



# Review Statement

On behalf of

**ALANDAS**

**Application Reference: 18/01116/P**

*Alterations to and Change of Use from Office  
(class 2) to Hot Food Takeaway (Sui Generis);*

**43 Quality Street, North Berwick, EH39 4HR.**

**February 2019**

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development

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## Introduction

1. **apt planning & development** has prepared this Review Statement on behalf of the applicant **ALANDAS** with regards to application 18/01116/P seeking planning permission for alterations to, and change of use of, the vacant office premises at 43 Quality Street, North Berwick. The application was refused via delegated powers on **3<sup>rd</sup> January 2019**.



2. Despite only being vacant since early 2018, the property is in need of internal and external repair and refurbishment. It is a blight on this particular corner of North Berwick and in its current state has a detrimental impact on the character and setting of the North Berwick Conservation Area.
3. As the CGI's accompanying this appeal illustrate, the proposals will **breathe new life into the building** as well as enabling further investment in this part of the town, generating employment (up to 10 new jobs) and adding a high quality take-away establishment to the local resident and visitor population.
4. This proposal represents **further investment and job creation by Alandas** (who also own/run the Alandas Gelateria at the corner of Quality Street and Kirk Ports).



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5. The combination of the ice cream gelateria and this proposed specialist take-away is a positive addition to the resident and tourist/visitor offer, **encouraging people to spend locally** and at a slightly different hot-food option from the more traditional fare already available in the town.
6. As the sample menu (also submitted with this appeal) illustrates, it is far too simplistic to call it a fish and chip take-away and in conjunction with The Lobster Shack, Rocketeer and the North Berwick Fry and other take-away's on the High Street this will **add further variety** to the local offer and not simply replicate it. It is our considered opinion that such investment and variety should be encouraged.
7. The property at 43 Quality Street is located on the corner of Forth Street and Quality Street. It forms part of a relatively modern building with white rendered walls and a shallow pitched slate roof. The building has not been well maintained and is in need of cosmetic upgrade.
8. The site is bounded to the north by Forth Street, beyond which is the Category B listed Blackadder Church. The buildings diagonally opposite (to the north east) are also listed for their special architectural or historic interest (Category C) as 1, 3, 5 and 7 Melbourne Place and 4/4A Victoria Road.
9. The change of use and physical improvements to 43 Quality Street will have no detrimental impact on the setting of various listed buildings and the refurbishment works will as the planning officers report acknowledges, represent an improvement in their wider context.
10. To the east, the site is bounded by Quality Street, beyond which is a modern residential flatted development. To the south, the site adjoins 41 Quality Street, which has a restaurant (class 3) on the ground floor and residential flats above. The application site is set back from this adjoining traditional building frontage, resulting in a slightly wider footway in front of the premises.
11. There are a number of other restaurants and hot food take-away premises in the vicinity of 43 Quality Street taking advantage of the significant pedestrian traffic moving between the east beach/Seabird Centre and North Berwick Town Centre.
12. The application for planning permission was refused on 3<sup>rd</sup> January there were two reasons for refusal. This **Review Statement** will therefore addresses these two reasons for refusal adding relevant context and addressing the concerns identified by the case officer and reflected in the Officer Report.

## Application for Planning Permission 18/00299/P

13. Application 18/01116/P was validated on **5<sup>th</sup> November 2018**. The application was refused through delegated powers on **3<sup>rd</sup> January 2019**, almost the last day of the two month statutory determination period. There were two reasons for refusal and we address each in turn below.
14. The officer report accompanying the decision notice assesses the application against a range of issues and policies and in response to the letters of representation received during the determination period. To summarise;
  - a. The use is acceptable in this town centre location;*
  - b. The proposed physical alterations/colours/new window are all viewed as positive interventions;*
  - c. The proposals will preserve and enhance the character and setting of the Conservation Area in that the aesthetic changes to the building will be better than the current situation;*
  - d. There is no requirement to demonstrate demand for the intended use, nor is planning permission sought for any seating areas on the public footpath etc.*
  - e. The applicant has not indicated that the premises will be used for a hot food delivery service;*
  - f. Environmental health does not object subject to the use of appropriate planning conditions to help control noise and odour;*
  - g. The planning system cannot make assumptions about people's behaviour and the area is already a focus for restaurants and take-away premises. It is unlikely that the additional outlet at 43 Quality Street would have any additional detrimental impact on the area;*
15. Overall, therefore it is a very positive Officer Report that assesses the proposals against key planning policy and the objections raised by third parties.
16. In refusing the application however, the determination narrowed to two key issues reflected in the reasons for refusal, namely the potential impact on road safety/congestion and inappropriate proposal for a cowl that would protrude from the north elevation of the building.
17. As is noted in the following paragraphs, we believe that the second reason for refusal is no longer applicable and that the impacts on road safety and congestion will be minimal and within the established behaviours/patterns at the east end of North Berwick Town Centre.



18. We are not anticipating that the proposed take away will specifically attract new customers to North Berwick but in attracting existing customers (whether residents or visitors/tourists) who will benefit from improved choice and variety.

*Reason 1 - The proposed hot food takeaway use would be likely to lead to irresponsible parking and waiting outside the premises, including on double yellow lines, on the footway or double parking. Such irresponsible parking would exacerbate the problem of limited visibility to the right for drivers of vehicles emerging from Forth Street, could result in congestion, and overall would result in a hazard to pedestrians and other road users in a heavily trafficked area. On this consideration the proposed development is contrary to Policies TC4 and T2 of the adopted East Lothian Local Development Plan 2018.*

19. **Policy TC4 – Hot Food Outlets** – take-aways’ will be supported in town centres providing they will not result in significant impacts on local amenity (including cumulatively) and are consistent with other policies including parking and road safety.
20. **Policy T2 - General Transport Impact** – seeks to ensure that new development will not have an adverse impact on road safety; pedestrian and cyclist amenity, road capacity and residential amenity in the area.
21. In this instance **it is clear that policy T2 informs policy TC4.**
22. The Roads Service concerns are that the use of the property will encourage irresponsible or dangerous parking in nearby streets most notably at the junction of Quality Street and Forth Street impacting on visibility for those turning left (north) and especially right (south). In terms of Policy T4 therefore, this relates only to the first criterion relating to road safety.
23. **The creation of the new take away premises at Quality Street will not see an increase in traffic in North Berwick** or even the immediate vicinity of Forth Street, Quality Street and High Street. **There is also ample on-street parking close-by on Forth Street and Quality Street as well as the public car park to the east of Quality Street and further capacity on at the car park off East Street.**
24. Whilst the applicant is confident of establishing a successful new business with a strong reputation, it would be unusual for trips to be made purely to visit a take-away outlet and for those trips to be of such a magnitude as to alter the general traffic and travel patterns in North Berwick.
25. It is likely therefore that trips will be from local residents (many of whom are in walking distance) and those already visiting and staying in North Berwick. **The new business will simply attract existing take-away customer**, offering something different from the options currently available.



26. **This area of North Berwick is already established as the location of most of the take away establishments** as well as restaurants, public houses and holiday accommodation. There is already a pattern of behaviour of people visiting the east end of the town seeking a take away, and therefore **established patterns of parking (and parking behaviour)**.
27. The opening of a further outlet at the corner of Forth Street and Quality Street will not change these patterns whilst **the applicant will actively discourage parking on double yellow lines** at the adjacent road junction, though in reality, they are not responsible for people (whether customers or not) parking illegally/irresponsibly.
28. The police and local authority wardens are more present than ever in North Berwick, and a combination of enforcement and discouraging poor behaviour will positively address initial attempts to park on double yellow lines. This is true of any retail or hot food outlet and can be seen in any town or village throughout East Lothian.
29. The addition of one hot food outlet at the application site will not have any wider detrimental impact on road safety and will certainly not create additional congestion.
30. The junction of Forth Street and Quality Street is already compromised by the legal parking bays to the south of the junction. **This ensures that drivers already exit the junction with caution** (and again we cannot control people who drive poorly as happens at any junction anywhere), and is further helped by the fact that traffic can only approach from the south (right).
31. Those cars travelling north along Quality Street will **naturally slow as the existing parking bays narrow the road**. During the spring/summer/autumn months and throughout the year at weekends and holidays, the area can be busy with pedestrian and cyclists, **again ensuring that the vast majority of drivers are already driving slowly and are aware of potential conflicts**.
32. These are simply the characteristics of a historic town centre where roads and junctions are not as wide as would be the case if designed today. The layout and geometry also adds to the character and charm of these older town centres. The vast majority of drivers adapt to the conditions and drive accordingly and as is the case across the country, it is impossible to counter every act of dangerous and irresponsible driving. **The presence of a take away at 43 Quality Street will not make the situation worse**.
33. Quality Street is the main route to the Scottish Seabird Centre, harbour area and both east and west beaches. It is a busy part of North Berwick which experiences a significant level of pedestrian and other non-car borne traffic.
34. **The area, through human activity and physical layout, does not encourage fast driving, with this embedded character naturally calming the urge to drive quickly**.

35. It is a busy town throughout the year (and especially so from Easter to October half-term) and many customers will be those walking through the town to the various attractions and it is this ability to walk (and cycle etc.) that makes North Berwick so appealing. It is not all based on car-borne traffic. We expect a significant proportion of the custom to be non-car borne (and this includes day-trippers who may well park elsewhere but will walk to the hot food outlet as part of the visit).
36. In summary, whilst we accept that there may be concerns over road safety and congestion in the east end of North Berwick, we do not believe that these will be exacerbated by the creation of a new hot food take away at 43 Quality Street. The patterns of behaviour are established in the town and any transgression can be dealt with through the usual enforcement methods. Poor/inconsiderate parking will also be discouraged by the applicants.

***Reason 2 - Due to its position, size and the fact it would project from the building, the proposed cowl would appear as an incongruous feature and would have a detrimental impact on the appearance of this prominent building and on the character and appearance of the North Berwick Conservation Area. The height of the cowl would also pose a hazard to pedestrians using the footway below. The proposed cowl would be contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SEsplan), Policy CH2, DP5 and T2 of the adopted East Lothian Local Development Plan, and Scottish Planning Policy: June 2014.***

37. We can use this Local Review process to clarify that there has been a misunderstanding with regards to the protruding cowl on the north elevation of the building, next to the proposed new window.
38. It is not proposed to install a protruding cowl in this elevation. As the CGI submissions demonstrate, there will be a louvre, lying flush to the wall, that will be installed as part of the air cleaning process (drawing in fresh air, cleaning the air that is leaving the premises and ensuring that the air leaving the building is as clean and odourless as possible).
39. The external louvre is totally flat. It will be colour matched to the exact colour of the building again making it very discreet. It will also be fitted at 2.5 meters above the footpath ensuring that it is not a safety hazard to passing pedestrians. The vent will be 450mm x 450mm square.
40. We therefore contend that the second reason for refusal as printed above, is no longer applicable to the application. There will be no projecting cowl visible from Forth Street.



