

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 October 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: that the refusal of the application might be seen to be contrary to the Council's indicated policy to encourage the rural economy and in particular rural tourism. Thus I believe that it would be beneficial for elected members to consider this application.

Application No. **17/00618/P**

Proposal Erection of building for cafe (class 3) use and associated works

Location **Land At Castleton Farm**
North Berwick
East Lothian

Applicant Mr Stuart McNicol

Per Apt Planning & Development Ltd

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The application site is an area of agricultural land on the north side of the A198, within the countryside to the east of North Berwick. By being within the countryside, the area of land is covered by Policy DC1: Development in the Countryside and Undeveloped Coast of the adopted East Lothian Local Plan 2008.

The area of land is located within an area of Great Landscape Value as defined by Policy NH4 of the adopted East Lothian Local Plan 2008.

The application site is bounded to the east and west by agricultural land and to the south by the A198 classified road with agricultural fields beyond. To the north is an area of sloping grassed land, which leads down to the rocky shoreline adjacent to the west side of Canty Bay.

The high water mark on the shoreline marks the edge of the Firth of Forth Special Protection Area.

In January 2007 planning permission (Ref: 06/01078/FUL) was granted for the conversion of an existing building located to the east side of this application site to 1

house. Access to that house was to be via the farm access that is in the north side of the A198. Planning permission 06/01078/FUL has not been implemented, and has since expired.

Planning permission is now sought for: (i) the siting of a building with associated deck onto the application site. The proposed building would be used as a café/bistro, a use within Class 3 of the Town and Country (Use Classes) (Scotland) Order 1997, and (ii) the formation of a new driveway and associated parking area to lead from an existing farm access in the north side of the A198 to the proposed building. The proposed access is the same farm access as was approved through the grant of planning permission 06/01078/FUL to be used for the access to the proposed house.

The proposed building would be positioned at a point some 3.5m back from where the land begins to slope downwards towards the rocky shore. It would be a T shaped building formed by joining two shipping containers together. The largest container would be orientated to sit from east to west and would be some 12.5m in length, some 5m in width and some 3m in height to the top of its flat roof. Sitting perpendicular to it, and protruding out from the middle of its south elevation would be the second smaller container. It would be some 6m in length, some 5.5m in width and some 3m in height. A timber deck would project out some 5m from the west elevation of the smaller container and, also from the western end of the south elevation of the larger container. Attached to the east side of the proposed building would be a service area some 11m in length and which would protrude some 3m out from the east elevation of the larger storage container. The service area would be enclosed by a 1.8m high timber boarded fence.

The walls of the building would be clad with horizontal larch cladding. There would be large glazed openings in the north and west elevations of the building. The window frames and doors of the building would be anthracite grey colour. The outdoor seating area would be enclosed by natural fibre rope, hung between timber posts.

The proposed building would have within it tables and chairs for some 30 customers with the remainder of the building being used as the kitchen for food preparation, cooking and serving areas. The timber deck would provide an area for outdoor seating, but no details are given on the numbers of tables and chairs that would be set out there.

The proposed driveway would be some 125m in length and would lead from the existing farm access in the north side of the A198 to a parking area to be formed to the south side of the proposed building. It would be some 5.5m in width between the access and the proposed parking area. The proposed parking area would at its widest be some 22.5m in width and would have parking for 22 vehicles. The proposed driveway would be surfaced with gravel, with the first 20m of it, measured back from the northern edge of the A198 and the parking area closest to the building being contained within webbing.

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 DC1 (Development in the Countryside and Undeveloped Coast), NH4 (Areas of Great Landscape Value), DP22 (Private Parking) and T2 (General Transport Impact), of the adopted East Lothian Local Plan 2008.

There is one objection to the application. The matters raised in that objection are: (i) road safety owing to the volume and speed of traffic, and being used by heavy goods delivery lorries servicing Tesco, (ii) the rope rail around the deck is inadequate, (iii) the amount of parking is excessive, and (iv) the premises is not aesthetically pleasing and will spoil an area of natural coastline.

The matter of the rope rail around the deck being inadequate is not a material planning consideration in the determination of this application.

The proposed building, by being located in the countryside, has no neighbouring residential properties that would experience a loss of amenity through overlooking, overshadowing, light pollution or noise.

The Council's Environmental Health Manager raises no objection to the application.

Scottish Natural Heritage advises that the building would not adversely affect the integrity of the Firth of Forth Special Protection Area. The Council's biodiversity officer raises no objection to this proposal.

