
Local Review

LRB Ref 120

Planning Application Reference 14/02088/APP Replace Storage Shed and Builders Yard with House and Garage at 350m North West of Damhead, Rafford, Forres

Response from Transportation, Moray Council

Introduction

1. This document is in response to the Notice of Review submitted by the appellant, Ms Fran Spillings, and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 14/02088/APP for the erection of a dwelling house and garage to replace a builders store and yard. Access would be provided via a new access onto the U107E Fernielea Road, which joins the wider road network at its junction with the B9010 Main Road, Rafford.

Planning History

3. The Local Review Board (LRB) is advised that a preliminary enquiry for this development proposal was received in 2014, 14/01093/PE. The Transportation response to that enquiry, attached as TMC01, which was without prejudice and based on the information submitted and available at the time. The Transportation response advised that access route leading to the proposed development would pass through the B9010/U107E Fernielea Road junction which has restricted visibility in both directions. Transportation advised that any additional development accessed via this junction would not be supported and that recent planning applications had been recommended for refusal by Transportation on road safety grounds.
4. Transportation received the first consultation for planning application 14/02088/APP on 27 November 2014. A copy of the consultation response is attached (TMC02). That response requested further information with regard to the status of the builders store and yard, and whether the use had all the necessary permissions from the Planning Authority, in an attempt to identify whether traffic using the public roads to access the builder's store and yard was associated with a permitted development.
5. A response was received from the Planning Officer which confirmed that there was no record of the site having consent for builder's storage and yard. Planning permission 97/01658/FUL associated with the site relates to farming buildings only (agricultural storage) which would be classed as a permitted development. A copy of the Committee Report for planning application 97/01658/FUL which provides a description of the development is attached (TMC03) along with a copy of the 97/01658/FUL Decision Notice (TMC04).
6. The use of this site as a builder's yard and store would require planning permission (the use would be classified as '*Sui Generis*').
7. Transportation returned a final consultation response on 12 December 2014 based on the clarification that the use of the site as a builder's store and yard was not permitted and therefore the proposed house would be additional development. The Transportation response recommended refusal on road safety grounds (TMC05).

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Visibility Splays (General)

8. Visibility splays at junctions on the public road are required to ensure that there is adequate inter-visibility between vehicles. If a development involves the intensification of use of a junction 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 development is contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.
9. 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 a) the design speed of the road and a corresponding 'stopping sight distance' or b) in some circumstances may be based on observed '85th percentile vehicle speeds'. For a junction serving additional development the 'x' distance is 4.5m, measured from the edge of the public carriageway along the centre-line of the side road.
10. A detailed description of the relevance and consideration of visibility splays is attached (TMC06) 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.

Existing B9010/U107E Fernielea Road Junction

11. The U107E Fernielea Road is a single track road with limited passing opportunities. The road serves a number of residences and farms and is a 'dead end' road. As the road approaches the B9010 it remains narrow, with an inadequate width to allow two vehicles to comfortably pass. The existing measurements are as follows:

Local Review**LRB Ref 120****Planning Application Reference 14/02088/APP Replace Storage Shed and Builders Yard with House and Garage at 350m North West of Damhead, Rafford, Forres**Existing Road Measurements

Distance from Road Markings at edge of B9010	Fernielea Road - Approximate Road Width (edge of carriageway to edge of carriageway)
0 metres	11.0 metres
2.5 metres	5.5 metres
5.0 metres	4.2 metres
7.5 metres	3.4 metres
10.0 metres	3.0 metres
12.5 metres	2.9 metres
15.0 metres	2.8 metres

12. The works recently undertaken by Transportation did not widen the U107E Fernielea Road approach to the B9010 junction. The photograph of two vehicles at this junction submitted by the appellant clearly show one of the vehicles overrunning on the grass verge to enable the passing manoeuvre.

Junction Enhancement

13. The B9010 Main Road/U107E Fernielea Road junction was identified for improvements on road safety grounds following complaints to Transportation (Traffic section) regarding the restricted visibility. The visibility at this junction onto the B9010 was severely restricted by the boundary hedges of the adjacent properties, 'The Holm' and 'Kantara'.
14. An officer from the Traffic section approached the owners of these properties to secure, by control or agreement, improvements to the sightlines. The improvements undertaken and secured by agreement were the minimum acceptable in terms of road safety and did not go so far as to enable the intensification of use of the junction by additional traffic associated with new development.
15. The improvements recently undertaken on the frontage of 'The Holm' and agreement secured with the owners of 'Kantara' are for the provision of minimum improved sightlines from a lesser distance of 2.4 metres, normally used for single house accesses, measured from the edge of the B9010 (known as the 'x' distance).

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Additional Development

16. The improvements required to enable additional traffic associated with developments to use the B9010/U107E junction would be an 'x' distance of 4.5 metres and a 'y' distance of 90 metres in both directions, which is in keeping with the standards set out in The Moray Council document Transportation Requirements for Small Developments in the Countryside. The land required to provide this improved visibility splay (to roads standards) lies out with the public road verge and within the garden ground of adjacent properties. Recent photographs taken at 'x' distances of 2.4 metres and 4.5 metres are attached (TMC07).
17. Further improvements to widen the U107E Fernielea Road would be required to enable additional traffic associated with development to use this junction. The required widening would be to a minimum of 5.5 metres for a distance of 15 metres measured from the edge of the B9010, as set out in The Moray Council document Transportation Requirements for Small Developments in the Countryside. Verges typically of 2.0 metres in width would be required on either side of the widened road. The land required to provide this road improvement (to roads standards) lies out with the public road verge and within the garden ground of adjacent properties.

Conclusion

18. There is no evidence to indicate the necessary visibility splay and road widening can be provided by the appellant. There is third party land involved.
19. 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
08 April 2015

Documents

TMC01	Transportation response to Preliminary Enquiry 14/01093/PE dated 26 June 2014
TMC02	Transportation Consultation Response dated 11 December 2014
TMC03	Committee Report for Planning Application 97/01658/FUL
TMC04	Decision Notice for Planning Application 97/01658/FUL
TMC05	Transportation Consultation Response dated 12 December 2014
TMC06	Extract on Visibility Splays from Transportation Requirements for Small Developments in the Countryside
TMC07	Site Photographs 7 April 2015

TMC 01

From: Transport Develop
Sent: 26 June 2014 08:41
To: Maurice Booth
Subject: FW: 140605 FW: Preliminary Enquiry - Proposed house to replace builders store and yard to South of Rafford
Attachments: block plan.pdf; site plan.pdf; Photos.pdf

The following comments are provided without prejudice to any future planning application.

Maurice

Transport Development has been approached separately regarding the above enquiry. I am sending the response to you to ensure a co-ordinated response.

The proposed development is for a single house accessed via an existing access on to the public road which has restricted visibility onto the public road. The required visibility splay appears to cross third party land.

Improvements would be required to this access to meet the following requirements:

- Provision of a 2.4 metres by 70 metres visibility splay;
- Surfacing of the access for the first 15 metres from the edge of the public carriageway with bituminous materials to the Moray Council specification; and
- Provision of an access layby 8.0 metres long and 2.5 metres wide for visiting service vehicles, along with a dedicated bin store area out with the visibility splay and public road verge.

Parking would also be required to the Moray Council Parking Standards.

I note that the proposals are for the replacement of an existing storage use with a dwelling house. The route leading to this site passes through a public road junction, B9010/U107E Fernielea Road, which has restricted visibility in both directions. Additional development via this junction has in recent times recommended for refusal by Transportation on road safety grounds.

As in this case the proposed development would replace a use where traffic has/is currently being generated and the argument could be made that there would be no significant increase in traffic at the existing public road junction.

However any new (greenfield) housing proposals submitted with an access via the B9010/U107E Fernielea Road would not be supported by Transportation.

Kind Regards

Diane Anderson
Engineer - Transport Development

The Moray Council
PO Box 6760
Elgin
IV30 1BX

Tel: 0300 1234565
Fax: 01343 563990

www.moray.gov.uk

From: joe [REDACTED]
Sent: 05 June 2014 11:04
To: Transport Develop; Kevin Boyle; Adrian Muscutt; Graham Dunlop; Bruce.Mann@aberdeenshire.gov.uk; Jennifer

Heatley (SNH Elgin); adam.sime@aberdeenshire.gov.uk

Subject: 140605 FW: Preliminary Enquiry - Proposed house to replace builders store and yard to South of Rafford

Please see the e-mail below and attached which we have submitted as a preliminary enquiry to the Development Management team at Moray Council.

We would also appreciate your comments on the proposals.

Regards,

Joe

Regards,

Joe

Joe Geoghegan BA (Hons) MRTPI

grant and geoghegan

P: [REDACTED]

M: [REDACTED]

E: [REDACTED]

From: joe [REDACTED]

Sent: 05 June 2014 10:58

To: development.control@moray.gov.uk

Cc: 'Neil'; [REDACTED]

Subject: Preliminary Enquiry - Proposed house to replace builders store and yard to South of Rafford

Can you please consider this as a preliminary enquiry for a single house to replace a builders store and yard to the South of Rafford as per the attached plans. Some photos of the store and yard are also attached. Can you also take account of the following information when considering the enquiry.

- The builders store and yard has been in operation for the last 14 years
- Vans and pickups visit the site approximately 3 times a week
- A car and light van visit the site approximately four times a week
- Twice a month a 20 tonne lorry with cabins etc. visits the site
- Every couple of months there is a visit by an articulated lorry with materials

The level of traffic and activity will be considerable reduced with this proposal for a single house in place of the store and yard that exist at present.

We will also be consulting the following;

- Transportation
- Environmental Health
- Contaminated Land
- Moray Flood Team
- Archaeology
- SNH
- Planning Gain

Regards,

Joe

Joe Geoghegan BA (Hons) MRTPI

grant and geoghegan

P: [REDACTED]


M: [REDACTED]

E: [REDACTED]

SAVE PAPER - Please do not print this e-mail unless absolutely necessary.

TMC 02

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	11th December 2014
Planning Authority Reference	14/02088/APP
Nature of Proposal (Description)	Replace builders store and yard with house and garage on
Site	Site 350M Northwest Of Damhead Rafford Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068421
Proposal Location Easting	306636
Proposal Location Northing	854317
Area of application site (Ha)	4000 m ²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=N E8WTZBGAK000
Previous Application	14/01093/PE
Date of Consultation	27th November 2014
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Francesca Spillings
Applicant Organisation Name	
Applicant Address	
Agent Name	Grant And Geoghegan
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: 14/02088/APP

Replace builders store and yard with house and garage on Site 350M Northwest Of Damhead Rafford Forres Moray for Mrs Francesca Spillings

I consider:-

- | | Please |
|--|-------------------------------------|
| (a) that the application should be refused (<i>please state reasons below</i>) | <input checked="" type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input type="checkbox"/> |
| (c) that the application should be approved, subject to certain conditions (<i>please state conditions and comments below</i>) | <input type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input checked="" type="checkbox"/> |
| (f) Other (<i>please state comments below</i>) | <input type="checkbox"/> |

Further information required to consider the application

Confirmation is required that the use of this site as a builders store has all the necessary permissions from the Planning Authority.

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

Date 11 December 2014

Return response to consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

PLANNING APPLICATION: 97/01658/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

Full application to erect 3 no. dwellinghouses (a farmhouse and two cottages) each to be served with public mains water supply and an individual septic tank/soakaway drainage system.

The 4-bed farmhouse is 'T'-shaped and single storey in character although on the front elevation 3 roof velux are proposed. The layout drawings suggests that the attic space may be possibly used at a later date. The two 4-bed L-shaped farm cottage are single storey in character with projecting front gable features. Proposed external finishes for all properties are dark grey concrete tiles and buff harling.

