

Lissa Rowan

From: [REDACTED]
Sent: 08 July 2021 19:41
To: Committee Services; Lissa Rowan
Subject: Attn: Clerk to the Moray Council Local Review Body

Dear Sir/Madam,

I was informed today by Lissa Rowan, Committee Services Officer, of the Notice of Review with regard Planning Application 20/00474/APP.

I have read the Appealants submissions and have the following points I wish to add to my previous objection:

1. The Appealant states "NPF 3 calls for the creation of walkable places with well-designed streets that link our open spaces and wider active travel networks, thus improving health and well-being. It is evident that the proposals improve and promote both walking and cycle routes". NPF 3 also states that the goal is for Scotland to be a Low Carbon Place. The SNP Government has actively stated that they desire Scotland to move away from Diesel and Petrol vehicles by 2030. If the Appealant is so keen that their development is seen to contribute to NPF 3 goals, where within their plans are the elements that contribute to Low Carbon. As an Electric Vehicle driver, I am thinking explicitly about Electric Vehicle charging infrastructure. I do not see 2 x EV as sufficient to support the housing units let alone customers to the retail store that might well need to charge an EV.
2. The Appealant states "The proposed store will support approximately 5 full time & 16 part time employees. In addition to this, it is intended the proposed industrial unit could employ an additional number of staff from 2-5." My understanding of one of the grounds for the initial planning refusal, was that it was felt that the company had been disingenuous in the claimed impact having a Coop Store might have on other local businesses. It is very evident to village residents that such a store could easily drive the Costcutter and Hopeman Post Office Stores, in particular, out of business. Hence it is actually possible that a successful application might result in reduced employment within Hopeman.
3. The Appealant states "Given the current situation and the impact of Covid -19, employment opportunities now are more critical than ever." I must be getting my 'current news' from different sources then. My understanding is that there are endless opportunities for employment that cannot currently be filled, especially in the hospitality industry.
4. The Appealant states "The application site has an established use profile that includes petrol and car sales, both of which are roadside uses which attract vehicular traffic." That statement may well be true, but it has not been the case for several years and as a result the village is now used to that land not having regular vehicular traffic going into it. In addition, I am sure we can all agree that the volume of vehicular traffic using a Coop Store would be significantly higher than anything seen previously, not to mention the vehicular traffic that would be associated with the housing.

Given the short timescale for further comment on this proposed development, can you explain why when trying to access "18 Feb 2021 – Amended Drawing - Proposed Site Plan: Refused" I received the message "Document Unavailable". How do we now find out exactly what the proposed site plan is?

Regards
[REDACTED]

Lissa Rowan

From: [REDACTED]
Sent: 08 July 2021 18:11
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 20/00474/APP

Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.

Dear Lissa,

Thank you for informing me about Springfields decision to appeal the original refusal of their application.

Having looked quickly through the supporting statement, it remains the case that Springfield are continuing to blatantly lie in an attempt to force through this application.

In the statement, they state that the drainage scheme application included this current proposal. It did not. As a principle member of the Hopeman Flood Action Group, directly affected by the flooding caused by the landowner in 2014, I have been minutely involved in everything that Springfield proposed, forced through and subsequently failed to abide by the conditions set for this drainage scheme. To date, the drainage scheme is still not complete, nor is it maintained in any way, shape or form.

The supporting statement also says that the boundary wall which belongs to me (and my neighbours) is to remain and it now states that the adjacent hedge is also to remain. This contradicts their final landscaping plan which stated that the hedge was to be removed and a six feet high wooden fence was to be erected, together with an 8 feet high metal security fence directly overlooking my property. What do I believe? If the decision is overturned, I have absolutely no doubt that this developer will revert to their last landscape plan and destroy the hedge and leave my wife and I with an unsightly, inappropriate fence surrounding a major health and safety hazard.

The flats are constantly referred to in the statement as affordable housing. This is not what they stated in their application. These flats are for private sale, no doubt to the highest bidder. Their 22 houses further along Forsyth Street (which WERE put through as affordable housing) were NOT approved by the Moray Council. The councils decision was over-ruled by Holyrood and yet by the contents of this statement, Springfield are trying to make it sound that Moray Council are contradicting themselves which is again, not true.

[REDACTED]

Kind regards,

[REDACTED]

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Date: Thursday, 08 July 2021 at 16:41
To: <undisclosed-recipients;>
Subject: Notice of Review: Planning Application 20/00474/APP

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

07765 741754

01343 563015 *****Please note I am working from home until further notice and cannot be contacted via this number*****



Lissa Rowan

From: [REDACTED]
Sent: 23 July 2021 08:05
To: Lissa Rowan
Subject: Re: Notice of Review: Planning Application 20/00474/APP

Warning. This email contains web links and originates from outside of the Moray Council network.

