

Issue: There has always been a walkway between Newton Place to access hotel and leisure centre, will this be retained?

Comments (PO): A condition will be applied requiring this walkway to be retained.

Issue: Objector has lived in house next to Eight Acres Hotel since 1999 and has been subject to noise from vehicles servicing the hotel. This proposal will exacerbate this. The Transportation Manager’s request for a Transport Assessment should incorporate the impact of the proposal on the access road in the hotel grounds.

Comments (PO): The additional traffic generated by this proposal is not considered to be of a significance that would result in a significant loss of amenity to nearby residential properties. It is also worth noting the principle of a care home on this site is established under the extant consent on site (see Planning History above).

Issue: Support comments submitted by Elgin Community Council.

Comments (PO): These are addressed in Observations below.

Issue: Impact of proposal on ecology of the site.

Comments (PO): The impact of this proposal on ecology has been considered via the Preliminary Ecological Appraisal (PEA) that accompanies the application, and mitigation measures suggested will be conditioned. The Tree Survey provided with the application considers impacts on trees within and adjacent to the site (noting the latter forming the Quarry Wood SSSI), and the presence of wildlife in the trees. The Tree Survey and PEA mitigation recommendations ensures sufficient protection for those in the SSSI, as well as ensuring the soil biodiversity is protected from overplanting. It also notes that red squirrels may utilise the trees to varying degrees, although there is no evidence of permanent residence squirrels. The remainder of the site does not appear to harbour further ecological features that would require further investigative surveys.

Issue: Position of proposed car park and proximity to existing houses to the north will have a detrimental impact on the amenity of the area.

Comments (PO): The indicative layout shows the car parking located in the north of the site, however the final layout of the site is yet to be agreed. This is further away from houses to the north compared to the already consented layout for the site. However this layout is indicative and full consideration will be given to this via a subsequent application for Approval of Matters Specified in Conditions.

Issue: Suggest secure garden is located to north of the site and car parking adjacent to A96 rather than current arrangement shown in indicative plans.

Comments (PO): The layout has to be assessed as submitted though the layout is indicative given the “in principle” nature of this application and full consideration will be given to this via a subsequent application for Approval of Matters Specified in Conditions.

Issue: Newton Place will become busier with walkers parking in the street, blocking driveways and letting dogs fowl in gardens. Request that a “dead end” sign be placed at the entrance to Newton Place.

Comments (PO): This appears to be a right of way that has not been formally confirmed, therefore it will have to be maintained as part of this scheme.

Issue: Can the boundary between the Quarrel Woods and Newton Place be repaired to deny access?

Comments (PO): Boundary treatment will form part of the consideration via a subsequent application for Approval of Matters Specified in Conditions.

Issue: Impact of construction works on residential amenity.

Comments (PO): All construction works have a degree of impact on the amenity of an area, however these are temporary. Works carried out in accordance with best practice and industry standards will ensure impacts are mitigated/minimised where possible. The Environmental Health service have not objected to this proposal, and would be the body that would deal with any complaints should there be any adverse impacts on amenity as a result of this proposal.

8. OBSERVATIONS

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

8.2 The main planning issues are considered below:

Principle of Development

8.3 As noted above under history, the site subject to this application has an extant consent in place for planning permission to erect a care home (14/01292/APP).

This consent remains valid as it has been implemented and therefore the principle of a care home is established on the site.

- 8.4 The site subject to this application is within the Elgin Settlement Boundary (as zoned in the MLDP) but is undesignated. Under NPF Policy 16 supports residential development on undesignated sites when the proposal is for smaller scale development (such as this development) and within the settlement boundary, as well as residential developments which address identified gaps in provision, including care homes (part c (vi)).
- 8.5 Taking account of the above considerations, the general principle of this development is considered suitable.

Design and Siting

- 8.6 Given this application is for planning permission in principle, no detail of the design of the building or layout of the site is provided with this application, however an indicative layout has been submitted with this application. In general, the proposed arrangement is considered suitable. The building presents has a degree of frontage to the A96, with vehicular access and parking contained to the rear (north) of the site. In order to ensure the height of the building is not excessive, and is in keeping with the relatively low rise development in the surrounding area (notably the adjacent hotel and residential properties), a condition will be applied ensuring the care home building is no more than two storey in height. Open space is provided within the site, at a level considered suitable for the proposed use (31% of site area), satisfying MLDP Policy EP5 in respect of open space provision. The indicative layout of the site complies with NPF Policy 14 - Design, quality and place and MLDP Policy DP1 - Development Principles.

