
Local Review

LRB Ref 127

Planning Application Reference 15/00705/APP Erection of dwelling house at
Berryhillock, Grange, Keith

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 David and Isabel Russell and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 15/00705/APP for the erection of a dwelling house along with the formation of an access onto the C46H Grange Crossroads-Fortry Crossroads Road. The appellant is seeking the removal of planning condition 4 which relates to the provision of a passing place on the C46H Grange Crossroads-Fortry Crossroads Road, as follows:

Condition 4 - Prior to any development works commencing:

- i) *a detailed drawing (scale 1:500) showing the location and design of a passing place on the C46H Grange Crossroads-Fortry Crossroads Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and*
 - ii) *thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).*
3. Transportation received the consultation for planning application 15/00705/APP on 29 May 2015. A site visit was undertaken on 12 June 2015. A copy of the consultation response is attached (TMC01). This response requested further information with regard to the provision of the required visibility splays.
 4. Transportation's consideration of the site noted that there was vegetation within the visibility splay and that the planning application drawings submitted did not show the full extent of the required visibility splay. Further information was submitted by the applicant to demonstrate that the visibility splay could be provided. An updated Transportation response which raised no objection and recommended conditions was returned on 16 June 2015 (TMC02).
 5. The site is accessed via the C46H Grange Crossroads-Fortry Crossroads Road. The nearest two-way roads are the A95 Keith-Glenbarry Road to the south-east of the site and the B9018 Keith-Cullen Road to the west of the site. The roads leading from the A95 to the site, namely the C6H Thornton-Fortry Road and the C47H Fortry Crossroads – Grange Station Road, are single track roads with limited passing places. The road leading from the site to the B9018 is the C46H Grange Crossroads-Fortry Crossroads Road which is a single track road with no formal passing places.
 6. There are many miles of single track roads in Moray. Many of these do not have an adequate provision of passing places. This often means a deficiency in achieving a suitable and safe access to new developments along these roads. The requirement for passing places is so that drivers can be in a position to see on-coming vehicles and to safely permit them to pass.

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7. The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC) clearly sets out the provision of passing places where appropriate in its 'objectives' section under the heading of 'safety'. The criteria for assessing the provision of passing places for new developments is set out in paragraphs 5.4.1 to 5.4.4. An extract from the document is attached (TMC03).
8. The location of proposed new developments that are eligible for the provision of a passing place 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.
9. The site at Berryhillock is located some 3.6 kilometres from the nearest junction with the A95 and some 2.8km metres from the nearest junction with the B9018, both of which are well in excess of 500 metres.
10. When considering the location of passing places they should be intervisible (drivers should be able to see one passing place from another) and located up to a maximum distance of 150 metres apart. Passing places are constructed to roads adoption standards and become part of the public road. Vehicles are not permitted to park in passing places (Highway Code Rule 156).
11. Private accesses and agricultural accesses are not passing places. The diagram 'Single Track Roads - Typical Infrastructure' (TMC04) highlights the differences between passing places and private accesses.
12. In the Notice of Review the appellant states that there is an opportunity for vehicles to pass at a junction approximately 300 metres from the site (to the south-east) and at an existing passing place approximately 400 metres from the site (to the north-west). The appellant also states that vehicles would be able to pass at the access to the development.
13. There are currently no formal passing places on the C46H. Vehicles waiting to pass each other at the junction to the south-east could cause an obstruction to other road users (including on the C6H Thornton-Fortry Road). The existing 'passing place' some 400 metres to the north-west of the site is not a formal passing place, is unsurfaced and has no guarantee of being available at all times for passing traffic. The distances between the locations indicated by the appellant exceed the maximum distance sought between passing places.
14. Condition 4 has been included in planning permission 15/00705/APP to enable two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer in relation to the inclusion of Condition 4 on the Decision Notice.

Transportation
28 August 2015

Local Review


LRB Ref 127

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Berryhillock, Grange, Keith**

Documents

TMC01	Transportation Consultation Response dated 12 June 2015
TMC02	Transportation Consultation Response dated 16 June 2015
TMC03	Extract on Passing Places from Transportation Requirements for Small Developments in the Countryside
TMC04	Typical Infrastructure on Single Track Roads

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	12th June 2015
Planning Authority Reference	15/00705/APP
Nature of Proposal (Description)	Erect dwellinghouse site access and drainage system at
Site	Site At Berryhillock Farm Grange Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133060179
Proposal Location Easting	350328
Proposal Location Northing	854200
Area of application site (Ha)	4262 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NMXSRCBGAK000
Previous Application	10/01753/APP 09/02249/PPP
Date of Consultation	29th May 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Ms David & Isabel Russell
Applicant Organisation Name	
Applicant Address	
Agent Name	Rural House Ltd
Agent Organisation Name	
Agent Address	6A Drynoch Crossal Isle Of Skye IV47 8SP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@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: 15/00705/APP

**Erect dwellinghouse site access and drainage system at Site At Berryhillock Farm Grange
Keith Moray for Ms David & Isabel Russell**

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
<input type="checkbox"/> |
| (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 | X |

Further information required to consider the application

An additional drawing is required showing the provision of a 2.4 metre by 120 metres visibility splay in both directions at the access onto the public road. The drawing should indicate the position of existing trees/hedges/vegetation to be removed to form the splay and the setting back of boundary fences to a position behind the visibility splay.


