

## PLANNING APPLICATION: 06/02660/OUT

*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**

- Outline planning application for residential development at former shipyard and new access road connecting the site to Reidhaven Street. No layout, number of dwellings or infrastructure proposed at present. Application for principle of housing only.

### **The Site**

- Currently used as an industrial harbour area, the site extends to 1.35 hectares excluding the access.
- Site directly adjacent to coastline to the north and west. Residential properties exist to the east, and south-east of the site. The remaining working harbour area exists in close proximity to the south of the site.
- The proposed access road shall occupy what is currently a strip of un-maintained coastal land between Ianstown Terrace and the sea linking the former yard to Reidhaven Street to the east.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

- 06/02199/FUL** - Erect 122 houses and apartments with car parking at North Yard, Blantyre Terrace, Buckie, Moray, AB56 1HR. A detailed planning application upon the same site subject of this report for outline planning permission. This application has yet to be determined.
- 04/01829/FUL** - Extend the outline consent (99/01956/OUT) for a further 3 years at Buckie Shipyard Limited, Commercial Road, Buckie, AB56 1HR. Refused following consideration by Committee in October 2006. Refused on road safety grounds as the application site relied upon existing streets to access the locality. The current application now includes a new access road leading directly onto Reidhaven Street.
- 03/01897/FUL** - Extend the outline consent (99/01956/OUT) for a further 3 years at Buckie Shipyard Limited, Commercial Road, Buckie, Banffshire. Identical proposal to that currently being considered. Refused in accordance with the delegation scheme on 25th June 2004 for the same reasons as the above proposal.

**99/01956/OUT** - Outline planning permission granted on 9th October 2000 by the Environmental Services Committee. The application had originally been recommended for refusal on transportation grounds, but was approved subject to standard conditions, including a condition requiring contaminated land assessments and possible remediation methods to be approved by the Council. Consent expired 9th October 2003 and was still valid when application 03/01897/FUL was submitted.

### **Advertisement**

Advertised as a departure from Moray Development Plan.

### **Observations**

The main planning issues are:

#### **Departure from green space policies (L/ENV18 and Buckie settlement statement ENV1 Railway Lines, River Valleys/Coast)**

The proposed access road departs from Moray Local Plan 2000 policy L/ENV18: Public Amenity/Open Spaces and the designation ENV1 Railway Lines, River Valleys/Coast of the settlement statement for Buckie. The strip of rough grassed land where the access would be located to the north of Ianstown Terrace is currently designated as green space within the local plan. Such designations are to be protected from development, due to their contribution towards the amenity and environment of built up areas. However this strip of land, unlike other similar designations within Buckie, is not maintained or cared for, and offers little in the way of amenity to the locality. While there are several drying lines and benches upon the land, there is also an abandoned car, refuse and building material with only informal access to the rear of the properties on Ianstown Terrace. On this basis the loss of the amenity designation to form an access road constitutes an acceptable departure from policy, and would not result in so detrimental a loss of amenity to the locality to warrant refusal. Given that the route now proposed appears to be the only possible access to the large derelict site (see history section), the loss of amenity ground should be offset by the regeneration of the derelict shipyard which will constitute a significant improvement to the built environment in this locality.

#### **Impact upon harbour use (L/T6, I7 The Harbour)**

Local Plan policy L/T6 Harbours states that alternative uses such as residential which may not be directly related to the harbour but contribute to diversifying the character and environmental quality of the harbour area will be considered on their merits. As the 'North Yard' in Buckie has not been used in some time, and the existing harbour activities consolidated to the remaining areas within Buckie designation I7, the proposal will comply with the above policies. Given the current application includes the provision of a new access, completely independent of Blantyre Terrace and Ianstown Terrace, there will be no infrastructural impact upon the existing shipyard to the south west.

On the basis of the above approval is recommended.

