

## ENVIRONMENTAL SERVICES

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Your reference: MLRB0161/ACK

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

12 September 2016

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**  
**REQUEST FOR REVIEW: PLANNING APPLICATION 16/00344/APP ERECT A SINGLE STOREY OFFICE BUILDING ON LAND 170M NORTHWEST OF DAMHEAD FARM KINLOSS**

I refer to your letter dated 29 August 2016 which relates to new evidence submitted to the Moray Local Review Body (MLRB) on 8 August 2016.

I respond on behalf of the Transportation Manager with respect to our observations on the new evidence.

The new evidence appears to have been submitted to enable the consideration of the use of a suspensive planning condition with regard to the provision of visibility splays at the access onto the public road of 4.5 metres by 160 metres to the east and 4.5 metres by 120 metres to the west, clear of any obstruction above 0.26 metres measured from the level of the public carriageway. It is noted that the appellant has not submitted any drawings to demonstrate the areas of land required to form and maintain the visibility splay.

Our observations are as follows:

1. Bowlts Chartered Surveyors letter dated 8 August 2016 and supporting Deed of Servitude date stamped 7 February 2104.

The attached Deed of Servitude is accepted as evidence that the required visibility splay of 4.5 metres by 120 metres to the west of the Damhead access road can be provided for the first 35 metres (approximately) of the visibility splay to the west. The Deed of Servitude relates to the property 'Jhelum' which is immediately adjacent to the Damhead access road. The area of ground indicated for the provision of the visibility splay and the setting back of the boundary fences is acceptable.

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Nicola Moss – Transportation Manager



Certificate GB13/89299

However the required visibility splay of 4.5 metres by 120 metres extends beyond the boundary of the property 'Jhelum' and over land to the rear of the boundary fence for the property 'Le Nid'. There is no evidence that the remainder of the visibility splay, which falls out with the road verge, can be provided and maintained over the garden ground of 'Le Nid'.

2. Forest Enterprise Scotland letter dated 5 August 2016

This letter states that '*Forest Enterprise Scotland has no 'in principle' objection to the clearance of vegetation from within the required vision splay and the maintenance of this vegetation below 2.6m above ground level.*'

The required visibility splay is 4.5 metres by 160 metres to the east, clear of any obstruction above 0.26 metres in height (measured from the level of the public carriageway).

The Forest Enterprise Scotland letter is not accepted as evidence as it refers to a height of 2.6 metres as opposed to the required 0.26 metres. It is also a letter which states that it has no 'in principle' objection to the formation and maintenance of the visibility splay as opposed to a formal Deed of Servitude or permission.

3. CM Design letter dated 8 August 2016

As indicated above Transportation does not consider the evidence submitted to fully demonstrate that the appellant has the agreement of all third party landowners to provide and maintain the required visibility splay.

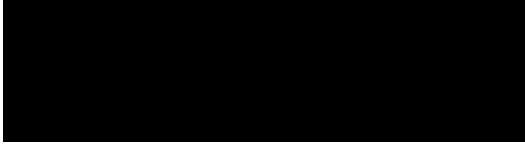
In response to the request for clarification of Point 11 of Transportations response to the LRB dated 21 July 2016, this paragraph was written in response to the Appellant's statement that the proposal also satisfies Moray Local Development Policy T2 in terms of '*sustainability, pedestrian access, cycle access, etc*'. Transportation does not support this statement. The information provided in Point 11 with regard to pedestrian facilities is a rebuttal of the Appellant's statement and not a request for provision.

Transportation considers that due to the remote location of the site from the main settlement of Kinloss it is not readily accessible for pedestrians and that therefore employees and visitors would access the proposed development by car. This view is further borne out by the proposed provision of eight parking spaces (1 parking space for each member of staff). The Moray Council Parking Standards for office buildings of this size and at locations out with the larger settlements are a maximum of 4 spaces per 100 sqm GFA. The proposed office building is 98 sqm GFA which equates to a maximum requirement of 4 parking spaces.

The case presented through Points 11 to 13 of Transportation response to the MLRB is that the proposed office is in a location which is not readily accessible for pedestrians and therefore all staff and visitors would be likely to be accessing the development by private car, which would be an intensification of use of the existing access onto the public road. We trust that this provides the clarification sought by the appellant's agent.

In summary Transportation has reviewed the new evidence submitted to the Moray Local Review Body on 8 August 2016 and does not consider it to be sufficient to demonstrate that there is a reasonable prospect that the required visibility splay at the access onto the public road can be secured to enable the use of a suspensive planning condition

Yours faithfully



**Diane Anderson**  
**Senior Engineer**