The Council's Road Services advise that the proposed vehicle access could be used without raising issues of road safety, provided a visibility splay of 4.5m by 215m is retained and maintained on both sides of the access. This can be achieved and therefore the proposal is not be contrary to Policy T2 of the adopted East Lothian Local Plan 2008. They further advise that sufficient parking is shown to be provided for the café bistro. In that respect the proposal is not contrary to Policy DP22 of the adopted East Lothian Local Plan 2008.

Policy DC1 of the adopted East Lothian Local Plan states that development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is directly related to agriculture, horticulture, forestry and countryside recreation uses. Other business use will also be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts. Part 5 of Policy DC1 advises that having regard to its nature and scale, new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings.

In this instance, the proposed cafe would not be directly related to agriculture, horticulture, forestry or countryside recreation. It would be for a class 3 type use (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997) which is a use which can be accommodated within an urban area. Therefore, in that respect it would not be consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and as such would not be a type of development which would be supported in this undeveloped coastal location and Area of Great Landscape Value.

Policy DC9 of the Proposed East Lothian Development Plan only supports development within the special landscape area where the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

Policy NH4 of the adopted East Lothian Local plan 2008 states that development that

harms the landscape character and appearance of Areas of Great Landscape Value will not be permitted.

The advice from The Council's Landscape Projects Officer (Policy & Projects) is that the site is located within the North Berwick to Dunbar Coastline Area of Great Landscape Value as defined by the adopted East Lothian Local Plan 2008. The proposed building would be located on top of the cliffs on one of East Lothian's most scenic and diverse stretches of coastline, on open landscape where views are panoramic and spectacular. This section of coastline is particularly important for its wide open raised sea views that encompass the Bass Rock and Tantallon Castle. The cliffs along this section are a significant landscape feature with only a handful of buildings located here that are of a size and scale fitting well within this coastal landscape.

It is the opinion of the Landscape Projects Officer (Policy & Projects) that although the proposal is small in scale, any building on this stretch of coastline will impact on coastal views from the A198 including onto two of East Lothian's most iconic features - Tantallon Castle and the Bass Rock. Therefore, the placing of the proposed building and the formation of its associated driveway and car park in this open landscape would diminish the openness and sense of expansiveness of this Area of Great Landscape Value. Consequently, such development would be out of character with the wild nature of this section of coastline and will undermine its sense of wildness and remoteness.

As an area of undeveloped land in the countryside outside North Berwick, within a scenic and diverse stretch of coastline, the application site as a whole constitutes a prominent and distinctive feature, which makes a significant contribution to the character and appearance of the Area of Great Landscape Character. The proposed siting of the building and the associated infrastructure required to facilitate the proposal (the formation of a car park which could accommodate up to 22 cars and an access road) in this undeveloped coastal location of great landscape value would be development of a character which would be unnecessary and unsympathetic to this sensitive location. It is not required to support or facilitate an existing agricultural or horticultural business. It would be development that, by its nature, would be inappropriate in this countryside location. The proposed building and the large area for associated car parking would not be integrated into the landscape, or reflect its character and quality of place and would not be compatible with its surroundings. Instead, the proposed building and the associated parked cars would be prominent and intrusive in views from the A198 which would undermine the open nature of this area of land. As such, the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DC1 and NH4 of the adopted East Lothian Local Plan 2008.

Furthermore, if approved the proposal would set an undesirable precedent for similar types of development along 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.

REASONS FOR REFUSAL:

- 1 As an area of undeveloped land in the countryside of North Berwick, within a scenic and diverse stretch of coastline, the application site as a whole constitutes a prominent and distinctive feature, which makes a significant contribution to the character and appearance of the Area of Great Landscape Character. The proposed siting of the building and the associated infrastructure required to facilitate the proposal (the formation of a car park which could accommodate up to 22 cars and an access road) in this undeveloped coastal location of great landscape value would be development of a character which would be unnecessary and unsympathetic to this sensitive location. It is not required to support or facilitate an existing agricultural or horticultural business. It would be development that, by its nature, would be inappropriate in this countryside location. The proposed building and the large area of associated car parking would not be integrated into the landscape, or reflect its character and quality of place and would not be compatible with its surroundings. Instead, the proposed building and the associated parked cars would be prominent and intrusive in views from the A198 which would undermine the open nature of this area of land. As such, the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DC1 and NH4 of the adopted East Lothian Local Plan 2008.
- 2 If approved the proposal would set an undesirable precedent for similar types of development along 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.