

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 June 2017

BY: Depute Chief Executive (Partnership and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: this is an innovative application in terms of promoting the economic development and tourism goal of "becoming Scotland's leading coastal, leisure, and food and drink destination". The report outlines both positive and negative considerations and I believe the Committee should visit the site and discuss the application in full.

Application No. 17/00107/P

Proposal Erection of building for restaurant (class 3) use with covered decked area and associated works

Location Site At The Green
West Bay Beachfront
North Berwick
East Lothian

Applicant Mr Stirling Stewart

Per Architecturejfltd

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The application site is an area of land on the northern edge of The Green, an area of open space within North Berwick. By being located within the area of open space the area of land is bounded to the south, east and west by other parts of the area of open space, and to the north by the foreshore of West Bay. There is a putting green edged by a footpath on a large part of the area of open space to the south. By being within an area of public open space the application site is within an area covered by Policy C3 (Protection of Open Space) of the adopted East Lothian Local Plan 2008.

The site is within the North Berwick Conservation Area.

The site is adjacent to the southern edge of the Firth of Forth Special Protection Area. It is also adjacent to an area identified by SEPA as being at risk of coastal flooding.

Planning permission is sought for the erection of a building with associated covered deck on the application site. The building would be used as a restaurant with an element of hot food takeaway. It is proposed to set the building with covered deck onto the rough grass on the sand dunes on the northern edge of the area of open space.

The proposed building would be in the form of a modified storage container some 7.5m in length, some 2.5m in width and some 3m in height to the top of its flat roof. It would have a covered timber deck projecting out some 1.5m from its front elevation. The timber deck would have a long timber shelf on its northern edge with associated seating along it. Access to the deck would be via a 2.5m long access ramp with handrails attached to each of its east and west sides. There would be 5 identical pitched roofed canopies supported on galvanised steel frames covering the deck. Attached to the west side of the proposed building would be a rectangular shaped service area some 2m in length by some 2.5m in width. The service area would be enclosed by a 1.8m high timber boarded fence. The service area would contain the gas tanks, water containers and bins to facilitate the use of the building as a restaurant. Attached to the eastern end of the rear (south) elevation of the building would be a small building some 2m in length, some 2m in width and some 3.2m in height to the top of its pitched canopy roof. That smaller building would also be clad with timber and would house a toilet which would be open to the public during the opening hours of the restaurant.

The proposed building would provide within it 3 tables each with 4 associated chairs, with the remainder of the building being used as the kitchen for food preparation, cooking and serving areas. On the timber deck a further 15 stools would be provided along the raised bench.

The supporting statement suggests that the restaurant would operate from 10.00am to 8.00pm daily from April to September inclusive. Thereafter it would be removed from site. No details have been submitted on any restoration works to restore the ground once the container has been removed.

A statement submitted by the applicant's agent states that all deliveries would be made to and from the building by hand cart or sack barrow. Timing of deliveries and waste removal including from the proposed toilet, would be outwith peak hours and could be conditioned such.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies, ENV4 (Development within Conservation Areas), NH1a (Nationally Protected Sites), NH1b (Sites of Special Scientific Interest), DP13 (Biodiversity and Development Sites), C3 (Protection of Open Space), T2 (General Transport Impact), R3 (Hot Food Outlets), DP1 (Landscape and Streetscape Character), DP2 (Design), DP16 (Flooding) and DP22 (Private Parking) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's Scottish Planning Policy: June 2014 on development within a conservation area and on

development affecting green infrastructure.

Scottish Planning Policy also echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Scottish Planning Policy states that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. It advises that the planning system should consider green infrastructure as an integral element of places from the outset of the planning process and facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation. Scottish Planning Policy defines green infrastructure as including the 'green' and 'blue' features of the natural and built environments that can provide benefits without being connected and states that green features can include parks, woodlands, trees, hedges, verges etc.

With regard to international, national and locally designated areas and sites, Paragraph 202 of Scottish Planning Policy: June 2014 states that 'the siting design of development should take account of local landscape character. Development Management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement'.

