Local Review
LRB Ref 168
Planning Application Reference 16/01139/APP Erect dwellinghouse on Plot Adjacent To Eastwood Calcots Elgin

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 Donna and Mark Davies and sets out observations by Transportation on the application and the grounds for seeking a review.

2. This review concerns planning application 16/01139/APP for the erection of a dwelling house on a site within the garden grounds of Eastwood, served by an existing access onto the B9103 Lossie – Sheriffston – Orton – Mulben Road, which currently serves one dwelling. The existing access is sited some 85 metres to the south of a bend in the road.

3. Transportation received the consultation for planning application 16/01139/APP on 29 July 2016. A copy of the consultation response is attached (**TMC01**), which details Transportation's objection on the grounds of Moray Local Development Plan 2015 Policy T2: Provision of Road Access.

4. The B9103 is part of the strategic road network in Moray, providing an important link from Lossiemouth and Elgin to the A96 and onwards to the south, and is a key route for movement both within Moray and to locations beyond. The B9103 at this location is subject to a 60mph speed limit. The required visibility splay for development, including additional development served by an existing access, for a 60 mph road is 4.5 metres by 215 metres in both directions.

5. Transportation's visit to this site identified that the required visibility splay at an 'x' distance of 4.5 metres is restricted by trees and vegetation, walls, fences and the property 'Eastwood'. Sightlines are also restricted by a bin store which has been constructed adjacent to the existing access. At an 'x' distance of 2.4 metres the sightlines to the south are improved, although still would not provide the full 'y' distance for a 60 mph road. However to the north the sightlines remain obstructed by the existing building and boundary walls. Photographs taken during the site visit at the access onto the public road at 'x' distances of 2.4 metres and 4.5 metres are attached (**TMC02**).

6. 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. If a development involves the intensification of use of an existing vehicular access onto the public road where visibility is severely restricted by adjacent hedges/trees/walls/embankment/buildings/obstructions and would be likely to give rise to conditions detrimental to the road safety of road users, the development is contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

7. 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 the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. For an

access serving multiple properties in the countryside the 'x' distance is 4.5m, measured from the edge of the public carriageway along the centre-line of the proposed private access.

8. A detailed description of the relevance and consideration of visibility splays can be found in The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC). TRSDC can be accessed via the following web link http://www.moray.gov.uk/downloads/file105341.pdf It should be noted that the requirements for visibility splays within the document TRSDC are based on those set out in the Design Manual for Roads and Bridges (DMRB) Volume 6 Section 2 Part 6 TD 42/95, which has been industry standard guidance since 1995. An extract from the DMRB is attached (**TMC03**).

9. The original access serving the property 'Eastwood' was some 40 metres to the north of the current access. In the summer of 2009 the appellant relocated the access to its current location. Whilst this location did not meet the full visibility splay standards, given the constraints of land ownership, it was accepted as it afforded an improvement to the available sightlines. At that time there was no intensification of use associated with the re-location of the access.

10. Subsequent to the re-location of the access an application was made to the Traffic Commissioner for a Heavy Goods Vehicle operator's licence at the property 'Eastwood'. The Moray Council Transportation, as a statutory consultee, objected to the granting of a licence on road safety grounds, as it would result in an intensification of use of an access onto the public road with severely restricted visibility.

11. The appellant's statement refers to the historic travel behaviour at the property 'Eastwood' and anticipated changes in travel behaviour should the property be sold. However there is no means of ensuring that the anticipated changes occur or that the level of use of the access can be controlled in the future.

12. When considering development an intensification of use of an access onto the public road is assessed in terms of changes to floorspace, number of houses, changes in use class and so forth – all of which are controlled by planning legalisation. The proposed development, which is an additional property to be served by the existing access, is therefore deemed to be an intensification of use.

13. The appellant's statement also refers to other developments in Moray which have been granted planning permission and in their view are developments that are 'far more unsuitable' than the proposed development. It is understood that these developments were referred to by the appellant during a site meeting between a Transportation officer and the appellant on 25 August 2016. The names of these developments are not fully provided within the statement but are understood to be a group of house plots with an access onto the A941 some 220 metres to the south of the 50mph speed limit at Fogwatt and the relocated access for the Threaplands Garden Centre on the A96 (Trunk Road) to the east of Lhanbryde (which was assessed by Transport Scotland).

14. Transportation can confirm that these developments are subject to planning conditions relating to the provision of visibility splays of 4.5 metres by 215 metres in both directions at the access onto the public road. A list of the most recent planning permission numbers for these developments in attached (**TMC04**).

15. During the site meeting on 25 August 2016, the appellant requested if traffic calming measures to reduce vehicle speeds could be provided. The traffic calming measures referred to were 'road humps' (vertical deflections). Discussions during the site meeting related to the requirement for street lighting to present where traffic calming measures are installed.

