



ENVIRONMENTAL SERVICES

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Gordon Holland
Transportation Manager

Our Ref: RJG/DA/AT/114-7409

Your Ref: MLRB077/ACK

9 April 2013

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008
REQUEST FOR REVIEW: PLANNING APPLICATIONS 12/00652/APP
VARY CONDITIONS 11 AND 12 OF PLANNING CONSENT REF 09/02161 FOR
ERECTION OF 8 FLATS AND CONDITIONS 5 AND 6 OF PLANNING CONSENT REF
11/00233/APP FOR ERECTION OF 4 FLATS TO ALLOW FOR REVISED LOCATION
OF CYCLEWAY AT NEWFIELD HOUSE, LOSSIEMOUTH ROAD, ELGIN, MORAY IV30
4LF**

I refer to your letter dated 26 March 2013.

I respond on behalf of The Transportation manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully



Richard Gerring
SENIOR ENGINEER

Encs: See over



ISO 9001
Quality Management
FS 33734

LRB#77	Transportation response Issued 10 April 2013
TMC01	12/00652/APP Transportation Consultation response dated 18 May 2012
TMC02	12/00652/APP Transportation Consultation response dated 9 November 2012
TMC03	09/02161/APP Transportation Consultation response dated 23 June 2010
TMC04	11/00233/APP Transportation Consultation response dated 14 July 2011
TMC05	09/02161/APP and 11/00233/APP Approved drawings showing pedestrian and cyclist infrastructure provision
TMC06	12/00071/APP Transportation Consultation response dated 9 February 2012
TMC07	12/00652/APP Proposed cycleway through Petrol Filling Station forecourt
TMC08	Extract from cycling by Design (Transport Scotland)

Local Review

LRB Ref 77

Planning Application Reference 12/00652/APP Vary Conditions 11 and 12 of Planning Consent 09/02161/APP and Conditions 5 and 6 of Planning Consent 11/00233/APP to allow for Revised Location of cycleway at Newfield House, Lossiemouth Road, Elgin

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Grounds for Review submitted by Mr Iain Aitkenhead (the Appellant) and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 12/00652/APP for the variation of planning conditions 11 and 12 of Planning consent 09/02161/APP and Conditions 5 and 6 of Planning Consent 11/00233/APP to allow for a revised location of cycleway at Newfield House, Lossiemouth Road, Elgin. The approved location of the cycleway is adjacent to the A941 Lossiemouth Road, whereas the revised location would link the development to the C22E Lesmurdie Road through a petrol filling station forecourt.
3. Transportation was consulted for planning application 12/00652/APP on 26 April 2012 and re-consulted on 23 October 2012 following the submission of additional information by the agent acting on behalf of the appellant. Copies of the two Transportation consultation responses are attached (TMC01 and TMC02), both of which recommended refusal on the grounds of insufficient provision for access by pedestrians and cyclists.
4. Transportation was also consulted for applications 09/02161/APP and 11/00233/APP for the erection of 8 and 4 flats respectively. It should be noted that the applicant's agent also sought pre-application advice, 09/01028/GPA, during which process Transportation were consulted. A copy of the consultation responses for 09/02161/APP and 11/00233/APP are attached (TMC03 and TMC04 respectively).
5. The Transportation consultation responses recommended approval subject to conditions for the flats and associated transportation infrastructure, including the provision of a 3.0m wide cycleway adjacent to the A941 Lossiemouth Road. The route for the cycleway was shown on the approved drawings for both applications (09/02161/APP and 11/00233/APP). A copy of the approved drawings is attached (TMC05). During the processing of the planning applications it was confirmed that the appellant controlled the land required to deliver the cycleway in the approved position. There were no indications from the appellant of any obstacles to the delivery of the cycleway adjacent to the A941 Lossiemouth Road.
6. An application (12/00071/APP) was made in early 2012 by the appellant to remove the planning conditions from planning permissions 09/02161/APP and 11/00233/APP which related the provision of access for pedestrians and cyclists for the development, which would leave the development with no dedicated pedestrian or cycle access. A copy of the Transportation consultation response for application no 12/00071/APP is attached (TMC06), which recommended refusal.