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*Signature* ..... (*Alan Short, Development Control Manager*)

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## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan and/or Moray Local Plan 2000**

##### **Proposal S/ED6: Fishing**

The Moray Council, in conjunction with Moray Badenoch and Strathspey Enterprise and Harbour Authorities will seek to ensure the continued future economic role of Buckie, Lossiemouth and Burghead for fish landing.

##### **Policy S/ENV1: Approach to the Environment**

The approach to Environmental Policy is to conserve and enhance Moray's environmental assets, and require that new development is sensitive to siting, location, and design considerations, whether in town or country.

##### **Policy L/ENV18: Public Amenity and Open Spaces**

The Council will protect existing 'green' space within its towns and villages which are deemed to contribute to the amenity and environment of built up areas. Within these areas there will be a general presumption against development which threatens to diminish the amenity value of individual locations.

This policy should be read in conjunction with S/ENV6 and L/IMP4.

##### **Policy S/ENV8: Sustainable Urban Drainage**

The Council will promote the policy of Sustainable Urban Drainage (SUD), in consultation with SEPA and NOSWA by the incorporation of Sustainable Urban Drainage Systems (SUDs) acceptable to the Council and the regulating authorities.

##### **Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System**

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

### **Policy S/H1: Approach to Housing Development**

New housing development will generally be directed to existing settlements and communities. It will require to be acceptable in terms of its impact on the natural and built environment, and on current or proposed infrastructure capacities.

### **Policy S/H3: New Housing in Built-up Areas**

New housing will generally be directed to the settlements. Housing fitted in to built-up areas must be acceptable in terms of impact on infrastructure, open space and community facilities, as well as its impact on the surrounding built environment.

New housing developments in built-up areas must take account of flood management issues (Policy S/ENV9), sustainable urban drainage systems and energy conservation principles.

In order to encourage new housing development in built-up areas, 'brownfield' development will not be constrained by Structure Plan allowances.

### **Policy L/H3: Servicing and Layout of new Housing Developments**

#### **(i) Layout**

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

#### **(ii) Drainage**

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

#### **(iii) Landscaping**

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

#### **(iv) Recreational Space and Community Provision**

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments) in order to redress any negative impacts by upgrading existing facilities or through the provision of additional facilities. Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for

the provision of recreational space for all types of housing will be prepared by the Council. Redevelopment proposals for existing facilities will be guided by Policy L/CF3.

**(v) Energy Conservation**

Planning applications and development briefs for developments of 10 or more houses must include a statement on the energy conservation techniques to be incorporated in the layout and design of houses.

**Policy L/ED5: Mixed Use Areas**

In areas defined under this policy on Town or Village Maps, the Statement will define the character of the area and its predominant business uses. Redevelopment of "other uses" to the "business use" will normally be permitted. Only if a substantial geographical part of the defined area is proposed for a comprehensive alternative use (e.g. residential or leisure) will the proposal be favourably considered. In such instances landscape and design features will be sought to provide separation between the proposed development and neighbouring business uses.

**Policy L/T4: Provision of Road Access**

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

**(i) Design of Road Access**

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape ( e.g. 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.

**(ii) Road Access Standards**

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

**(iv) Phasing of Road Improvements**

Where a new access roadway is to be provided the Council may require the road to be made up to a specified standard before work on the new property commences.

**Policy L/T6: Harbours**

Areas are identified in the Town Maps for 'harbour related uses' where the primary commercial function of the harbour area will be promoted; in Buckie for cargo handling, fish trading functions and the development of other industry; in Lossiemouth and Burghead commercial and leisure facilities can be accommodated; whilst in the other five harbours (Hopeman, Portgordon, Findochty, Portknockie and Cullen), the emphasis will be for leisure and tourist developments.

Other development proposals not directly related to the harbour use will be considered against the following criteria:-

- i) the operational needs of the harbour.
- ii) the economic benefit of the proposal.
- iii) the infrastructure needs of the proposal.

#### **Policy L/T7: Parking Standards**

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

#### **Policy S/F2: Developer Contributions**

The Council will seek to secure from developers, contributions which provide a community benefit commensurate with the potential impact of their development on public facilities and amenities.