16. Local Transport Note 01/07 Traffic Calming (LTN 01/07), paragraph 2.8.2, page 26 states that *'The road hump regulations requirements for road lighting of road hump schemes, other than in 20 mph zones, are that lighting should extend over the length of the road containing the humps'.* This is national guidance on traffic calming used by the Moray Council and other local authorities in the Scotland and the wider United Kingdom. An extract from LTN 01/07 relating to the use 'road humps' is attached (**TMC05**).

17. The appellant's statement refers to the provision of 'rumble strips' or 'rumble devices' to slow vehicle speeds on the B9013. LTN 01/07, paragraph 5.1.2, page 67 states that *'Although in some locations rumble devices have been used with the aim of reducing speeds, the evidence so far indicates that any speed reduction is likely to be minimal and will be eroded through the passage of time.'* The use of 'rumble strips' would therefore not assist in achieving the significant reduction in vehicle speeds on the B9013 which could then in turn support a reduction in the required 'y' distance for the visibility splay at the private access. An extract from LTN 01/07 relating to the use 'rumble strips' is attached (**TMC06**).

18. Finally, during the consideration of the planning application the appellant was advised that any proposed reduction in the 'y' distance for the required visibility splays would need to be supported by evidence in the form of a speed survey. However given that the available visibility to the north of the access is severely limited by the existing building and the bend in the road, and observations of vehicle speeds elsewhere on the B9013 which are around the speed limit, it is unlikely that the results of any speed survey would support the use of the existing access for further development.

19. The existence of the access at this location is a matter of fact. However the intensification of use which this proposal would engender would be detrimental to road safety.

20. 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
11 October 2016

Local Review
LRB Ref 168
Planning Application Reference 16/01139/APP Erect dwellinghouse on Plot Adjacent To Eastwood Calcots Elgin

Documents

TMC01	Transportation Consultation Response dated 08 August 2016
TMC02	Photographs from Site Visit on 3 August 2016
TMC03	Extract on Visibility Splays from Design Manual for Roads and Bridges, Volume 6 Section 2 Part 6
TMC04	List of Planning Permissions
TMC05	Extract from LTN 01/07 Traffic Calming Road Humps
TMC06	Extract from LTN 01/07 Traffic Calming Rumble Devices

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**9th August 2016**
Planning Authority Reference	**16/01139/APP**
Nature of Proposal (Description)	**Erect dwellinghouse on**
Site	**Plot Adjacent To Eastwood Calcots Elgin Moray**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133058280**
Proposal Location Easting	**325763**
Proposal Location Northing	**865603**
Area of application site (Ha)	**m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OAB4IEBG0D700
Previous Application	**16/01080/PE 08/00252/OUT**
Date of Consultation	**26th July 2016**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr And Mrs Mark Davies**
Applicant Organisation Name	
Applicant Address	[redacted]
Agent Name	**Plans Plus**
Agent Organisation Name	**Plans Plus**
Agent Address	**Main Street URQUHART By Elgin Moray IV30 8LG**
Agent Phone Number	
Agent Email Address	**N/A**
Case Officer	**Shona Strachan**
Case Officer Phone number	**01343 563303**
Case Officer email address	**shona.strachan@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: 16/01139/APP
Erect dwellinghouse on Plot Adjacent To Eastwood Calcots Elgin Moray for Mr And Mrs Mark Davies

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**
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

Note: this proposal is for a new dwelling within the garden grounds of Eastwood. The present access was previously relocated from a position which had severely restricted sightlines onto the B9103 Lossie – Sheriffston – Orton – Mulben Road. (see planning application 09/01102/FUL)

The consent was issued on the basis that the revised access was considered to have improved sightlines onto the B9103 Lossie – Sheriffston – Orton – Mulben Road and therefore was overall a more suitable access location for the existing property, within the constraints of the available land ownership.

However although considered as an improvement to the previous access, the current access still has restricted visibility onto the public road which does not meet Moray Council standards required for the status/speed of the connecting public road.

For this proposal a visibility splay of 4.5m by 215m in both directions would be required at the access onto the public road. This visibility splay is restricted by the existing dwelling Eastwood along with existing fences and trees.

Reason(s) for objection

The proposed development would result in an intensification of use an existing access with where the visibility is restricted by the adjacent building, fences and trees, 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.