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Dear Mrs Rowan,

Thankyou for letting me know that an appeal against refusal of planning has been lodged. I acknowledge that my original objections will be taken into account during the appeals process. With reference to the Document "Refusal of Planning Permission Appeal Statement June 2021" submitted by Mrs Mungall of Springfield Real Estate Management Ltd, I wish to reinforce my original objections as follows:

Section 2.1

I believe that Moray Council has clearly laid out its reasons for refusal. The introduction of non-compliant uses, the lack of requirement for additional housing land in Hopeman and a potential loss of employment and employment land in Hopeman.

I do not believe that Mrs Mungall provides sufficient evidence to counter the refusal. She states that precedent shows that this area is unlikely to thrive if developed solely for business use but does not provide details as to what set the precedent.

A lack of attention to detail ie misspelling of Cummington indicates a complete lack of local knowledge, which completely discredits any other detailed comments she makes about the local area, roads, infrastructure, transport, the population and its needs. She goes on to state that the retail element is a small footprint. When compared with the current businesses in Hopeman it is not. It is a large footprint which could threaten the viability of business on the "right side of the road".

The retail unit does not provide a safe accessible offer by foot or cycle for villagers as they have to cross a busy road to get to it. Neither does it offer a greener solution because for most residents the distances to the current retail outlets is less than that to the proposed one. For example I would have to walk/drive/cycle past Hopeman General Store and Post Office, Chemist, Butcher and Cost Cutter to get the proposed Coop.

I do not believe that the retail outlet will provide "substantial employment opportunities". Furthermore, if employees are not from the village they will drive to work which undermines the "green" case. They will also take up parking slots which will give customers the excuse to park on the main road leading to congestion in a busy area.

Finally, as stated by the Council there is no requirement for 8 flats in that location when there are better sites elsewhere which already have planning permission.

Section 2.2

I believe that the proposed development will adversely impact the character and viability of Hopeman.

It is claimed the the site is easily accessible by pedestrian and cycle routes and by bus. It is not - pedestrians, cyclists and those bus passengers heading towards Lossiemouth would have to cross the busy main road close to a very busy T-Junction with Harbour Street - this reduces safety.

Mrs Mungall states that the retail unit will provide amenities not currently available in Hopeman. What amenities will a small Coop provide in a village that already has a thriving General Store with Post Office, Cost Cutter, Chemist, Butcher, Florist, Gift Shop, 2 Coffee Shops, Fish and Chip Shop and Chinese Takeaway which are all situated in the heart ("Town Centre"?) of the village?

All of these amenities can be reached by the vast majority of village residents on foot or by cycle without having to cross the busy main road. I suggest that a Coop is more likely to threaten the vitality and viability of the village which already has a thriving centre that caters for most needs short of a large weekly shop for which villagers will continue to drive to Lossiemouth, Elgin or Forres.

The paragraph on material palettes is misleading and should be discounted. The wooden hut is situated in the Harbour area approx 0.5 miles from the proposed development and is completely in keeping with its surroundings. The blue fisherman's hut in Duff Street is also in keeping with its surroundings and is also 0.5 mile from the proposed development.

Section 2.3

The Council refused permission on the grounds that the frontage of the retail unit would not be in keeping with the general architecture of the village.

I agree with the Council. All of the other retail units in Hopeman are located in buildings which form part of the fabric of the village and have done for many years. The exception would be Tulloch's HQ next door to the proposed development but that is set well back from the road with parking to the rear and its outline is broken up by trees and shrubs. Whereas the proposed development will be roadside, clearly retail and will have cars parked in front of it. Far from fitting into the village it will not even fit into the frontages on that side of the main road.

Section 2.4

Moray Council refused planning consent for road safety reasons.

I strongly agree with the Council. The main road is already very busy with mixed traffic and school buses in the mornings and afternoons. The site is too close to the bus stops and the T-Junction with Harbour Street. The installation of 2 almost adjacent pedestrian/cycle crossings from the main village to the retail outlet will add significantly to congestion and significantly heighten the risk of accidents.

Motorists wishing to use the retail unit will not attempt to park in the spaces provided to the side and rear of the unit as access is tight and the car park is likely to be congested at peak times which will cause them delay. They are more likely to park on the main road or illegally in the bus stops thereby causing more congestion and further increasing the risk of accidents close to an already busy junction.

While small and mid-size delivery vehicles may be able to access the retail unit from the side and rear, the larger often articulated vehicles which the Coop often use will not. They will stop on the main road where they will cause further congestion and risk of accident by creating blind spots for pedestrians and motorists.

I am also very concerned that emergency vehicles may not be able to gain access to the rear of the retail unit or housing due to congestion in the car park and lack of vehicular access to the sides and rear of the flats. We had a serious fire in the middle village 2 years ago with a house gutted and one fatality. The village layout was planned in the late 1800s - access for emergency services will remain challenging. We do not need to "design in" the same issues in another part of the village in 2021.

Section 2.5

I am not an expert of flood prevention but there has been considerable flash flooding along the main road either side of the Harbour Street T-Junction in the past. I believe this occurred on the same days that Elgin was severely flooded by sudden intense rainfall earlier this century. While probability of flash flooding remains low for now, the increasingly unreliable weather patterns we are witnessing due to climate change are likely to increase the probability of an event. Regardless of how often a flooding event occurs, the impact on the top-end of the village will be high. Therefore, if the proposed drainage scheme is not sufficiently robust in the view of the Council's experts I concur with their refusal to grant planning permission.

Section 2.6

Insufficient parking of required standard provided.

I admire Mrs Mungall's attempts to wish this issue away by quoting various regulations and guidance. I am amused by the Coop's definition of the store as one at a remote location.

The Coop want to build this store because it is on a main route used by commuters between Lossiemouth and Forres and beyond both of those towns and from the coast road via duffs to Elgin. They need to attract through traffic to make their business model work. Unfortunately, this will cause significant congestion, particularly at peak time.

Regardless of the number of parking slots provided to the side and rear, drivers will still have to turn off the main road to use them. Another junction close to the Harbour Street T-junction next to 2 bus stops and 2 proposed cycle/pedestrian crossings is a recipe for congestion, frustration and accidents.

Congestion on the main road may also encourage use of "rat routes" through the village where the roads are extremely narrow and partially obstructed by parked cars. This could lead to congestion and increased risk of accidents at junctions within the village. One of those routes (using Cooper St, Harbour St, McPherson St and School Rd) passes the primary school.

Section 2.7

Other than provision of EV charging points for residents of the flats, which I think should be 2/flat, what would be the point of putting EV chargers in short-term parking slots for a convenience store where the overall parking stay is likely to be less than 30 min? Unless of course every slot is provided with an extremely fast charger which can provide a major boost to battery level in a short space of time. This might be prohibitively expensive for Springfield/Coop but if the price point is correct it may entice people with EVs to use the parking slots rather than clog up the main road.

However, I believe that the convenience of parking on the main road against the inconvenience of using the car park will far outweigh the attractiveness of a quick charge on a short commute where the vehicle has either been charged at home or is about to be charged at work. While home and work charging may take longer, time is available to do it and it is also likely to be much cheaper.

Conclusion

In sum, my comments referenced against Springfield's comments appealing the Council's reasons for refusing planning permission reinforce my original objections which still stand.

I do not believe that the provision of a retail and residential unit in the proposed location will add any value or vitality to the village of Hopeman which already has a vibrant focal point of accessible, well established retail outlets on Harbour Street which cater for the vast majority of short-term needs. Neither does it contribute to the green agenda, indeed it may even increase the risk of flooding. It may also be difficult for emergency services to access the flats. Rather this development is much more likely to detract from village life by increasing the risk of flash flooding in the south of the village and by increasing congestion and therefore the risk of accidents involving vehicles, cyclists and pedestrians on a busy main road close to a major T-junction and perhaps in other parts of the village too.

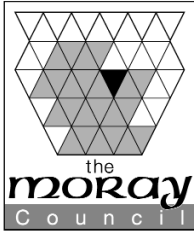
I would be grateful if you could acknowledge receipt of this e-mail.

Regards

[Redacted signature]

[Redacted signature]

[Redacted signature]



ENVIRONMENTAL SERVICES

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Senior Engineer

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Our reference: LR/LRB261

Your reference: LR261

Chief Legal Officer
Per Ms L Rowan
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

23 July 2021

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 20/00474/APP DEMOLISH EXISTING SERVICE
STATION AND GARAGE ERECT RETAIL UNIT LIGHT INDUSTRIAL UNIT AND 2NO BLOCKS OF
RESIDENTIAL FLATS AT HOPEMAN SERVICE STATION FORSYTH STREET HOPEMAN**

I refer to your letter dated 8th July 2021.

