

Local Review

LRB Ref 188

Planning Application Reference 17/00590/APP Erection of a bungalow within garden ground at Rosemount, 5 Mayne Road, Elgin

Response from Transportation, Moray Council

1. This document is in response to the Procedural Notice issued by the Legal and Democratic Services on 26 October 2017 which seeks further information from Transportation in relation to any necessary conditions that might be imposed on the formation of safe access to the development on South Street, Elgin and whether compensatory parking is required as a result of the loss of on-street parking.

Provision of Access onto South Street

2. The formation of an access at this location would require sightlines onto the public road, which includes the existing public footway. The site boundary is a high stone wall which without provision of appropriate visibility splays would obstruct the sightlines for vehicles exiting the proposed access.
3. The existing public footway is to be the subject of a forthcoming re-determination order to make it a cycle way. This re-determination is to support improved Active Travel access to Elgin Academy, which includes the new controlled crossing on the A96 at Dr Grays Roundabout.
4. The minimum stopping sight distance for cyclists is 25 metres. Any new access onto South Street would therefore be required to provide a visibility splay of 2.4 metres by 25 metres onto the cycleway, in both directions. The extent of this visibility splay is illustrated on the attached annotated drawing extract from General Arrangement Drawing no. 17/ASH/PP01 (**TMC01**). Provision of this visibility splay would require the lowering of the stone boundary wall to a maximum height of 0.6 metres. This would include a section of stone wall to the west of the proposed access which lies out with the control of the appellant (as illustrated on the annotated drawing **TMC01**).
5. For the public carriageway the appellant's agent has shown a visibility splay of 2.4 metres by 25 metres in both directions. This would be appropriate for a road where vehicle speeds are 20 mph or less. For South Street, which has a wide carriageway width and has not been 'traffic calmed', the required visibility splay would be 2.4 metres by 43 metres, in both directions.
6. To provide this visibility splay the extent of formal parking which would need to be removed to form the proposed access would be longer than just the area directly in front of the access (a distance of some 46 metres which would equate to 8 parking spaces, as illustrated on the annotated drawing **TMC01**). 'Double yellow lines' to deter parking within the visibility splays be required, which would be the subject of a Road Traffic Regulation Order.

Loss of On-Street Parking Provision

7. Transportation has historically sought developer obligations where a development in a town centre location is unable to provide the required level of parking within the site to the Moray Council Parking Standards. In this case the appellant can provide the required level of parking to meet the parking standards for the proposed dwelling within the site and it is the loss of available on-street parking which would need to be addressed.

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8. A total of 8 on-street parking spaces would be removed to enable the proposed access and provide the required visibility splays. A developer obligation would be sought to address the loss of parking. The most recent approved rate is £3950 per parking space (Approved at ED&I Committee on 3 May 2011).
9. As noted above in paragraph 6, a Road Traffic Regulation Order would be required to restrict parking in front of the access and within the visibility splays. The current cost of processing a Road Traffic Regulation Order is £1,208. This cost would need to be met by the appellant. The costs of all works associated with the implementation of the order (including the removal of existing road markings, new road markings etc.) would also need to be met by the appellant.

Planning Conditions

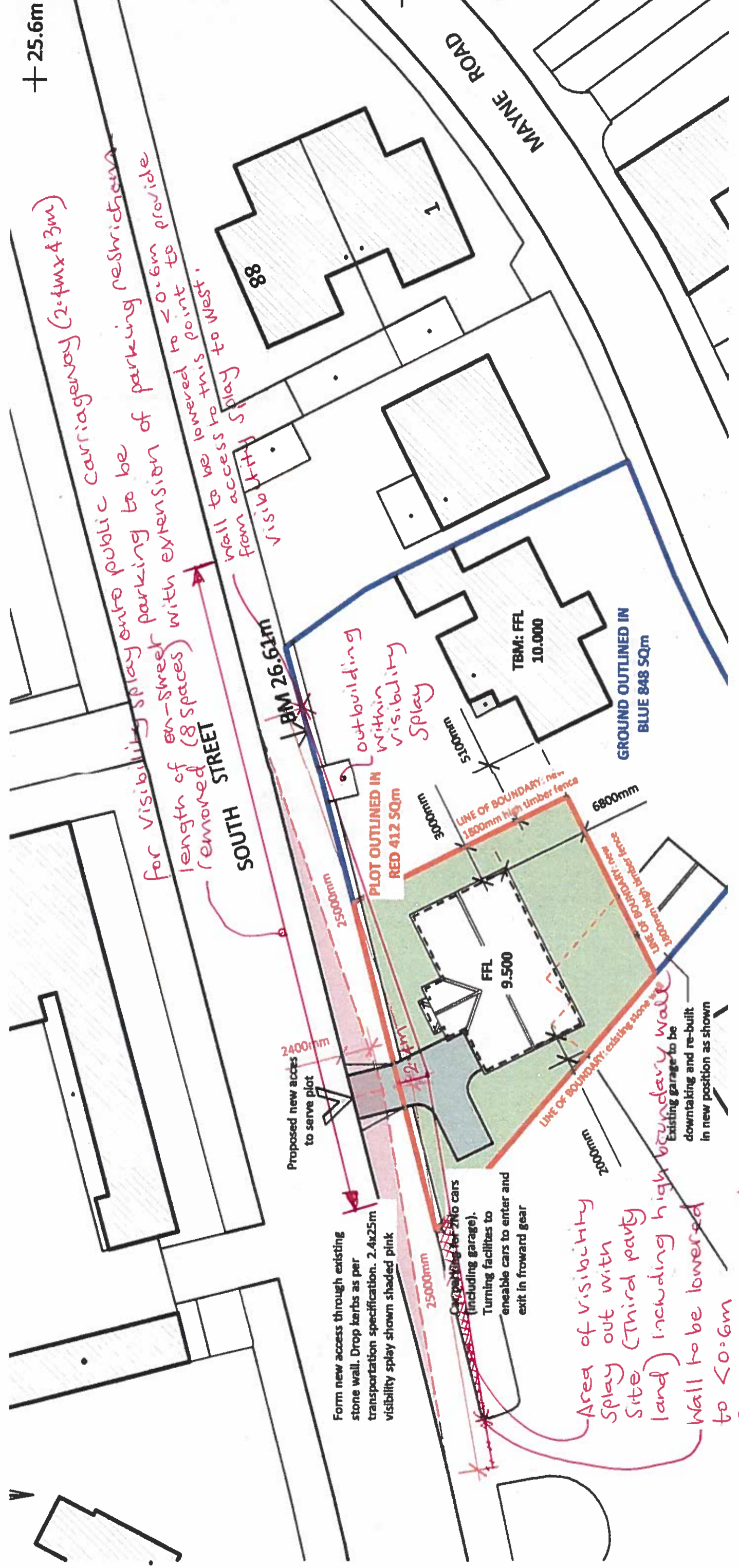
10. Transportation generally limits the use of suspensive planning conditions for visibility splays to applications where there is a clear indication in the documents submitted that the land is in the ownership of the applicant and there has been no visibility splay drawing provided; or where in rural areas the visibility splays are generally unobstructed and/or cross agricultural land. In these cases Transportation considers that there is a reasonable prospect that a suspensive planning condition can be met.
11. In this case the MLRB should note that the required visibility splay crosses land out with the control of the appellant within which there is currently a high stone wall obstructing the available sightlines for exiting vehicles.
12. The third party land owner has not had the opportunity to comment on whether or not they would be willing to enter into any agreement with the appellant for the provision of the required visibility splay.
13. Should the MLRB seek to uphold the request for review and grant planning permission, the requested conditions are attached (**TMC02**).

