

Darren Westmacott

From: Ian Whiteside [REDACTED]
Sent: 06 May 2015 22:26
To: Darren Westmacott
Subject: Notice of Review: Planning Application 14/01905/APP

Dear Sir,

Please see my comments regarding the Notice of Review: Planning Application 14/01905/APP that are detailed below. Additionally, thank you for your assistance with my question regarding the status of Bogton Road it was very helpful.

Review of Planning Application 14/01905/APP

A review of the planning decision regarding planning application 14/01905/APP has been requested based on the requirement of rebuilding the access via the A96 trunk road being onerous and beyond the capabilities of a small charity. As I was consulted for the original application I have been asked to provide any further observations on the application or the applicants grounds for seeking a review.

Observations on the Original Application.

I have made some further inquiries regarding the site, it's previous planning applications and the monthly farmers market. I have also received further clarification from the Council Roads Department, via the Clerk to the Local Review Body, regarding the status of the section of road that runs from the bottom of Russell Place to Croft Road.

Looking at planning application 09/01722/APP for a monthly farmers market, access for all vehicular traffic was to be via the A96 and a new access junction was a planning requirement. The 8 farmers market stalls were sited on the A96 side of the site with no vehicle access via Bogton Road including traders and visitors prior to, during and after the event in the interests of safety. No indoor stalls were requested or approved.

Looking at planning application 10/00509/APP for conversion of an existing store shed to an Environmental Education Centre, the site of the 8 farmers market stalls have been moved to the Bogton Road side of the site, adjacent to my property. I was not invited to comment on this conversion of an existing store shed, otherwise I would have noted the change in position of the stalls and made my thoughts known at the time. This could be considered a variation of the original farmers market stall application and not strictly the conversion of an existing store shed. This is a point that the council planning system may wish to consider further. Additionally in this planning application vehicular access was to be via the A96, not via Bogton Road, in the interests of safety. Again no indoor stalls were requested or approved.

Planning application, 14/01905/APP is for a weekly car boot sale with 17 outdoor stalls and 5 indoor stalls. However, it should be noted that for some time the owners of the site have been running a car boot sale at the monthly farmers market and have had both outdoor and indoor stalls. The reason I am now aware of this fact is that friends have sold childrens toys and other non farm produced items from their car boot on at least one occasion at the TTF site. A visit to the farmers market in late September or early October 2014 found only one outdoor stall selling any farm produce (a few tomatoes) and the remaining stalls could only be described as car boot sales. At this visit there were also a number of stalls inside the Environmental Education Centre selling some limited produce and many other items.

I was disturbed late on a Sunday evening recently by the noise of a band playing quite loudly. I found that they were in the Environmental Education Centre and they had parked their vehicles in front of my neighbours and my property. They did not finish playing until well after 11 pm and the cars were not moved until about midnight when I was disturbed by a car being revved up outside my house. Additionally, at New Year there was a bring your own bottle party held in the Environmental Education Centre and the large number of empty bottles in the uncovered waste bins the following day alluded to the alcohol consumed at the party.

Access to the site for vehicles has regularly been via Bogton Road, not just on the farmers market days. Individuals who have allotments use Bogton Road for access on a daily basis, and if the vehicle gates are not open they park as close to the entrance as possible. This parking starts outside the entrance gates and once this is full (about 3 cars) then the next nearest parking place is outside my neighbours and my properties. My property boundary is the tarmac surface and the gravelled area between the front garden wall and the tarmac surface was provided by myself for off street parking for my visitors. Since the inception of what was supposed to be a monthly farmers market we have had numerous problems with parking by people attending the market. We have politely informed people that the land is private and asked them to move their vehicles, not to block our garage entrance or use our garage entrance as a turning point. Some of the responses have been downright hostile and the language used by some is not something I would wish to repeat. Should this planning application be approved it will undoubtedly lead to even more problems outside my house. As I am not prepared to allow the situation to deteriorate further and possibly lead to some form of confrontation, I intend to move my front garden wall to the boundary of my property and put a chain across the garage entrance.