## Summary

41. This appeal follows the refusal of the planning application (18/01116/P) for alterations to and change of use of, the vacant office premises at 43 Quality Street, North Berwick.
42. **Planning permission, should it be granted, would enable to creation of a high-quality Scottish seafood take-away, adding to the variety of outlets in North Berwick, securing further investment and job creation in the town whilst breathing life back into a poorly presented and neglected building within the North Berwick Conservation Area.**
43. The planning officer's report states that the use of the building, proposed installation of the new north facing widow, the proposed colours and materials the approach to more technical issues (noise/odours) are all appropriate and accord with relevant planning policy.
44. The first of two reasons for refusal concludes that the proposals are contrary to policies TC4 and T2, dealing with the impact of the development on road safety and congestion. This relates to the fear of irresponsible parking on double yellow lines creating added danger at the junction of Forth Street and Quality Street.
45. **Whilst the proposed seafood take away is new to North Berwick, we do not anticipate it creating additional journeys**, but will benefit from existing demand in the town, from residents and visitors/tourists alike, much of which is non car-borne.
46. **Parking on double yellow lines is enforceable and the applicants will openly discourage poor/inconsiderate parking** (requests made in the window/on the menu/verbal).
47. There is **ample parking close-by** on Forth Street, Quality Street, and both on-street parking on Melbourne Place and the public car park. The town copes with the current take away trade at this end of the town and **we do not anticipate any additional pressure on the road system/parking provision.**
48. **The road layout/junction visibility already encourages slow and cautious driving** in the immediate vicinity of Forth Street and Quality Street. This will not change, **nor will there be any increase in traffic volume that would cause unnecessary congestion/inconvenience.** The addition of one new take-away premises will not increase the numbers of people visiting North Berwick or Forth Street/Quality Street specifically.
49. The second reason for refusal deals with the installation of a projecting cowl on the north elevation. It was considered that this would be unsightly (in the conservation area) and at a dangerous height for passing pedestrians.





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50. As has been explained above, there has been some confusion over this and it was never the intention to install the cowl.
  
51. The only feature on the north elevation (other than the new window) will be a louvre, flush to the wall surface and coloured to match the proposed wall treatment and at 2.5m above footpath level posing no risk to passing pedestrians. It will not be an unsightly protruding feature of the proposals and we hope that this responds positively to the reason for refusal.
  
52. We therefore respectfully request that the Review Body considers this appeal in its correct context and are happy to answer any further questions at a future hearing as an appropriate procedure to determine this appeal.





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TH STREET

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No loading at any time



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Alandas is a family run business established in 1989, based in East Lothian. We already have a wide portfolio of successful businesses in East Lothian one of which is our multi-award winning ice cream parlour Alandas Gelateria at 1 Quality St North Berwick.

All our businesses concentrate on showcasing the best of what Scotland has to offer specialising mainly in Scottish Seafood and Gelato. We are very passionate about Scottish produce and supporting our local North Berwick community, sponsoring many local events and charities as well as supporting local suppliers.

We plan to open a innovative Scottish seafood take away providing locals and tourists with a true taste of seafood like they have never experienced it before. Our innovative Menus showcase this by moving towards an approachable casual seafood eating experience. Our menus include items such as soft shell crab burgers, tempura prawns, seafood tacos, lobster rolls and take away seafood salads.

We believe Scotland has the best seafood in the world and want to move away from the uncomfortable seafood restaurant feel and boring seafood menus and instead provide a new approach to casual seafood dining using sustainability sourced fresh produce and of course fresh seafood caught in East Lothian.

We want the shop at 43 Quality St to be welcoming to everyone enticing locals as well as visitors to North Berwick similar to what we have achieved with our ice cream parlour. We plan to invest a large amount into renovating the property with a state of the art theatrical kitchen complete with seafood displays and grills so customers can see whole food prep process. We plan revamp the property with a nautical feel and tasteful design that will fit in perfectly with the architecture of the property and conservation of the stunning town of North Berwick.

We would also like to welcome local employees in the community providing new job's for at least 10 people.



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“OUR INNOVATIVE TAKE ON SCOTLAND’S FINEST FRESH SEAFOOD”

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SALT & CHILLI SQUID  
CRISPY CRAB CLAWS

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GARLIC BUTTER & CHILLI KING PRAWNS  
CHARGRILLED SALT & PEPPER SQUID  
CHARGRILLED LANGOUSTINES WITH LEMON & PEPPER BUTTER

CRISPY HAND CUT NEW POTATOES TOPPED WITH PARMESAN & TRUFFLE OIL  
CRISPY HAND CUT NEW POTATOES TOPPED WITH FRESH WHITE CRAB MEAT & AIOLI

HOT OAK SMOKED SALMON AND GRAIN SALAD

A GLAZED FILLET OF HONEY OAK SMOKED SALMON WITH WARM BULGAR AND SPLIT LENTILS, MIXED LEAFS AND AVOCADO TOPPED WITH SUNFLOWER SEEDS.

VIETNAMESE-STYLE CRAYFISH AND NOODLE SALAD

RICE NOODLES SEASONED WITH GARLIC, GINGER AND CORRIANDER WITH FRESH CRAYFISH TAILS TOPPED WITH CHOPPED PEANUTS.

LOBSTER ROLL

FRESH NORTH LOBSTER WITH FINELY CHOPPED CELERY DRESSED IN A LIGHT MAYO SERVED IN A BRIOCHE ROLL. TOPPED WITH CRUSHED BLACK PEPPER & A WEDGE OF FRESH LEMON.

### SOFT SHELL CRAB BURGER

CRISPY SOFT SHELL CRAB COOKED IN A LIGHT BATTER SERVED ON A BRIOCHE BUN WITH CRISP SALAD & SPICY TARTAR SAUCE.

### CRISPY HADDOCK SARNIE

OUR TAKE ON THE CLASSIC FISH FINGER SANDWICH, CRISPY HADDOCK TOPPED WITH TASTY TARTAR SAUCE SERVED ON A BRIOCHE BUN WITH CRISP SALAD.

### SEAFOOD TACO

CRISPY HADDOCK SERVED ON A SOFT FLOUR TORTILLA TOPPED WITH PICO DE GALLO AND FRESH GUAC.

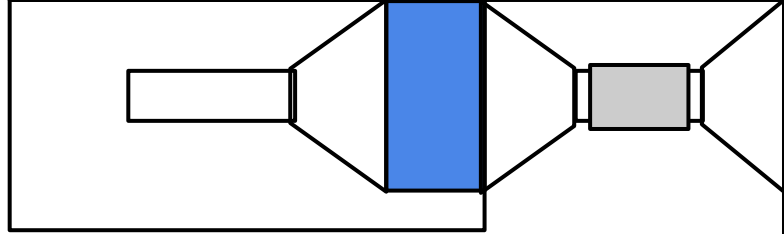
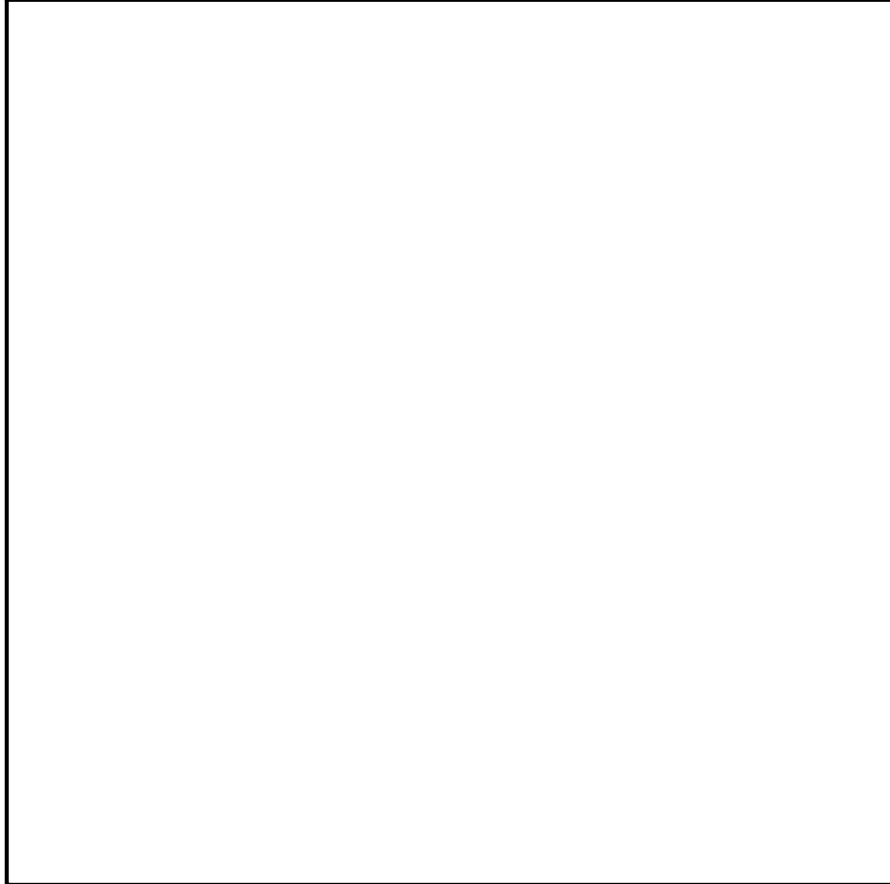
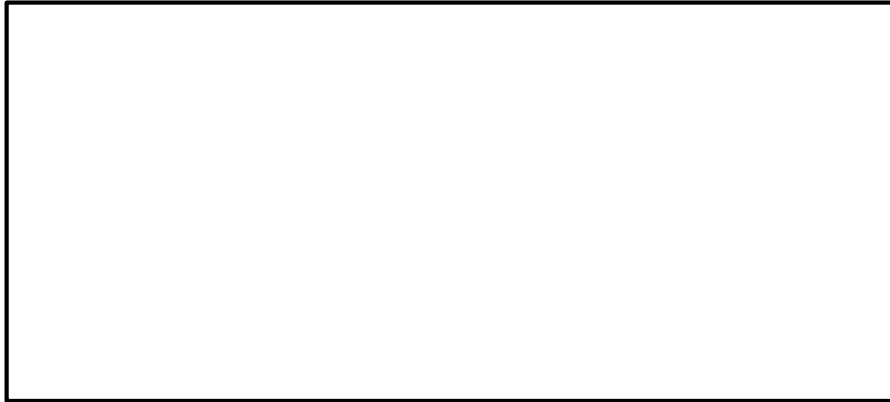
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**Support system**

Extraction system will be supported from ceiling with screwed rod and unistrut.

Canopy height will be 2,0100 from floor to underside of canopy.

**Electrostatic Air cleaner (ESP)**

Dimension  
H:540 x W:1790 x L:620mm

Weight 122 Kg

Air Volume  
CFM: 4500-6100  
CMH: 7500-10,500  
L/S: 2100-2900

No. of Cells: 3

**Extraction Fan**

EDR 315 single phase 3.2A full load

**External Louver**

Louver internal size will be 450 square, with a flat external frame of of approx 30mm sitting flush with external wall



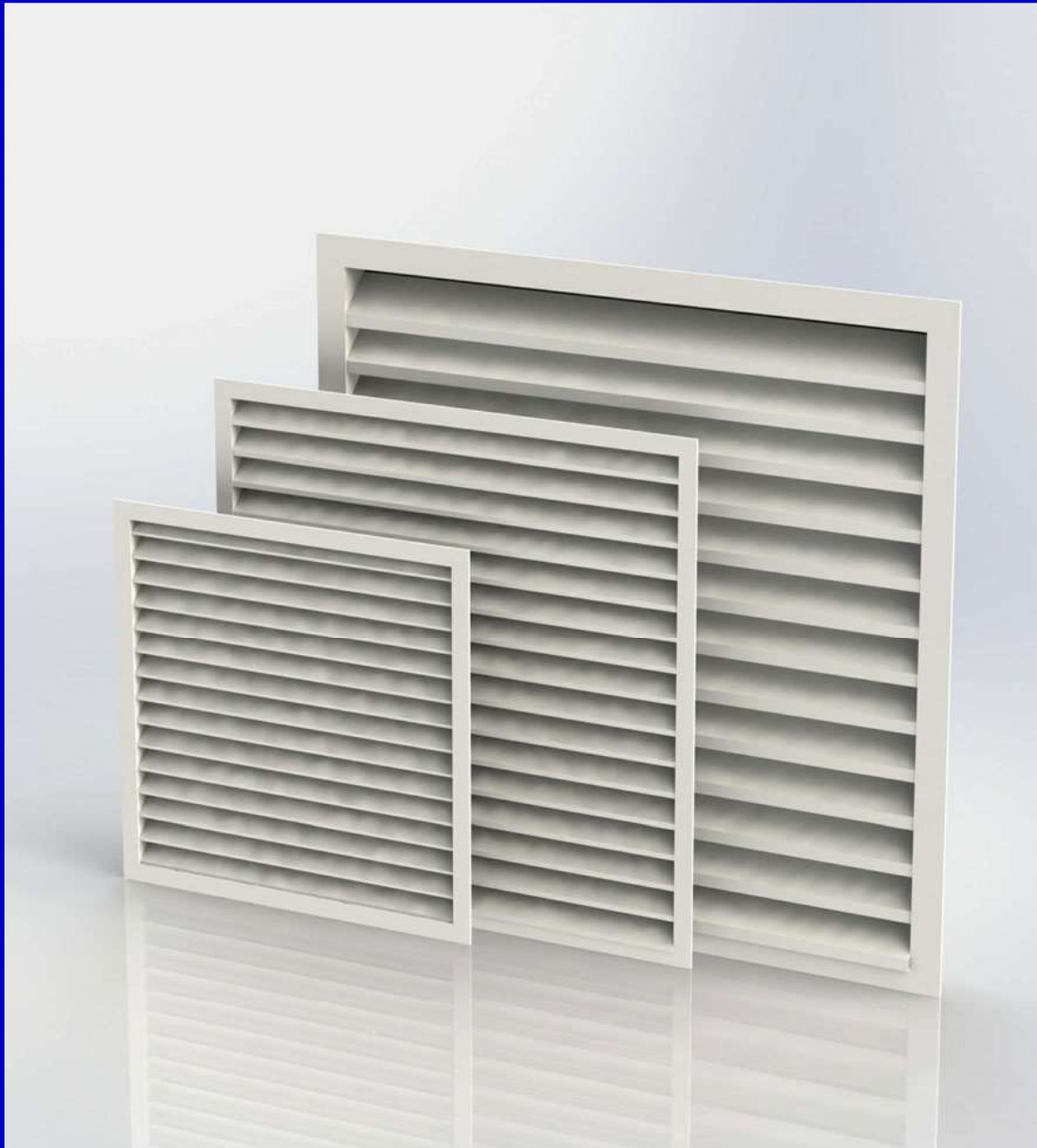
## Louvre systems

### Series WL Standard weather louvres

*Incorporating*



- Standard range of single bank louvres as used in countless installations worldwide
- Good resistance to water ingress, with low resistance to airflow
- Approximately 50% free area on all models
- Polyester powder coating to the full range of RAL and BS colours
- WL38's in popular square sizes held in stock for immediate despatch
- Now available with burglar/security bars





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Class A2 rain rejection up to 4 m/s

16 - Finish details and ordering codes

## Quality assurance

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HVC Supplies (Stourbridge) Ltd is an ISO 9001 certified company.



Assessed to ISO 9001  
Cert/Ref No. 1186

## Series WL

Series WL standard weather louvres are the standard weather louvre used in countless installations throughout the world.

Available in four formats to suit any size installation, all WL types have a single bank of blades with a 45° face for good levels of rain resistance in the majority of conditions. Minimal resistance to airflow is assured with an approximate free area of 50% on all series.

Break points for switching between series (WL50 and WL75 are advised only):

**WL38:** Up to 1m nominal size (either width or height)

**WL50:** Up to 2m<sup>2</sup>

**WL75:** Anything above 2m<sup>2</sup>

**WL100:** By request only



## Design features

<b>Material</b>	Extruded aluminium BZP steel screws or aluminium pop rivets
<b>Sizes</b>	Minimum heights (flanged units, nominal): <b>WL38:</b> 105mm <b>WL50:</b> 125mm <b>WL75:</b> 185mm <b>WL100:</b> 205mm
<b>Blade</b>	Various pitches (WL38 - 40mm, WL50 - 50mm, WL75 - 75mm and WL100 - 90mm) All with 45° face slope
<b>Core</b>	Fixed
<b>Frame</b>	Standard: Flanged Optional: Recessed and reversed
<b>Fixings</b>	Standard: None Optional: See page 8
<b>Finish</b>	Standard: Mill aluminium Optional: See page 14
<b>Mass/m<sup>2</sup> face area</b>	<b>WL38:</b> 12 kg <b>WL50:</b> 12 kg <b>WL75:</b> 15 kg <b>WL100:</b> 16 kg
<b>Free area</b>	Approx. 50% (varies with size)

### Important note:

Free area is not a reliable guide to performance.

It is possible to have two louvres with identical geometric free areas but different airflow characteristics.

Wherever possible use a tested airflow coefficient, as stated on the following page or available in the test certificate WL75 louvres which is available on request.

## BSRIA Testing

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WL75 standard weather louvres have been tested against:

**BS EN 13030:2001**

The testing was carried out in April 2013 by BSRIA in Bracknell, Berkshire, England.

Copies of the test reports are available on request.



## Performance

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Louvres are subjected to simulated rainfall of 75mm per hour, with a wind speed of 13m/s (29mph).

Rain ingress is then measured at various draw speeds through the louvre, this is in addition to the constant 13m/s simulated wind speed.

WL75 louvres were tested with an optional rear mounted drip tray, this will have had negligible impact on airflow but a large impact on rain resistance.

Headline figures are shown here, a copy of the full test report is available on request.

**WL75 - DT:** (WL75 complete with rear mounted drip tray)

**Mean airflow coefficient:** 0.252 (Class 3)

**Rain rejection:** Class C up to approx. 1.4 m/s draw velocity  
Class D above approx. 1.4 m/s draw velocity

## Stocked sizes

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The following sizes of Series WL38 standard weather louvres are held in stock, fitted with bird mesh and in mill aluminium finish available for immediate despatch.

150mm<sup>2</sup>  
200mm<sup>2</sup>  
250mm<sup>2</sup>  
300mm<sup>2</sup>  
350mm<sup>2</sup>  
400mm<sup>2</sup>  
450mm<sup>2</sup>  
500mm<sup>2</sup>  
550mm<sup>2</sup>  
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1000mm<sup>2</sup>

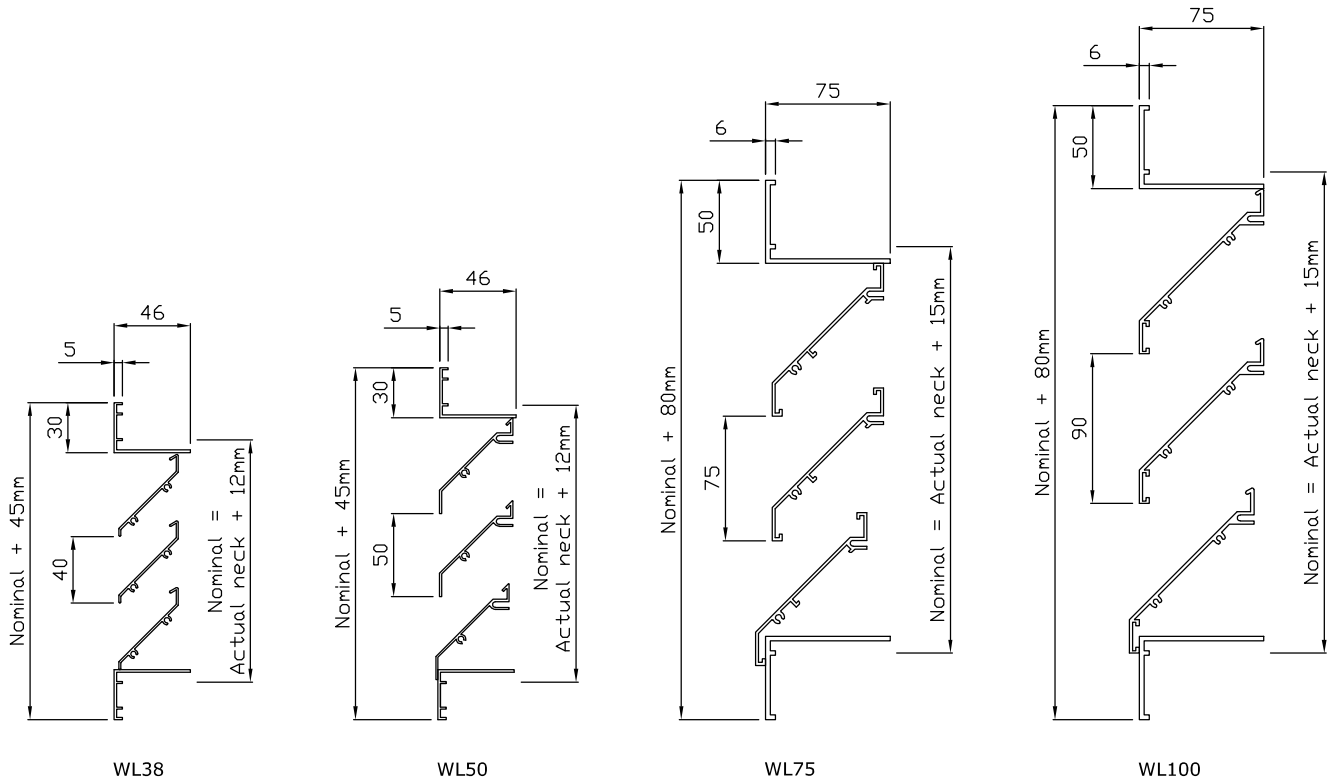
All sizes are nominal (hole size)

Units can be powder coated if a painted finish is required.