In addition two farm buildings are proposed, a semi-circular grain/general storage shed, 24.38 x 12.19 x 4.80 m and an open fronted implement shed, 20.52 x 7.00 x 5.612/3,741 m. The former will be externally clad with corrugated iron sheeting and the latter clad with 'Planwell' metal sheeting. Both buildings will be located to the north and west of the farmhouse and cottages respectively.

Access to the dwellings will be taken off the existing public road. A new access road serving the farmhouse and the farm land and proposed buildings beyond will be taken off an existing field gate access located to the west of the existing (farm) buildings at Damhead. The cottages will share a new access/driveway arrangement off the public road to be provided to the east of the buildings at Damhead.

Both the septic tank/soakaway drainage systems and access arrangements are located outwith the proposed house sites but on land within the applicant's ownership/control.

The Site

The house sites are elevated above road level and separated from the road by a field. The farmhouse site is enclosed by a stone dyke arrangement, which is less than 1 m high and parts of the wall are in a ruinous condition with the height of the dyke being just above ground level. The two cottages will be located east of the farmhouse on an area of rough ground and trees, the latter are less dense within the area of 'Cottage 1' than that on 'Cottage 2'. (The latter being the easternmost plot). Along the southern boundary of the cottage sites is a low stone wall, overgrown with gorse etc. and this feature marks the difference in ground levels between the site and the adjoining farm land.

The farm buildings will be located on open, undulating land to the north and west of the proposed dwellings. The site is surrounded by agricultural and forestry land. Existing residential

development in the vicinity is associated mainly with the existing farm steadings and properties on the outskirts of the village of Rafford about 1 km to the north.

Policy

a. **Moray District Local Plan 1993-1998 (Final Approved Version):**

HC9 Re-Use of Derelict Sites and of Existing Buildings

HC9:1 Re-Use or Replacement of Existing Buildings

The District Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills, etc. where the renovation of the original building is sensitively designed and is to form the core of the new development. In general, most stone buildings in the countryside will be acceptable for re-use but some buildings, such as cattle sheds, temporary buildings or hill bothies may not be appropriate for re-use or replacement because of visual and environmental impact especially in certain sensitive locations. For the purposes of this policy, "existing buildings" are defined in HC9:3 and the accompanying diagram.

HC9:2 Re-Use of Existing Stone Buildings

Generally the Council will seek restoration of an existing building in preference to demolition and re-development. Where a building is considered to be of some architectural merit locally (eg a substantial stone built farm building), and is considered structurally sound for residential use, the Council will resist proposals to replace it, and may insist on renovation and re-development. The Council may refuse a subsequent application if demolition is carried out without prior consultation.

HC9:3 Replacement Criteria

The District Council will only accept the principle of replacement of an existing building where there is visible evidence of the structure of the existing building to the equivalent of "level 4" as indicated in the diagram on page 25 of this document ie window sill height - with the full extent and use of the building reasonably established.

Level 4 is defined as a "structure" which exists at any of the following stages:-

- (i) The four walls are complete to at least window sill height - if window sill height cannot be determined, minimum height of all walls should be 700mm above floor level; or
- (ii) any two of the four walls are complete to wall head height; or
- (iii) both gables are intact to a minimum height of 2m above floor level.

Archaeological evidence, excavation, or the production of old maps will not be acceptable as evidence of a derelict site, for the purposes of this policy.

HC9:4 Replacement Criteria

The siting of a new dwelling on a derelict site should be similar to that of the previous building in terms of orientation and distance from the road. Applicants should not presume that approval will be granted for a new dwelling sited at a significant distance from the original building, unless individual site conditions suggest potential improvement. The design of a new house will be subject to policy HC5.

HC9:5 Where a proposal is not considered to qualify for re-use under HC9:1, or replacement under HC9:3, the proposal will be considered as a new house in the countryside and judged under Option 3 policies.

Although policy HC9 presumes to approve rehabilitation and replacements, there may be locations where re-establishment of a house is inappropriate because circumstances have changed eg at main roadsides (HC16) in environmentally protected areas (HC17) or on land now given over to prime farmland (HC13) or forest (HC14).

HC10 Location of New Houses in the Open Countryside

House sites in the open countryside must achieve minimal visual intrusion in the landscape.

A new house site in the countryside will be acceptable, if when viewed from surrounding vantage points, it meets all of the following criteria:

- (i) It blends sympathetically with landform.
- (ii) It uses existing trees, buildings, slopes or other natural features to provide a backdrop.
- (iii) It uses an identifiable site with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or by advance access roads, in order to create the site, will not be acceptable.
- (iv) It does not spoil any scenic aspect or detract from the visual appearance of the countryside.

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points:

- (i) It occupies a prominent, skyline, top of slope/ridge location.
- (ii) The site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and is unable to provide a suitable degree of enclosure for a new house in the countryside.

HC11 Settlement Pattern

The District Council will require applications to respect the traditional pattern of settlement in the countryside.

The settlement pattern is defined as: "the disposition, function, and visual appearance of land and buildings in the general locality of the proposed development". The District Council shall make an assessment of each individual application, and a new house shall be judged to respect the traditional settlement pattern if:

- (a) It is positioned sensitively along with a group of buildings such as a farm steading, or;
- (b) it adopts the spacing of a dispersed pattern of settlement and has integrated sensitively with the existing land forms so as to blend unobtrusively with its surroundings, and;
- (c) it avoids contributing to a build-up of residential development in any particular locality so as to cause a change in the character of that area from one of an existing rural cluster to one of a suburban style grouping of buildings, or a ribbon development clearly unrelated to the traditional pattern of settlement in that area.

HC5 Design of New Houses in Rural Communities and in the Open Countryside
New dwellings (including kit houses) should be designed to complement and enhance the local tradition of the countryside and the architectural character of Rural Communities (see the design advice under Option 3). Design will be assessed primarily on such matters as form, scale, proportions, materials and colour.

Local traditional design requires that care should be taken with proportions - simple window proportions are particularly appropriate and shallow roof pitches should be avoided. Regard should be paid to local traditional materials and finishes or sympathetic modern equivalents.

