

ENVIRONMENTAL SERVICES

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Our reference: RG/DA/LRB119

Your reference: MLRB0119/ACK

Chief Legal Officer
Per Mr D Westmacott
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

13 March 2015

Dear Sir

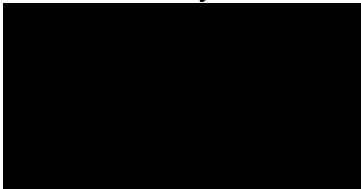
**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008
REQUEST FOR REVIEW: PLANNING APPLICATION 14/01971/APP ERECT HOUSE
AND GARAGE AT SPEYVIEW, DUNDURCAS, ORTON, FOCHABERS**

I refer to your letter dated 27 February 2015.

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

Enclosures : See over.

Nicola Moss – Transportation Manager



Certificate GB13/89299

LRB # 119	Transportation Response Issued 13 March 2015
TMC01	Transportation Consultation Response dated 3 November 2014
TMC02	Site Photographs 11 March 2015
TMC03	Transportation Consultation Response dated 24 November 2014
TMC04	Drawing showing Location of Speed Survey and Visibility to the West
TMC05	B9015 Speed Survey Data – conducted outside cottage named Pine View at County Houses, Orton
TMC06	Annotated Drawing showing Location of Obstructions on Third Party Land within the Required Visibility Splay to the East
TMC07	Extract on Visibility Splays from Transportation Requirements for Small Developments in the Countryside
TMC08	Appeal Decision Notice for development with access onto the public road with restricted visibility where appellant does not have control over full visibility splay.

Local Review**LRB Ref 119****Planning Application Reference 14/01971/APP Erect dwelling house and garage at Speyview, Dundurcas, Orton, Fochabers****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 John Cadenhead and sets out observations by Transportation on the application and the grounds for seeking a review.
2. We have reviewed the documentation submitted. We highlight the following points identified as material considerations within that documentation:

Scottish Government Circular 3/2013 Annex A	access
	views of statutory consultees (Local Roads Authority – TRANSPORTATION)
Moray Local Plan 2008	Policy IMP 1 – Development Requirements adequate roads, public transport and cycling and footpath provision must be available, at a level appropriate to the development.
Moray Local Plan 2008	Policy T2 Provision of Road Access The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic.
	The Moray Council Transportation Service - Requirements for Small Developments in the Countryside

3. This review concerns planning application 14/01971/APP for the erection of a dwelling house and detached garage along with the formation of an access onto the B9015 Rothes-Kingston Road.
4. The Local Review Board (LRB) is advised that a previous planning application for a single house on the plot, application no. 11/00700/APP was refused in March 2012 on road safety grounds. That application was the subject of Appeal number LRB 054, which upheld the decision of the appointed officer.
5. Transportation received the first consultation for planning application 14/01971/APP on 23 October 2014. A copy of the consultation response is attached (TMC01). This requested further information with regard to the provision of the required visibility splays.

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Planning Application Reference 14/01971/APP Erect dwelling house and garage at Speyview, Dundurcas, Orton, Fochabers