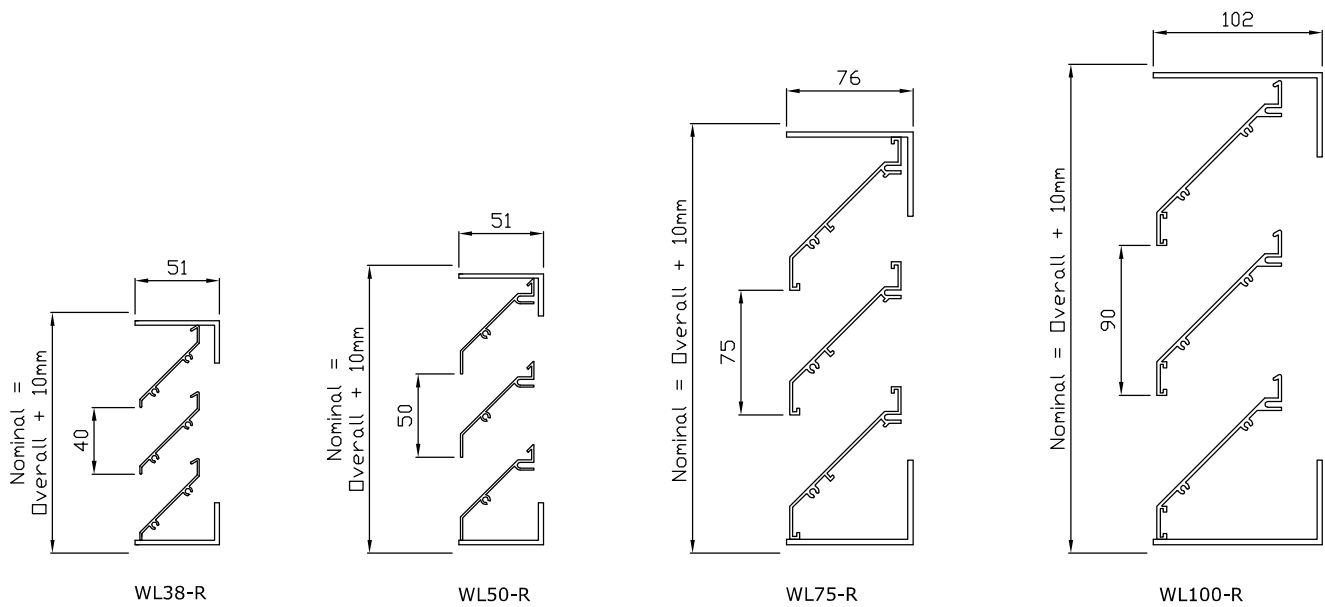
**Product codes:** WL38 - BM - Mill

## Technical drawings

### Flanged (standard)

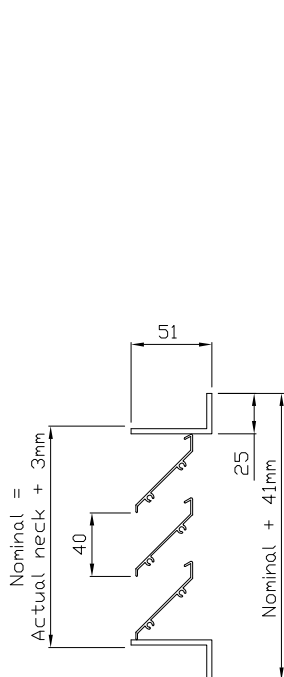


### Recessed frame - REC (optional)

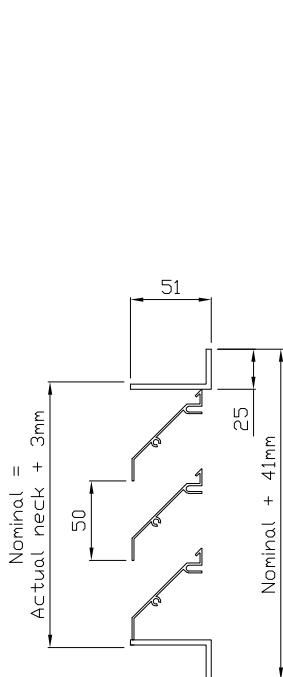


## Technical drawings

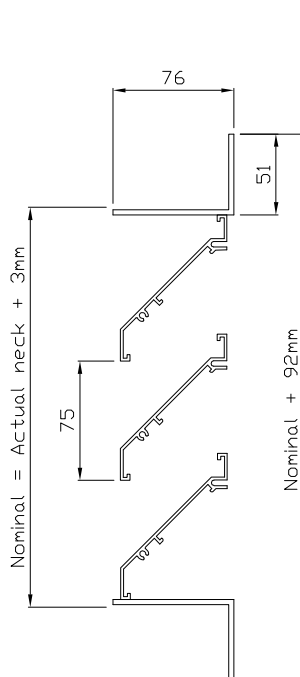
### Reversed frame - REV (optional)



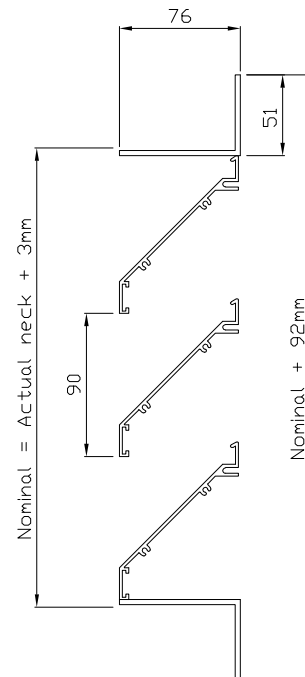
WL38-REV



WL50-REV



WL75-REV



WL100-REV

## Technical notes

### Stop gaps

Louvre blades are laid out starting with the bottom blade and then working upwards.

Should a whole number of blades not be possible to fit into the required height, the top-most blade will either be cut down, or a stop gap will be fitted.

The maximum heights of stop gaps, based on louvre series are:

**WL38:** 25mm  
**WL50:** 40mm  
**WL75:** 60mm  
**WL100:** 75mm

Stop gaps are visible only as flat aluminium sections, and are fitted prior to powder coating (if required).

## Frame types

The below table shows the standard and optional frames available for each louvre series, along with ordering codes and dimensions.

These are only standard frame types. If you have a special requirement not shown here, please contact us.

WL Series	Frame code	Description	Standard or optional	Nominal to overall size	Overall depth
<b>WL38 and WL50</b>	30FW	30mm flat	Standard	+ 45mm	46mm
	25F	25mm flat	Optional	+ 30mm	46mm
	50FS	50mm flat (shallow)	Optional	+ 80mm	50mm
	3" x 2" x 1/8"	3 inch (76.2mm) flat	Optional	+ 130mm	2 inches (50.8mm)
	4" x 2" x 1/8"	4 inch (101.6mm) flat	Optional	+ 180mm	2 inches (50.8mm)
<b>WL75 and WL100</b>	50FD	50mm flat (deep)	Standard	+ 80mm	75mm
	3" x 3" x 1/8"	3 inch (76.2mm) flat	Optional	+ 130mm	3 inches (76.2mm)
	4" x 4" x 1/8"	4 inch (101.6mm) flat	Optional	+ 180mm	4 inches (101.6mm)

## Large units

Large louvres may need to be produced in sections. The number of sections can be stated in your ordering code, or will be decided by HVC and stated on your order acknowledgement.

### Side-by-side sections

Continuous appearance with concealed bolting points for joining adjacent sections. This will increase louvre depth by approximately 25mm.

Joining strips are supplied to ensure blade alignment with WL75's.

### Vertically stacked sections

Units will be manufactured in sections of equal height, to be stacked together upon installation.



WL75 in side-by-side sections showing concealed angle with bolting points.

## Fixings

### None (Standard)

Most weather louvres are supplied with no fixings.

In this instance we recommend drilling through either the louvre flange or the neck, and screwing directly into the supporting structure with an appropriate fixing.



### Pre-punched face fixing holes - Ordering code FH

5.7mm countersunk fixing holes will be punched into the louvre frame before powder coating, allowing quick and easy fitting on site.

Number and layout of fixing holes will be appropriate to louvre size. Arrangements can be specified.

Supplied with pozidrive self tapping screws in the same finish as the louvre.

Only available with flanged and reversed flange louvres.



### Glazing bar - Ordering code GZ (Required depth needed)

An additional frame can be fixed to the louvre neck to create a glazing bar frame suitable for installation into uPVC channels in place of glass window panes.

Only available with flanged and reversed flange louvres.



### Rear mounted concealed fixing lugs - Ordering code RFL

3mm thick, 25mm wide aluminium lugs, protruding 50mm from the back of the louvre neck can be factory fitted to your louvre.

Lugs are supplied undrilled to accept whatever fixing is required on site, and are either welded or double riveted to the louvre.

An appropriate amount of lugs will be fitted to suit the louvre size.

Only available with flanged and recessed louvres.





## Additional options

### Face mounted drip cill - Ordering code DC

By fitting an extended cill beneath the bottom blade, any water caught by the louvre is ejected away from the wall, instead of the bottom section of frame.

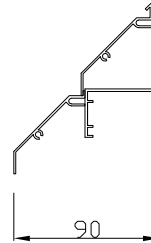
This can help prevent streak marks where water has run down a wall over time.

Not available with WL38.

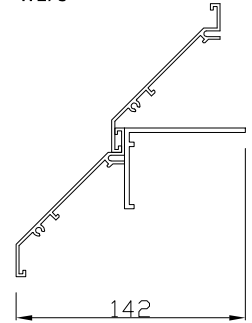
**Please note:** Recessed and reversed flange louvres will have a folded sheet metal drip cill with a profile appropriate to the selected blade type.



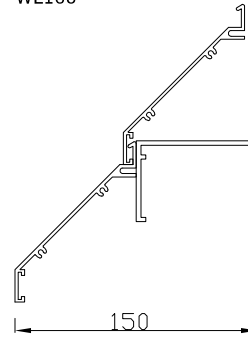
WL50



WL75



WL100



### Rear mounted drip tray - Ordering code DT

Drip trays can be fitted to any series weather louvre, however on WL75's they are required if Class C rain rejection performance is needed.

Drip trays act to catch any water which penetrates through the louvre.

Trays protrude 65mm past the rear of the frame.

**Please note:** If specified on a reversed flange weather louvre, the drip tray will protrude into the aperture.



## Further options

### Combination units

Combining two essential components in any ventilation system, combination units integrate a standard weather louvre with a volume control damper. A fully welded, black powder coated galvanised steel backbox joins the two components.

This ready made solution means installation time and costs are reduced and ordering is made simple as you only need supply us with one size; we do the rest.

Volume control dampers can be supplied with a plastic handle or locking quadrant for manual operation, or with a factory fitted electric or pneumatic actuator.

For more information on combination units please refer to the combination unit PDF available for download from our website.



