
Local Review**LRB Ref 138****Planning Application Reference 15/01380/APP Proposed Extension to Workshop and Office at Kinloss Garage, Kinloss, Moray****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted on behalf of Mr Andrew Housby and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 15/01380/APP for the erection of an extension to an existing garage, with internal alterations to form an office space and facilities, at a location served by existing sub-standard access onto the B9011 Main Road, Kinloss.
3. Transportation received the consultation for planning application 15/01380/APP on 30 July 2015. A copy of the consultation response is attached (TMC01).
4. Transportation's objections to the proposed development relate to the construction of the workshop extension which would provide additional vehicle service bays. Transportation has no objection to the proposed office extension which would enhance facilities for existing garage customers and staff.
5. Transportation objected to the proposed overall development on road safety grounds. Further information was provided in relation to the parking requirements for the development, prompted by a lack of information. The number of servicing bays (existing and proposed) was not provided as part of the planning application submission.
6. Transportation notes that the proposed number of service bays has been confirmed as 6 bays in the appellant's submission to the Local Review Body, 4 service bays in the existing building and further 2 service bays in the proposed extension. This corresponds to a requirement for 18 parking spaces to meet the Moray Council parking standards (3 parking spaces per service bay) for customers and staff. The parking spaces would be in addition to the service bays. A drawing showing the proposed layout of the 18 parking spaces has not been submitted in support of this review.
7. The access for Kinloss Garage is onto the B9011 Main Road, Kinloss. At the access the B9011 Main Road is subject to a 30mph speed limit. However some 35 metres to the west of the access, the speed limit is 40 mph.
8. Views of vehicles travelling from the west towards the access are obstructed by the existing wall and vegetation, see attached photograph (TMC02). In addition to views of vehicles from the west being obstructed, views of cyclists using the (discretionary) cycle lane on the northern side of the road (part of the National Cycle Network - Route 1) are also obstructed.
9. Vehicles travelling towards the access from the east are visible through and across the petrol filling station forecourt. Cyclists travelling from the east are on the opposite side of the road or using the existing cycle track.

Local Review

LRB Ref 138

Planning Application Reference 15/01380/APP Proposed Extension to Workshop and Office at Kinloss Garage, Kinloss, Moray

10. The existence of the access at this location is a matter of fact. However the intensification of use of which this proposal would engender would be detrimental to road safety.
11. The appellant's submission disputes that the proposed workshop extension would result an intensification of use of the existing access. The submission states that at present there are three service bays within the existing building with a further outdoor service bay. Transportation notes that a covered area has recently been constructed at the site of the proposed extension. This covered area was not present at the time of the consideration of the planning application.
12. The appellant's submission indicates a total of 4 existing service bays, if the outdoor service bay is counted. Whilst the proposed extension would result in a total of 6 service bays. This in Transportation's view could lead to an increase in servicing capacity, and therefore an increase in vehicle movements at the access onto the public road.
13. The appellant's submission also states that the additional service bays would be used for long term restoration of vehicles. However a planning condition to limit the use of the service bays for 'long term' repairs only would be unenforceable and would not meet the tests for planning conditions as set out in '*Planning Circular 4/1998 The Use of Conditions in Planning Permissions*'.
14. Furthermore the appellant's submission is indicating that employment of additional staff would be a result of the proposed development, which implies an increase in servicing capacity at the garage and therefore an increase in vehicle movements.
15. Visibility splays for private accesses onto the public road are required to ensure that there is adequate inter-visibility between vehicles on the public road and a vehicle at the private access onto the public road, and particularly in this case inter-visibility between cyclists on the public road and a vehicle at the private access.
16. Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'x' distance and a distance along the main road known as the 'y' distance. The 'y' distance is related either to a) the design speed of the road and a corresponding 'stopping sight distance' or b) in some circumstances may be based on observed '85th percentile vehicle speeds'.
17. The minimum 'x' distance for a visibility splay serving this level of development (taking into consideration both existing and proposed dwellings) is 2.4 metres. Ideally, due to the close proximity of the 40 mph limit, the 'y' distance should be 90 metres at this location. However Transportation indicated during email correspondence with the appellant's agent during the consideration of the application that a minimum 'y' distance of 70 metres would be acceptable as the access was sited within the 30 mph speed limit. The visibility splays would be required in both directions at both of the accesses onto the public road.

Local Review

LRB Ref 138

Planning Application Reference 15/01380/APP Proposed Extension to Workshop and Office at Kinloss Garage, Kinloss, Moray

18. Sections of the visibility splays lie within land out with the public road/public road verge. No evidence was submitted as part of planning application to demonstrate that the appellant has the agreement of the relevant land owner(s) for the clearance of the obstructions and on-going maintenance where the splays cross their land. Furthermore there has been no evidence submitted as part of the documents for this Local Review.
19. The appellant's submission states that removing the wall which obstructs the visibility to the west of the access would be 'highly contentious'. However a previous planning permission for housing development at 'Seapark House', planning permission 01/01583/FUL (lapsed), which would use the same access as Kinloss Garage, was granted subject to the relocation of the wall to a position behind the required visibility splay for that development. The relocated wall is shown on the approved plans and the Decision Notice includes a planning condition which related to the provision of visibility splay. This demonstrates that planning officers did not have any concerns regarding changes to the existing wall.
20. The appellant's submission also indicates that the adjacent accesses onto the public road which serve a petrol filling station forecourt would be available for use by vehicles associated with the garage. However these accesses are not under the control of the applicant and the existing garage access is shared with other users so could not be closed. A planning condition to direct vehicles to use the petrol filling station accesses would be unenforceable.
21. The proposed development would lead to an intensification of use of an existing access with restricted visibility at a location on the strategic road network. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2: Provision of Road Access is not satisfied.

Transportation

17 November 2015

Documents

TMC01	Transportation Consultation Response dated 7 August 2015
TMC02	Site Photograph 31 July 2015

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	13th August 2015
Planning Authority Reference	15/01380/APP
Nature of Proposal (Description)	Proposed extension to workshop and office at
Site	Kinloss Garage Seapark Road Kinloss Forres Moray IV36 3TJ
Site Postcode	N/A
Site Gazetteer UPRN	000133065977
Proposal Location Easting	306203
Proposal Location Northing	861576
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=N RZVOWBG02M00
Previous Application	14/00840/PE
Date of Consultation	30th July 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Andrew Housby
Applicant Organisation Name	
Applicant Address	Kinloss Garage Seapark Road Kinloss Forres Moray IV36 3TJ
Agent Name	Altype Plans
Agent Organisation Name	
Agent Address	The Barn 11 Whiteinch The Small Holdings KINLOSS Moray IV36 3TS
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Wilson
Case Officer Phone number	01343 563565
Case Officer email address	craig.wilson@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 15/01380/APP

**Proposed extension to workshop and office at Kinloss Garage Seapark Road Kinloss
Forres for Mr Andrew Housby**

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | X
X |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use an access onto B9011 Main Road Kinloss where visibility is severely restricted by the adjacent wall and hedges/trees/vegetation and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Further Information

Should the applicant be able to provide the required visibility splay of 2.4 metres by 90 metres in both directions at the access onto the public road, a parking appraisal would be required to demonstrate that the proposed development would meet the Moray Council Parking Standards. A copy of the Moray Council Parking Standards can be viewed at:

www.moray.gov.uk/downloads/file79871.pdf

Contact: DA
email address:
transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 7 August 2015

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

TMC02 VIEW FROM EXITING VEHICLE LOOKING WEST