6. Transportation's consideration of the site noted that some vegetation only within the site had been cleared. However there were remaining obstructions within the visibility splay out with the site and the road frontage boundary of the adjacent property to the north-east. The road verge along the site frontage is narrow. Beyond the site, to the north-east, the boundary bank/hedge for the adjacent property is up to the edge of the carriageway with no road verge. This boundary bank/hedge is higher than 1.0m above the level of the carriageway. Photographs recently taken are attached (TMC02).
7. The applicant was allowed the opportunity to resolve Transportation's concerns regarding visibility from the proposed access. This would require negotiations with the neighbouring land owners to make arrangements to provide the necessary visibility splay. However the planning officer, understood to be acting under the instruction of the applicant, requested a final response from Transportation based on the information submitted at that time. A final consultation response was returned to Planning, a copy of which is attached (TMC03) and presented the reasons for recommending refusal on the grounds of Moray Local Plan Policy T2: Provision of Road Access.
8. In the case of planning application 14/01976/APP, Transportation already had existing speed survey data. A speed survey was undertaken on the B9015 Rothes-Kingston Road in November 2012 at a location some 28 metres to the west of the proposed access outside the property named Pine View, as indicated on the attached drawing (TMC04). The speed survey determined 85th percentile vehicle speeds of 50.6mph for eastbound traffic travelling towards Boat o' Brig and 51.0 mph for westbound traffic travelling towards Rothes. A full copy of the speed survey data is attached (TM05).
9. The observed vehicle speeds correspond to visibility splays with a 'y'-distance of 152 metres. Drawings showing the extent of the required visibility splay have been included in the application and are attached as Appendix 1 to appellant's Grounds for Review. In paragraph 9.24 of the Grounds for Review the appellant states that this is a 'small sliver of land'. A copy of the appellant's drawing, which has been annotated to highlight the area of ground where obstructions to the required sightlines are present, is attached (TMC 06). This annotated drawing, when viewed with the recent photographs (TMC02), illustrates the proximity of the obstructions on the third party land to the public road. This is not acceptable in terms of road safety on a rural road.
10. In paragraph 9.29 of the Grounds for Review the appellant confirms that to the North East the visibility splay which could be achieved over land under the control of the applicant is only 78.8 metres. The measurement of this visibility splay was taken to the centre of the eastbound running lane, which was an agreed compromise from the usual edge of carriageway. This distance that can be provided is approximately half of the required Stopping Sight Distance. This is not acceptable in terms of road safety on a rural road.

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11. Scottish Government Circular 1/2006 : Setting Local Speed Limits set out new guidance for Roads Authorities to assess speed limits on roads for which they are responsible. In addition to this guidance the Scottish Government requested that all roads authorities formally reviewed the speed limits on all Class A and Class B roads in their area by the end of 2011. Moray Council Transportation undertook this review and submitted a report to Economic Development and Infrastructure Committee on 1 November 2011 (Item 10 Speed Limit Review Update). This report, which was approved by the Committee, did not identify the need for a reduction in the speed limit on the B9015 at this location.
12. Due to the higher traffic speeds on unrestricted rural roads a significant factor to consider is the provision of adequate visibility where an access joins the public road network, see paragraph 16 below which refers to accident statistics. The visibility splay is an essential feature of the access and access lay-by provision.
13. 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 formation of a new 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.
14. 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'. For a single house in the countryside the 'x' distance is 2.4m, measured from the edge of the public carriageway along the centre-line of the proposed private access.
15. A detailed description of the relevance and consideration of visibility splays is attached (TMC07) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC). TRSDC was approved at the Economic Development & Infrastructure Committee on 20 April 2010.
16. In 2013, over one third of all reported injury road accidents in Scotland (3,224: 36%) were on non-built up roads (speed limit of more than 40 mph). However, such roads accounted for a higher proportion of fatal accidents (115: 72%), partly because speeds tend to be higher on non-built up roads than on built-up roads. Statistics published by the Department for Transport highlight that deaths are

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disproportionately likely to occur on rural roads. In 2013 rural roads carried 53% of traffic but accounted for 62% of road deaths.

17. Throughout the consideration of the planning application, and the previous planning application 11/00700/APP, the applicant was given the opportunity to secure an agreement with the third party landowner(s) to provide and maintain the visibility splay. It appears that the third party(s) do not wish to co-operate with the applicant.
18. Within the Ground for Review, paragraph 9.29, comparison is made to the accesses for the existing properties adjacent to the site. These properties are all historic, the County Houses (which include 'Sonrie', 'Millhaven' and 'No.2') date from the 1950's, the unnamed cottage to the north-east of the site is much older, possibly pre 1900. Kirkhill Cottage was permitted in 1988. This comparison is not acceptable for a proposed development in 2015.
19. The issue of control over required visibility splays is not unique to this particular development proposal. An example of an appeal to The Scottish Government submitted to the previous LRB 054 is attached (TM08). In this example the appellant was unable to secure suitable control over third party land where a hedge restricted the visibility splay. The Reporter dismissed the Appeal.
20. There is no evidence to indicate the necessary visibility splay can be provided.
21. 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

13 March 2015

Documents

TMC01	Transportation Consultation Response dated 3 November 2014
TMC02	Site Photographs 11 March 2015
TMC03	Transportation Consultation Response dated 24 November 2014
TMC04	Drawing showing Location of Speed Survey and Visibility to the West
TMC05	B9015 Speed Survey Data – conducted outside cottage named Pine View at County Houses, Orton
TMC06	Annotated Drawing showing Location of Obstructions on Third Party Land within the Required Visibility Splay to the East
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TMC08	Appeal Decision Notice for development with access onto the public road with restricted visibility where appellant does not have control over full visibility splay.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	6th November 2014
Planning Authority Reference	14/01971/APP
Nature of Proposal (Description)	Erect house and garage at
Site	Speyview Dundurcas Orton Fochabers Moray IV32 7QH
Site Postcode	N/A
Site Gazetteer UPRN	000133050968
Proposal Location Easting	330381
Proposal Location Northing	851485
Area of application site (Ha)	1600 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NDF7E3BGAK000
Previous Application	11/00700/APP 07/01860/OUT 02/00204/FUL
Date of Consultation	23rd October 2014
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Cadenhead
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Swankie
Case Officer Phone number	01343 563303
Case Officer email address	craig.swankie@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: 14/01971/APP

Erect house and garage at Speyview Dundurcas Orton Fochabers for Mr John Cadenhead

I consider:-

Please

- | | | |
|-----|---|-------------------------------------|
| (a) | that the application should be refused (<i>please state reasons below</i>) | ☒ |
| (b) | that the application should be approved unconditionally | ☐ |
| (c) | that the application should be approved, subject to certain conditions
(<i>please state conditions and comments below</i>) | ☐ |
| (d) | that in addition to the above recommendation further information should be
passed to the applicant (<i>please state these below</i>) | ☐ |
| (e) | that further information is required in order to consider the application. | ☒ |
| (f) | Other (please state comments below) | ☐ |

Further information required to consider the application

The proposed development requires the provision of a visibility splay at the access onto the public road which crosses land out with the site and the public road verge.

No evidence has been submitted for this application to demonstrate that the required visibility splay has the agreement of the relevant land owner(s) for the clearance and on-going maintenance where the splay crosses their land.

Based on the information currently submitted, Transportation would be minded to recommend refusal for this planning application on road safety grounds.

Finally, the scale of the two drawings showing the required visibility splay appears to be 1:500 and not 1:250 as indicated in the drawing title boxes.

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

Date 3 November 2014

Return response to

consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

TMC 02



PHOTOGRAPH A



PHOTOGRAPH B



PHOTOGRAPH C

TMC 03

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	6th November 2014
Planning Authority Reference	14/01971/APP
Nature of Proposal (Description)	Erect house and garage at
Site	Speyview Dundurcas Orton Fochabers Moray IV32 7QH
Site Postcode	N/A
Site Gazetteer UPRN	000133050968
Proposal Location Easting	330381
Proposal Location Northing	851485
Area of application site (Ha)	1600 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NDF7E3BGAK000
Previous Application	11/00700/APP 07/01860/OUT 02/00204/FUL
Date of Consultation	23rd October 2014
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Cadenhead
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Swankie
Case Officer Phone number	01343 563303
Case Officer email address	craig.swankie@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: 14/01971/APP

Erect house and garage at Speyview Dundurcas Orton Fochabers for Mr John Cadenhead