#### **Policy L/F1: Developer Contributions**

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

#### **Policy S/IMP1: Development Siting, Layout and Design**

New development will require to be sensitively sited, designed and serviced. It should meet the following criteria:-

- i) its, scale, density and character is appropriate to the surrounding area;
- ii) it can be successfully integrated into the surrounding landscape;
- iii) it meets wider transportation and local site energy efficiency objectives;

- iv) adequate infrastructure is available or could be made available in conjunction with the development;
- v) consideration is given to the provision of infrastructure which meets sustainable urban drainage principles using appropriate Sustainable Urban Drainage Systems;
- vi) adequate social and community facilities are available or could be provided in conjunction with the development;
- vii) it does not adversely affect nature, urban or historic conservation resources;
- viii) it seeks to manage flood related issues;
- ix) pollution is avoided, including pollution of ground water.

### **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

### **Guidelines on Character, Amenity and Design (L/IMP1)**

#### **a. Character**

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

#### **b. Amenity**

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

**c. Design**

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, piended dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

**Policy L/IMP4: Maintenance of Landscaped and Amenity Areas**

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or

- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

#### **Policy L/IMP6: Transport Impact**

Developers shall provide transport impact assessments for developments which may have a significant impact on traffic flows, pedestrians and cyclists and contributions shall be sought towards any mitigating transport measures shown to be necessary. All proposals must meet the requirements of policies L/T4 (Access), L/T7 (Parking), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4 if relevant.

#### **Policy L/IMP7: Drainage Impact**

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

#### **Policy L/IMP8: Departures From The Local Plan**

Departures from the local plan will be managed in accordance with advice as laid down in Planning Advice Note 41: Development Plan Departures (The Scottish Executive). Proposals which involve substantive or significant policy changes or which are judged to involve major social, environmental or economic impacts, will be the subject of formal alteration procedures to amend the local plan. Such procedures will allow for a structural community participation input and may include a Public Local Enquiry.

### **I7 The Harbour**

Also see Policy L/T6, Chapter 4. Within the area defined priority will continue to be given to development associated with harbour operations including processing, cargo traffic, marketing, storage, chandler, boat building and other ancillary uses. Alternative uses such as residential (e.g. in the form of flats above commercial premises), tourist or wholly commercial development which may not be directly related to the harbour but contribute to diversifying the character and environmental quality of the harbour area will be considered on their merits. In order to promote the development and regeneration of the area including the rehabilitation of redundant buildings, the infilling of gap sites and the creation of pedestrian links through environmental improvements, the Council will endeavour to establish a detailed masterplan for the area in partnership with the Moray Badenoch and Strathspey Enterprise Company and the local community. Road access to the harbour must be designed so as to minimise disturbance to local residents.

### **ENV1 Railway Lines, River Valleys and Coastline**

The preparation of an Integrated Management Plan, for the two disused railway lines and the three valleys, will be investigated as an environmental project for the town involving the local community. The main objectives for these areas will be :-

- (i) to provide for improved public access (as part of a Moray Access Initiative), by extending the footpath network and by maintaining existing paths, and to provide a way-marked pedestrian trail penetrating into the town and skirting its boundaries to the town's countryside;
- (ii) to maintain these features as visual landmarks, amenity features and as boundaries to discrete areas within the town;
- (iii) to provide for wildlife habitats through better management;
- (iv) to promote the recreational, educational and tourist potential of these areas;
- (v) to monitor and possibly manage flooding from the town's burns;
- (vi) to consider the need for further bridging.

As part of the Sustrans network, the Council will look to provide a cycle/pedestrian link from west of Buckpool to Cluny Place and beyond to Rathven. Feeder links into this network will also be investigated.

Pedestrian links from Rathven to Buckie may therefore be upgraded along the Rathven Burn and the grassed area, east of Archibald Grove could be planted and an informal wooded footpath network would link Buckie railway south with March Road. The Buckie Burn perhaps offers the best opportunities for informal recreation and an area has been identified on the Town Map from the Mains of Buckie to Buckpool Harbour. The wetland areas will be managed as natural habitat and in some cases footbridges will require to be provided.

ENV1 also includes coastal areas which will be protected both for their amenity value and for the views they provide to the sea. These are as follows:

Coastal views - Great Western Road (two sites); Baron Street (one site); Great Eastern Road (two sites).

Coastal Open Spaces - Cliff Terrace (as a setting for the Leading Light, and views to existing housing); the Braes (Buckpool, Ianstown and Portessie); Buckpool Harbour:- the Council will seek the upgrading of the harbour environment as the terminus of the new Speyside Way extension.

The retention of the area of open space to the south of the coast road separating Ianstown and Portessie will be promoted and if existing buildings become redundant they should be removed.

Opportunities to upgrade all of these areas will be considered.

Millbank Terrace - Former railway line and adjacent 'buffer zone' area.

## **OBJECTIONS-REPRESENTATIONS**

Letters of objection/representation have been received from the following:

- William and Maureen Coull, Ivydale, 8 Crown Street, Ianstown, Buckie
- Mrs J Carter, Gabert Point, 3 Ianstown Terrace, Buckie, AB56 1SW
- Mrs E M Coull, Beach Head, 5 Ianstown Terrace, Buckie, AB56 1SW
- Mark Wood, 1 Ianstown Terrace, Buckie, AB56 1SW
- Mrs J Devlin, 4 Ianstown Terrace, Buckie, AB56 1SW
- Mrs A Durno, The Roarens, 2 Ianstown Terrace, Buckie, AB56 1SW
- William and Doreen Wilson, Oaklea, 8 King Street, Buckie, AB56 1SH

The grounds for objection are as follows:

- **Enclosed Site**

The objector raises concerns over proposal for a density of 122 housing units upon an site on an area of land smaller and more polluted than the remaining Ianstown community which only has 50 households.

**Comment:** The specific detailed layout is the subject of consideration under a separate planning application. Density will be addressed at the detailed stage.

- The objectors are not opposed to the redevelopment of the former shipyard site but would expect the style and number of units to be in keeping with the existing ambience of the community and not to permanently reduce the existing residents quality of life. The residents expect their local representatives to protect and safeguard the unique heritage of Buckie and District. The local residents have reservations about the developer throwing up 122 units wholly at odds with the majority of the existing traditional buildings in Ianstown. The objectors believe the legacy of allowing a development based on maximising the construction to such an overcrowded extent would permanently scar Buckie.

**Comment:** As previously mentioned the current application is in outline only and the density is not addressed under this application. The issue of density would be addressed under the detailed planning application.

- Objectors raise concerns about the use of Blantyre Terrace and Ianstown Terrace for access to the site.

**Comment:** Whilst this application is in outline, the proposal clearly shows the intention to develop a new access serving the site from Reidhaven Street which would mean that both Blantyre Terrace and Ianstown Terrace would not be utilised.

- With regard to Reidhaven Street, the main road from which traffic would exit from and enter on to, there have been in the past couple of years two major road accidents involving cars colliding with resident's parked cars and their houses. The accidents have been through speed and concern would be if the new road is fairly straight it would not be long before it could become an added challenge for boy racers.

**Comment:** It is speculative to presume that any change to traffic arrangements would encourage irresponsible driving. The Transportation Manager has not objected to the proposals.

- **Entry and Exit from proposed road**

The proposed road is a single track with entry to it from Reidhaven Street and the exit from Unison Terrace onto Reidhaven Street. This is quite a short distance and the objectors are concerned that this would not comply with the regulations being so close together.

**Comment:** The Transportation Manager has not objected to the proposals.

- Regarding access to the existing garage with the proposed road being one away, this will force current residents to make long journeys to get their car from the front of their house and into the garage at the rear of their house, to also mean that to exit the garage they will have no option but to reverse out onto what will be a busy road, hazardous at the best of times and a major worry with two small children under the age of 5 in the back of the car for the majority of journeys.