#### Suitable weather louvres:

Series WL50, WL75 and WL100

#### Suitable volume control dampers:

Series LF uPVC VCD high performance plastic  
Series HVC-VCD aluminium

### Burglar bars - Ordering code BB

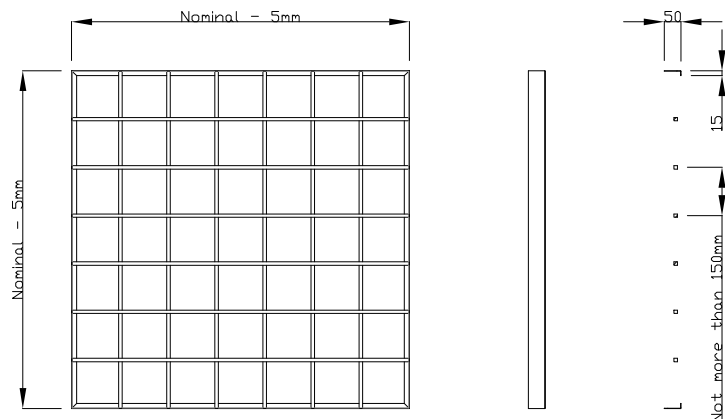
A wall mounted aluminium weather louvre can be a security risk, potentially providing an un-alarmed entry point to a building for any determined would be intruder.

Proving an extremely robust barrier to entry, burglar bars can be fitted to mitigate this risk.

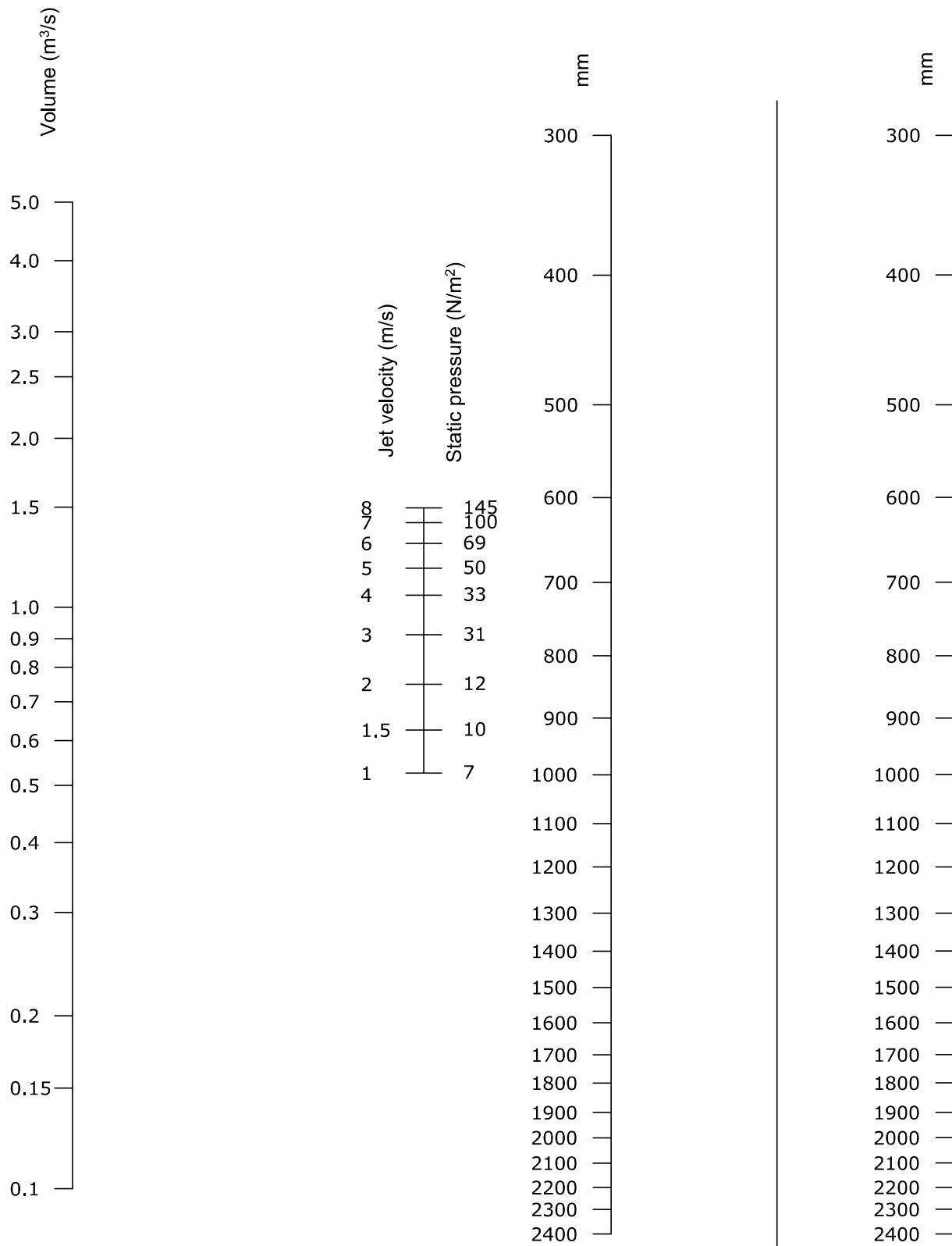
Designed to be fitted directly behind a louvre, burglar bars are constructed with a 1.2mm thick galvanised steel outer frame and a grid of 10mm fully welded steel bars, leaving spaces of not more than 150mm square.

Frames are supplied undrilled to accept whatever fixings are required on site.

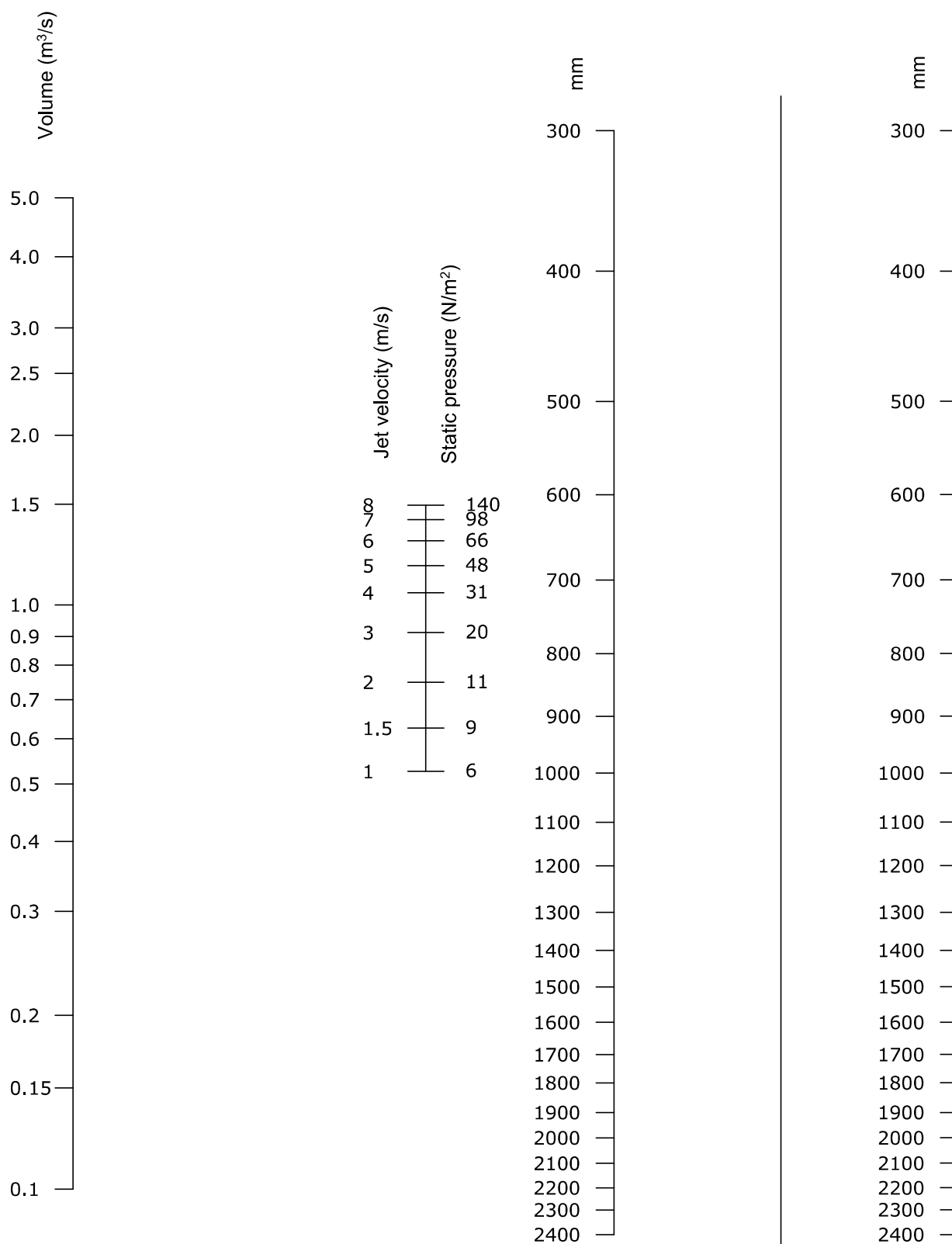
Supplied in a powder coated black finish as standard.