Local Review

LRB Ref 77

Planning Application Reference 12/00652/APP Vary Conditions 11 and 12 of Planning Consent 09/02161/APP and Conditions 5 and 6 of Planning Consent 11/00233/APP to allow for Revised Location of cycleway at Newfield House, Lossiemouth Road, Elgin

7. The subsequent application 12/00652/APP, which is subject of this review, sought to vary the planning conditions from planning permissions 09/02161/APP and 11/00233/APP which related the provision of access for pedestrians and cyclists for the development. An alternative route was proposed by the appellant, linking the development to the existing pedestrian/cycle provision on the C22E Lesmurdie Road via the petrol filling station forecourt (which is under the control of the Appellant). The proposed alternative is shown on the drawing submitted as part of application no. 12/00652/APP (see TMC07).
8. This proposed alternative route raised a number of safety concerns and did not meet design standards for a cycleway. Within the petrol filling station forecourt there are petrol pumps and a building which would obstruct the inter-visibility between drivers and pedestrians/cyclists. There is a further risk of Vehicle-Pedestrian/Cyclist conflict from manoeuvring vehicles within the petrol filling station forecourt, where driver's attention would be focused on activities associated with re-fuelling or visiting the shop.
9. Further information on the safety implications of directing pedestrians and cyclists through a petrol filling station forecourt is provided in the two Transportation consultation responses for the application (see TMC01 and TMC02). Extracts from cycleway design standards quoted in the consultation responses are attached (TMC08).
10. In the Appellant's Grounds for Review reference is made to construction of the cycleway necessitating the relocation of an existing sign which is associated with the petrol filling station. This sign is the subject of planning permission 05/00913/ADV, which was granted in June 2005.
11. The relocation of the sign is required not only to provide the cycleway adjacent to the A941 Lossiemouth Road but also to ensure that an appropriate visibility splay of 4.5m x 120m in both directions is provided at the access onto the public road, as the sign lies within this visibility splay. Condition 10 of planning permission 09/02161/APP and Condition 12 of planning permission 11/00233/APP both relate to the provision of the 4.5m x 120m visibility splay. Furthermore Condition 14 of both planning permissions specifically identifies the requirement to relocate the sign.
12. During the consultation for planning applications 09/02161/APP, 11/00233/APP and 12/00652/APP the agent acting on behalf of the appellant did not raise the required re-location of the sign as an issue. Transportation considers that the requirement to relocate the sign is not an obstacle to providing the cycleway adjacent to the A941 Lossiemouth Road as the Appellant has control over the adjacent land.

Local Review

LRB Ref 77

Planning Application Reference 12/00652/APP Vary Conditions 11 and 12 of Planning Consent 09/02161/APP and Conditions 5 and 6 of Planning Consent 11/00233/APP to allow for Revised Location of cycleway at Newfield House, Lossiemouth Road, Elgin

13. The Appellant also states in the Grounds for Review that there is a petrol interceptor which may have to be moved. It should be noted that during the consultation for planning applications 09/02161/APP, 11/00233/APP and 12/00652/APP the agent acting on behalf of the appellant provided no indication that there was a petrol interceptor within the area required to provide the cycle track adjacent to the A941 Lossiemouth Road and the appellant has not submitted any 'as-built' drawings of the petrol filling station showing the location of the petrol interceptor in support of this review.
14. In the Grounds for Review the Appellant's main objection to the cycleway being provided adjacent to the A941 Lossiemouth relates to road safety, in particular the safety of cyclists crossing the petrol filling station access onto the A941 Lossiemouth Road and concerns that cyclists would not be visible to drivers. However the visibility splay which is required for drivers to see approaching traffic as they exit onto the public road at this private access will extend over the area required for the cycleway.
15. There is a distance of some 25 metres between the point where the cyclists exiting the development would be adjacent to the A941 and the existing access to the petrol filling station. A minimum forward visibility of 25 metres is required for a cycleway (see TMC08). Transportation considers that there would be an acceptable level of visibility between cyclists and drivers exiting the petrol filling station forecourt.
16. For drivers exiting the petrol filling station onto the C22E Lesmurdie Road, subject to the removal of signage associated with the petrol filling station, sightlines are clear for vehicles, cyclists and pedestrians towards the A941 Lossiemouth Road/C22E Lesmurdie Road junction. As both vehicles and cyclists would be turning as they approach the petrol filling station exit, their speeds would be low. The point at which pedestrians and cyclists would be directed to cross the C22E Lesmurdie Road is an appropriate distance from the A941 Lossiemouth Road/C22E Lesmurdie Road junction.
17. The Appellant considers that the approved route for the cycleway poses more of a hazard to pedestrians and cyclists than a route through the petrol filling station forecourt, as it would cross the vehicular accesses to the petrol filling station. A cycleway crossing a private access is not uncommon. The inter-visibility between drivers using the accesses and the cyclists/pedestrian would be acceptable. Subject to the relocation of the petrol filling station signage, there would be no obstructions within the line of sight between drivers and pedestrians/cyclists. Whereas, within the petrol filling station forecourt there are petrol pumps and a building which could obstruct the inter-visibility between drivers and pedestrians/cyclists.
18. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds of Moray Local Plan Policies T2: Provision of Road Access and IMP1(c): Development Requirements.

Local Review

LRB Ref 77

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Transportation

10 April 2013

Documents

TMC01	12/00652/APP Transportation Consultation Response dated 18 May 2012
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