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

Diane Anderson
Senior Engineer

Local Review

LRB Ref 261

Planning Application Reference 20/00474/APP Demolish existing service station and garage erect retail unit light industrial unit and 2no blocks of residential flats at Hopeman Service Station Forsyth Street Hopeman

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Springfield Real Estate Management Ltd and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/00474/APP to Demolish existing service station and garage erect retail unit light industrial unit and 2no blocks of residential flats at Hopeman Service Station, Forsyth Street, Hopeman
3. Transportation received the consultation for planning application 20/00474/APP on 12th May 2020. A copy of Transportations consultation response dated 12th March 2021 is attached (TMC 01).
4. The Decision Notice for planning application 20/00474/APP includes seven reasons for refusal on the Schedule of Reasons. This Transportation response addresses and provides a response to the Appellant's Statement of Case in relation to reasons 4, 5, 6 and 7 only. Reasons 1, 2 and 3 relate to Planning matters.
5. The four reasons for refusal associated with Transportation matters are:
 - The application has failed to demonstrate satisfactory arrangements in relation to access for vehicles or pedestrians, access visibility, access to public transport, suitable crossing to the site or adequate servicing arrangements for any part of the development giving rise to conditions that would be detrimental to road safety contrary to policies PP3 (a) (iii) and DP1(ii) (a & c).
 - The application has failed to demonstrate that drainage from the proposed retail service bay can be dealt with in an acceptable manner contrary to policies DP1 and EP12.
 - The application has failed to provide parking bays of sufficient size or number to comply with Moray Council parking standards contrary to policy DP1 (ii) (e).
 - The application has failed to provide adequate provision of Electric Vehicle Charging contrary to policy PP3 (a) (iv).
6. The Appellant's Statement of Case is predicated on the basis that as the planning application was validated prior to the adoption of the Moray Local Development Plan 2020 (MLDP2020), the application should have been determined against the policies set out in the Moray Local Development Plan 2015 (MLPD2015).
7. Transportation officers were advised on 23 July 2020 that the MLDP2020 was the statutory Local Development Plan as of 27th July 2020, meaning that all

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consultation responses would be based on the policies and guidance within that document. Therefore this response addresses the points raised by the appellant in their Statement of Case against the MLDP2020 policies and guidance and leaves any comment on the use of the MLDP2015 as a matter for the LRB Planning Advisor.

8. The Appellant's Statement of Case states that for Reason 4 that all the necessary information has been submitted in relation to access for vehicles, access for pedestrians, access visibility, access to public transport, pedestrian crossing and servicing arrangements. Whilst information has been submitted as part of the planning application, the specific issues raised by Transportation have not been addressed. These issues are:

Access for vehicles

9. The details submitted do not demonstrate a safe means of access. The Road Safety Audit process was not completed in consultation with the Overseeing Organisations representatives. The changes proposed by the applicant do not accord with the recommendations made by the Road Safety Auditor and a designer's response to the audit has not been agreed with the Overseeing Organisation.
10. Additional road safety issues identified by officers including visibility constraints from boundary walls and planting on land out with the applicants control to the east of the site have not been taken account of, and the changes necessary to the proposal to achieve a safe arrangement are likely to have a material impact on the proposed layout or parking numbers.

Access for Pedestrians

11. Whilst the proposals shown on Drawing L003 Rev J which include informal crossings of the B9040 and would not provide facilities to prioritise pedestrian access at this location where there is likely to be a higher demand. The identification of crossing locations are not supported by evidence of an assessment of the likely desire lines and the implications of this have not been reassessed by the Road Safety Auditor.
12. The Road Safety Audit identified that access to the 4 parking bays associated with the smaller commercial unit could potentially create a risk of collisions between pedestrians and manoeuvring vehicles. The audit recommended that the footway be relocated behind the spaces and the spaces take direct access onto the road. The current proposals shown on drawing L003 Rev J demonstrate that the Appellant has not taken account of the Road Safety Audit recommendation.

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Visibility

13. Drawing L003 Rev J does not demonstrate that appropriate visibility splays are provided for vehicles exiting the smaller commercial unit parking spaces which take access over the footway onto the B9040. Transportation consider this to be a safety issue due to the adjacent boundary wall and planting on third party land to the east of the site which would obscure visibility (Photo T001 and T001 in Appendix TMC 02 Site Photographs). The risk from vehicles reversing out across the footway and onto the B9040 in particular is considered to be a significant safety issue by Transportation and also the Road Safety Auditor. The proposed mitigation for this has not been reassessed by the Road Safety Auditor.
14. Drawing L003 Rev J illustrates that the visibility splay to the west of the site access would be within the delivery/loading area. There is a potential risk that visibility to the west would be obstructed by any large vehicles parked in this area. Whilst not raised in the Road Safety Audit the inclusion of this in any reassessment of the revised proposals is something which is likely to be sought by Transportation. This issue could be addressed by servicing the development from within the site as recommended.