Transportation
6 November 2017

Documents

- | | |
|-------|---|
| TMC01 | 17/00590/APP Annotated Extract from General Arrangement Drawing no. 17/ASH/PP01 |
| TMC02 | Transportation related Planning Conditions and Informatives |

Tmc 01 Annotated Extract from General Arrangement Drawing no. 17/ASH/PP01



+ 25.6m

for visibility splay onto public carriageway (2.4mx4.3m) length of on-sweep parking to be removed (8 spaces) with extension of parking restrictions for visibility splay to be lowered to this point to provide wall to access to this point to West. Visibility Splay from access to this point to West.

SOUTH STREET

MAYNE ROAD

RM 26.61m

TBM: FFL 10.000

GROUND OUTLINED IN BLUE 848 SQm

out-building within visibility splay

PLOT OUTLINED IN RED 412 SQm

Proposed new access to serve plot

Car parking for 2 No cars (including garage). Turning facilities to enable cars to enter and exit in forward gear

Area of visibility splay out with site (Third party land) including high boundary wall. Existing garage to be down-taken and re-built in new position as shown. Wall to be lowered to < 0.6m from access to this point to provide visibility splay to the east.

LINE OF BOUNDARY: new 1800mm high timber fence
 LINE OF BOUNDARY: new 1800mm high timber fence
 LINE OF BOUNDARY: existing stone wall
 Existing garage to be down-taken and re-built in new position as shown

Form new access through existing stone wall. Drop kerbs as per transportation specification. 2.4x2.5m visibility splay shown shaded pink

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Planning Conditions

Notwithstanding the submitted details, no works shall commence on site until:

- i) a detailed drawing showing the access and visibility splay of 2.4 metres by 43 metres in both directions where vehicles enter the public carriageway, including the area to be the subject of a Road Traffic Regulation Order to restrict parking within the visibility splay, has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) thereafter no works shall commence on site until such time as a Road Traffic Regulation Order for the restriction of parking within the visibility splay has been secured by the Roads Authority.

Reason: To enable drivers to vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

Notwithstanding the submitted details, no works shall commence on site until:

- i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land) showing a visibility splay 2.4 metres by 25 metres in both directions at the access onto the public footway/cycleway, with all boundaries either lowered to a height of 0.6 metres or less (measured from the level of the public road), or set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: 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 free flow and safety of pedestrians and cyclists on the public footway/cycleway.

No works shall commence on site until a detailed drawing is submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, showing the works required to ensure no water drains or loose material is carried onto the public footpath/cycleway for the life time of the development.

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Reason: To ensure acceptable infrastructure at the development access through the provision of details currently lacking and to ensure the safety of traffic, pedestrians and cyclists on the public road by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

The width of the vehicular access shall be a minimum of 3.0m and a maximum of 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway/cycleway shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to The Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access.

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.

Reason: 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.

A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: 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.

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

All costs associated with the preparation and promotion of a Road Traffic Regulation Order to restrict parking within the required visibility splays at the access onto C30E South Street shall be met by the developer. The provision of the required road markings and any road signs to support the Road Traffic Regulation Order shall also be provided by the developer.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 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.

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If required, street furniture will need to be repositioned at the expense of the developer. Advice on this matter 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 their 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.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals.