

PLANNING APPLICATION: 07/01401/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

- Application is in respect of the erect a public shelter at Burghead Harbour. The shelter has a floor space of approx. 23.24 sqm. The external cladding is concrete blockwork with metal roof sheeting.

The Site

- The site is located within Burghead Harbour off Church Street. It is to be erected on an area of land surrounded by the public road and harbour that currently has recycling bins located on it. The location of the shelter is in front of the public toilets adjacent to the harbour office.

Policy / Objections-Representations / Consultations - See Appendix

History

Adjacent site:

- 05/00118/MC -** A full planning application was received from The Moray Council to carry out refurbishment works and install seating lighting and railings at North Quay, The Harbour, Burghead, Elgin, Moray. The application was approved May 2006.

Advertisement

Advertised as a departure from the development plan.

Observations

Determining issues:

Impact of Public Shelter on the Surrounding Area (L/IMP1, L/IMP3, L/T6 & HBR1)

The proposed shelter is intended to be used by locals, fishermen and tourists who visit the harbour area. It will be operated and maintained under the stewardship of the adult residents of the community.

The relevant policies for the application to be assessed against therefore are L/IMP1, L/IMP3, L/T6 & HBR1.

The site on which the shelter is to be located has been cleared of buildings for nearly twenty years. The site currently allows an open aspect to the harbour and entry to the listed quay - which has recently been re-furbished and up graded along with number of the quay listed buildings having been recently refurbished, all of which, adds to the quality and ambience of the area.

A functional modern building sited as proposed will have a significant and detrimental visual impact on this part of the harbour area. It will conflict with nearby historic buildings, in terms of design and material finishes, with a resulting significant detrimental impact on the amenity and character of the area.

Alternative sites have been suggested within close vicinity of the proposed site which would significantly reduce any visual impact, however, the applicant has requested that the application be considered as submitted.

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Planning Officer

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Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

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.

HBR1

It will remain policy to regard Burghead Harbour as primarily a commercial harbour, including fishing and industrial activities. Nevertheless, in view of the volume of cargo presently handled, and the level of fishing activity, the harbour area is seen to have scope for recreational and residential use, for which proposals related to the revitalisation of the harbour and its surrounding premises (as defined on the map) for tourist, recreational or residential use, will be encouraged.

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/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

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 L/T4: Provision of Road Access

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

OBJECTIONS-REPRESENTATIONS

51 letters of objections/representations were received:

- Albert William Main, 20 Keith Road, Burghead, Moray, IV30 5YS
- Raymond Heffernan, 26 Forteath Street, Burghead, Moray, IV30 5XF
- Mary Candlie, 6 Bayview, Burghead, Moray, IV30 5GA
- George Gowans, 6 St Aethans Place, Burghead, Moray, IV30 5UT
- Ronald Matheson, 8 McKenzie Place, Burghead, Moray, IV30 5UU
- James Kelman, 16 Fraser Road, Burghead, Moray, IV30 5YN
- Duncan Watson, 44 Fraser Road, Burghead, Moray, IV30 5YN
- Cath Millar, 19 Forest Road, Burghead, Moray, IV30 5XL
- Stewart Slater, 4-8 Young Street, Burghead, Moray, IV30 5UB
- Mr and Mrs Williamson-Jackson, Torfness House, 72 Granary Street, Burghead, Moray, IV30 5UA
- David Main, 6 Fraser Road, Burghead, Moray, IV30 5YN
- Ian More, 12 Kinloss Street, Burghead, Moray, IV30 5UY
- Donald More, Dervaig, Grant Street, Burghead, Moray, IV30 5UQ
- Alexander James Cumming, 14 Kinloss Street, Burghead, Moray, IV30 5UY
- Mr John Main, Bunaby, Grant Street, Burghead, Moray, IV30 5UQ
- Keith and Valerie Remnant, Harbourside, 68 Granary Street, Burghead, Moray, IV30 5UA
- John Main, 26 Brander Street, Burghead, Moray, IV30 5XD
- George Main, 80 Forteath Street, Burghead, Moray, IV30 5XF
- Alice Main, 80 Forteath Street, Burghead, Moray, IV30 5XF
- John A Ralph, 20 Granary Street, Burghead, Moray, IV30 5UJ
- David Gay, 25a Woodland Place, Cowdenbeath, By Dunfermline, Fife, KY4 8DD
- Stella Stewart, 46 Fraser Road, Burghead, Moray, IV30 5YN
- Mrs A Main, 50 Fraser Road, Burghead, Moray, IV30 5YN
- Maureen Oldeum, 18 Keith Road, Burghead, Moray, IV30 5YD
- Helen Ritchie, 2 McDonald Crescent, Burghead, Moray, IV30 5UX