Access to Public Transport.

15. The Appellants Road Safety Audit identifies in Section 3.3 that there are currently no direct footway connection to either of the westbound bus stops (Photographs T003 and T004 in Appendix TMC 02 Site Photographs) and that the absence of provision could result in pedestrians walking on the carriageway or on the grass verge, risking being struck by a vehicle or risking trip and fall accidents. The Road Safety Audit advises that Moray Council have plans to construct a footway to the west of the development adjacent to the B9040 and that the applicant should discuss this with Moray Council and co-ordinate with these proposals. The Appellant has not discussed this with Transportation and no provision is made within the proposals for direct connections along the south side of the B9040 to either of the westbound bus. The proposals submitted would not address the Road Safety Audit issues identified.

Pedestrian Crossing

16. Transportation comments on 'Pedestrian Crossing' are covered in the response to 'Pedestrian Access' above.

Servicing Arrangements

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17. The Appellants Statement of Case is supported by submission of the Transport Statement and swept paths contained in Appendix B, however the recommendation from Transportation is based on the revised site layout L003 Rev J and swept path assessment for refuse collection vehicles shown on Drawing 1002 Rev A dated 25/01/21 which is not included in the Appellants supporting documents.
18. Transportation do not contest the fact that swept path analysis have been submitted, but consider the proposed layout to be unacceptable in road safety terms due to the design of the parking bays and the safety margins for manoeuvring vehicles. The swept path analysis is based on a parking layout with parking spaces below the Moray Council standard and which measure 4.8m long instead of 5m and 2.4m wide instead of 2.5m. The swept path clearly demonstrates that a refuse vehicle would have no margin for error turning within the car park without accounting for the undersized bays. There is a potential that vans or larger cars parked in these spaces could overhang into the parking aisle resulting in a refuse vehicle not being able to turn within the space provided.
19. Reason 5 relates to the drainage provision for the proposed service lay-by on the Forsyth Street frontage of the site. SEPA mapping shows surface water flooding in the vicinity of the site. Transportation sought to ensure that appropriate surface water management was provided, particularly as the proposed servicing layby is parallel to the public road and therefore would be adopted by the Roads Authority
20. The reasons for objection within the Transportation consultation response to the drainage proposals of the proposed delivery/loading area were made on the basis of Moray Council Local Development Plan 2020 Policy PP3 a(viii) with respect to Road Drainage and not in terms of Policies DP1 and EP12 as referred to by the Appellant Statement of Case and the Decision Notice from the Planning Authority.
21. The proposals submitted which included both Drawing 10045-C-201 Rev C indicating no provision of road drainage and Drawing 10045-C-201 Rev D submitted separately within the Drainage Assessment which indicated provision of a channel drain extending the full length of the service layby. Both proposals are considered to be potential road safety issues with Revision C providing no drainage which could result in water being discharged onto the public road, and Revision D proposing to construct a channel drain between the edge of the loading/service bay and the carriageway which could be a potential safety issue to road users.

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22. Reason 6 of the Appellant's Statement of Case relates to parking. It states in paragraph 2.6.1 that Building Standards state that 2.4m x 4.8m is accepted as a standard sized parking bay.
23. Moray Council Parking Standards August 2011 states that the minimum parking space dimensions should be 2.5m by 5m. The National Roads Development Guide 2017 recommends preferred parking bay dimensions of 5.5 metres by 2.9 metres and states that parking bays of 5.0m by 2.5m are desirable. It further states that bay sizes smaller than the minimum stated will not be considered a usable parking space. Moray Council variations to the National Road Development Road Guide also state that the Desirable bay size = Minimum space dimensions.
24. For the proposed development, the minimum size of parking bay used for the proposals needs to also be considered alongside the proposed servicing arrangements and the lack of any margin of error allowed for in terms of vehicle manoeuvring. The proposed parking bay dimensions of 4.8m by 2.4m increase the risk that the refuse collection vehicle manoeuvres may not be possible or would result in an increased safety risk.
25. Whilst the Appellant has used parking rates taken from the superseded 2011 Parking Standards, Transportation have assessed the proposals against the current Moray Local Development Plan 2020 parking standards. The 4000sqft (371sqm) retail parking requirements is assessed based on a rate of 6 spaces per 100sqm which equates to 22 spaces. The use of minimum parking rates is no longer practiced however it is generally accepted practice that rates provided are considered to be minimums and maximums unless a reduction in the parking rate is supported and evidenced by an assessment to demonstrate that development will not have a negative impact on road safety or amenity. Reductions in rates are more likely to be appropriate in locations such as town centres with good accessibility to alternative forms of transport and existing car parking facilities. This is also noted in parking standards which are provided within Part 3 of the National Road Development Guidelines. The location of the development is not considered appropriate for a reduced parking rate as it is on the edge of a smaller settlement adjacent to a key road which is likely to attract a considerable number of pass-by trips from traffic on the B9040.
26. The proposed shared use of residential parking spaces is not considered acceptable as suggested by the Appellant. No assessment has been undertaken to support the claim that residential parking spaces will be vacant and available for use and this could obstruct residents from access to the electric vehicle (EV) charging facilities which should be exclusively available for the residents use.