Paragraph 203 of Scottish Planning Policy states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

With regard to international designations, paragraph 207 of Scottish Planning Policy states that sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 Network of protected areas. Any development proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an "appropriate assessment" that there will be no adverse effect on the integrity of the site.

With regard to flooding, Scottish Planning Policy states that planning should promote a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the

following should therefore be taken into account:

- * the characteristics of the site;
- * the design and use of the proposed development;
- * the size of the area likely to flood;
- * depth of flood water, likely flow rate and path, and rate of rise and duration;
- * the vulnerability and risk of wave action for coastal sites;
- * committed and existing flood protection methods: extent, standard and maintenance regime;
- * the effects of climate change, including an allowance for freeboard;
- * surface water run-off from adjoining land;
- * culverted watercourses, drains and field drainage;
- * cumulative effects, especially the loss of storage capacity;
- * cross-boundary effects and the need for consultation with adjacent authorities;
- * effects of flood on access including by emergency services; and
- * effects of flood on proposed open spaces including gardens.

North Berwick Community Council as a statutory consultee to the application have raised an objection to the principal of this development in this location. The grounds of objection are:

- * This is public land and is zoned in the LDP as open space. It is currently open and undeveloped, and
- * It forms an important part of the amenity of North Berwick for residents and visitors alike. It is not in the public interest to permit a commercial development in this location.
- * The proposed development would dramatically change this part of the North Berwick beach front.
- * would create a precedent
- * It would have a significant adverse impact on the iconic vista across the green towards the Forth and its islands.
- * Is in a very important position in the Conservation Area
- * Concerns about service access, litter, waste disposal, seagulls, noise, etc.

There are a total of 185 written representations to the application. Of those written representation there are 157 objections to the proposal: The main grounds of objection are:

- * Not all neighbours were notified
- * There are Enough food outlets in North Berwick and this could lead to a loss of earnings of those existing outlets;
- * Over commercialisation of North Berwick with nothing stopping numerous tables and chairs appearing around it;
- * There are existing empty outlets in the town centre which should be utilised first;
- * It would be an eyesore in a conservation area which would be a blot on the landscape and destroy the unique character of the sea front;
- * It would be an inappropriate development that will be intrusive and would spoil iconic views;
- * It would be contrary to national and local planning policy. In particular contrary to Policy ENV4 Would not preserve or enhance the character of the Conservation Area and to Policy DC1 – as not appropriate in scale or character for its proposed location;
- * The land is protected by Policy C3 of the adopted local plan and the proposal does not comply as there would be a significant loss of amenity and would impact on the landscape;
- * There are better sites for this proposal on East Bay;
- * It would increase parking problems;
- * It would become a meeting place for young people creating noise and rubbish and anti

social behaviour;

- * Litter may attract more gulls;
- * Smells of frying food;
- * Noise and smell from a generator;
- * Noise from the clients in the restaurant;
- * Light pollution;
- * Environmental issues;
- * Will increase demand for public toilets;
- * Set a precedent for other outlets along the bay;
- * Will become a permanent feature;
- * Concern about how toilet would be serviced and could lead to smells and odours;
- * Where will customers smoke;
- * Lack of services in the area;
- * No vehicular access to site and potential for damage by service vehicles;
- * Disturbance to local residents from deliveries;
- * Is this not Council owned land;
- * The land is common good land;
- * The applicant already has premises in North Berwick a short distance away;
- * Council should address parking issues in North Berwick before attracting more people to visit;
- * It's on public land and should not be used for private venture;
- * The site is on an area of "raised beach" which is very fragile and susceptible to damage. Due to proximity to the shore the increased use/pressure on the area will exacerbate coastal erosion;
- * Land is unstable and uneven would it require some digger use and concrete base;
- * Site is close to badly buried sewage pipe which may be incompatible with a food outlet;
- * Public place used by children, dogs and pedestrians;
- * It would deter people using the beach close to the proposed restaurant;
- * Removal of the structure will leave a footprint of disturbed ground that will be an eyesore;
- * Damage North Berwick's reputation as a tourist destination;
- * Potential for adverts appearing around the premises;
- * Could lead to deterioration of the putting green;
- * The type of food served would lead to an increase in obese people;
- * Site is used for temporary parking and storage during the Open Qualifying golf competition and annual dinghy competition. No other places to accommodate such event attendees.