**Comment:** Details of the specific layout of any new road access would be considered under a detailed planning application.

The bus stop at the moment is positioned at what would become the entrance to the proposed road from Reidhaven Street. If the bus stop was to be moved where would it be moved to, as to put it either side of the entrance would be a hazard and obstacle to drivers entering the proposed new road or existing entrance at Ianstown Terrace. A bus stop is vital for the community, especially for elderly residents of Ianstown, if it was to be moved further afield then this could become a health issue for them as they could be exposed to longer times braving the winter weather.

**Comment:** The application for consideration is in outline only and the details of the access arrangements and repositioning of any bus stop will be assessed at the detailed planning application stage.

- Ianstown has long provided a safe and secure environment for families raising children. The residents are proud there is an unblemished record of no traffic or other major incidents involving children for in at least 40 years in their burgh. Although Ianstown Terrace has always been busy a street traffic wise, as parents and residents it was never an issue or concern thus regarding children. The objectors all have front gardens with gates etc. but with these areas being small you can find the children are always at the rear of the houses playing in an open and carefree environment at the top of the beach - an area which is vast disappearing in today's society due to development. The result would be a lack of areas for children to play which would lead to concern over increased risk from traffic. This concern over traffic movement would continue during the construction phase and beyond due to the dramatic increase and passing traffic.

**Comment:** Please see the observations section of the report which identifies the condition of the amenity land which would be given over to the proposed access. It does not contribute any significant amenity to the locality due to its state of repair. Further more it is speculative to presume that the resultant traffic would cause a specific danger to children.

- **Structural Damage**

No 5 Ianstown Terrace is unique in the fact that it is the only house in Ianstown Terrace where the rear gable wall is actually built against the site boundary. Several windows and a load bearing wall may be subject to damage as it would be adjacent to the proposed road. The objector believes that work being done on this ground will obviously have an impact on the wall so it is a major concern that structural damage will be incurred.

**Comment:** It is speculative to presume that any structural damage will occur as a result of development on the neighbouring ground. If damage were to occur it would be a private matter to be resolved between the applicant and the individual concerned.

- Given that the area of ground where the proposed road will be located is reclaimed beach any excavations will quickly see the developers dealing with the shingle and sand and therefore the land is in no way suitable to support any volume of traffic. How long will it be before any road surface start sinking with potholes etc. quickly appearing and subsidence becoming an issue?

**Comment:** It is speculative to assume any access would be subject to subsidence due to the nature of the geology.

- Recent sewerage infrastructure laid was not buried deep enough and the objectors are concerned that should any volume of traffic cross the location of this sewerage infrastructure the pipework could break and the residents will have to deal with raw sewage seeping out.

**Comment:** It is speculative to presume that any site work or operations would break infrastructure within the site.

- The objectors are concerned that any sea defences are strengthened surrounding the proposed site. This would divert the force of the sea into the bay adjacent to houses on Ianstown Terrace, therefore the impact upon Ianstown Terrace of high tides or winter storms could be worsened.

**Comment:** It is speculative to presume that any sea defences constructed or altered would be to the detriment of the houses to the south.

- The objectors are concerned regarding the loss of privacy that would result to the properties from the construction of a road to the rear of the properties.

**Comment:** Given that area of land is currently locally accessible and the distances involved from the rear of most properties, it is not considered that the proposed access route would be detrimental to the privacy of properties on Ianstown Terrace.

- The objectors commented that a previous objection to the proposed development of this site which was fought by objectors with petitions etc. the successful campaign resulted in refusal by the Planning Committee of an application to develop the site. It is with a great sadness that objectors find themselves in the same situation now six years later and find it hard to believe the same development is being proposed - after all in the last six years nothing has changed other than a big developer showing an interest.

**Comment:** The current application differs from the previous outline planning application in so far as a new access route is proposed linking the site directly to Reidhaven Street. The Members of the Environmental Services Committee will be made fully aware of the planning history of the site when considering the current outline application.

