

07/01496/FUL
9th July 2007

Erect residential development and associated works at Site At Lhanmorgund Longmorn Elgin Moray for Waste Solutions Group Limited

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Application previously reported to Committee and Development Control Manager considers that significant amendments have been made to the proposal for the Committee to reconsider the development.
- Objections/representations received.
- Not advertised.

Procedure:

- None.

Recommendation: **Permit - Subject To The Following:-**

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The width of vehicular access shall be 2.2 metres and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to The Moray Council specification and surfaced in bitmac.
4. A visibility splay of 9 metres by 160 metres shall be provided at the access junction with the public road.
5. A minimum of 3 car parking spaces shall be provided within each site at all times.
6. Notwithstanding the provisions of Class 7 of Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any order revoking and re-enacting that order) no development shall take place within the site without express grant of planning permission.
7. The trees identified as containing possible bat roost habitat as outlined within the ecological survey submitted in support of the development hereby approved, dated 25th March 2008 shall be protected throughout the construction process. Details of the protection measures shall be submitted to and agreed in writing prior to development commencing.

8. A badger survey shall be carried out a maximum of 56 days prior to work commencing on site to identify the exact location of all badger sets within the site. No work shall take place within 30 metres of the badger sets identified within the survey, unless otherwise agreed in writing with the Planning Authority, in consultation with Scottish Natural Heritage.
9. No tree felling or site clearance within the development hereby approved shall be carried out between the period between 1st April and the 31st of July.
10. A squirrel survey shall be carried out prior to development commencing on site. No work shall take place within the vicinity of the red squirrel dreys identified within the survey, unless otherwise agreed in writing with the Planning Authority, in consultation with Scottish Natural Heritage.
11. Prior to development commencing the applicant shall submit a landscaping plan which shall identify all trees that shall be removed from each site and any new planting proposed. The development shall thereafter be carried out in complete accordance with the approved details.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In the interests of road safety.
4. In the interests of road safety.
5. In the interests of road safety.
6. In order to ensure the wooded, natural character of the site is maintained.
7. In the interests of the Protected Species.
8. In the interests of the Protected Species.
9. In the interests of the Protected Species.
10. In the interests of the Protected Species.
11. In the interests of the amenity of the area.

List of Informatives:

THE BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

Construction Consent for the roads will be required under Section 21 of the Roads (Scotland) Act 1984.

The applicant shall be responsible for ensuring that water does not run from the public road into his property.

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

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

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

No retaining walls shall be constructed along the edge of the road whether retaining the public road or ground adjoining the public road without consultation with the Transportation Manager.

THE DEVELOPMENT CONTROL MANAGER, DEVELOPMENT SERVICES, has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application. Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant.

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please also note that if you are proposing a discharge to a watercourse this will require separate consent from SEPA (Scottish Environment Protection Agency) under the Control of Pollution Act 1974.

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal.
- Damage or destroy the breeding sites or resting places of such animals.

Furthermore, where it is proposed to carry out works that will affect a European Protected Species or their shelter/breeding places, whether or not they are present, a licence is required from the appropriate licensing authority.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

The applicant(s) should be informed that the formal consent of SEPA is required for new or increased discharges of sewage or trade effluent to a stream, to land via a soakaway or to the sea.

All clean surface water is disposed of via a separate system to SEPA's satisfaction.

Suitable drainage arrangements should be made to SEPA's satisfaction.

The soakaway is to be located at least 50 metres from any well and a sampling chamber is constructed after the septic tank.

Treatment of the effluent arising from this development must comply with the requirements of the Scottish Environment Protection Agency.

SCOTTISH NATURAL HERITAGE has commented that:-

Throughout the construction phase of the development, construction staff shall be made aware of the presence of badgers within the vicinity of the site and to their protection under the Protection of Badgers Act (1992). All construction work shall be carried out in accordance with the following guidelines;

- No work shall be carried out within 30 metres of badger activity.
- The construction site shall be made safe for mammals at the end of each working day. This should include sealing of holes, excavations or pipe work that could entrap badgers and providing escape ramps if necessary.
- Site lighting should not be directed towards the location of the badger sets.

- If staff notice any sign of badgers that are at risk, work shall stop immediately and SNH shall be contacted for advice.

The applicant is reminded that it is against the law to damage or destroy a red squirrel drey.