HC6 Septic Tank Drainage and Pollution Control

HC6:1 Ground Condition Tests

The applicant must satisfy the District Council, through its Environmental Health Department, and the appropriate River Board that the ground conditions are suitable for accepting a septic tank and soakaway discharge.

Applicants will require to carry out a test as to the suitability for the proposed location for the septic tank and soakaway. If considered necessary by the above authorities, a British Standard test will be carried out by the applicant; the results will be assessed, prior to any decision on the application. If such a test is not carried out, or proved not to be to the satisfaction of the Authority, the application for planning permission will be refused, unless the River Board agreed to a discharge to a water course. The River Board will not agree to a discharge to a water course unless there is adequate dilution available and ground conditions have been shown to be unsuitable for a soakaway.

In proposals involving a development of more than one house, the scale of the development may require a BS test, subject to investigations by the Director of Environmental Health in conjunction with the appropriate River Board Authority.

In certain circumstances, where for example the size of site, layout or existing contours of the site give reason to question the long term suitability of the site for acceptance of septic tank effluent, the District Council, in consultation with the appropriate River Board, may require the provision of alternative locations for soakaways to serve a single tank, for use in the event of failure of the preferred soakaway failure. Where this is judged to be the case, the applicant will be required to successfully test both soakaway locations in the manner provided for above.

HC6:2 Applicant's Control

Septic tanks and soakaways must be located within the application site and within the applicant's control, in order that they remain within the control of the applicant and can be subject to planning conditions pertaining to the development of the site.

HC6:3 Application Details

Applications involving the use of septic tanks must show accurately the proposed location of such installations and of drainage ditches and water courses in the vicinity. The requirements of the Director of Water Services and the River Inspector will be incorporated as conditions of any planning consents.

HC6:4 Plot Size

Septic tanks should be located at least 15m away from a dwelling. As a consequence a site area in the order of 1400m² (approx one-third of an acre) should be regarded as a general indication of the size of plot required to accommodate a septic tank and soakaway within its boundaries.

HC6:6 Individual Tanks

For applications involving more than one house the District Council will require each individual house to be served by a separate septic tank. Alternative arrangements will only be considered where they meet with the full approval of the River Inspector, the Environmental Health Department and the Director of Water Services.

H14 Car Parking for Residential Development

New housing developments should allow for a minimum of two off-street parking spaces per dwelling, or 1.25 spaces for communal parking. Exceptions will be made for elderly or sheltered housing developments where communal parking can be reduced to one per 2-3 dwellings. Parking standards may also be reduced in town centres where there is spare on-or-off-street parking capacity.

HC8 Access

HC8:1 Provision of Access

The District Council will require that a suitable and safe access from the public highway is provided to the satisfaction of the District Council.

HC8:2 Design of Access

Since the formation of a new access by unmade track or surfaced private road can often result in a scar on the landscape (eg: if it dissects an agricultural field,

involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape, the proposal will be unacceptable.

HC15 Plot Size/Sub-Division in the Open Countryside

HC15:1 Plot Size

For house sites in the open countryside, individual house plots should, in most cases, be no smaller than 1400m² (0.33 of an acre); to be in keeping with the general lower density and larger plots for rural areas. A plot of this size can contain within its grounds a septic tank and soakaways for the exclusive use of the house. There is no limit to the maximum size of a house plot as this will be judged on the basis of the existing natural features and the local character. Conditions will be applied to the location of the house within the plot to deter later sub-division.

HC15:2 Privacy

The Council consider it both undesirable and unnecessary for new development to impinge on the amenity and privacy of existing residents in the countryside. The Council will have particular regard to these aspects when considering applications for sub-division, and may refuse applications which are considered to impair the amenity of neighbouring properties. (The principles of house plot sub-division are set out in chapter 2, paragraph 3.2 and policies H17 and H18 in the main Local Plan document apply.)

HC14 Development Affecting Woodland and Trees

HC14:2 Broadleaf Woodland

Where there are interests of nature conservation, or amenity, the District Council will not approve applications which involve the clear felling of areas of native and/or broadleaf woodland. Where applications involve the removal of individual trees, or groups of trees which provide a significantly important agricultural function, such as a windbreak, or are of special environmental interest, or are judged to be aesthetically important to the landscape, they will be refused.

HC14:4 Tree Replacement

The Council will require a plan showing the replacement of any tree or groups of trees to be felled during the course of development, and the position of all other trees within the site.

HC14:5 Tree Backdrop

Trees proposed as a backdrop for a new house site should be in the applicant's ownership. If they are not, the applicant will be required to plant trees within the site.

HC12 Applications for More Than Two Houses in the Open Countryside

HC12:1 Submission of Details

Applications for more than two houses must provide details showing individual house designs, access and servicing arrangements, and a landscaping plan showing planting proposals and boundary treatment.

HC12:2 Group Applications

Where applications for more than two houses in any specific locality are submitted as individual applications on adjacent plots, these will be considered to constitute a group for the purposes of policy HC5 and judged accordingly.

HC12:3 Layout and Design

Proposals must follow closely the design advice for new houses in the countryside and must reflect traditional rural characteristics. The houses must not appear as suburban transplants. Overtly suburban layout and design features will be unacceptable.

HC12:4 Single Development

The District Council will require the proposal to be planned as a single development in terms of access, services, landscaping and boundaries, and in only specific cases will a phased development of the individual houses be permitted by planning conditions.

HC12:5 Competition with Rural Communities

A proposed development of more than two houses in the open countryside must not be located so as to detract from, or compete with, the provision of housing sites or local services in any of the villages or Rural Communities defined in the District. Where this is considered to be the case, the application will be unacceptable.

b. Grampian Structure Plan:

Rural Grampian

Policy 4

Housebuilding in the Countryside

4(i) Within Aberdeen Housing Market Area outwith the Aberdeen Green Belt and Countryside Around Towns, there shall be a presumption against housebuilding except:

- a) rehabilitation, conversion, extension or change to residential use of existing buildings; or
- b) replacement on the same site of a largely intact house; or
- c) new houses which are closely related to an established group of houses;
- d) new houses which are related to an enterprise which is itself appropriate to the countryside.

all as defined in more detail in a Local Plan. All such development must conform with the provisions of Rural Grampian Policy 5.