I consider:-

	Please
(a) that the application should be refused (<i>please state reasons below</i>)	X
(b) that the application should be approved unconditionally	X
(c) that the application should be approved, subject to certain conditions (<i>please state conditions and comments below</i>)	☐
(d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>)	☐
(e) that further information is required in order to consider the application.	☐
(f) Other (please state comments below)	X

Policies

T2 Road Access

IMP1 (c) Development Requirements

Transportation Requirements for Small Developments in the Countryside

Background

This site was the subject of a previous application 11/00700/APP which was refused on road safety grounds. This decision was upheld by the Local Review Body. The only new Transportation related information for this current application is the provision of detailed drawings showing the required visibility splay at the proposed new access onto the B9015 Rothes-Kingston Road. No evidence has been submitted to demonstrate control over the required visibility splay, which cross third party land.

The planning officer has emailed requesting a final consultation response as applicant was not going to submit any further information.

Reasons for Refusal

The proposed development, if permitted, would involve the formation of a vehicular access onto B9015 Rothes-Kingston Road where visibility is restricted by the adjacent hedges/ trees/ obstructions and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

Other Comments

The proposed development requires the provision of a visibility splay at the access onto the public road which crosses land out with the site and the public road verge. Whilst this has been shown on the drawings submitted as part of the application, no evidence has been submitted to demonstrate that the required visibility splay has the agreement of the

relevant land owner(s) for the clearance of obstructions and on-going maintenance where the splay crosses their land.

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

Date 24 November 2014

Return response to	consultation.planning@moray.gov.uk
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Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

TMC 04

AMENDED PLANS

Spey View, Dundurcas, Orton

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

10/12/2014

Development Management
Environmental Services
The Moray Council

50.6mph
eastbound

51.0mph
westbound

- Verge
- Fenceline
- Road Edge
- Wall
- Gate
- GY
+
Gully
- LP
●
Lamp Post
- Hedge
- Tree



Visibility Splay crosses third party land

Drawing Title
south visibility

Scale at A3
1:500

Date:
september 14

Drawing No.
014/0646/07

grant and
geoghegan

chartered planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

DO NOT SCALE

TMC 05

B9015 Newlands of Dundurcas

grid ref 330344,851447

Summarised Speed Data. Survey carried out between 30th October 2012 and 7th November 2012. Radar located outside cottage named Pine View