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27. The Appellant Statement of case incorrectly states the current residential parking requirements for flats. The 2011 standards required 1.5 spaces per flat however the Moray Local Development Plan 2020 standard requires 2 spaces per 2-3 bed flat and 1 visitor space per 4 flats. The parking requirement based on the MLDP 2020 equates to 16 spaces plus 2 visitor spaces. The proposals indicate 17 spaces and 1 disabled space. Irrespective of this, Transportation have not objected to the proposed residential parking numbers but did object to the dimensions of the parking spaces which do not meet the minimum requirements and which could impact on the viability of the parking provision.
28. The final Reason for Refusal on the Schedule of Reasons, Reason 7, relates to the lack of provision and information associated with Electric Vehicle Charging Infrastructure for the proposed development. The Appellant states that *they* ‘... consider it to be completely unrealistic to ask a client to provide a full detailed design of EV charge points and cable locations at planning stage’.
29. The level of information sought by Transportation is not considered to be over onerous and has readily been provided as part of other planning applications since the adoption of the MLDP 2020. Transportation do not seek the detailed design of EV infrastructure at planning stage but do require the locations where charging points are intended to be installed to demonstrate they would be accessible to vehicles (within a maximum 5m cable length) and will not result in a safety hazard as a result of the cable connection from the charge point to the vehicle, the power output of the charger for each location to demonstrate it will meet the minimum specification required in terms i.e. Fast (7.2Kw min) or Rapid (22Kw min) and the indicative location where each charger would be connected to a mains supply i.e. a cabinet or within a property to ensure provision is made for any street furniture required to accommodate this. Transportation’s objection to the proposals was made on the basis that the specification provided was for a single charger type with a maximum output of 7.2Kw (Fast) which would not satisfy the minimum 22Kw (Rapid) type charger requirement associated with the Retail unit and also that no provision for EV charging was indicated for the smaller commercial/industrial unit.
30. The Appellant’s Statement of Case reiterates information provided as part of the planning application which has already been highlighted as being insufficient and not addressing the road safety concerns raised by Transportation, nor fully addressing the points raised in the independent Road Safety Audit. The lack of sufficient parking provision within the site, both the size of and number of parking bays and concerns raised regarding the ability to safely service the residential and industrial units, may lead to indiscriminate on-street parking and servicing on Forsyth Street which could have an adverse impact on the safety and operation of the public road.

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31. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) and part 'e)' (parking provision) etc.

Transportation

23 July 2021

Documents

TMC01 Transportation Consultation Response dated 12th March 2021

TMC02 Site Photographs

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	26th May 2020
Planning Authority Reference	20/00474/APP
Nature of Proposal (Description)	Demolish existing service station and garage erect retail unit light industrial unit and 2no blocks of residential flats at
Site	Hopeman Service Station Forsyth Street Hopeman Elgin Moray IV30 5ST
Site Postcode	N/A
Site Gazetteer UPRN	000133039156
Proposal Location Easting	314730
Proposal Location Northing	869268
Area of application site (M²)	6700
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q8GH1ZBGKYV00
Previous Application	16/01799/APP 95/00498/FUL 89/00952/ADV
Date of Consultation	12th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	SREM/ CO-OP
Applicant Organisation Name	
Applicant Address	4 Rutland Square Edinburgh GB EH1 2AS
Agent Name	Springfield Real Estate Management Ltd
Agent Organisation Name	
Agent Address	4 Rutland Square Edinburgh Scotland EH1 2AS
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479

Case Officer email address	lisa.macdonald@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/00474/APP

Demolish existing service station and garage erect retail unit light industrial unit and 2no blocks of residential flats at Hopeman Service Station Forsyth Street Hopeman Elgin for SREM/ CO-OP

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"/> |

Preamble

This proposal is to demolish an existing vehicle service station and garage and the erection of a retail unit, light industrial/commercial unit and 2no blocks of residential flats (8 flats). The following response is based on Site Layout L003 Rev J.

