
Local Review**LRB Ref 149****Planning Application Reference 15/02188/APP Site adjacent to Seaview Caravan Park, Kinloss****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Wittets Architects on behalf of Mr D Brown and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 15/02188/APP for change of use of vacant land to provide fenced enclosure for ancillary use to existing business on a site adjacent to the B9011 Kinloss-Findhorn Road.
3. Transportation received the consultation for the planning application on 16 December 2015. A copy of the consultation response is attached (TMC01), which details Transportation's objection on the grounds of Moray Local Plan Policy T2: Provision of Road Access.
4. The B9011 Kinloss-Findhorn Road is a two-way road subject to the national speed limit. The B9011 Remote Cycle Track runs alongside the western side of the carriageway. The cycle track is well utilised by both pedestrians and cyclists travelling between Findhorn and Kinloss (and to destinations beyond).
5. The proposals include the creation of a new access onto the B9011 Kinloss-Findhorn Road, to the northern end of the enclosed area, where a gate has been provided in a recently erected fence. The proposals also include the removal of a gate which has been provided a point opposite the Seaview Caravan Park, where vehicles would utilise the existing pedestrian/cycle crossing point from the cycle track to the Seaview Caravan Park. The removal of this southern gate is necessary to minimise the potential for pedestrian/cyclist conflict. Photographs from Transportation's site visit showing both gates are attached (TMC02).
6. Transportation's visit to this site identified that whilst the applicant could provide the required visibility splay at the northern gate (proposed access) onto the public carriageway itself, the sightlines for vehicles emerging from the site onto the remote cycle track are restricted.
7. To the south the sightlines could be cleared within the site, in conjunction with the proposed planting being set back behind the visibility splay. However to the north, the sightlines are restricted by two mature trees and telegraph pole which lie out with the existing fenced area and planning application boundary.
8. The required visibility splay is 2.4 metres, measured from the edge of the cycle track, by 25 metres (minimum stopping distance for cyclists) in both directions. An annotated version of the appellant's site plan (drawing no 15:45:02) showing the required visibility splay for vehicles emerging onto the cycle track is attached (TMC03).

Local Review

LRB Ref 149

Planning Application Reference 15/02188/APP Site adjacent to Seaview Caravan Park, Kinloss

9. The appellant states within the Statement of Reasons for Seeking Review *that 'The trees obstructing view on (sic) cyclists are within the applicant's ownership, See Appendix A, and are included within the application boundary.'* However the trees shown on drawing no 15:45:02 are clearly out with the planning application boundary (see TMC03).
10. The appellant has also submitted a Land Certificate which includes a title plan showing the extent of land registered to a 'Joan Brown'. This information was not submitted as part of the planning application documentation. It is noted that whilst the title plan which accompanies the Land Certificate is dated 2009, the base mapping used to prepare this plan does not show the remote cycle track which was constructed 2003/2004.
11. The obstructions within the sightlines include two mature trees, which would need to be removed to ensure a safe and suitable access. It remains unclear from this documentation submitted as to whether the appellant could remove these obstructions within the sightlines.
12. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Development Plan Policy T2: Provision of Road Access is not satisfied.

Transportation

16 March 2016

Documents

TMC01	Transportation Consultation Response dated 28 January 2016
TMC02	Site Photographs December 2015
TMC03	Annotated extract from Drawing 15:45:02 showing areas required to provide 2.4 metres by 25 metres visibility splay for vehicles emerging onto cycle track.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	30th December 2015
Planning Authority Reference	15/02188/APP
Nature of Proposal (Description)	Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on
Site	Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133059475
Proposal Location Easting	305968
Proposal Location Northing	862212
Area of application site (Ha)	4615 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NZ6M5EBGAK000
Previous Application	13/00122/PE 10/01285/GPA 09/01192/GPA
Date of Consultation	16th December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Seaview Caravan Park
Applicant Organisation Name	
Applicant Address	Seaview Caravan Park Kinloss Kinloss IV30 1NQ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
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: 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray for Seaview Caravan Park

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

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

Reason(s) for objection

As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the access onto the Cycle Track. The proposed access would therefore be detrimental to road safety, contrary to Moray Local Development Plan Policy T2.

Note: the proposed access is located adjacent to mature trees which would obstruct views on cyclists using the adjacent cycle track. These trees are out with the planning application boundary.

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

Date 28 January 2016

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.

Local Review LRB Ref 149 – TMC02 Site Photographs

Proposed Northern Access



Access to be removed opposite Seaview Park (Southern Access)



Local Review LRB Ref 149 – TMC02 Site Photographs

Proposed Northern Access - Looking North



Proposed Northern Access - Obstructions within Visibility Splay to the North



TMC-03



USE GIVEN DIMENSIONS ONLY
COPYRIGHT RESERVED

Annotated extract from Drawing no. 15:15:02
Showing areas required to provide 2.4m
by 25m visibility splay for vehicles
emerging onto Cycle track



2.4metres by
25metres Visibility
Splay for vehicles
emerging onto cycle
track

proof timber post and wire fence:
sight from ground to top of square

hedge & tree planting with
us species.

WITTETS
ARCHITECTS

26 Hay St, Elgin, Moray IV30 1NQ
T 01343 543237 F 01343 540542
e info@wittets.co.uk www.wittets.co.uk

Retrospective planning applic
and change of use adjacent
Seaview Caravan Park, Kinlo

for Mr D Brown
PLANNING – Site Plan

1:500/1000 at A2
NOV 2015

15:45:02

PLAN
1:500