to B9103 Speeds	Total Vol.	85th %ile	Mean Ave.	Std. Dev.	Bin 1 <26Mph	Bin 2 26-<31	Bin 3 31-<36	Bin 4 36-<41	Bin 5 41-<46	Bin 6 46-<51	Bin 7 51-<56	Bin 8 56-<61	Bin 9 61-<66	Bin 10 66-<71	Bin 11 71-<76	Bin 12 76-<81	Bin 13 =>81
00:00	3		47.1	3.9	0	0	0	0	0	2	0	0	0	0	0	0	0
01:00	2		41.5	3.6	0	0	0	0	1	0	0	0	0	0	0	0	0
02:00	2		47.7	4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0		40.7		0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	6		41.2	9.9	0	1	1	0	0	0	0	0	0	0	0	0	0
05:00	11	53.4	48.1	5.2	0	0	0	1	2	4	3	0	0	0	0	0	0
06:00	35	49.2	42.9	6.7	0	0	4	8	11	6	3	0	0	0	0	0	0
07:00	51	51.1	44.4	7.8	1	0	5	10	13	13	4	3	0	0	0	0	0
08:00	61	51.2	44.8	6.9	0	0	3	14	18	15	8	2	0	0	0	0	0
09:00	45	50	42.8	7.1	0	0	4	12	16	7	5	0	0	0	0	0	0
10:00	48	49.7	42.2	7.6	0	1	6	14	12	8	4	0	0	0	0	0	0
11:00	37	48.9	42.4	8	1	0	2	8	13	8	1	1	0	0	0	0	0
12:00	48	49.6	43	7.2	1	1	4	12	14	10	3	1	0	0	0	0	0
13:00	55	51.1	44.2	7.3	0	0	3	14	16	12	5	3	0	0	0	0	0
14:00	60	50.7	44.1	7.4	0	1	3	11	18	16	7	1	0	0	0	0	0
15:00	60	49.8	43.1	7.7	2	2	3	12	20	14	4	2	0	0	0	0	0
16:00	75	52.8	45	7.2	0	0	5	14	22	17	9	3	0	0	0	0	0
17:00	79	49.8	43.5	6.4	0	0	6	20	28	16	7	3	0	0	0	0	0
18:00	46	51.2	44.2	7.4	0	0	4	12	12	10	5	2	0	0	0	0	0
19:00	22	51	43.4	8.9	1	0	2	4	6	5	3	0	0	0	0	0	0
20:00	18	53.8	46.8	6.5	0	0	0	3	5	5	4	1	0	0	0	0	0
21:00	15	50	43.7	6.7	0	0	0	3	5	3	0	0	0	0	0	0	0
22:00	9		39.8	8.6	0	0	0	2	2	0	0	0	0	0	0	0	0
23:00	4		46.1	7.7	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals																	
12H,7-19	664	50.5	43.8	6.7	6	6	49	154	200	146	62	21	0	0	0	0	0
16H,6-22	754	50.6	43.8	6.7	7	6	54	172	227	165	72	23	0	0	0	0	0
18H,6-24	767	50.5	43.8	6.7	7	6	54	174	229	166	72	23	0	0	0	0	0
24H,0-24	791	50.6	43.9	6.7	7	7	55	175	232	172	75	23	0	0	0	0	0
Am	07:30		04:45		11:00	10:30	09:45	10:00	08:30	07:45	08:15	08:15	07:15	07:45			
Peak	62		48.2		2	2	6	14	21	17	8	3	1	0			
Pm	16:45		20:15	21:45	12:15	15:30	16:30	16:45	16:45	16:45	16:00	16:00	16:00	19:00			
Peak	88		47	9.3	2	2	7	21	31	18	10	4	1	0			