- Lynne Bowden, Edelweiss, 9 Firth View, Burghead, Moray, IV30 5UW
- Gordon Robertson, 21 Forteath Street, Burghead, Moray, IV30 5XF
- George Ritchie, 2 McDonald Crescent, Burghead, Moray, IV30 5UX
- Jennifer Harnett, 42 Forteath Street, Burghead, Moray, IV30 5XF
- R A Fraser, 72 Robertson Drive, Elgin, Moray, IV30 6EU
- Kenneth Ritchie, 22 McDonald Crescent, Burghead, Moray, IV30 5UX
- Mary Green, 19 Keith Road, Burghead, Moray, IV30 5YJ
- Mrs Jennifer Chritson, 2 Station House, Grant Street, Burghead, Moray, IV30 5QU
- George Chritson, 2 Station House, Grant Street, Burghead, Moray, IV30 5QU
- H M Ross, 7 Station Road, Burghead, Moray, IV30 5UN
- Mr and Mrs B M Croshaw, Fernbank, 12 Headland Rise, Burghead, Moray, IV30 5HA
- Mrs Laura MacLure, 32 Young Street, Burghead, Moray, IV30 5TU
- William Main, 2 Young Street, Burghead, Moray, IV30 5UB
- Janet Green, 20 Church Street, Burghead, Moray, IV30 5XH
- Thomas Ross, 74 Towerhill Road, Cradlehall, Inverness, IV2 5FH
- Shirley Munn, Croy Cottage, Back Street, Cummington, Moray, IV30 5XY
- Douglas MacLure, 32 Young Street, Burghead, Moray, IV30 5TU
- Raymond Parsons, 12 Park Street, Burghead, Moray, IV30 5UG
- George MacKenzie, 13 Headland Rise, Burghead, Moray, IV30 5HA
- John I Main, 47A Grant Street, Burghead, Moray, IV30 5UE
- Sandra Tuke, 2 Pinewood Road, Burghead, Moray, IV30 5XN
- Chris Tuke, 2 Pinewood Road, Burghead, Moray, IV30 5XN
- Elizabeth Main, Brooklyn, St. Aethans Road, Burghead, Moray, IV30 5YR
- John Main, Brooklyn, St. Aethans Road, Burghead, Moray, IV30 5YR
- Mrs M Slater, Commercial Hotel, 4-8 Young Street, Burghead, Moray, IV30 5UB
- Ken Ward, 22 St. Aethans Drive, Burghead, Moray, IV30 5FP

Objections/Representations summarised as follows:

- **Concerns in relation to impact of proposal to the area**
 It will increase traffic in the area. It will create more noise from children and teenagers.
 There is enough clutter in the harbour area already, the harbour should be left as it is.
 The proposal will create increased litter. The proposal will be vandalised.
 There are better locations for the shelter that would help solve the existing noise experienced by local residents.

Applicant's Response: We do not believe that the shelter will lead to more traffic flow. The proposed location of the shelter will negate the necessity of drivers having to proceed beyond the entrance of the harbour thus effectively reducing the traffic within the working area of the harbour. The proposed shelter will generate less vehicular traffic than the existing bottle banks and will have no greater impact on traffic visibility than presently exists due to their presence.

The shelter will be operated and maintained under the stewardship of the adult residents of the community who regularly visit the harbour throughout the year on a daily basis. It is intended that the shelter will be kept locked throughout the night and will not be allowed to develop into a gang hut for late night use and the problem of the accumulation of litter will not arise.

The proposed site is that which was occupied by a previous shelter which was chosen for its commanding view of the harbour whilst causing the least disturbance to its operations.

The shelter will restore a valuable amenity to our community which be much appreciated by, in particular, the former fishermen and current seamen of the community who at present meet at the corner of the harbour office in all weathers with no protection from the elements. We have made this application in response to the numerous requests we have received from members of our Community to reinstate their harbour shelter on its former site, which, being on the elevated side of the harbour, gives a clear view of the harbour whilst not detracting from the present harbour layout. The reinstatement of the shelter will enhance this area of the harbour and its location will give a clear indication of the demarcation line between the amenity and commercial areas of the harbour.

The alternative site referred to would encourage pedestrian and vehicular traffic onto the access road leading to the south pier which houses the industrial units and fish storage shed causing obstruction to the commercial traffic, which serves this area. The site proposed for the shelter was chosen, as it was by our forefathers, for being the safest location for its users, which gives the best view of the harbour without compromising the commercial activities of the harbour. The proposed location is at least thirty metres from any adjoining domestic neighbour. The windows in the proposed design are positioned to look onto the harbour and not on to any domestic neighbour.

Comment: It is not envisaged that a shelter as proposed would increase traffic. Vandalism, noise, litter and disturbance are all police matters, which should not be controlled through the planning process. The building is intended to be located where recycling bins are currently sited and as such there would be no increase in clutter. Alternative locations have been suggested to the applicant however they wish to proceed with the application as submitted.

Representation of support

- Proposed location ideal for viewing harbour. Shelter must be restored in original position. Imaginatively designed structure could enhance the harbour. Great benefit to the area for locals and tourists. It is in the local plan to develop the harbour. The shelter would be an asset to the harbour area. The shelter must be in the original position.

Applicant's Response: On having identified a requirement for the shelter by the way of the representations received from locals and regular visitors to our community to have the former shelter reinstated in its original location. This was followed by extensive consultation with the wider community; we commissioned an architectural technician to prepare drawings for application for planning approval. As we take our role as elected representatives of our community with responsibilities in promoting and maintaining the amenity of our community seriously, we gave specific instructions to the architectural technician to give full consideration to the requirements of policy L/IMP1 of the Moray Local Plan.

Comment: See observations above.

CONSULTATIONS

Transportation Manager, Direct Services - Harbour Engineer has no objections.

Environmental Protection Manager, Direct Services - No objections.

Environmental Health Manager, Development Services - Approve unconditionally.

Building Standards Manager, Development Services - Warrant required.

Contaminated Land, Development Services - Approve with attached to planning consent.