Contact: DA **Date 8 August 2016**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Return response to	**consultation.planning@moray.gov.uk**

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 Site photographs at access onto Public Road

Photograph showing available visibility at 2.4m looking north

Photograph showing available visibility at 2.4m looking south

Photograph showing available visibility at 4.5m looking north

Photograph showing available visibility at 4.5m looking south

c. The distance back along the minor road from which the full visibility is measured is known as the `x' distance. It is measured back along the centreline of the minor road from the continuation of the line of the nearside edge of the running carriageway of the major road. The `x' distance shall be desirably 9m (but see para 7.8). From this point an approaching driver shall be able to see clearly points to the left and right on the nearer edge of the major road running carriageway at a distance given in Table 7/1, measured from its intersection with the centreline of the minor road. This is called the `y' distance and is defined in Fig 7/1. Relaxations are not available for this distance.

7.7 If the line of vision lies partially within the major road carriageway, it shall be made tangential to the nearer edge of the major road running carriageway, as shown in Fig 7/2.

Design Speed of Major Road (kph)	`y' Distance (m)
50	70
60	90
70	120
85	160
100	215
120	295

Table 7/1: `y' Visibility Distances from the Minor Road (Relaxations not available - para 7.6c)

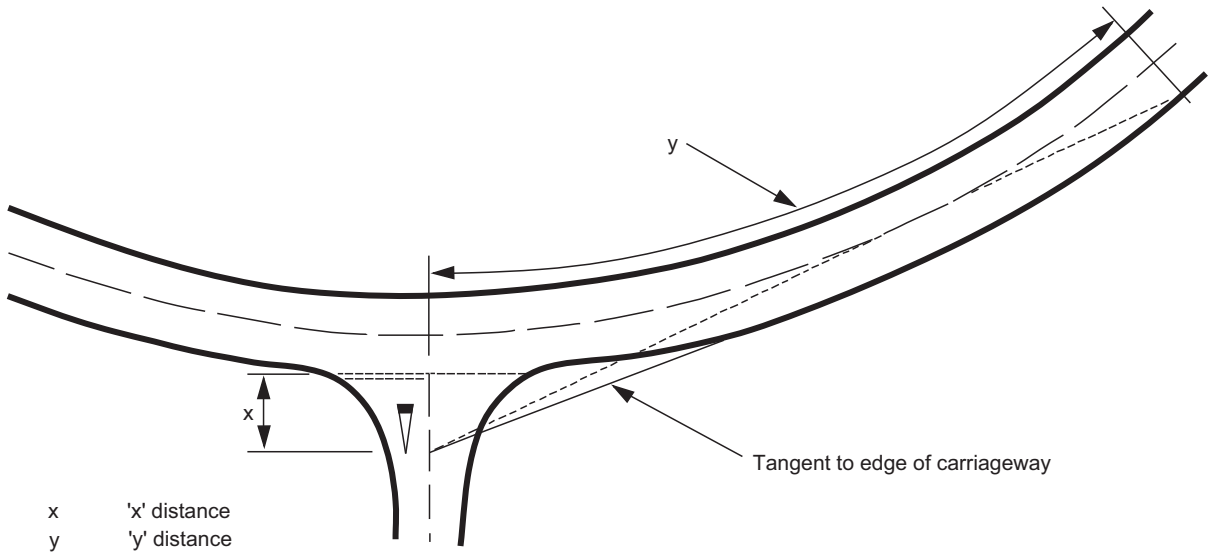

Figure 7/2 : Visibility Standards with a Curved Major Road (para 7.7)

TMC04 List of Planning Permissions

A941 – House plots south of Fogwatt:

11/01549/PPP – Planning Permission in Principle for new dwellinghouse at site by Fogwatt, Moray

12/01280/AMC – Proposed house site on Site 248M South of Fogwatt Hall adjacent to dismantled railway, Fogwat , Moray

12/00244/PPP – New house on Site 284M South of Fogwatt Hall adjacent to dismantled railway, Elgin, Moray

13/01450/APP – Erect house on site approx. 500m south of Fogwatt

16/00618/APP – Proposed dwelling house, integral garage and associated work on site east of Birkenhead Cottage, Longmorn, Moray

A96 – Garden Centre site East of Lhanbryde:

13/01498/APP – Extend planning consent ref 08/00921/FUL for new garden centre with access off A96 to replace existing adjacent garden centre at Threapland, Lhanbryde, Elgin, Moray

Fig. 2.10 Track trials involving motorcyclist with sidecar

speed cushions are properly maintained, because a damaged hump or cushion could cause a rider to lose control. An example of the type of damage that can be caused to a cushion is given in Figure 2.8.

2.7.42 It is important for motorcyclists that rumble devices (see Chapter 5) have adequate skid resistance, are located away from the final braking area on the approach to a hazard, and have no vertical face greater than 6 mm. Some motorcyclists may avoid the rumble devices by using the drainage or cyclist gap between the kerb and the edge of the rumble device. There is some evidence to suggest that rumble strips should not be used on bends with a radius of less than 1000 metres because of possible danger to motorcyclists (TAL 11/93).