to Rothses speeds	Total Vol.	85th %ile	Mean Ave.	Std. Dev.	Bin 1 <26Mph	Bin 2 26-<31	Bin 3 31-<36	Bin 4 36-<41	Bin 5 41-<46	Bin 6 46-<51	Bin 7 51-<56	Bin 8 56-<61	Bin 9 61-<66	Bin 10 66-<71	Bin 11 71-<76	Bin 12 76-<81	Bin 13 =>81
00:00	4		38.2	4.7	0	0	0	1	0	0	0	0	0	0	0	0	0
01:00	2		37.5	9.1	0	1	0	0	0	0	0	0	0	0	0	0	0
02:00	2		38	4.5	0	0	2	0	0	0	0	0	0	0	0	0	0
03:00	1		40.7		0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	6		42.6	9.1	0	0	0	0	0	1	0	0	0	0	0	0	0
05:00	25	54.4	45	9.1	0	1	3	2	5	5	4	2	0	0	0	0	0
06:00	47	52.5	44.9	7.2	0	1	3	10	14	10	4	4	0	0	0	0	0
07:00	90	54.7	45.8	9.1	1	2	8	14	19	18	18	6	1	0	0	0	0
08:00	78	52.4	44.4	8.1	2	1	4	14	18	19	11	3	0	0	0	0	0
09:00	48	51.3	44.1	8.5	1	2	2	7	13	12	4	2	0	0	0	0	0
10:00	55	50.4	42.8	7.9	1	1	6	13	16	9	6	1	0	0	0	0	0
11:00	57	51.1	43.1	8.5	1	1	7	13	16	9	5	1	0	0	0	0	0
12:00	55	51.5	42.3	9.4	3	2	6	12	12	10	6	1	1	0	0	0	0
13:00	55	49.8	42.3	8.6	2	3	6	14	15	11	4	2	0	0	0	0	0
14:00	62	52	42.8	9.2	2	4	7	14	16	10	6	4	0	0	0	0	0
15:00	64	48.7	40.9	8.1	3	4	9	14	18	11	4	1	0	0	0	0	0
16:00	63	50.4	42.6	8.9	2	4	6	14	19	10	7	1	0	0	0	0	0
17:00	62	49.9	42.4	8.4	1	4	7	14	18	12	6	1	0	0	0	0	0
18:00	33	49.6	41.5	8.6	2	1	5	8	10	5	4	0	0	0	0	0	0
19:00	28	50.4	43.8	8.4	0	1	3	4	8	8	2	0	0	0	0	0	0
20:00	13	49	42.1	8.9	1	0	1	2	4	2	0	0	0	0	0	0	0
21:00	12	52.7	45.3	7.7	0	0	1	0	2	4	2	0	0	0	0	0	0
22:00	11	49.6	42.6	7.1	0	0	2	2	2	3	1	0	0	0	0	0	0
23:00	7		42.8	7.3	0	0	2	0	1	1	0	0	0	0	0	0	0
Totals																	
12H,7-19	722	51	42.8	8.1	20	29	72	152	188	135	80	24	2	0	0	0	0
16H,6-22	822	50.9	42.9	8	21	31	81	168	216	160	88	28	2	0	0	0	0
18H,6-24	840	50.9	42.9	8	21	31	85	170	219	164	89	28	2	0	0	0	0
24H,0-24	880	51	43	8	21	33	89	174	224	171	93	30	2	0	0	0	0
Am	07:30		07:00		07:30	07:15	07:00	08:00	06:30	07:30	07:15	06:30	07:15	08:30	09:30		
Peak	90		45.8		4	3	8	15	19	22	19	7	2	1	0		
Pm	16:30		20:45	15:45	15:30	13:45	15:15	16:45	15:15	16:15	12:15	14:00	13:30	16:00	12:00	20:30	
Peak	67		45.5	9.5	3	4	10	18	19	12	6	4	1	1	0	0	

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deficiency in achieving a suitable and safe access to new developments along these roads.

- 5.4.2 The provision of passing places on single track roads in the countryside requires a strategic approach i.e. passing places which are appropriately spaced and in locations which will provide benefit where there is restricted forward visibility.
- 5.4.3 The location of proposed new developments that will be eligible for the provision of a passing place/several passing places (based on scale of development) are those which are adjacent to single track roads and more than 500 metres from the junction with a S2 (single carriageway 2 lane) road. Eligible developments will be required to provide a maximum of one new passing place on the single-track road per dwelling.
- 5.4.4 The location of existing passing places on single track roads will be taken into account when considering each development proposal.
- 5.4.5 If an applicant has land which can facilitate a passing place in a strategic location then this method of delivering a passing place will be considered. Any proposal for a passing place should be included in the planning application, shown on the planning application drawings along with evidence of control of the land. Delivery of the passing place would be a condition of the development, prior to the commencement of development. The passing place will form part of the adopted road and will therefore require road construction consent.
- 5.4.6 From 1st June 2010, in the absence of a proposal for provision of a passing place as part of a relevant planning application Moray Council will seek a Developer Contribution from applicants in lieu of the provision.
- 5.4.7 An assessment of the inter-visibility of passing places will be required to confirm the location and number of passing places required between the proposed development and the two-lane road.
- 5.4.8 The dimensions required for passing places are shown at **Appendix C**.

5.5 Visibility Splays

- 5.6.1 Due to the higher traffic speeds on unrestricted rural roads a significant factor to consider is the provision of adequate visibility where an access joins the public road network. The visibility splay is an essential feature of the access and access lay-by provision.
- 5.6.2 Drivers emerging from the property, about to join the public road, must have an unobstructed view to the left and right, across the verge and land adjacent to the road, to see if there is any approaching traffic.