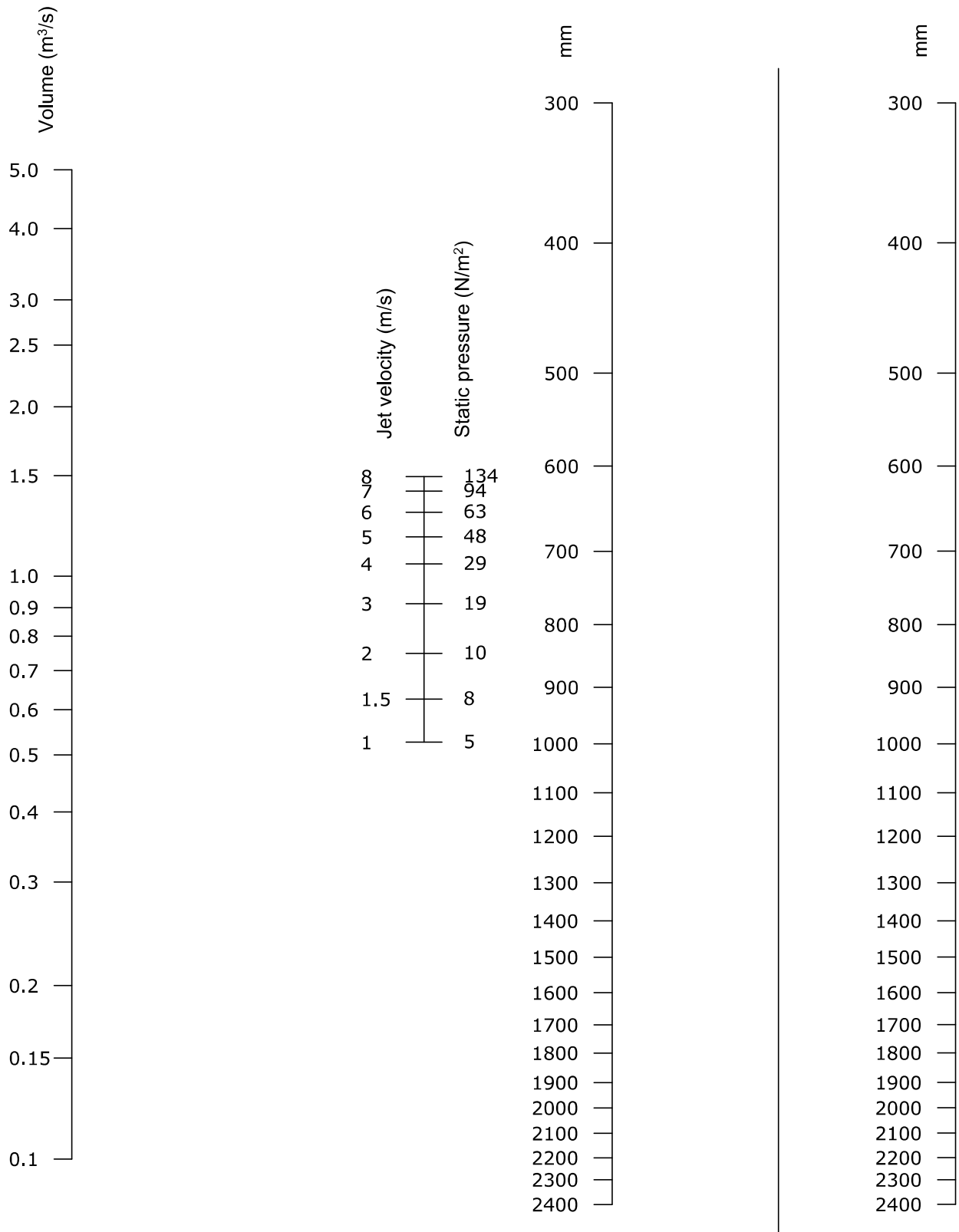
Selection data: WL38 and WL50



### Selection data: WL75



Selection data: WL100



## Feature: Series HPL80 ultra high performance weather louvres

Should high performance rain rejection be required for your application, the new HPL80 may be more suitable than a Series WL standard weather louvre.

The new HPL80 louvre is an extremely high performance weather louvre, intended for installations demanding unimpeded ventilation, without the risk of water ingress.

Through its use of the new 'Air-Bypass' blade design (UK patent application pending), never-before-seen levels of performance for a horizontally bladed weather louvre are achieved when tested against BS EN 13030:2001, the most widely used weather louvre test standard in Europe:

**HPL80 with insect mesh: Class A2 up to 4.0 m/s**

**HPL80 with bird mesh: Class A2 up to 2.5 m/s**

For more details on the HPL80, please search for the HPL80 on our website.





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Notes

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## Finish

Mill aluminium (standard)

Satin anodised (AA5) - Only with WL38

Polyester powder coating to any RAL or BS colour



## Ordering codes

### Example

1 - 1000 x 1000 - WL50 - BM - FH - 30FW - DC - RAL9010 - 1S - BB

### Codes

1)	<b>Quantity</b>		
2)	<b>Size (mm)</b>	(Width x height)	
3)	<b>Series</b>	WL38 WL50 WL75 WL100	38mm pitch weather louvre 50mm pitch weather louvre 75mm pitch weather louvre 100mm pitch weather louvre
4)	<b>Frame design</b>	(nothing) REC REV	Flanged Recessed frame Reversed frame
5)	<b>Debris screens</b>	BM IM	Bird mesh (12mm x 12mm mesh) Insect mesh
6)	<b>Fixings</b>	FH RFL GZ	Pre-punched face fixing holes Rear mounted fixing lugs Glazing bar. State depth required.
7)	<b>Flanges</b>	30FW 25F 50FS 3" x 2" x 1/8" 4" x 2" x 1/8"  50FD 3" x 3" x 1/8" 4" x 4" x 1/8"	WL38 and WL50: 30mm flat flange (standard) 25mm flat flange (optional) 50mm flat flange - shallow (optional) 3" (76.2mm) flat flange (optional) 4" (101.6mm) flat flange (optional)  WL75 and WL100: 50mm flat flange - deep (standard) 3" (76.2mm) flat flange (optional) 4" (101.6mm) flat flange (optional)
8)	<b>Additional options</b>	DC DT	Face mounted drip cill (not available with WL38) Rear mounted drip tray (required for Class C performance with WL75)
9)	<b>Finish</b>	Mill SAA RAL... BS...	Mill aluminium (standard) Satin anodised - AA5 (only available with WL38) Polyester powder coated to RAL... Polyester powder coated to BS...
10)	<b>Sections</b>	_S	Number of sections required. If left blank this will be confirmed on order acknowledgement
11)	<b>Burglar/security bars</b>	BB	Burglar bars required

**Important:** Size will be taken to be nominal (hole internal) unless stated otherwise.

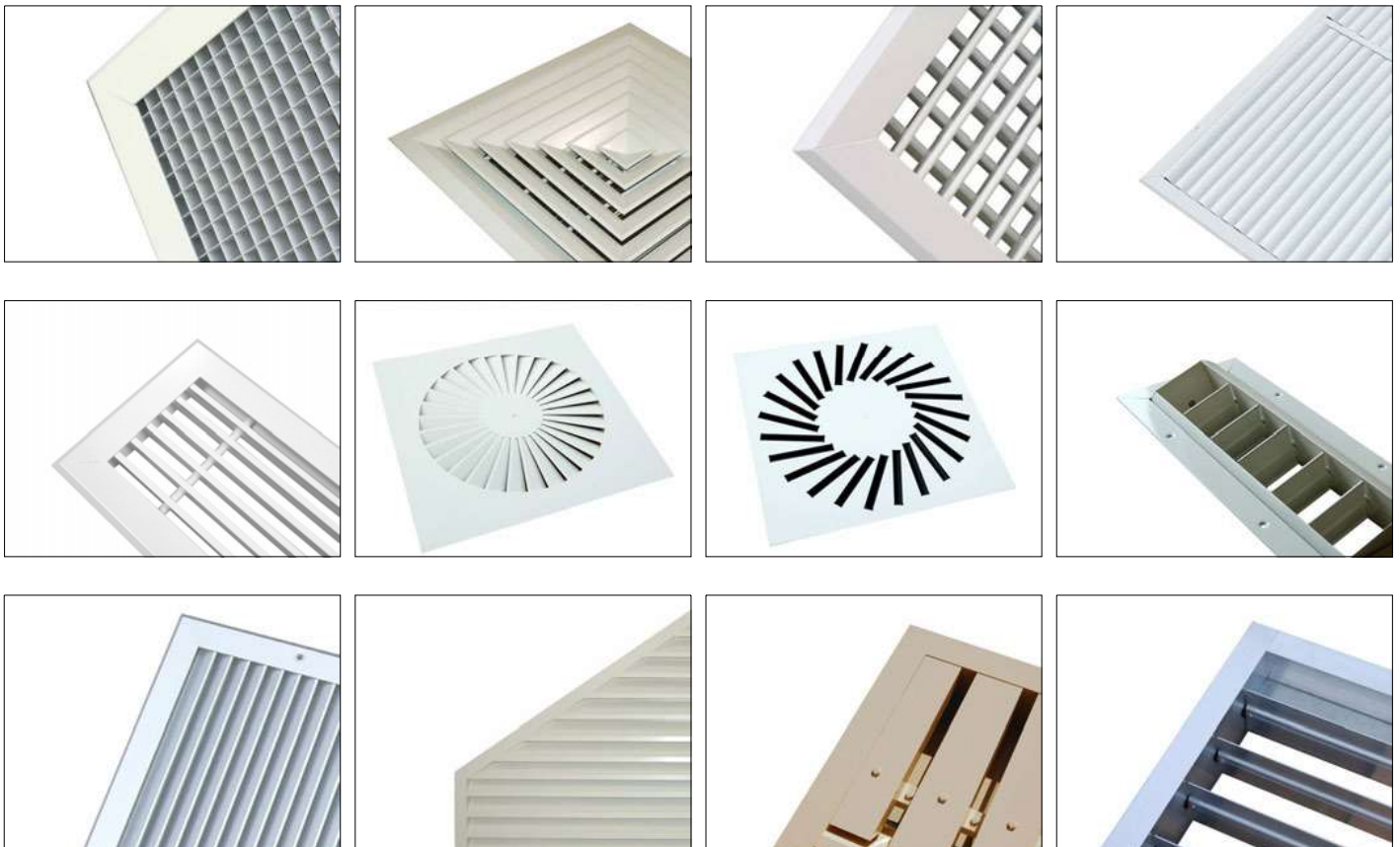
Leave code section blank if no option is required.

## HVC & NCA products

HVC offer the significant advantage of manufacturing both in duct and duct terminal equipment, making us a one stop shop for all your HVAC needs.

The products shown below are a selection, not an exhaustive list. Go to [www.h-v-c.com](http://www.h-v-c.com) for details on all HVC and NCA products.

### HVC: Grilles, Diffusers, Louvres and Volume Control Dampers



### NCA: Fire and Volume Control Dampers





Assessed to ISO 9001  
Cert/Ref No. 1186

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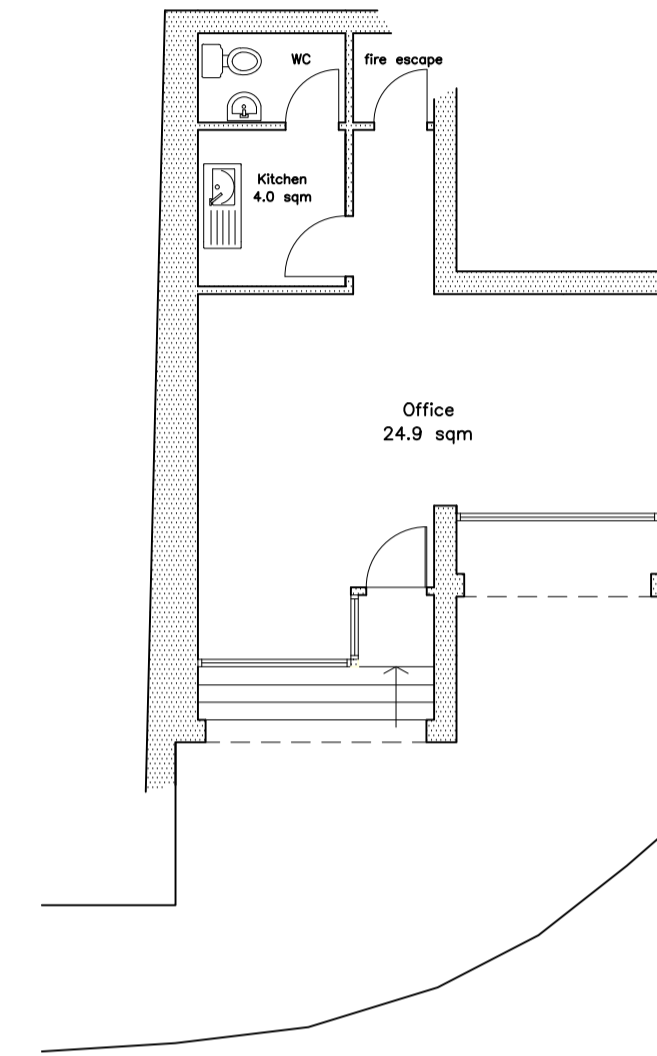
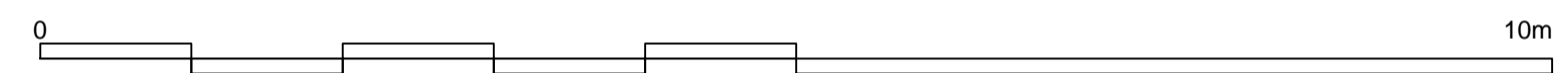
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EAST ELEVATION