Of the remaining 27 representations one neither objects nor supports the proposal and the remaining 26 are letters of support for the proposal. The letters of support can be summarised as:

- *the restaurant will enhance the facilities within North Berwick for eating and drinking for its expanding population and for visitors;
- *It is an attractive building that will enhance the area;
- *It will bring employment and opportunities and enhance the local economy;
- *The applicant has a proven track record for successful business ventures in North Berwick;

The statutory requirement for neighbour notification in respect of a planning application is that all neighbours within 20m of a proposal should be served with a notice. In respect of this application there are no neighbouring properties within 20m of the planning application. A notice was placed in the East Lothian Courier on 3rd March 2017 giving notice of the proposal and a site notice was displayed on land near to the site.

From Council records it is unclear who owns the area of land the subject of this application. However it is within an area of open space that is managed by East Lothian Council for the benefit of the local community and the visitors of North Berwick. The adjacent putting green is a facility that is managed by Enjoy Leisure and not by East Lothian Council.

The number of existing food outlets including some owned by the applicant in North Berwick are not material planning considerations in the determination of this planning application. Neither is the loss of earnings of those existing outlets or the matter of there being empty outlets in the town centre.

The matters of the facility becoming a meeting place for young people, anti social behaviour, smoking, litter, attraction of sea gulls, obesity, the proximity to a sewage pipe, lack of services, increasing demand for public toilets and that the applicant has existing premises are not material planning considerations in the determination of a planning application.

There are no associated advertisement applications for the siting of signage close to or on the site. Any such advertisement would require consent. If any applications were received they would be determined on their merits.

The Council's Environmental Health Manager advises that there are concerns about the issue of food safety and health and safety that have not been addressed by the applicant including concerns about the lack of sanitary accommodation for staff. However these matters are controlled through other legislation and are not matters relevant to the determination of this application.

The Council's Environmental Health Manager further advises that that any noise from plant or equipment should not exceed Noise Rating curve NR20 between the hours of 2300-0700 and NR25 between 0700-2300. He further advises that the details of any extraction system to be used should be submitted to and approved by the Planning Authority.

The proposed building would be positioned sufficiently far away from nearby houses on Beach Road and Pointgarry Road to ensure there would be no loss of amenity through overlooking, overshadowing or light pollution.

Scottish Natural Heritage advise that the proposal would not adversely affect the integrity of the Firth of Forth Special Protection Area. However, due to its positioning Scottish Natural Heritage advise that East Lothian Council must carry out an appropriate assessment of the impact of the proposal on the Special Protection Area. Such appropriate assessment was carried out and its findings can be summarised as: (i) Construction time will be minimal as the facility will be delivered and uplifted by truck at the start and end of each summer season. Therefore any construction disturbance will be short term and reversible; (ii) the site area is very small and is already subject to background levels of disturbance from its location on a popular recreation beach within a settlement; (iii) Operational disturbance would be in the context of existing activity at the beach location. This beach is within a settlement, close to homes and businesses, and used by many people for recreation. Nevertheless SPA birds use this area despite disturbance levels. The small scale of this proposal will not add significantly to the existing levels of disturbance at the site; and(iv) due to the location and small size of the proposal combined with the hours of operation, means that there will not be a significant increase in lighting levels.