4(ii) Outwith the Aberdeen Housing Market Area and Countryside Around Towns, Local Plans may specify circumstances and identify areas where small scale housebuilding in the countryside may be permitted subject to compliance with Rural Grampian Policy 5 and other relevant Structure Plan policies. They may also identify particular localities where house building should be restricted and specify reasons.

**Rural Grampian
Policy 5
Siting and Design of Countryside Development**

All development permitted under the provisions of Rural Grampian Policies 2, 3 and 4 shall respect all relevant Structure Plan Policies, paying particular attention to:-

- a) landscape which is of national, regional or local significance;
- b) the landscape setting of towns and villages;
- c) sites of national, regional or local significance for the conservation of nature;
- d) the avoidance of pollution, including the pollution of groundwater;
- e) productive agricultural land;
- f) local architectural traditions;
- g) road safety; and
- h) the cost of publicly provided services.

and must conform with the character of the rural environment in siting, scale, design and materials, which shall be defined in more detail in Local Plans.

History

PE95/95 Letter dated 26 July 1995 giving advice, without prejudice, on prospective proposal (2 no. house sites) at Starrywells, Damhead (ie. on land located to the east of Cottage 2). Development considered incompatible with current policy where despite identification of a 'building' on the OS plan, there is no apparent evidence of existing buildings on the site, including the criteria of Policy HC9:3 to justify a replacement building. As new build housing in the countryside, proposal contrary to HC10 and HC11 where the resultant development would be unrelated to landform, result in the arbitrary creation of the site and the build-up of development would change the character of the area.

97/00581/PE Informal advice given in response to proposal for 2 no. houses (on sites of proposed cottages). Without prejudice, proposals were considered unlikely to satisfy Policy HC10 and HC11. However the potential for conversion of existing farm buildings should be considered.

Advertisement

Not advertised.

Objection/Representations

None received.

Consultations

Chief Building Control Officer - Building Warrant required.

Director of Technical and Leisure Services (Environmental Protection) - Satisfactory porosity test result. Refuse to be collected from nearest convenient point of established collection road.

Chief Roads Officer, Highfield House, South Street, Elgin - Standard conditions regarding access and parking.

North of Scotland Water Authority - Public water supply available. Public sewers not available.

River Inspector, Scottish Environment Protection Agency - No objections subject to confirmation of satisfactory ground conditions, and the design of the soakaway, including its location 10 m from watercourse, field drain or ditch and 50 m from water supply.

Scottish Hydro-Electric PLC - No objections.

Scottish Office, Department of Agriculture - No comments.

Observations

In support of the application the applicant indicates that the proposed buildings will be built at some distance (60 m approx.) from the existing buildings which straddle the public road for reasons of security and safety, the latter from farm animals and machinery. The existing buildings are the subject of a 1972 Demolition Order. In addition the proposals would allow for the release of arable land on the area of the existing buildings. The removal of 8-10 trees would be compensated by planting heavily around the buildings and over the farm area (Damhead/Starrywell) to enhance shelter, screening, habitat and species diversity and a future timber supply.

Existing structure and local plan policies do not require any specific locational need for any or all of the proposed dwellings in this location.

HC9

The existing farm buildings at Damhead are not within the application site, as defined but are on land within the applicant's ownership/control. Without prejudice and in principle, these existing structures would merit replacement (HC9:3). However the current proposals are sited, both visually and physically at a significant distance away from the original building (HC9:4). In light of the above, the proposals do not qualify as replacement structures (HC9:5) and represent further new build housing in the countryside.

HC10

The proposals do not achieve minimal visual intrusion. From the south ie. the public road all three dwellings would be seen atop an area of ground elevated above an existing field located behind and north of the existing farm buildings at Damhead.

The farmhouse is contained within a square-shaped field enclosure, the outline of which is visible on site. Whilst this stone dyke would be re-built (height unspecified), this existing boundary enclosure is in a dilapidated condition, part over-grown with gorse, and part ruinous and less than 1 m high. The existing arrangement is therefore unable to provide a suitable degree of enclosure of this site. The absence of trees within the plot and the surrounding, gently undulating ground would not afford sufficient backdrop to the site.

The farm cottages are located within an area of rough ground/trees although planting within the 'Cottage 1' site is less dense than that for 'Cottage 2'. Apart from the embankment/stone wall/gorse feature along the southern boundary, both sites lack a suitable means of enclosure. The proposed sub-division of the ground to provide both plots will be an arbitrary delineation and together with the proposed clearance of ground and/or felling of a small number of trees to accommodate both properties, such artificial means to create a site would be contrary to policy despite the existing and proposed planting arrangements to maintain or provide a backdrop.

Generally speaking, the locality is devoid of development other than that associated with farms or properties on the outskirts of Rafford. The resultant intrusive, isolated grouping and build-up of development would detract from the visual quality and appearance of the area.

HC11

The proposal would conflict with policy. From HC10 the proposals would not achieve minimal visual intrusion and thus not blend unobtrusively with their surroundings. In addition the new buildings are not positioned sensitively but are remote from existing farm buildings and the concentration and build-up of residential properties would conflict with and detract from the existing character and pattern of development in the area.

HC5

None of the proposed dwellings satisfy adopted design policies in terms of the interpretation regarding gable width and/or roof pitch. For example the projecting rear (bedroom) gable feature on the farmhouse should have a gable width of 7.125 m (max.) but it is too wide at 8.3 m and the roof pitch over the same is only 35 degrees. For both cottages, all expressed gable features are 7.7 m and thus 0.45 m too wide, relative to the policy guidance. In addition, the external chimney stack projecting through the roof slope at wallhead/eaves level is not necessarily a typical traditional rural feature.

HC6

Satisfactory test results have been received. The tests were carried out not on land outwith the application site but on land within the applicant's ownership/control.

