
Local Review

LRB Ref 54

Planning Application Reference 11/00700/APP Erect dwellinghouse and detached garage on gap site at County Houses, Orton, Mosstodloch

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr John Cadenhead and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 11/00700/APP for the erection of a dwelling house and detached garage along with the formation of an access onto the B9015 Rothes-Kingston Road.
3. Transportation received the first consultation for the planning application on 3 June 2011. A copy of the consultation response is attached (TMC01) and requested further information with regard to the provision of the required visibility splays.
4. Transportation's initial visit to this site identified a visibility splay restricted by vegetation both within and out with the site, trees out with the site and the road frontage boundary of the adjacent property to the north-east. The road verge along the site frontage is narrow. Beyond the site, to the north-east, the boundary bank/hedge for the adjacent property is up to the edge of the carriageway with no road verge. This boundary bank/hedge is higher than 1.0m above the level of the carriageway. Photographs taken during the initial site visit are attached (TMC02).
5. The applicant was given the opportunity to resolve Transportation's concerns regarding visibility from the proposed access. However when it became apparent that the applicant could only secure a visibility splay which was approximately half of that which was required, a subsequent consultation response was returned to Planning. A copy of the consultation response is attached (TMC03) and presented the reasons for recommending refusal on the grounds of Moray Local Plan Policy T2: Provision of Road Access.
6. After the second response was submitted, the applicant cleared some of the vegetation from along the site frontage and asked Transportation to visit the site again. Transportation re-visited the site. However the visibility was still restricted by some of the vegetation along the site frontage and by the trees, vegetation and the bank/hedge out with the site. Photographs taken during this subsequent site visit are attached (TMC04).
7. Visibility splays for private accesses onto the public road are required to ensure that there is adequate inter-visibility between vehicles on the public road and a vehicle at the private access onto the public road. If a development involves the formation of a new vehicular access onto the public road where visibility is severely restricted by adjacent hedges/trees/walls/embankment/buildings/obstructions and would be likely to give rise to conditions detrimental to the road safety of road users, the

Local Review

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development is contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

8. Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'x' distance and a distance along the main road known as the 'y' distance. The 'y' distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. For a single house in the countryside the 'x' distance is 2.4m, measured from the edge of the public carriageway along the centre-line of the proposed private access.
9. A detailed description of the relevance and consideration of visibility splays is attached (TMC05) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC). TRSDC was approved at the Economic Development & Infrastructure Committee on 20 April 2010. The full document is available via the following web link <http://www.moray.gov.uk/downloads/file79761.pdf> It should be noted that the requirements for visibility splays within the document TRSDC are based on those set out in the Design Manual for Roads and Bridges (DMRB) Volume 6 Section 2 Part 6 TD 42/95, which has been industry standard guidance since 1995. An extract from the DMRB is attached (TMC06).
10. In the case of planning application 11/00700/APP, Transportation already had existing speed survey data. A speed survey was undertaken on the B9015 Rothes-Kingston Road at a location some 28 metres to the west of the proposed access outside the property named Pine View. The speed survey determined 85th percentile vehicle speeds of 50.7mph for eastbound traffic travelling towards Boat o' Brig and 50.8 mph for westbound traffic travelling towards Rothes. A full copy of the speed survey data is attached (TM07).
11. The observed vehicle speeds correspond to visibility splays with a 'y'-distance of approximately 152 metres. A sketch showing the extent of the required visibility splay to the north-east is attached (TM08). As part of the planning application the applicant submitted an assessment which showed that the visibility splay which could be achieved over land under the control of the applicant was only 78.8 metres. The measurement of this visibility splay was taken to the centre of the eastbound running lane, which was an agreed compromise from the usual edge of carriageway. This distance is approximately half of the required Stopping Sight Distance.
12. Throughout the consideration of the planning application, the applicant was given the opportunity to secure an agreement with the third party landowner(s) to provide and maintain the visibility splay. It is unfortunate that the third party(s) did not wish to co-operate with the applicant.

Local Review

LRB Ref 54

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13. The issue of control over requirement visibility splays is not unique to this particular development proposal. An example of an appeal to The Scottish Government is attached (TM09). In this example the appellant was unable to secure suitable control over third party land where a hedge restricted the visibility splay. The Reporter dismissed the Appeal.
14. It is acknowledged that there have been two previous planning consents for this site, 02/00204/FUL and 07/01860/OUT both of which had lapsed by the time that planning application 11/00700/APP was submitted. Planning application 11/00700/APP has therefore been assessed on current road conditions and it has been determined that the proposed development has no certainty of satisfying the visibility splays requirements for the access onto the public road.
15. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2: Provision of Road Access is not satisfied.

Transportation

25 May 2012

Documents

TMC01	Transportation Consultation Response dated 20 June 2011
TMC02	Site Photographs 17 June 2011
TMC03	Transportation Consultation Response dated 28 September 2011
TMC04	Site Photographs 23 November 2011
TMC05	Extract on Visibility Splays from Transportation Requirements for Small Developments in the Countryside
TMC06	Extract on Visibility Splays from Design Manual for Roads and Bridges, Volume 6 Section 2 Part 6
TMC07	B9015 Speed Survey Data – conducted outside cottage named Pine View at County Houses, Orton
TMC08	Visibility Splay Sketch
TMC09	Appeal Decision Notice for development with access onto the public road with restricted visibility where appellant does not have control over full visibility splay.