Therefore from the appropriate assessment it can be concluded that the proposed

building would not have adverse affects on the integrity of the SPA and on this consideration the proposal is consistent with Policies NH1a, NH1b and DP13 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

On the matter of parking, the proposed building would create a restaurant with a public floor area of some 45 sq metres. The Council's Road Services advises that Council's Parking Standards, March 2008 seek that 1 space per 7 sq metres is provided for restaurant uses. As such this would amount a demand for 7 additional car parking spaces on street. Road Services recommend that a condition should be imposed on any grant of planning permission requiring that the applicant provide "7 car parking spaces in a location to be approved by the Head of Infrastructure".

There are no off-street car parking spaces on the application site and none can be provided as there is no available land there sufficient to accommodate them. The agent for the applicant has confirmed in writing that his client does not have land available to provide 7 parking spaces.

Notwithstanding the restaurant/takeaway use of the building would be likely to satisfy a demand from people already visiting this part of North Berwick. The existing facilities of the east and west beaches, the harbour and the Scottish Seabird Centre already attract many local people and visitors to the locality. It is unlikely that the proposed restaurant use would, in itself attract significantly greater numbers of people to the locality. It is unlikely that customers of the proposed restaurant would be drawn solely to it, but rather that they would be residents of North Berwick or persons visiting the town anyway. There would be seating for 12 customer inside the building and a further 15 customers outside on the area of decking to be formed to the front of the building. There is on-street parking provision on the public roads in the locality and parking provision elsewhere in the centre of the town. In light of all of this it would be unreasonable for the Council as Planning Authority to require the applicant to provide 7 car parking spaces in a location to be approved by the Head of Infrastructure.

In the circumstance of this case the proposed restaurant with takeaway element does not conflict with Policy DP22 of the adopted East Lothian Local Plan 2008.

With regards flooding Policy DP16 of the adopted East Lothian Local Plan states that in areas subject to flood risk there should be a presumption against forms of development particularly vulnerable to flooding. Development flood risk will be assessed in conjunction with SEPA taking account of local circumstances. Acceptable development must be designed to manage a 0.5% probability of flood risk and remain operational during such flood times.

The Scottish Environmental Protection Agency raise no objection to the application. However they note that the site lies adjacent to medium likelihood (0.5% annual probability or 1 in 200) year) flood extent of the SEPA Flood Map and may therefore be at medium to high risk of flooding. However, the development will be only at the location between April and September and will be elevated about the beach on an existing railway sleeper breaker wall. Due to the location of the site adjacent to the indicative flood envelope they advise that advice is sought from the Council's Flood Prevention Authority regarding the issue of flooding.

The advice from the Councils Flood Prevention Authority is that SEPA's Flood Map still water level does not take into account the effects of wave action, funnelling or local bathymetry which could cause a flood risk to the development. Furthermore, the proposed building would be sited adjacent to the sleeper sea wall which and such siting could cause structural issues to the sea wall. It could also affect the ability of the Council

to undertake maintenance work to the sea wall in the future. Therefore it can reasonably be concluded that the proposed building would be a risk to flooding and that the proposal is contrary to Policy DP16 of the adopted East Lothian Local Plan 2008.

Policy C3 of the adopted East Lothian Local Plan 2008 protects areas of open space, whether public or private, which contribute positively to the built environment. The Policy C3 designation is applied to protect amenity open space which makes a significant contribution to the amenity or landscape setting of an area and to retain them as such.

Policy C3 states that alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- (i) the loss of a part of the land would not affect its recreational, amenity or landscape potential, or
- (ii) alternative provision of equal community benefit and accessibility would be made available, or
- (iii) provision is clearly in excess of existing and predicted requirements.

The area of open space is adjacent to the North Berwick Golf Course and is seen as a continuation of the open expanse of the greens and fairways of the golf course. There is a putting green on a larger part of the area of open space with a hard formed footpath – “Rotary Way” - separating that putting green from the rough ground on the northern edge of the area of open space. The hard formed footpath leads from Beach Road on the east side of the area of open space around the perimeter of the putting green and over to the west end of Beach Road. The open and largely undeveloped appearance of the area of open space affords significant and valued public views over the foreshore of the West Bay beach and onto the Firth of Forth beyond. Consequently this area contributes significantly to the amenity and the landscape character of the area and the quality of the urban environment of the town of North Berwick and, importantly, its Conservation Area. As such it is an important element of the green infrastructure of North Berwick.