H14 and HC8

The requirements for on-site parking (and turning) can be achieved. The proposed new access tracks extending off the public road are not included within the application site but are located on ground within the applicant's ownership/control. Further details regarding the design and construction of the tracks are required to ensure that these road features are not visually intrusive upon the locality.

HC15

The proposal sites exceed the suggested site size and based on the submitted layout the proposals should not adversely impact upon the amenity and privacy of each other.

HC14

A small number of trees would be removed, the overall loss of which should not significantly detract from the appearance of the woodland although it will lessen the degree of enclosure afforded to each property. Details of replacement planting should be reserved for further consideration. Further planting (outwith the site) is also proposed.

HC12

The application complies with this policy in so far as it is submitted for detailed or full planning permission, the layout is not overtly suburban and the remote setting of the site is such that it need not necessarily detract from, or compete with the settlement of Rafford to the north.

ED14

This policy would encourage the provision of agricultural buildings. The size, scale and setting of the farm buildings proposed here are not considered to significantly detract from their rural setting.

Without prejudice the proposed farm buildings would by themselves comprise permitted development and although they would require to be subject to 'prior notification' procedures. This would not require to be the subject of a separate formal application for planning permission.

Structure Plan

Having regard to the unacceptable local plan location/siting and design characteristics the housing proposals would not comply with structure plan policy.

Whilst there is no objection to the farm buildings, refusal of the farm house and cottages is recommended. These elements form a substantive part of the development yet are unacceptable in structure and local plan terms.

Author/Contact Officer: Mr Angus A Burnie
Principal Planning Officer

Ext: 01343 563242

Signature

W **R A STEWART**
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

In response to a question from Councillor W. Jappy in regard to the erection of a farmhouse on the site which he considered, having participated in the site visit, had long established boundaries and used existing trees to provide a backdrop and that the erection of farm buildings were permitted development the meeting noted that were the Committee so minded it could grant approval for the farmhouse and farm buildings and refuse consent for the two farm cottages.

Following consideration Councillor G. McDonald, seconded by Councillor H. McDonald, moved refusal of the application as recommended.

As an amendment Councillor W. Jappy, seconded by Councillor R.L. Patterson, moved approval of the farmhouse and farmbuildings and refusal of the two farm cottages.

On a division there voted:-

<u>For the motion</u> (3)	Councillors G. McDonald, H. McDonald and A. Keith
<u>For the amendment</u> (8)	Councillors W. Jappy, R.L. Patterson, E. Aldridge, M. Anderson, M.C. Howe, T.A. Howe, P. Mann and J. Stewart
<u>Abstentions</u> (1)	Councillor A.M. Scott

Thereafter the Chairman declared the amendment carried and it was agreed that planning consent be granted in respect of the erection of a farmhouse and farm buildings and that permission for two farm cottages be refused.

LOSSIEMOUTH - NO. 9 WARD

- (d) 97/01038/FUL Erect dwellinghouse and double garage in Grounds Of Skerry Cliff, Stotfield Road, Lossiemouth for Mr Walter Johnston

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions detailed in the report, permission be granted in respect of the erection of a dwellinghouse and double garage in grounds of Skerry Cliff, Stotfield Road, Lossiemouth for Mr. Walter Johnston.

The meeting noted that a site visit had been undertaken by Members of the Committee on 16th March, 1998.

Following consideration the meeting agreed that permission be granted subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The development shall relate to the amended plan(s) 26:97:1B and 26:97:2A, received from under the applicants/agents on 14 January 1998 and 28 October 1997 respectively, regarding the amended application description which deletes reference to "associated works" (which includes the deletion of a further vehicular access and further sub-division of ground within the remainder of Skerry Cliff), the amended location of the north eastern boundary and the amended design and external appearance of the dwellinghouse.

13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. In the interests of road safety.
17. In the interests of road safety.
18. In the interests of road safety.

RAFFORD-ROSEISLE - NO. 7 WARD

- (b) 91/00402/FUL Fit gate on garden shore-side wall for public footpath running through site from shore to public road at Osprey House, West Shore, Findhorn, Forres for Mr Derek Munro

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to a condition detailed in the report, planning permission be granted in respect of the fitting of a gate on the garden shore-side wall for public footpath running through the site from shore to public road at Osprey House, West Shore, Findhorn, Forres for Mr. Derek Munro.

The meeting noted that a site visit had been undertaken by Members of the Committee on 16th March, 1998.

Following consideration the meeting agreed that permission be granted subject to the following condition:-

1. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

Reasons:

1. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

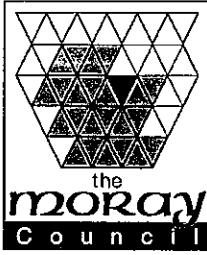
- (c) 97/01658/FUL Erect farmhouse, farm buildings and two farm cottages at Damhead And Starrywell Farm, Rafford, Forres for Mr Peter Hizzett

There was submitted a report by the Director of Economic Development and Planning recommending that, for reasons detailed in the report, the Committee refuse a planning application in respect of the erection of a farmhouse, farm buildings and two farm cottages at Damhead and Starrywell Farm, Rafford, Forres for Mr. Peter Hizzett.

The meeting noted that a site visit had been undertaken by Members of the Committee on 16th March, 1998.

On the invitation of the Chairman the meeting heard the Local Member, Councillor C.D. Scaife, who expressed the view that the proposal complied with Policy HC10 in that it uses an identifiable site with long established boundaries (dry stone dykes) and uses existing trees and slopes to provide a backdrop and that the ground was unusable for any other purpose. He also expressed the view that the application complied with Policy HC11 (a), (b) and (c) and could only be seen from the road which was in effect a dead end and that on these grounds the application should be approved.

TMC 04



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

PERMISSION FOR DEVELOPMENT

**[Rafford-Roseisle]
Full**

TO Mr Peter Hizzett



With reference to your application for planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby **GRANT** planning permission for the following development:-

Erect farmhouse, farm buildings and two farm cottages at

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **23rd March 1998**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

1 The development hereby granted relates solely to the proposed farmhouse and farm buildings and the two farm cottages (together with the access and driveway marked 'A' on the submitted drawing) are not approved and are expressly excluded from the consent hereby granted.