2.7.43 Track trials with motorcycle and sidecar (Fig. 2.10) combinations when crossing road humps conforming to the recommended dimensions indicated no handling problems but higher levels of rider or passenger discomfort than for solo motorcyclists (Sayer *et al.*, 1999). However, motorcycle and sidecar combinations need to cross speed cushions at relatively slow speeds (i.e. below 20 mph) because above this speed they can become unstable.

Equestrians

2.7.44 Equestrians are especially vulnerable to inconsiderate drivers. Traffic calming measures that reduce the speed, dominance and in some cases the volume of motor vehicles have the potential to benefit the ridden, led or driven horse. Where routes identified for traffic calming are likely to be used by equestrians, the views of the British Horse Society and/or local riding groups should be sought.

2.7.45 If gateways are to be used, care should be taken to avoid blocking verges, as this could mean equestrians moving onto the carriageway, where they may be less safe.

2.7.46 Where roads are proposed to be closed, consideration should be given to whether access for equestrians can be provided.

2.7.47 Reports have been received by the British Horse Society of horses tripping on round-top humps. Similarly, there is anecdotal evidence of horse riders feeling threatened by the use of road narrowings. There is no research to substantiate this, but it emphasises the need to consult with owners and/or manager of any riding stables in the immediate vicinity of a proposed traffic-calming scheme.

2.8 Road lighting

2.8.1 Road lighting can reduce injury accidents by about 30 per cent during the hours of darkness (Cornwell & Mackay, 1972).

2.8.2 The road hump regulations requirements for road lighting of road hump schemes, other than in 20 mph zones, are that the lighting should extend over the length of the road containing the humps. This must consist of at least three street lamps placed not more than 38 metres apart from each other, or the lighting should comply with the British Standard (BS 5489, 1992). (Although not referred to in the regulations, European Standard BSEN 13021_2:2003 is relevant.)

2.8.3 Chicanes and narrowings should be conspicuous in both day and night-time conditions for drivers, and there should always be adequate street lighting in the areas around chicanes (Howard, 1998). Regular checks may be needed to ensure that damage has not occurred to the chicane or lighting. The local highway authority should satisfy itself that the lighting is to the standard required for the introduction of any new traffic calming features.

Institution of Lighting Engineers

2.8.4 The following has been extracted, with the permission of the Institution of Lighting Engineers,

5. Rumble devices and overrun areas

5.1 Types of rumble device

5.1.1 Rumble devices are small raised areas across the carriageway with a vibratory, audible and visual effect. They are used, usually in rural areas, to alert drivers to take greater care in advance of a hazard such as a bend or junction. In combination with a gateway they can indicate the entry to a village or the start of a series of traffic calming measures. They have also been used to designate the start of shared use roads in new developments (TAL 11/93).

5.1.2 Although in some locations rumble devices have been used with the aim of reducing speeds, the evidence so far indicates that any speed reduction is likely to be minimal and will be eroded with the passage of time. It is also known that at some sites drivers have learned to accelerate over the devices to lessen the vibratory effect. Reliance should, therefore, not be placed on using rumble devices alone to reduce speed.

5.1.3 The Highways (Traffic Calming) Regulations 1999 permit rumble devices up to 15 mm in height, provided no vertical face exceeds 6 mm in height. Special authorisation can be sought where a device is required to exceed these dimensions, though any applications would need a strong justification. The requirement not to exceed 6 mm for the vertical face is important. Heights greater than that could create difficulties for riders of two-wheeled vehicles, particularly cyclists.

5.1.4 Rumble devices come in a variety of forms, which have been described as rumble strips, riblines, jiggle bars, rumble areas, Rippleprint™ and rumblewave surfacing. Rumble strips, riblines and jiggle bars are all similar in concept and design, comprising narrow strips of material laid transversely across the carriageway. Rumble strips (Fig. 5.1) are commonly formed from thermoplastic type material and are laid down as a single group of strips, or as a series of groups. For normal use a height of 13 mm is adequate for providing both audible and vibratory warning, whilst achieving any speed reduction that might be obtainable. When used in combination with other features, such as gateways, lower heights may yield acceptable results. Rumble areas (Fig. 5.2) are large areas or bands of coarse material (e.g. block paving or 14 mm chippings) laid across the carriageway to give a contrasting ride compared to the rest of the road (Sumner & Shippey, 1977). Rumblewave surfacing (Fig. 5.3 a and b), also known as corrugated surfacing or Rippleprint™, is a recent development. It consists of a bitumen-based surfacing shaped to conform to a sinusoidal profile with a maximum wave height of 6–7 mm and a wavelength of 0.35 metres (see TAL 01/05).

Fig 5.1 Rumble strips

Fig. 5.2 Rumble areas