Ecology

- 8.7 With regard to Sites of Special Scientific Interest (SSSI), NPF Policy 4 states that development that may affect such areas will only be supported where the objectives of the designation and the overall integrity of the area will not be compromised. MLDP Policy EP1 has an identical requirement in respect of SSSIs. This site's location adjacent to the Quarry Wood SSSI designation (to the west of the site) means consideration must be given to the impact of this application upon it. The SSSI comprises ancient woodland with a recorded history extending to at least the eighteenth century and is one of the best examples of oak woodland in Moray and the lowest altitude example in north-east Scotland.
- 8.8 A Tree Survey has been submitted by the applicant, as well as a Preliminary Ecological Appraisal (PEA), which consider impacts of this proposal on the trees adjacent to the site (as well as those within the site) and ecological interests. The indicative site layout has been amended to ensure the proposed building does not encroach on the root protection areas of the trees within the SSSI.
- 8.9 The Tree Survey also notes that the root systems of these trees are likely to harbour a rich biodiverse make up and thus should be protected during the

course of works (see below in respect of trees). A root protection zone is recommended in light of this. The PEA also comes to this conclusion in respect of the trees forming part of the SSSI.

- 8.10 The PEA provides evaluation on species that may be present on and adjacent to the site. It notes there is no evidence of red squirrels or badgers on the site. It also considers the presence of other species including bats and breeding birds on and adjacent to the site. With regard to breeding birds, due to the presence of nesting habitat adjacent to the site, mitigation is recommended that a pre-commencement breeding bird check be taken prior to any works commencing on site. In relation to bats, they may use the surrounding area for habitats and artificial lighting may impact on foraging and commuting bats. Mitigation measures recommended in respect of these are to ensure lighting is considered, and this is covered by condition for construction and operational phases of the building.
- 8.11 Subject to a condition ensuring recommended measures to protect the root protection zone are put in place during the course of works and mitigation measures of the PEA are implemented, the proposal is not considered to result in an adverse impact on the integrity of the SSSI and complies with NPF Policy 4 and MLDP Policy EP1.

Biodiversity

- 8.12 Under NPF Policy 3 and MLDP Policy EP2, there is a requirement for all development to contribute to the enhancement of biodiversity, and this is echoed under MLDP Policy EP2. As this application is for planning permission in principle, limited information on the final design of the building and site layout is available at this stage. As recommended in the PEA, a condition will be placed requiring a scheme of biodiversity enhancement to be provided as part of this development. Subject to this condition the proposal is considered to comply with the aforementioned policies in respect of biodiversity.

Soils

- 8.13 NPF Policy 5 recognises the importance of ensuring disturbance to soils is minimised by avoiding and minimising areas of soil affected, whilst also ensuring development protects soil from damage including compaction and erosion and minimising soil sealing. In this case, the in principle nature means it is difficult to give full evaluation to the level of soil disturbance. Evaluation will be given to the extent of development via a subsequent AMC application, which will include consideration given to soil loss.

Trees

- 8.14 Development that results in the loss of ancient woodland will not be supported under both NPF Policy 6 and MLDP Policy EP7. The proximity of this site to the Quarry Wood (which is ancient woodland as noted above under ecology) means these trees must be offered sufficient protection from development. The Tree Survey submitted with the application identifies the necessary tree protection measures for those trees on and adjacent to the site (including the Quarry Wood). It also identifies those trees to be removed to accommodate the

proposed development.

- 8.15 The indicative position of the proposed care home has been amended to take account of the root protection area of the trees within the Quarry Wood, which ensure sufficient protection is offered to those trees. As noted above under ecology, a condition ensuring sufficient tree protection measures are in place to protect those trees (as well as others to be retained on site) will be imposed.
- 8.16 The tree survey submitted identifies that 25 trees would be removed to accommodate the proposed development, these would be to the west and immediate north of the hotel. These comprise 12 spruce, 7 pine, 2 silver birch, 1 larch, 1 rowan, 1 willow and 1 holly. Of those trees, all are identified as category C and one (willow) is category U. Category C trees are of low quality with an expected remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Category U trees are those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than ten years.
- 8.17 Those trees that are to be removed are either necessary to accommodate the development, or are not suitable for retention. The Arboricultural Impact Assessment within the Tree Survey notes that the care home will have limited impact to trees within the site, and there are very few trees within the site boundary of any note and removal of the large Sitka Spruce trees will enhance the space for development. In order to suitably mitigate the impact of the loss of trees, a condition will be placed requiring a suitable scheme of compensatory planting of native species to be undertaken. Subject to this condition along with protection of existing trees on and adjacent to the site, the proposal complies with NPF Policy 6 and MLDP Policy EP7.

Climate Change/Carbon Considerations

- 8.18 NPF Policy 2 requires all development to be sited and design to minimise lifecycle greenhouse gas emissions as far as possible, and ensure development is sited and design to adapt to current and future risks from climate change. In order to implement this policy, Moray Council has adopted guidance on applying this to proposed developments (Moray Council Carbon Guidance for Planning Applications and S36 and S37 consents – approved by this Committee on 30 May 2023). As this application is in principle, there is no detailed design or final layout of this proposal. On this basis a condition will be placed requiring a statement that details measures to reduce whole life carbon in line with the guidance, to ensure compliance with NPF Policy 2.