2 The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

3 Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

4 Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of all proposed external material finishes and their colouration have been submitted to and approved by the Control Services Manager.

5 Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.

6 That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-

(a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;

(b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;

(c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.

7 That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the farmhouse or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning

Authority) gives written consent to any variation of this planning condition.

8 Prior to development works commencing details shall be submitted to and approved by the Council, as Planning Authority regarding the location and design, including the height, external appearance and material finishes of all proposed walls, fences or other means of enclosure to be erected within or around the boundaries of the site.

9 Three private parking spaces to be provided within the site for use in conjunction with the farmhouse.

10 In respect of the access marked 'B' on the submitted drawing:

(a) The width of vehicular access shall be 5.0 m and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to Grampian Regional Council specification and surfaced in bitmac.

(b) No water shall be permitted to drain onto the public footpath/carriageway. (c) A visibility splay of 2.1 m x 60 m shall be provided at the access.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 To ensure a satisfactory form of development in respect of the proposed farmhouse and farm buildings but in respect of the two farm cottages:
 - (a) the farm cottages are considered contrary to the provisions of the approved Grampian Structure Plan (Rural Grampian Policy 4 and 5) and the adopted Moray District Local Plan (HC10, HC11 and HC5) regarding the provision of new build housing in the countryside.
 - (b) the farm cottages would not achieve minimal visual intrusion, having regard to the lack of existing mature boundaries to provide a suitable degree of enclosure and the artificial sub-division and clearance of land to create the two farm cottage sites, and the resultant intrusive nature of these developments would detract from the visual amenities and appearance of the countryside (HC10).
 - (c) the farm cottages would not respect the traditional settlement pattern of the countryside having regard to their resultant intrusive and isolated setting and the resultant concentration and build-up of new housing in this locality would detract from the existing character, appearance and amenities of the countryside (H11).
 - (d) the farm cottages are contrary to Policy HC5 regarding the design of new build housing in the open countryside and in particular the guidance and interpretation of policy regarding gable widths and/or roof pitch; and,
 - (e) in view of their non-compliance with local plan policies, the farm cottages are also contrary to the provisions of Rural Grampian Policy 4 and 5 regarding the siting and design of house building in the countryside.
- 2 The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 3 In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or

character and amenity of the surrounding properties and area.

- 4 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 5 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 6 In order that detailed consideration can be given to the landscaping of the site.
- 7 In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
- 8 Details are lacking from the submission and to ensure a satisfactory form of development.
- 9 In the interests of road safety.
- 10 In the interests of road safety.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

A Building Warrant will be required. If you require any assistance please do not hesitate to contact Building Control on 01343 563243 or by writing to The Moray Council, Building Control, Development Services, Environmental Services Department, Council Office, High Street, ELGIN Moray IV30 1BX.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

Refuse from this property will require to be placed at the nearest convenient point for collection on an established collection route.

THE NORTH OF SCOTLAND WATER AUTHORITY should be contacted at their offices at Denburn House, 25 Union Terrace, Aberdeen, AB10 1NN regarding the comments contained on form WS 1 which accompanies the planning permission.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Construction Consent for the roads will not be required under Section 21 of the Roads (Scotland) Act 1984.

No building materials/scaffolding/builder's skip shall obstruct the public road (includes footpaths) without permission from this Department.

The applicant shall be responsible for ensuring that water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to commencement of operations.

THE RIVER INSPECTOR OF THE SCOTTISH ENVIRONMENT PROTECTION AGENCY (EAST DIVISION) has commented that:-

Treatment of the effluent arising from this development must comply with the requirements of the Scottish Environment Protection Agency.


The soakaways shall be designed in accordance with the British Standard or to the satisfaction of a Local Authority official. The soakaways must be located at least 10 m from any watercourses, field drains or ditches and 50 m from any water supply.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
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Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	11th December 2014
Planning Authority Reference	14/02088/APP
Nature of Proposal (Description)	Replace builders store and yard with house and garage on
Site	Site 350M Northwest Of Damhead Rafford Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068421
Proposal Location Easting	306636
Proposal Location Northing	854317
Area of application site (Ha)	4000 m ²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NE8WTZBGAK000
Previous Application	14/01093/PE
Date of Consultation	27th November 2014
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Francesca Spillings
Applicant Organisation Name	
Applicant Address	
Agent Name	Grant And Geoghegan
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: 14/02088/APP

Replace builders store and yard with house and garage on Site 350M Northwest Of Damhead Rafford Forres Moray for Mrs Francesca Spillings

I consider:-

- | | Please |
|--|--------------------------|
| (a) that the application should be refused (<i>please state reasons below</i>) | X |
| (b) that the application should be approved unconditionally | X |
| (c) that the application should be approved, subject to certain conditions (<i>please state conditions and comments below</i>) | <input type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input type="checkbox"/> |
| (f) Other (please state comments below) | <input type="checkbox"/> |

The following response is based on confirmation from the Development Management team that the use of this site as a builder's storage facility does not have planning permission. The proposed development therefore cannot be considered by Transportation as a replacement of an existing permitted development.

Reasons for Refusal

The proposed development would be accessed via the U107E Fernielea Road which is a no through road which gains access to the wider road network via a junction onto the B9010 Main Road, Rafford. The B9010/U107E junction is the sole point of access.

The junction has restricted visibility in both directions, with hedges associated with the adjacent properties lying within the visibility splay. The width of the road is also narrow making it difficult for two vehicles to pass on the approach to the junction.

The junction has been identified as requiring improvements to the visibility splays for the minor road and widening. Further development via this junction would not be acceptable unless the improvements had been implemented. The improvements require land outwith the roadside verge.

From the information submitted as part of the planning application, it is unclear as to whether or not the applicant has or can gain control of the land required to secure an improved visibility splay of 4.5 metres by 90 metres at the B9010/U107E junction in both directions and widening to enable two vehicles to pass.