Reason(s) for objection

- **Road Safety** - Proposals do not make adequate provision for site servicing, priority and safety of non-vehicular road users. Site access visibility, access to public transport and the proposed crossing locations raise potential road safety issues which are not adequately mitigated. **MLDP 2020 - PP3 a(iii, vi), DP1 ii(a, c)**
- **Servicing** – Site servicing provision and assessment is not acceptable. **MLDP 2020 – DP1 ii(a,c)**
- **Drainage** – Drainage details for the proposed service layby are not acceptable **MLDP 2020 - PP3 a(viii)**
- **Parking** – Parking space dimensions are less than the quantity of parking required is not provided in accordance with requirements of the current Planning Policy and Supplementary Guidance **MLDP 2020 - PP3 a(i), DP1 ii(a)**
- **EV Charging** – Insufficient details **MLDP 2020 - PP3 a(iv)**

Road Safety

A Stage 1/2 combined Road Safety Audit has been submitted for the proposed development. The Audit was conducted without input from the Roads Authority. The Audit identifies a number of issues and recommendations. The designers response submitted in support of the planning application has not been provided to the overseeing organisation for input prior to its submission. A number of the recommendations made by the auditor have not been addressed within the

revised proposals including:

3.3 - TMC have plans for a footway to the west of the site. Should discuss this with MC and coordinate with their proposals. – The applicant has not demonstrated how the safety issue would be mitigated.

3.6 - It is recommended that the parking bays are moved directly adjacent to the carriageway with the footway behind. It is also recommended the crossing be relocated slightly east to allow space for a reversing car to not encroach onto the crossing point. – The proposed mitigation was not provided as recommended. - Notwithstanding this Transportation consider the proposed parking arrangements unacceptable as it is likely to result in vehicles reversing into the road and moving the spaces closer to the adjacent boundary reduces visibility and auditor recommended mitigation to be unlikely to be acceptable due to other considerations in terms of footway provision and visibility. The safety issue has not been mitigated satisfactorily. If parking most take direct access from the B9040 Transportation officers consider a lay-by type arrangement to be the preferred option.

Visibility for vehicles exiting the Starter/Commercial unit direct access spaces onto the B9040 has not been demonstrated and Transportation consider it to be a potential safety issue due to the adjacent boundary wall and planting which is outwith the applicants control. The risk from vehicles reversing out across the footway and onto the B9040 in particular is considered to be a significant safety issue by Transportation.

The footway between the retail unit and the servicing/delivery lay-by varies in width and at some points is less than 2 metres wide. Taking into consideration this is a new frontage and will need to accommodate pedestrian movements and deliveries, officers consider that this footway width should not be less than an absolute minimum of 2 metres wide.

No assessment has been undertaken of the likely desire lines for pedestrians accessing the site from Hopeman to the north in terms of the optimum crossing location. Officers consider it unlikely that users arriving from Harbour Street would choose to take an indirect route making two road crossings to the east of the site access and are therefore likely to cross at the west end of the service/delivery bay. Visibility from and of this crossing point is considered to be an issue by Transportation. This issue also needs to be considered with the Road Safety Audit point 3.7 and proposals to address access to local westbound bus stops.

The proposals are considered unacceptable as road safety issues identified have not been addressed and the proposed mitigation is unacceptable

Servicing

Commercial/Retail development should provide all loading and other servicing to be carried out on site. Frontage layby servicing should only be considered acceptable where there is no other viable alternative. This site is of an adequate size that it could accommodate dedicated servicing for the retail unit within the site given a different site layout.

Refuse collection for the proposed flats will require vehicles to turn within a private car park and perform a reversing manoeuvre. The proposed carpark layout has approx. 6m wide aisles but the parking spaces provided are 200mm less than the minimum size at just 4.8m long instead of 5m. The swept path shows the refuse vehicle would have no margin for error turning within the car park without accounting for the undersized bays. There is a potential that parked vans or larger cars could result in a refuse vehicle not being able to turn within the space provided. In addition the Moray Council policy for refuse collection seeks to avoid wherever possible the need to reverse the vehicle to turn due to the inherent safety risks.

