

## Forres WARD 08\_07

10/00350/APP  
17th March 2010

New access and drive at 196 Findhorn, Forres, Moray, IV36  
3YN for Mrs Frances Young

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### Comments:

- MEMBERS WILL HAVE VISTED THE SITE.
- Application submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process.
- Advertised under the current Listed Buildings and Conservation Area Regulations.
- No objections/representations received.
- Development within Conservation Area

### 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 3 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. Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
4. Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
5. The width of vehicular access shall be 4.2 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.
6. No water shall be permitted to drain onto the public footpath/carriageway.
7. Drop kerbs shall be provided across the access to The Moray Council specification.

### Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

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. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
5. In the interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.

**List of Informatives:**

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

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.

SCOTTISH NATURAL HERITAGE has commented that: -

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

SCOTTISH WATER has commented that: -

Prior to commencement of development the applicant should contact Scottish water on 0845 601 8855 to confirm if any of their infrastructure is affected by the development. The granting of this planning consent does not guarantee the connection to any public utility.

It is the applicants responsibility to obtain the necessary approvals in this regard

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

No building materials/scaffolding/builder's skip shall obstruct the public road (includes footpaths) without permission from this Department.

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.