Should there be clarification/information regarding this critical aspect, to indicate ownership or control through an agreement, then Transportation will review of this position.

Local Plan Policy T2 states:

"The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused."

Transportation therefore recommends **refusal** for this development as it does not comply with Local Plan Policy T2.

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

Date 12 December 2014

Return response to	consultation.planning@moray.gov.uk
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Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

deficiency in achieving a suitable and safe access to new developments along these roads.

- 5.4.2 The provision of passing places on single track roads in the countryside requires a strategic approach i.e. passing places which are appropriately spaced and in locations which will provide benefit where there is restricted forward visibility.
- 5.4.3 The location of proposed new developments that will be eligible for the provision of a passing place/several passing places (based on scale of development) are those which are adjacent to single track roads and more than 500 metres from the junction with a S2 (single carriageway 2 lane) road. Eligible developments will be required to provide a maximum of one new passing place on the single-track road per dwelling.
- 5.4.4 The location of existing passing places on single track roads will be taken into account when considering each development proposal.
- 5.4.5 If an applicant has land which can facilitate a passing place in a strategic location then this method of delivering a passing place will be considered. Any proposal for a passing place should be included in the planning application, shown on the planning application drawings along with evidence of control of the land. Delivery of the passing place would be a condition of the development, prior to the commencement of development. The passing place will form part of the adopted road and will therefore require road construction consent.
- 5.4.6 From 1st June 2010, in the absence of a proposal for provision of a passing place as part of a relevant planning application Moray Council will seek a Developer Contribution from applicants in lieu of the provision.
- 5.4.7 An assessment of the inter-visibility of passing places will be required to confirm the location and number of passing places required between the proposed development and the two-lane road.
- 5.4.8 The dimensions required for passing places are shown at **Appendix C**.

5.5 Visibility Splays

- 5.6.1 Due to the higher traffic speeds on unrestricted rural roads a significant factor to consider is the provision of adequate visibility where an access joins the public road network. The visibility splay is an essential feature of the access and access lay-by provision.
- 5.6.2 Drivers emerging from the property, about to join the public road, must have an unobstructed view to the left and right, across the verge and land adjacent to the road, to see if there is any approaching traffic.

- 5.6.3 The visibility splay also enables traffic on the public road to see all road users leaving the property. The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle. Where the applicant does not provide observed vehicle speed data the speed limit is used.
- 5.6.4 The distance along the public road, Y distance, is the distance the driver needs to see along the road edge (see table below). This is measured from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.
- 5.6.5 The distance back from the public road, X distance, is shown in the table below. The distance varies according to the number of dwellings. The distance is taken from the edge of the carriageway back along the centre line of the private access.
- 5.6.6 The visibility splay must be assessed between minimum driver's eye line 1.05 metres above the road up to a height 2m above the road and to an objective points at the end of the Y distance between 0.26m and 2m above the carriageway surface. The assessment must consider obstructions to visibility within the visibility splay including the horizontal and vertical topography in between i.e. hidden dips and crests along the road between these points.
- 5.6.7 The following table shows the Y and X values based on speed limit values.

Speed Limit	30	40	50	60
Y Distance (metres)	90	120	160	215
X Distance (metres)	Single dwelling = 2.4m; > 1 dwelling = 4.5m			

- 5.6.8 The access, lay-by and visibility splay must be established before building work commences, to ensure a safe access for builders and tradesmen.

5.7 Providing and Maintaining Visibility Splays

- 5.7.1 When submitting a planning application it is necessary for the applicant to demonstrate that they have, and can maintain control over the visibility splay area. The applicant will have responsibility for the maintenance of clear sight lines over the visibility splay area. If the visibility splay area includes any neighbouring land then the applicant will need to discuss this with the landowner and make arrangements to satisfy the requirement to demonstrate adequate control.

5.7.2 Applicants should give careful consideration to the Trees and Development Supplementary Planning Guidance (published August 2008). Applicants should note that there is a presumption against the felling/removal of trees purely to form an access/visibility. For the avoidance of doubt the visibility splay is an essential feature required for achieving the Moray Local Plan Policy T2 Provision of Road Access.

[http://www.moray.gov.uk/moray_standard/page_1650.html#Trees and Development](http://www.moray.gov.uk/moray_standard/page_1650.html#Trees_and_Development)

5.7.3 There may be circumstances when the developer wishes to locate the private access on or near a bend in the road. The outside of a bend is the safest option.

5.7.4 If there is no alternative arrangement other than to locate the access on the inside of a bend, the applicant must be fully aware of the extent of the area which will be affected by the visibility requirements which they must demonstrate that they have, and can maintain control over, and which must be kept free of obstructions such as buildings, trees and tall shrubs. In these circumstances early consultation with Transportation officers is recommended.

5.8 Parking and Turning of Vehicles

5.8.1 The provision of the minimum number of parking spaces within the curtilage of the property, based on the number of bedrooms, is the normal requirement for rural developments. The levels of parking required are shown in the following table.

Dwelling Description	Spaces
3 or fewer bedrooms	2
4 or more bedrooms	3

5.8.2 An equally important requirement is the provision of an adequate turning area. Vehicles that enter the development must be able to turn round out with designated parking spaces, and leave the site in forward gear.

5.8.3 This requirement applies, whether you are developing a single house site, or a site with several properties. Vehicles must not reverse out onto the public road. Applicants should consider how materials such as heating oil are delivered and for example place their fuel tank where it can be accessed from the access lay-by. Where there is more than one house this may not be a practical option, then sufficient turning area would normally be required within the development site to enable the delivery vehicle to turn round. Areas provided for turning are in addition to those provided for parking.

A – Photograph taken at driver’s eye level from an ‘x’ distance of 4.5m, facing South East



B – Photograph taken at driver’s eye level from an ‘x’ distance of 4.5m, facing North West

C – Photograph taken at driver’s eye level from an ‘x’ distance of 2.4m, facing South East



D – Photograph taken at driver’s eye level from an ‘x’ distance of 2.4m, facing North West





E – Photograph taken on U107E Fernielea Road, 25m from B9010