- One of the objectors is concerned that the proposed development will have a significant impact on the number of cars in the locality and also upon the number of children relying upon the neighbouring primary school.

**Comment:** The impact of the proposed density of housing will be more fully assessed under the detailed planning application. It is only the principle of housing upon the site which is currently under consideration.

- During winter conditions, a road along the beach behind Ianstown Terrace would be hazardous and probably unsuitable under certain weather conditions.

**Comment:** The Transportation Manager has not objected to the proposals and the specific position and access arrangements would be assessed at the detailed planning application stage.

- The land from which the proposed new road would exist was reclaimed following the 1953 gale and still to this day boulders and seaweed come over the bank onto the proposed road. With global warming and rising tides this will only bring more expense to an already strapped Council in cleaning it.

**Comment:** Details of the road and any altered or changed coastal defences will be assessed at the detailed planning application stage.

- If the road were to be blocked by incimate weather the traffic would be forced back and have to use Blantyre Terrace and Ianstown Terrace to which the objectors have already objected.

**Comment:** It is speculative to presume that weather would close the road.

The agent has responded to the objections with the following points:

- Many objectors have referred to the density and design of the new development which will of course be beyond the scope of the outline application. These matters will be fully addressed under the detailed planning application which is currently under consideration by the Council.
- A Flood Risk Assessment has also been submitted in support of the detailed planning application to give comfort that the potential issues of rising sea levels has been considered.
- The developer would like to emphasise that they are seeking to ensure a viable redevelopment of the old shipyard and also to include a mix of unit types and style to appeal to a broader section of the community. The mix achieved with the scheme as submitted under the detailed application would ensure a wide range of occupiers who would add economic diversity to the local area. The scheme is designed to take full advantage of the unique qualities of the site while providing substantial parking provision, affordable housing and public open space.
- The developer notes that the local residents are not objecting to the redevelopment of the shipyard in principal, indeed it is now identified in the emerging local plan as an opportunity site and it is also identified within the Buckie Harbour Study commissioned by The Moray Council and Highlands and Islands Enterprise Network for redevelopment.
- In terms of Contaminated Land, the applicants have worked closely with the Environmental Health Department of The Moray Council and it has been established in principal that the site can be redeveloped for residential use. As part of this ground investigation work, the quality of the substrata has been identified and the foundations and footings will be designed appropriately and in line with that required by The Moray Council.
- In terms of the concerns regarding access and road safety, the existing road network was tested via a previous outline planning condition 04/01829/FUL. Subsequently, it became clear that any redevelopment of the old shipyard would require the opening up of the land to the north of Ianstown Terrace to create a fully considered, appropriate safe means of access to include an appropriate roadway width and pathways.
- Traffic speeds on Reidhaven Street, the location of bus stops and the safety of children will all be properly considered as part of a detailed planning application, indeed we advise that a large grassed amenity space is already incorporated into the site layout.

## **CONSULTATIONS**

**Transportation Manager, Direct Services** - Approve subject to condition requiring further consideration of various matters at the detailed stage.

**SEPA** - Approve subject to various comments regarding surface water drainage, foul drainage and pollution prevention. Further information on Sustainable Urban Drainage were to be submitted before SEPA would remove an initial objection.

**SSE Power Distribution** - An electricity sub station and underground cables affect the site, and the necessary precautions should be carried out.

**Environmental Health Manager, Development Services** - No objections.

**Contaminated Land, Development Services** - Approve subject to conditions regarding the previously agreed remediation strategy and unsuspected contamination.

**Developer Contributions** - The only contributions sought were from the Environmental Protection Manager, but given the unique situation that a detailed application is also currently under consideration, it would be more appropriate that specific requests for play parks and refuse wagon facilities is dealt with under the detailed application. This would also avoid repetition and confuse of negotiations with the applicant for both applications.

**Scottish Water** - No objections at this time, various comments attached to their letter of response.

**Scottish Natural Heritage** - No objections on the basis that their concerns are currently being addressed through the currently lodged detailed planning application.

**Environmental Protection Manager, Direct Services** - No objections.