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

Date 12 June 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.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	12th June 2015
Planning Authority Reference	15/00705/APP
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Site	Site At Berryhillock Farm Grange Keith Moray
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Previous Application	10/01753/APP 09/02249/PPP
Date of Consultation	29th May 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Ms David & Isabel Russell
Applicant Organisation Name	
Applicant Address	
Agent Name	Rural House Ltd
Agent Organisation Name	
Agent Address	6A Drynoch Crossal Isle Of Skye IV47 8SP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
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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: 15/00705/APP

**Erect dwellinghouse site access and drainage system at Site At Berryhillock Farm Grange
Keith Moray for Ms David & Isabel Russell**

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
<input type="checkbox"/> |
| (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 | X |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Condition(s)

1. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500) showing the location and design of a passing place on the C46H Grange Crossroads-Fortry Crossroads Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).
2. Prior to any development works commencing:
 - i) a visibility splay 2.4 metres by 120 metres, with all boundaries set back to a position behind the required visibility splay, shall be provided in both directions at the access onto the public road; and
 - ii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent carriageway.
3. The width of the vehicular access shall be 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 5m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
4. An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park

clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.

5. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.
6. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
7. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
8. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

REASONS

1. To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.
2. To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.
3. To ensure acceptable infrastructure at the development access.
4. To enable visiting service vehicles to park clear of the public road in the interests of road safety.
5. To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.
6. To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.
7. To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.
8. To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations for the passing place. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

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

Date 16 June 2015

Return response to	consultation.planning@moray.gov.uk
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ROAD DESIGN PROCEDURES AND STANDARDS

The Moray Council Transportation Service Requirements for Small Developments in the Countryside

Issue Date: August 2011

5.2 Access Gates

- 5.2.1 Access gates, if proposed or to be provided, should normally be located at least 8 metres from the adjacent public road edge to ensure vehicles waiting to enter or leave the access do not obstruct the public road while the gates are being opened or closed. Gates must open away from the public road. This distance enables a vehicle with a trailer to stop clear of the public road.
- 5.2.2 Gate pillars, walls, fences or hedges must be kept to the rear of the visibility splay area, or if that is not possible, must not obstruct the sight lines (a height of less than 0.85 metre is acceptable). Cattle grids if provided must be located beyond the public road boundary.

5.3 Access to multiple dwellings

- 5.3.1 Where a number of dwellings share a common access there is a need for the access road to be wide enough to enable 2-way traffic for the first section of the access road.
- 5.3.2 The access road must have a final layer of bituminous surfacing, constructed to the Moray Council specification and this must extend up the private access road for a distance of at least 10 metres from the public road edge in order to prevent gravel and other material from the private access, being dragged onto the public road (see table below).

Summary Table of Access Road Requirements			
	Bituminous surfacing from edge of Public Road	Max Gradient 1 st Section	Width of Access (metres)
Single dwelling (adjacent to road)	5 metres	1 in 20	2.4 – 3.0
Single dwelling Gated Access	8 metres		
Single dwelling (> 50 metres from road)	10 metres		3.5
Multiple dwellings (> 50 metres from road)	15 metres		5.5 then 3.5

5.4 Passing Places on Single Track Roads

- 5.4.1 There are many miles of single track roads in Moray. Many of these do not have an adequate provision of passing places. This often means a

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.

WIDENED CARRIAGEWAY - PASSING PLACE (Constructed to TMC Specification and maintained by TMC)

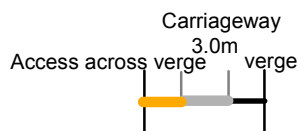
TYPICAL CROSS SECTION

Carriageway
verge 5.5m verge



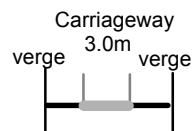
PRIVATE ACCESS TO DWELLING (HISTORIC) (Maintained by private party)

TYPICAL CROSS SECTION



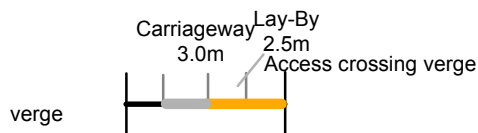
AGRICULTURAL USE (No construction - infrequent use)

TYPICAL CROSS SECTION



PRIVATE ACCESS WITH LAY-BY (Maintained by private party)

TYPICAL CROSS SECTION



Single Track Roads - Typical Infrastructure

Notes : Carriageway width at Passing Place = 5.5m

GREY - Denotes maintained by The Moray Council
ORANGE - Denotes Maintained by private party