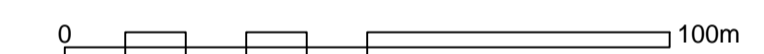
NORTH ELEVATION



GROUND FLOOR PLAN



LOCATION PLAN -1:1250 SCALE



date	description	revision
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**architecturejfltd**

Gullane Business Centre  
12a Lammerview Terrace, Gullane, East Lothian EH31 2HB

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e: architecturej@btconnect.com

project  
Proposed Street Food Takeaway  
at  
43 Quality Street, North Berwick  
for  
Alandas  
drawing  
As Existing Plan & Elevations  
Location Plan

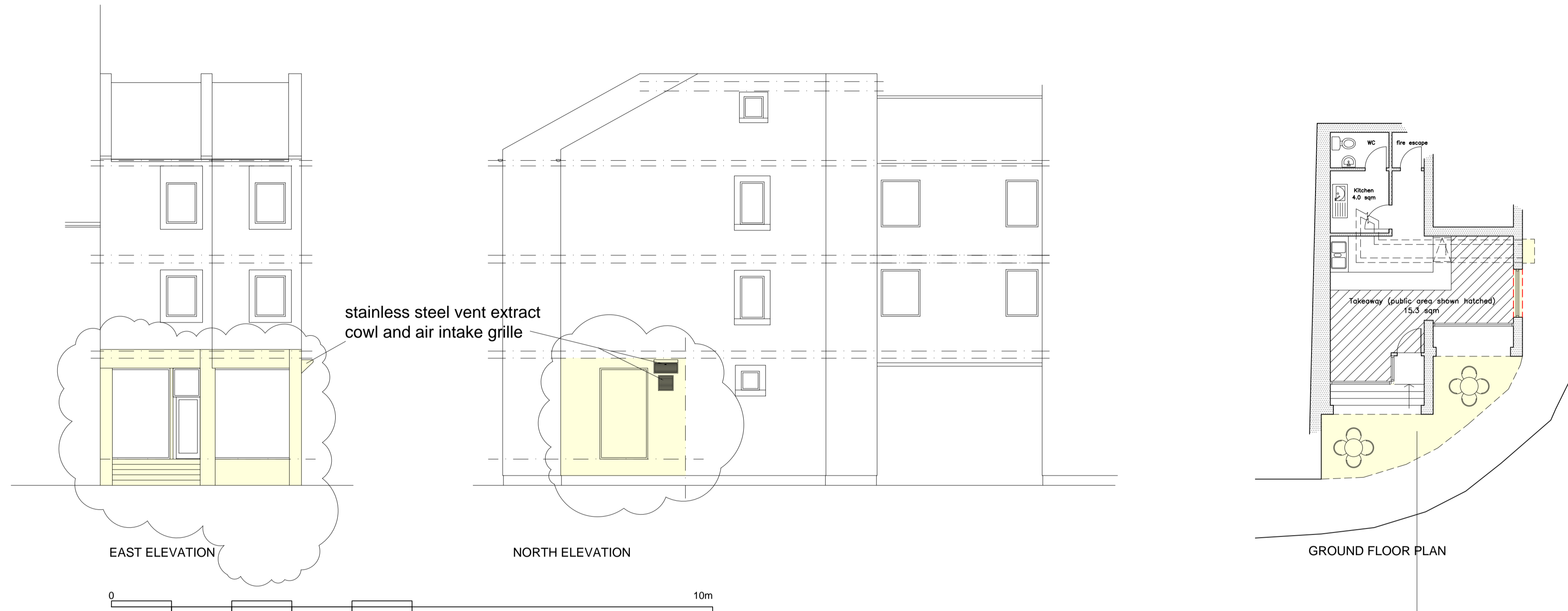
scale	date	drawn	approved
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1:100 & 1:1250 @A1 Oct 18 jf

project no.	drawing no.	revision
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18:29 AD(0)01 -





**External Materials**

**Window:** Timber frame painted white with clear fixed double glazing (not opening).

**Air intake grille and mechanical extract cowl:** stainless steel

**Paint:** existing brown walls proposed repainted white

**Proposed Hours of Trading**  
10am - 11pm 7 days a week

**Noise Control**  
Noise from any plant or equipment associated with the development shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring residential property. All measurements to be made with windows open at least 50mm. The separating floor between the premises and the residential properties above shall be upgraded to ensure that airborne sound arising from the proposed takeaway does not exceed NR20 at any Octave Band Frequency when measured in the flats above.

**Smell suppression**

Extract equipment to include RydAIR RY 5000B electrostatic air cleaner

**Anticipated job creation**

10 persons (maximum staff working in place at one time 3)



area proposed for external seating

wall of proposed new window and ventilation extract grille / cowl  
existing brown paint  
proposed repainted white

Oct 18 proposed repaint hatched yellow on elevations RevA  
date description revision

**architecturejfltd**

Gullane Business Centre  
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drawing  
Proposed Plans & Elevations

scale	date	drawn	approved
1:100 & 1:1250 @A1	Oct 18	jf	

project no.	drawing no.	revision
18:29	AL(0)01	A



# OFFICER REPORT

**20th December 2018**

App No. **18/01116/P**

Application registered on **5th November 2018**

Target Date **4th January 2019**

Proposal	<b>Alterations to and change of use from office (class 2) to hot food takeaway (Sui Generis)</b>	SDELL	Y/N
		CDEL	Y/N
Location	<b>43 Quality Street North Berwick East Lothian EH39 4HR</b>	Bad Neighbour Development	Y/N

APPLICANT: **Alandas**

Is this application to be approved as a departure from structure/local plan? Y/N

**c/o Architecturejfltd  
PER Julian Frostwick  
Gullane Business Centre  
12A Lammerview Terrace  
Gullane  
Scotland  
EH31 2HB**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The planning application relates to the ground floor of a three-storey building at 43 Quality Street, North Berwick. The site is within North Berwick Town Centre as defined by Policy TC2 of the adopted East Lothian Local Development Plan 2018. The land adjacent to the site to the north and west is predominantly residential as defined by Policy RCA1 of the East Lothian Local Development Plan 2018. The site is also within North Berwick Conservation Area.

The property at 43 Quality Street is located on the corner of Forth Street and Quality Street. It forms part of a modern building with white rendered walls and a shallow pitched slate roof. There are large windows on the front (east) elevation. There are flatted properties above and to the west of the site.

The site is bounded to the north by Forth Street, beyond which is a church. This is listed for its special architectural or historic interest (Category B) as Blackadder Church. The buildings

diagonally opposite (to the north east) are also listed for their special architectural or historic interest (Category C) as 1, 3, 5 and 7 Melbourne Place and 4/4A Victoria Road.

To the east, the site is bounded by Quality Street, beyond which is a modern residential flatted development. To the south, the site adjoins 41 Quality Street, which has a restaurant (class 3) on the ground floor and residential flats above. The site is set back from this adjoining traditional building frontage, resulting in a slightly wider footway in front of the premises.

In May 1996 planning permission (Ref:96/00089/P) was granted for the change of use of the premises from a shop to office use.

Planning permission is now sought for alterations to the building and change of use from an office (class 2) to a hot food takeaway (sui generis).

The alterations to the building include the painting of the front elevation white, and the installation of a window, an intake vent and cowl and louvered extraction vent with grill on the north elevation. The cowl would be coloured 'goose wing grey'.

Outside seating is shown on the submitted plans. However, this does not require planning permission and does not form part of the current application. Any future proposals for seating on the public footway would require consent from the Council as Roads Authority.

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 Development Plan 2018.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies, TC2 (Town Centres), TC4 (Hot Food Outlets), CH2 (Development within Conservation Areas), DP5 (Alterations and Extensions to the Existing Buildings) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy 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.



Written objections from 13 different parties have been received to the application, 17 separate letters have been received with some people submitted more than 1 letter. One letter has been received neither objecting or supporting the proposal which raises concerns about the waste strategy for the site. The main reasons for objection are summarised below:

- \* The building is owned by East Lothian Council, who will generate income from it, so the Council is not in a position to make an unbiased judgement on the proposal;
- \* The owner notification was not served correctly; The applicant is not the sole owner of the land; permission will be needed for a flue to exit the building above the site;
- \* Many neighbours which are on the list as being notified have not received plans. Not everyone reads the East Lothian Courier;
- \* The classification 'sui generis' is not appropriate and masks the true nature of the proposal for a hot food takeaway; the exact use should be specified/ The proposal does not specify what type of takeaway it is going to be;
- \* The site is unsuitable for a hot food takeaway as it is within a residential area with young families and elderly people /loss of office space, the existing office use has low footfall and is a quiet use;
- \* There is no need for another takeaway in the area/ too many hot food takeaways, restaurants and pubs in the area;
- \* Detrimental impact on existing businesses in the area;
- \* Cumulative extractor noise and smell nuisance from proposal plus existing Chinese takeaway and Italian restaurant;
- \* The proposal to situate an extraction system on the side wall beneath windows of flats above is 'absurd' and a health issue;
- \* The window on the side of the building is to be used as a serving window in busy months; the 'destruction' of an existing wall which is part of the stairwell for flats would have a detrimental impact on residents and create a lot of noise pollution and safety concerns;
- \* The hours of opening are not specified/The opening times are of great concern due to noise;
- \* The fire escape is at the main entrance to flats;
- \* The flue vent will be unsightly;
- \* The internal extractor unit is very big and for industrial use. The vent will be on a windy corner not a sheltered position as advised in the specification;
- \* The extractor unit is unlikely to be maintained properly and the Council is unlikely to check this;
- \* Odour nuisance/ the proposed vent would be at a low level rather than venting at a high level;
- \* Potential vibration issues from extraction system;
- \* The outside seating area would be dangerous as it is a busy corner where people try to cross/ it would obstruct sightlines. The street is very busy in summer months, pedestrians queuing will exacerbate this;
- \* Road safety issues from delivery lorries, pedestrians and vehicles; people already park on double yellow lines at the junctions;
- \* Insufficient parking/ people will park inconsiderately/ loss of resident parking spaces;
- \* Noise from customers coming and going;
- \* Problem with vermin, seagulls, pigeons;
- \* Issue of waste collection/ there should be a contribution towards waste management in the town;
- \* Increase in litter; and
- \* Increases risk of surrounding streets, closes and parks being used as toilets by those using the take away.