- 5.6.3 The visibility splay also enables traffic on the public road to see all road users leaving the property. The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle. Where the applicant does not provide observed vehicle speed data the speed limit is used.
- 5.6.4 The distance along the public road, Y distance, is the distance the driver needs to see along the road edge (see table below). This is measured from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.
- 5.6.5 The distance back from the public road, X distance, is shown in the table below. The distance varies according to the number of dwellings. The distance is taken from the edge of the carriageway back along the centre line of the private access.
- 5.6.6 The visibility splay must be assessed between minimum driver's eye line 1.05 metres above the road up to a height 2m above the road and to an objective points at the end of the Y distance between 0.26m and 2m above the carriageway surface. The assessment must consider obstructions to visibility within the visibility splay including the horizontal and vertical topography in between i.e. hidden dips and crests along the road between these points.
- 5.6.7 The following table shows the Y and X values based on speed limit values.

Speed Limit	30	40	50	60
Y Distance (metres)	90	120	160	215
X Distance (metres)	Single dwelling = 2.4m; > 1 dwelling = 4.5m			

- 5.6.8 The access, lay-by and visibility splay must be established before building work commences, to ensure a safe access for builders and tradesmen.

5.7 Providing and Maintaining Visibility Splays

- 5.7.1 When submitting a planning application it is necessary for the applicant to demonstrate that they have, and can maintain control over the visibility splay area. The applicant will have responsibility for the maintenance of clear sight lines over the visibility splay area. If the visibility splay area includes any neighbouring land then the applicant will need to discuss this with the landowner and make arrangements to satisfy the requirement to demonstrate adequate control.

5.7.2 Applicants should give careful consideration to the Trees and Development Supplementary Planning Guidance (published August 2008). Applicants should note that there is a presumption against the felling/removal of trees purely to form an access/visibility. For the avoidance of doubt the visibility splay is an essential feature required for achieving the Moray Local Plan Policy T2 Provision of Road Access.
[http://www.moray.gov.uk/moray_standard/page_1650.html#Trees and Development](http://www.moray.gov.uk/moray_standard/page_1650.html#Trees_and_Development)

5.7.3 There may be circumstances when the developer wishes to locate the private access on or near a bend in the road. The outside of a bend is the safest option.

5.7.4 If there is no alternative arrangement other than to locate the access on the inside of a bend, the applicant must be fully aware of the extent of the area which will be affected by the visibility requirements which they must demonstrate that they have, and can maintain control over, and which must be kept free of obstructions such as buildings, trees and tall shrubs. In these circumstances early consultation with Transportation officers is recommended.

5.8 Parking and Turning of Vehicles

5.8.1 The provision of the minimum number of parking spaces within the curtilage of the property, based on the number of bedrooms, is the normal requirement for rural developments. The levels of parking required are shown in the following table.

Dwelling Description	Spaces
3 or fewer bedrooms	2
4 or more bedrooms	3

5.8.2 An equally important requirement is the provision of an adequate turning area. Vehicles that enter the development must be able to turn round out with designated parking spaces, and leave the site in forward gear.

5.8.3 This requirement applies, whether you are developing a single house site, or a site with several properties. Vehicles must not reverse out onto the public road. Applicants should consider how materials such as heating oil are delivered and for example place their fuel tank where it can be accessed from the access lay-by. Where there is more than one house this may not be a practical option, then sufficient turning area would normally be required within the development site to enable the delivery vehicle to turn round. Areas provided for turning are in addition to those provided for parking.