Large vehicles parking in the delivery/servicing layby either delivering or as customers could obscure visibility for vehicles exiting the car park which is potential a road safety issue. Whilst visibility splay plans 006 and 007 submitted in support of the application have been drawn to

illustrate 43m visibility from the centreline of traffic approaching from the west for vehicles parked in the service layby it does not show these vehicles parked at the east end of the layby which would significantly reduce their visibility, neither does it consider the positioning of a motorcyclists closer to the centreline of the road. The proposed relocated lighting column close to the access could also have an impact on visibility at close proximity to the junction.

The proposals are considered unacceptable due to the potential safety issues and insufficient provision to accommodate refuse collection vehicles.

Drainage

Drainage drawing 10045-C-201 Rev C submitted in support of the development contains no drainage proposals for the service lay-by. The Drainage Impact Report refers to drainage drawing 10045-C-201 Rev D which indicates a channel drain extending the full length of the service layby adjacent to the B9040. Neither of these proposed arrangements would be acceptable to address drainage of the service layby. Both drainage drawings indicate the need for a wayleave over 3rd party land to the south to connect to the existing swale and attenuation basin but no details are provided to indicate that the 3rd parties would agree to this in principle or otherwise.

The proposals are considered unacceptable based on the proposed drainage design which is likely to be a road safety and maintenance issue.

Parking and Electric Vehicle (EV) Charging

National Road Development Guidelines stated a preferred parking bay size of 5.5m x 2.9m should be used. Moray Council would be willing to accept minimum parking space dimensions of 5.0m x 2.5m. The current parking spaces proposed are 4.8m x 2.4m and therefore the proposals are unacceptable.

22 Retail parking spaces are required. Site Layout plan L003 Rev J states 22 spaces are provided but only 18 are shown (including EV charging spaces but excluding 2 disabled spaces which are additional to the requirement) – Shortfall = 4 spaces). 2 EV charging spaces required (2 EV space for retail shown but no details for the charger location or type are provided), The EV specification submitted (ROLEC BASICCHARGE:EV WCS has a maximum output of 7.2KW which does not meet the Rapid Charger minimum specification (22Kw-43Kw). Rapid charger type is required). 3 Disabled spaces required (2 shown. Shortfall = 1 space). 3 Cycle Stands shown (Minimum 3 required).

The retail servicing/loading layby is shown adjacent to the B9040. Servicing should be provided within the site wherever possible to avoid conflict and safety issues for footway users. The proposals would increase risks to road users as a result of obstructions to the access visibility during delivery times.

16 Residential parking spaces are required (plus 2 visitor spaces) 18 spaces shown. 8 EV charging points shown but charger specification details not provided. Secure cycle parking required. 2 x cycle stores shown but no details provided, cycle storage needs to be covered, secure and provide space for 1 cycle per flat.

4 spaces are shown for the proposed 1200 sqft unit. Given the limited information provided Transportation officers have reviewed the proposals against the current 2020 MLDP Parking standards and consider that similar to warehousing or non-food retail a minimum of 4 spaces would be required including 2 disabled spaces. (Shortfall = 1 disabled space). The parking shown takes access over the footway and is likely to result in vehicles driving in to spaces and reversing onto the road. The adjacent boundary features to the east will impact on visibility of pedestrians and traffic and the provision is not considered acceptable.

Servicing for this unit will be required but no details are provided. It would not be appropriate for servicing to take place from the B9040. No EV charging provision is indicated (Subject to the provision of Rapid EV charging required associated with the neighbouring Retail a minimum

provision for 1 Fast EV charging point would be accepted in lieu of a Rapid Charger here. (Shortfall = 1 Fast EV charging Space).

The proposals are therefore unacceptable due to the shortfall in parking, the provision of parking bays which do not meet the minimum size requirements, road safety issues with the proposed parking layout in terms of refuse collection vehicle turning and use of and visibility issues for parking accessed over the footway from the B9040.

Additional Comments

The applicant has suggested that the shared use of the retail and residential parking would make a shortfall in the individual provisions acceptable. The Transportation Service accept where uses are compatible that can be the case however in this instance the peak periods of use are likely to overlap and that arrangement would not be considered acceptable.

Contact: JEK
email: transport.develop@moray.gov.uk
Consultee: Transportation

Date.....12/03/21.....
Phone No

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://publicaccess.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.



Photograph T001 – View west towards the proposed site from eastern site boundary showing visibility obstruction on third party land.



Photograph T002 – View south showing eastern boundary at lighting column and vegetation on adjacent third party land.



Photograph T003 – View west at western site boundary and direct route to nearest westbound bus stop currently obstructed by existing development frontage.



Photograph T004 – Showing view west from westbound bus stop located to the east of the development and missing footway.