

From: Gordon Atkinson
To: David
Cc: Melanie; Peter; Michael; Paul
Sent: Thursday, 20 March 2014, 13:06
Subject: RE: Industrial site next to Harbour View [NOT PROTECTIVELY MARKED]

This email has been classified as: NOT PROTECTIVELY MARKED

Dear Mr and Mrs Routledge

I'm sorry that I've not had a chance to reply to your email of Tuesday before now.

You ask 'who has designated this site as 'industrial'':

Use of the site of the slipway itself and the land between it and River Drive dates at least from a planning permission granted in 1976 for 'new slipway for maintenance/repair of fishing vessels' (I say 'at least' because general industrial use of the site may date from before this). The use of the strip of land (roughly 40m wide) between the houses and the slipway dates from a 1987 permission for 'erection of boat repair shed for repair and maintenance of boats' (although the shed itself was never built). This was an area that was formerly part of the Velva Liquids site, which was on the site of what is now the Harbour View properties.

In legal terms, this means that the lawful use of the site for planning purposes is general industrial-which is defined as use for carrying on an industrial process.

"industrial process" means a process for or incidental to any of the following purposes:—

(a)

the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(b)

the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c)

the getting, dressing or treatment of minerals;

in the course of any trade or business other than agriculture, and other than a use carried out in or adjacent to a mine or quarry;

What we have is a report that the new structure is not being constructed in accordance with the approved plans, and that conditions of the 1996 permission have not been complied with. It will take time to fully investigate and analyse the situation and then make a decision in the light of all the facts. We must take time to ensure we get it right, for all concerned. At this stage I am not able to say when this process will be completed. I can assure you that we do take the matter seriously, but we must take the time to do this properly.

With regards to your message below, Planning and Environmental Health are liaising on this case, but I'm sure you will appreciate that they are two separate statutory codes. As regards any future development proposals, the company will need to bring those forwards in the usual way, and if a planning application is made it will be subject to local publicity.

Regards
Gordon Atkinson

From: David
Sent: 19 March 2014 19:23
To: Planning Enquiries
Cc: Gordon Atkinson; Melanie; Peter; Michael ; Paul
Subject: Industrial site next to Harbour View

With regard to ongoing issues with industrial site River Drive, adjacent to Harbour View:
FAO: Peter Cunningham; Gordon Atkinson

The Environmental dept advises they have no say over issues regarding the consistent breach in the 1996 planning permission.

Our concerns continue with our complaints not being adequately dealt with.

It appears the planning dept have little interest in applying their mandatory obligations to enforce compliance by the owners of the boat yard on River Drive, with the planning permissions given in 1996.

We would ask that council representatives desist from constantly pointing out that we reside adjacent to an industrial site. If this is dealt within a fair and reasonable way, then equally you should be acknowledging that they operate adjacent to a residential estate. You constantly argue that they are an established industrial site. However, at the time of the original planning requests and permissions WE were an established residential estate, construction having commenced in 1991.

Unfortunately there is no magic industrial/residential wall separating us: it would be handy to have something to shut of the noise and general products of yard activity. Equally the yard operatives probably feel the same way. However, there is no magic wall between us, and we find ourselves buttressed up together. So we are left to find something that will hopefully:

- stop any proposed expansion to the work in the yard (are you beginning to realise what the impact will be, based on the current experiences?!);
- step up to the footplate and do the right thing: act on your mandatory obligation to actually deal with our issues, rather than simply repeating 'industrial site, industrial site' like a hideous mantra;
- recognise that there is no magic wall between us, and that you now are responsible (not those who originally approved the planning permission) in doing something positive about our concerns;
- and we want you to:
 - a) not agree to further planning expansion in the yard;
 - b) enforce the original planning permission agreements: shed height and size; limits on work - times, noise etc;
 - c) acknowledge that not only are they an industrial site but that we are a residential site, as of 1991, and therefore WERE established before the boatyard permissions;
 - d) recognise that if our complaints are not dealt with, we will escalate our issues to the Ombudsman, as per the complaint processes

We await your details as to how you intend to deal with our complaints.

Regards
Julie and David