The advice from The Council's Landscape Projects Officer (Policy & Projects) is that the site is located within the North Berwick Conservation Area and within the proposed Port Seton to North Berwick Coast Special Landscape Area by the forthcoming Local Development Plan. The West Beach and the adjacent Links provide an open coastal undeveloped area creating the natural setting for the west side of the town of North Berwick. The existing development within this area is low scale and understated. The North Berwick Golf Club professional shop is set within the dunes, hidden in views out from the town towards the sea, with the starter's hut being a low stone built and dark coloured building. Several timber benches are positioned in this location to allow peaceful contemplation whilst looking out over the Forth and the island of Craigleith and back over North Berwick and its harbour with the Law to its south. The submitted montages clearly show the intrusive nature of the proposal. It shows that the proposal appears incongruous and out of place in both location and colour, sitting prominent and alone in this undeveloped coastal location. It will urbanise the existing undeveloped coast visually linking it with the existing built form of North Berwick. Therefore she advises that she cannot support this application on landscape grounds.

The Council's Landscape Projects Officer further advises that the presence of the restaurant will lead to an increase in foot traffic over the grass and dunes to access the restaurant which is likely to lead to new desire lines wearing away the fragile dune make up. Furthermore daily access will also be required to empty the toilet/waste water facilities adding to the traffic in and across the surrounding area. This could ultimately lead to the loss of sand and undermining of the dune structure. Due to the uneven surface of the ground, placing the container on the existing rough grass area could require levelling of the site and will lead to die back of the grass beneath. No information

has been provided on how this will be prevented and what the site will be left like during the winter season.

The application site forms part of a larger area of open space that contributes positively to the built environment of North Berwick and which makes a significant contribution to the amenity of and the landscape setting of this part of the town. The loss of this land even on a temporary basis between April and September would adversely affect its recreational and amenity potential. Provision of open space in this part of North Berwick is not in excess of existing and predicted requirements. Moreover, the applicant is not proposing alternative provision of open space of equal community benefit and accessibility. In light of this the proposal is contrary to Scottish Planning Policy 2014 and to Policy C3 of the adopted East Lothian Local Plan 2008.

By its longstanding presence as an undeveloped green space within the core of North Berwick its openness within an otherwise urban environment and by its location within the Conservation Area which allows important vistas over to the Firth of Forth, the area of open space at West Bay as a whole constitutes a prominent and distinctive feature which contributes positively to the character and appearance of the Conservation Area. The proposed siting of a structure on the area of open space would be prominent and intrusive in views from within the area of open space and also from Beach Road and Pointgarry Road. It would not be well integrated into its surroundings, it would not respect the landform and physical features of the site nor incorporate them into the development in a positive way. Neither would the proposed building be appropriate to its location in terms of positioning and form. Its presence would undermine the open nature of this area of open space and be harmful to the historic character and the appearance of this part of the Conservation Area. Furthermore, whilst the structure would be removed between the months September until April, both the Council's Landscape officer and the Principal Amenity Officer have raised concerns about the capability of the area of ground of supporting the structure without damage to the sand dune on which it would be located. They advise that it is likely that once removed an imprint of the structure would be left on the ground which would detract from the character and appearance of the area and be harmful to the character and appearance of the Conservation Area. Moreover, due to the site being of a sandy soil base, it may be likely that some engineering works would be required to strengthen the land to make it capable of accommodating the modified container. Such works would detract from and impact on the character and appearance of the area. Accordingly despite the proposal being for a seasonal period between April and September, the overall impact would be more long lasting if not permanent. In all of this the proposal would be harmful to the character and appearance of the Conservation Area. Therefore the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DP1, DP2 and ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.

Furthermore, if approved the proposal would set an undesirable precedent for similar types of development along this part of the coastline of North Berwick and within other parts of East Lothian. The cumulative effect of such development would result in an unacceptable and detrimental impact on the landscape character of the coastline of East Lothian.