Appeal Decision Notice

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Decision by Malcolm Mahony, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/250/2021
- Site address: Langlees, Backmuir of Pitfirrane, Lundin Rd, Crossford
- Appeal by Mr and Mrs Wylie against the decision by Fife Council
- Application for planning permission 09/01207/WFULL dated 22 May 2009 refused by notice dated 31 July 2009
- The development proposed: conversion of former agricultural building to dwellinghouse
- Date of site visit by Reporter: 21 January 2010

Date of appeal decision: 15 February 2010

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issue in this appeal is road safety at the junction between the access road to the site and Lundin Rd.
2. The proposal satisfies the council's housing and design policies and there has been no objection to any matter other than that of road safety.
3. The precise wording of policy T5 of the Dunfermline and The Coast Local Plan is for the council's Transportation Development Guidelines to apply "in" all new developments rather than at nearby junctions. That wording is perhaps unfortunate, but strictly speaking the result is that this policy is not applicable to the appeal case. However, that does not mean that the guidelines should not carry substantial weight in instances such as this. Good practice for any proposed development includes assessment of impacts at road junctions outwith the site.
4. A narrow private access road serves the existing dwelling at Langlees and the adjoining brick built, largely redundant agricultural building which is proposed for conversion to a 3 bedroom dwellinghouse. The access road also serves 3 other dwellings. It is hard surfaced, including near the junction with Lundin Rd.

5. Lundin Rd connects the village of Crossford to the A907 road on the outskirts of Dunfermline. Because of these connections and proximity to the urban area, the road can be expected to (and in my brief experience does) carry a reasonable amount of traffic for its type. It is a winding country road subject to the national speed limit. At various points, road signs and road markings indicate bends and advise traffic to go slowly. Hedges and other roadside features tend to reduce forward visibility.

6. Because the geometry of the road is likely to reduce vehicles speeds to around 40mph, the roads authority was prepared to accept a reduction in its standard for this junction to 2.5m by 110m in each direction. The authority then agreed with Mr and Mrs Wylie's agent that visibility from the junction in a northerly direction was acceptable in relation to that standard. In a southerly direction, however, both sides have agreed that visibility falls short of the standard. The hedge along the adjacent field boundary restricts visibility to some 2.5m by 65m by the Transport Officer's measurement. The agent's measurement is 2.5m by 75m. Mr and Mrs Wylie have been unable to secure suitable control over the land where the hedge runs in order to improve that level of visibility.

7. Although the additional traffic which would be generated by erecting one more house on the access road would be limited, it would make an already seriously substandard junction (whichever of the above visibility measurements is taken) less safe.

8. The appellants say that they intend to live in the new house in order to be on hand for Mr Wylie's parents in Langlees, because his father suffers from health problems. That, they say, would reduce the additional traffic over the present situation where they are visiting regularly. I am sympathetic to Mr and Mrs Wylie's situation, but the erection of a new house and its effect on road safety has to be considered in the long term rather than in relation to current family arrangements, which may change. I am not persuaded that the suggestion of an occupancy condition would be appropriate, or that it would reduce the additional traffic to an acceptable level.

9. I am informed that about 15 years ago, Langlees used to be a chicken farm. At that time large lorries would use the access and junction on a regular basis. The agent claims the junction performed satisfactorily at that time. However, I consider that the junction must be assessed in relation to current circumstances.

10. I acknowledge that the proposal would bring about the beneficial use of the redundant building. I note the argument that permission could incorporate a condition to require the proper maintenance of the present visibility splay for the benefit of all users. But that would be difficult to enforce and would not address the substandard dimensions of the splay. I also note the absence of recorded road accidents near the junction, but I am aware that not all incidents are reported or recorded, and consider it would be unsound to wait for accidents to demonstrate an already obvious shortcoming. The agent has suggested that additional road signage could be put in place to warn of the junction. But such warnings should be a last resort for an existing hazard rather than to deal with new development

which would accentuate the problem. Therefore, having carefully assessed these points, I consider that they are insufficient to offset or over-ride the clear potential harm to road safety in this location.

This is a true and certified copy as issued to parties on 15 February 2010

MALCOLM MAHONY
Reporter