Bogton Road between Russell Place and Croft Road is a single track road where there are a number of parking places provided by the residents for off street parking for their visitors. These areas are now used as passing places and parking spots for those attending the TTF site. When I moved to my house over 25 years ago this was a quiet road. The number of vehicles using this section of road has increased markedly and with it the excessive speed and manner of driving is now a regular problem that has been reported to Police. The width of the road, the poor state of the running surface, the blind bends, the lack of a pavement for walkers and the fact that many parents with young children use this road all lead to a potential for a serious accident. Safety on this road must be of paramount concern and steps need to be taken to enforce the access constraints of the planning applications listed above to ensure safety is not compromised on Bogton Road.

The facts detailed above show that the site has been operating outside of its agreed planning consent for some time. The access control is not following the requirements of the planning consent; the farmers market is not just a farmers market; outside stalls have been moved closer to my property during a planning application for a so called Environmental Education Centre; a car boot sale is already in progress without planning consent; the Environmental Education Centre is being used for parties and bands; indoor stalls are already in use without planning consent.

If there is to be a 275 percent increase in the number of stalls in the TTF site and a 4 fold increase in the frequency of the market there will undoubtedly be an increase in the number of visitors. Unless the problems of access, safety, noise, parking etc. are addressed and solved then the current issues will only lead to more and greater problems. I would ask the following questions of the review body - Is this the only site within Forres where a car boot sale can be located? If there are other sites, are they better in terms of access, parking, safety etc. compared with the TTF site?

Applicants Grounds for Review of Planning Application 14/01905/APP

What price do you put on safety?

The A96 bypass around Forres is a 60 MPH limit where the current site access is located. Having lived in Bogton Road for over 25 years I have heard, witnessed and attended quite a number of accidents at the

turning point into the site. Friends, relatives and neighbours have also heard, witnessed and attended accidents at the same location.

Most events at the site that I have seen in the last 5 years or so have used the Bogton Road entrance as well as the A96 access to the site. This is not virtually the same project that TTF claim in the Notice of Review, its a 275 percent increase in stalls with a four fold increase in frequency. This will undoubtedly have an effect on traffic entering the site both on the A96 side and the Bogton Road side of the site.

I have laid out the issues caused by the farmers markets to the section of Bogton Road and its residents above as well as detailing the actual use of the site. The increase in stalls, and the increase in frequency of the events will undoubtedly compound the issues.

To try and mitigate the risks involved by stating that the A96 traffic is light on a Sunday morning; only busy on good days when visibility is good and road safety is maximised; used for busy events throughout the week in all weathers and with an ever increasing number of public events; shows a degree of disregard for the safety of road users.

Sunday is not a quiet day on the A96 by any means, many people use this day to go shopping in Inverness or Aberdeen, visit friends and relatives or have a family day out. The traffic may not include as many HGV's, but it does include many cars and motorbikes travelling at 60 MPH and many of them will not realise that cars are turning into and out of the site. Without a proper slip road and turning area there is a potential for a high speed accident with potentially life threatening injuries. If you increase the number of stalls by 275 percent coupled with a four fold increase in the frequency of the markets, the potential for a high speed accident increases exponentially.

The A96 is busy whatever the weather as it is the major East - West arterial route in the North of Scotland. Changes in weather do occur and when they do they can have a major effect on road safety. Should this planning application be looked at with only good weather and maximum road safety in mind, or should all weather conditions be taken into account?

How many vehicles have been at these much busier events? If you have a 275 percent increase in stalls then the potential for the number of vehicles attending the event will be very significant. A four fold increase in the frequency of these events will also be a significant factor in the safety of those using the A96.

The points detailed in the Notice of Review do not in my opinion mitigate the risks to road users on the A96. Should this application be considered based the best case or the worst case for traffic and safety on the A96? Personally I believe that the worst case should be the one that is considered so that safety of the road user remains paramount.

In the end it comes down to what price do you put on the safety of the road user.

Regards,

Ian Whiteside

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