What is proposed within the building is both a restaurant with an element of takeaway use. The applicant informs that part of the takeaway sales would include some hot foods.

The proposed building would not be within North Berwick Town Centre (as defined in the adopted East Lothian Local Plan 2008) but is within an area of protected open space

defined by Policy C3 of the Local Plan.

Policy R3 (Hot Food Outlets) of the adopted East Lothian Local Plan 2008 states that the siting of a hot food take-away may be permitted where it is located within a town centre, other established shopping location, village centre or a local shopping area. It also states that there would be no harm to local amenity and it must not present a threat to road safety, and operating hours must not result in disturbance to local amenity.

The proposed building and therefore the proposed hot food takeaway would not be located within the town centre but would be located on an area of protected open space. In being located on that area of protected open space and as the presence of the building would affect the local amenity and landscape character of that area of open space it is therefore contrary to Policy R3 of the adopted East Lothian Local Plan 2008.

Beach Road is the closest public carriageway to the site and access to the restaurant for both customers and for deliveries would be from Beach Road via Rotary Way footpath then across the open space. The applicant has stated that deliveries from Beach Road will be by manual hand cart. The Council's Road Services advise that the proposal will lead to an increase in parking for loading and unloading demand as a result of deliveries and uplifts from and to the restaurant. These trips will most likely centre on Beach Road, potentially causing congestion due to increased traffic and inappropriate parking. As there is limited loading opportunity on Beach Road, Road Services advise that vehicles will need to stop on double yellow lines to load and unload. This would be a road safety issue contrary to Policies T2 and R3 of the adopted East Lothian Local Plan 2008.

Turning to other material considerations, the proposal would result in the establishment of a new restaurant, extending the choice of eating destinations within North Berwick. It would create some new employment and have some economic benefits. It would also provide a public toilet within this part of the town. However these benefits do not outweigh the clear conflict with development plan policy that has been identified above. Planning permission should therefore be refused.

REASONS FOR REFUSAL:

- 1 The application site forms part of a larger area of open space that contributes positively to the built environment of North Berwick and which makes a significant contribution to the amenity of and the landscape setting of this part of the town. The loss of this land even on a temporary basis between April and September would adversely affect its recreational and amenity potential. In light of this the proposal is contrary to Scottish Planning Policy 2014 and to Policy C3 of the adopted East Lothian Local Plan 2008.
- 2 The proposed building would be prominent and intrusive in views from within the area of open space and also from Beach Road and Pointgarry Road. Its presence, even on a temporary basis between April and September, would undermine the open nature of this area of open space and would be harmful to the historic character and the appearance of this part of the Conservation Area. Consequently the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DP1, DP2 and ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.
- 3 If approved the proposal would set an undesirable precedent for similar types of development along this part of the coastline of North Berwick and within other parts of the coastline of East Lothian. The cumulative effect of such development would result in an unacceptable and detrimental impact on the landscape.

character of the coastline of East Lothian.

- 4 The proposed building and therefore the proposed hot food takeaway would not be located within the town centre of North Berwick but would be located on an area of protected open space. In being located on that area of protected open space and as the presence of the building would affect the local amenity and landscape character of that area of open space, the proposal is contrary to Policy R3 of the adopted East Lothian Local Plan 2008.
- 5 The proposal will lead to an increase in parking for loading and unloading as a result of deliveries and uplifts to and from the restaurant. These deliveries will centre on Beach Road, which has limited opportunities for loading and unloading. Such loading and unloading is therefore likely to create congestion and a hazard to road safety, contrary to Policies T2 and R3 of the adopted East Lothian Local Plan 2008.
- 6 In its proposed position, the proposed building could cause structural issues to the adjacent sea wall and could affect the ability of the Council to undertake maintenance work to the sea wall in the future. Consequently the proposed development constitutes a flood risk, contrary to Policy DP16 of the adopted East Lothian Local Plan 2008.