Drainage

- 8.19 All development must be served by a suitable drainage arrangement under the requirements of NPF Policy 22 and MLDP Policy 12. A Drainage Impact Assessment that accompanies this application notes the ground conditions within the site are suitable to accommodate the necessary surface water drainage (and manage any risk of surface water flooding on site). A condition will be attached to the decision notice requiring a detailed drainage scheme to be provided, which takes accounts of the recommendation in the submitted DIA to ensure compliance with NPF Policy 22 and MLDP Policy 12. Moray Flood

Risk Management and SEPA raised no objection to this proposal.

- 8.20 Foul drainage from the proposed development would discharge to the public sewers, which given the location of this development (within a settlement served by public sewers) is a requirement under MLDP Policy EP13. Scottish Water have raised no objection to this proposal, noting there is sufficient capacity at Moray West Waste Water Treatment Works to service this development.

Access and Parking

- 8.21 Access to the site for vehicles would be via the existing access to the Eight Acres Hotel from Morriston Road. The existing road to the north (rear) of the hotel (past the leisure club to the function suites) would be used to access the site as shown in the indicative site layout. A pedestrian access to the south of the site from the A96 is also shown. NPF Policy 13 and MLDP Policy PP3 both set out requirements for development to be served by suitable infrastructure, with a particular emphasis on enhancing access for sustainable transport methods such as walking, cycling and public transport.
- 8.22 A Transport Statement has been submitted alongside this application to consider parking provision, pedestrian access and traffic impacts on the Morriston Road/A96 junction.
- 8.23 The proposed layout indicatively shows that sufficient parking can be provided in line with the Council's parking standards. A pedestrian access is shown to the south towards the A96, this would serve to provide enhanced pedestrian access to the site as well as link the site to bus stops on the nearby A96 (opposite the Morriston Road Junction) as noted in the Transport Statement.
- 8.24 With regard to the vehicular traffic impacts of this development, the Transport Statement notes that over the course of a 12 hour day (0700 – 1900 hrs) the care home is predicted to generate in the region of 92 vehicle trips. As a result of this development, the Morriston Road/A96 junction is predicated to see an increase of 15 vehicle movements during the morning peak hour, and an increase of 5 vehicle movements during the afternoon peak hour. The Transport Statement concludes that this increase in vehicle movements is modest and will not impact on the operation of this junction (nor that of the hotel to Morriston Road).
- 8.25 A well-trodden pedestrian route through the north of the site via the hotel grounds to the Quarry Wood, as well as a link to Newton Place. The Moray Access Manager has recommended a condition requiring a pedestrian link to be provided in this area, as it likely is a claimed right of way.
- 8.26 The Transportation Manager has not objected to this application but has recommended a number of conditions ensuring sufficient parking is provided, along with a pedestrian link to the A96 as well as cycle parking. Subject to these conditions being applied, the proposal is considered to comply with NPF Policy 13 and MLDP Policy PP3.

Waste

- 8.27 NPF Policy 12 requires all development that is likely to generate waste should demonstrate how waste will be minimised and managed to increase recycling. A condition will be applied requiring a scheme of waste management to be submitted to ensure its operation is consistent with the waste hierarchy.

Amenity

- 8.28 The nature and layout of the site, which comprises mature trees to the north, means there will be no significant loss of privacy/overlooking of neighbouring properties to the north. The proposal is unlikely to give rise to disruption to these properties as well from general activity, noting the level of additional traffic generated by this development is relatively low. The overall impact of this proposal is unlikely to result in a significant adverse impact on the amenity of neighbouring residential properties to the north.

Community Wealth Building

- 8.29 NPF Policy 25 supports proposals that contribute to local or regional community wealth building strategies and those that are consistent with local economic proprieties. In order to implement this condition, this Committee adopted guidance on 30 May 2023 to apply to larger developments, including development that creates more than 1,000 sqm. The purpose of the guidance is to:
- Increase employment opportunities by helping local businesses to grow and diversify.
 - Increase local spend within the local area through increased use of the local supply chain.
 - Provide local employment and skills development opportunities within the local area, particularly within areas of highest inequalities.
 - To provide opportunities for new business start-ups in the area.
 - To provide opportunities for community ownership of business and assets.
- 8.30 A condition will be applied requiring a Community Wealth Building Plan to be submitted in accordance with the guidance and NPF Policy 25 to demonstrate how this proposal contributes to the points above to contribute to the local economy.

Tackling the Climate and Nature Crises

- 8.31 NPF Policy 1 requires that significant weight is given to the global climate and nature crises. Consideration is given to a variety of topics in the foregoing evaluation, all of which have an impact on the climate and nature crises. This evaluation determines that the proposal is suitable in terms of these topic matters, and overall will assist in tackling the global climate and nature crises. This proposal is therefore not at odds with the aims of NPF Policy 1.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal complies with the development plan, namely National Planning Framework 4 and the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

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