

**Forres WARD 08\_07**

**10/00366/APP  
9th March 2010**

**To allow occasional outdoor markets to operate (limited to a maximum 5 days a month no more than 2 Saturdays a month) at Car Park, Leys Road, Forres, Moray for The Moray Council**

---

**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE.
- The application is made by the planning authority or relates to land in which the planning authority has a financial interest.
- The application is made by the planning authority
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent The application has been advertised for neighbour notification purposes and as development falling within Schedule 3 of the Development Management Regulations 2008
- No objections/representations received.

**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 outdoor market hereby approved shall only operate for a maximum of 5 days per calendar month and no more than 2 Saturdays a month. A register containing the dates the markets are held shall be maintained and made available for inspection by the local planning authority upon request.
6. The market shall be located within Area 1, with Area 2 only being used if there are additional stalls which cannot be located within Area 1. Areas 1 and 2 are denoted on Transportation Sketch 01. Area 2 stalls shall be set up after all of the vehicles associated with the Area 1 stalls have left the area and shall be removed prior to the removal of the Area 1 stalls.

7. The use of Area 2 shall be monitored to ensure that there is sufficient space for pedestrians to pass through the market area unimpeded.
8. Prior to the occasional market, signs shall be erected within the Leys Road Car Park providing information to members of the public that the market will take place on a given day for a given period and that parking for the public will not be available.
9. Temporary pedestrian safety barriers shall be erected along Leys Road for the duration of the setting up of the market, trading period and the taking down of the market. The barriers shall be located to rear of the stalls.
10. No stall or activity associated with a stall shall obstruct the footways around to the north and south of the Leys Road Car Park.
11. Vehicles are not permitted within the market area during the market trading period.
12. No vehicle shall park on Leys Road unless it is loading/unloading prior to the start and after the end of the market trading period.
13. No stall or activity associated with a stall shall obstruct the visibility splay for Leys Road onto the High Street to the north of the market or the forward visibility around the bend of Leys Road to the south of the market.

**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.
8. In the interests of road safety.
9. In the interests of road safety.
10. In the interests of road safety.

11. In the interests of road safety.
12. In the interests of road safety.
13. In the interests of road safety.

**List of Informatives:**

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that: -

The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.

The proprietor will require to register the premises in terms of the Food Hygiene (Scotland) Regulations 2006.

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.

Responsibility for enforcing health and safety in this particular premises rests with the Health and Safety Executive, Lord Cullen House, Fraser Place, Aberdeen.

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

At least two weeks prior to the first market commencing (unless otherwise agreed with the local planning authority) a letter shall be sent to properties surrounding the car park (s) informing of the intended market dates for the following year and the closure of the car park and requesting that all vehicles are removed. A letter shall also be sent to the local Councillors and Community council members informing of the market dates and the closure of the car park.

A notice advertising the market dates and the closure of the car park (s) shall be placed in the local newspaper and the same notice placed in the window of the local Moray Access Point.