North Berwick Community Council has raised concerns over the proposal. They advise that they opposed the change of use from a class 2 office as they wish to see office space retained in the town. They also believe the location on a busy corner is not a good one for a takeaway, with a risk to customers from traffic. They note resident's concerns regarding noise, especially late at night in an area, where there is a lot of residential properties. They also note that if the takeaway was to offer a delivery service, there is no parking immediately outside and Quality Street is often busy, which would pose a road safety danger.

It is correct that East Lothian Council owns the site. East Lothian Council is also the Planning Authority and responsible for the determination of the application. The East Lothian Council's Standing Orders delegated the determination of local applications (as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 to the Planning Service Manager. If there is objection to the application, then the Council's Standing Orders further states that such applications shall be placed on the Council's weekly Scheme of Delegation List. Consistent with the Council's Standing Orders, a report on this application is on this week's Scheme of Delegation List.

East Lothian Council has been notified as owner of the site. The cowl, vent and windows proposed are on the ground floor and no alterations above the ground floor has been proposed. It is not therefore necessary to owner notify the owners of the upstairs flats, as one of the objectors argues.

Planning regulations stipulate that properties within 20 metres of the site must be notified. This has been done and includes the flats above at 1-5 Forth Street. The application was also advertised in the East Lothian Courier and the Edinburgh Gazette as it is within a conservation area. The neighbour notification process has been carried out appropriately.

The Town and Country Planning (Use Classes)(Scotland) Order 1997 defines premises for the sale of hot food for consumption off the premises as not within any other use class, therefore in a class of its own or 'sui generis'. The application description also includes the description as a hot food takeaway and adequately describes the proposal. The applicant is not required to specify the exact type of hot food takeaway which is proposed to operate from the premises, if granted a permission would be for any hot food takeaway use. Notwithstanding this, the applicant has submitted a sample menu and supporting statement which states that they intend to specialising mainly in Scottish Seafood and ice cream.

The other issues raised by representees are discussed below.

The site is within a town centre as defined by Policy TC2 of the East Lothian Local Development Plan 2018. The policy states that within town centres, uses appropriate to such areas, including retailing, business and office use, restaurants, leisure and entertainment, will be acceptable in principle. Proposals that would have a significant environmental impact, particularly on existing housing, will not be permitted.

It is recognised that the site is adjacent, to the north and west, to a predominantly residential area as defined by Policy RCA1 of the ELLDP. The policy states that the predominantly residential character and amenity of existing housing areas will be safeguarded from the adverse impacts of uses other than housing and development incompatible with the residential character and amenity of an area will not be permitted

Policy TC4 of the East Lothian Local Plan 2018 relates specifically to hot food takeaways. The policy state that within town centres hot food take-aways will be supported provided they will not result in significant impacts on local amenity, including cumulatively with other existing or consented take-aways in the area, and are consistent with other relevant Plan policies, including in relation to parking and road safety.

Policy T2 of the ELLDP states that new development must have no significant adverse impact on:

- \* Road safety;
- \* The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- \* Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- \* The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- \* Residential amenity as a consequence of an increase in motorised traffic.

Policy CH2 of the ELLDP states that all development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

Policy DP5 of the ELLDP states that alterations must be in keeping an dwell integrated with the building or complementary to its character and appearance.

Therefore, the principal determining factor in this case is whether, having regard to national, strategic and local planning policy and other material considerations a hot food takeaway and the proposed associated alterations would be acceptable on this site in terms of its impact on the amenity of the area, residential properties, road safety and the Conservation Area.

Although the ELLDP requires that the cumulative impact of hot food takeaways is considered, there is no development plan policy which seeks to control the number of hot food takeaway, or any other use class, within North Berwick Town Centre. Therefore, there is no requirement for the applicant to demonstrate a locational or market need. Whether or not other potentially competing businesses within the area would be detrimentally affecting is not a material planning consideration. By virtue of being within the allocated North Berwick Town Centre the principle of such a use is acceptable, provided the environmental impacts are acceptable and other policy requirements are met.

The proposal include the installation of a window, cowl and louvre grill on the north elevation and the painting of the brown walls on the front elevations white. The site is within North Berwick Conservation Area, and the shopfronts in the town centre play an important role in establishing the character of the area. The application site is a modern addition to the town centre but has become an established part of the streetscape. The painting of the shopfronts facing onto Quality Street white would be in keeping with the style and colour of the building and is likely to have a positive impact on the character of the Conservation Area. The additional window facing onto Forth Street would add street level interest on what is a blank section of the

elevation. The window would be fixed and would not be able to be used as a serving hatch. The size and proportions would be in keeping with the building and the window would not have a detrimental impact on North Berwick Conservation Area. The louvre would be flush with the building and although stainless steel would not be of a size which would have a significant detrimental visual impact. These elements would preserve the character of the North Berwick Conservation Area and would comply with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy CH2 of the adopted East Lothian Local Development Plan, and with Scottish Planning Policy: June 2014.

The proposed cowl which would cover an air intake vent would be finished in a light grey colour. Although manufacturing details have been provided showing the range of cowl sizes available the applicant has not confirmed the size of the proposed cowl. The dimensions available range from approximately 40cm wide to 80cm wide and projecting from the building by between 32 and 55cm. Notwithstanding this, any cowl in this position would be highly visible from this busy public junction within the Conservation Area. Due to its position, size and the fact it would project from the building, the cowl would appear as an incongruous feature and would have a detrimental impact on the appearance of this prominent building and the character and appearance of the North Berwick Conservation Area.

The proposed elevations indicate that the cowl would be between 1.6 and 1.8 metres above the footway. The Council's Road Services raised concerns in respect of this detail as which would pose a hazard for pedestrians.

Therefore, the proposed cowl would not be in keeping or compliment the building, would not preserve the character of the North Berwick Conservation Area and would pose a hazard to pedestrians and would be contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy CH2, DP5 and T2 of the adopted East Lothian Local Development Plan, and Scottish Planning Policy: June 2014.

There are residential properties above and close to the application site.

The applicant is proposing to install an air cleaning system within the proposed kitchen, which is designed to be used in commercial kitchens. The system would intake air and extract cleaned air through vents on the north side of the building. There are windows to the residential stair on this elevation. The applicant has stated that plant and machinery will not exceed certain noise levels and separating floor between the premises and the residential properties above shall be upgraded to ensure that airborne sound arising from the proposed takeaway does not exceed NR20 at any Octave Band Frequency when measured in the flats above.

The Council's Environmental Health Manager notes that the use has the potential to result in noise and cooking odours associated with the proposed operation, which could impact on the amenity of neighbouring residential properties. He raises no objection to the proposal subject to the imposition of appropriate conditions.

The Environmental Health Manager notes that the proposed extraction and air cleaning system would discharge via a vent at a low level and below the height of windows of residential properties. As fried foods are proposed and sensitive receptors are located close by, he has advised that he would expect a high level of in-house mitigation for cooking odours. Therefore, he recommends that conditions are imposed to control the type of extraction system installed and to ensure that this is maintained to a satisfactory standard. In addition, a separate condition to control noise from plant and equipment is recommended.

Therefore, subject to appropriate planning controls, the proposed use could be controlled to ensure that it would not have a significant detrimental impact on neighbouring uses from noise or cooking odours.

Although the applicant has proposed hours of trading as 10am to 11pm the Council's Environmental Health Service has not proposed a restriction on general opening hours.

The Council's Environmental Health Service have suggested that the use of the external seating area should be restricted so that it is not used before 8am or after 8pm on any day. As the external seating does not form part of the planning application this cannot be controlled through planning conditions and would be subject to Roads Authority controls.

The proposed fire door is shown to the rear and it is understood this would be shared with the door to the stair accessing the flats above. This is the existing rear door for the commercial premises and is not proposed for public use. There are no residential flats on the ground floor and the door here would not have a significant detrimental impact on residential amenity.

Kerbside waste collection services for domestic and trade currently operate within the town centre area. The Council's Waster Services raise no objection to the proposal.

There is no reason to presume that the operation of a hot foot takeaway at this location would result in any significant increase in vermin or littering caused by customers. It is not reasonable to assume that anti-social behaviour would result from the operation of such a use in the town centre area. There are a number of public houses, restaurants and hot food takeaways in the Town Centre.

In the above respects and subject to conditions the proposal complies with Policies TC2, TC4 and CH2 of the East Lothian Local Plan 2008 and national policy and guidance.

The site is located at the corner of the junction of Forth Street, Quality Street, Melbourne Place and Victoria Road. There are yellow lines marked in the road to the front of the site and around all four corners of the junction. The Council's Road Services object to the proposal. They advise that hot food takeaways can encourage irresponsible parking and waiting outside premises. This can include on double yellow lines, on the footway or double parking. In this case, irresponsible parking would exacerbate the problem of limited visibility to the right for drivers of vehicles emerging from Forth Street. It would also have a detrimental impact on the general junction operation and the experience of pedestrians crossing at the junction. It is their view that there would be a greater likelihood of irresponsible parking at times when there is no parking enforcement in operation. Drivers sometimes assume that they have a "grace period" within which to park for a short period of time, notwithstanding that there is double yellow lines in operation.

It is noted that there are other hot food takeaway uses within the vicinity of the site and that this is a busy town centre. It is also acknowledged that there are measures in place to control indiscriminate parking outside the premises, which is enforceable under legislation other than planning. However, each application must be considered on its own merits and the site's position next to the busy junction must be taken into consideration. The proposed takeaway use would be likely to result in irresponsible parking for short periods of time next to the busy junction. Such irresponsible parking would exacerbate the problem of limited visibility to the

right for drivers of vehicles emerging from Forth Street, could result in congestion, and overall would result in a hazard to pedestrians and other road users in a heavily trafficked area.

On this consideration the proposed development is contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

#### REASONS FOR REFUSAL:

- 1 The proposed hot food takeaway use would be likely to lead to irresponsible parking and waiting outside the premises, including on double yellow lines, on the footway or double parking. Such irresponsible parking would exacerbate the problem of limited visibility to the right for drivers of vehicles emerging from Forth Street, could result in congestion, and overall would result in a hazard to pedestrians and other road users in a heavily trafficked area. On this consideration the proposed development is contrary to Policies TC4 and T2 of the adopted East Lothian Local Development Plan 2018.
  
- 2 Due to its position, size and the fact it would project from the building, the proposed cowl would appear as an incongruous feature and would have a detrimental impact on the appearance of this prominent building and on the character and appearance of the North Berwick Conservation Area. The height of the cowl would also pose a hazard to pedestrians using the footway below. The proposed cowl would be contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy CH2, DP5 and T2 of the adopted East Lothian Local Development Plan, and Scottish Planning Policy: June 2014.

#### LETTERS FROM

**\*\*\*NAMES OF OBJECTORS REMOVED\*\*\***

20th December 2018

App No. 18/01116/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Alandas  
c/o Architecturejfltd  
PER Julian Frostwick  
Gullane Business Centre  
12A Lammerview Terrace  
Gullane  
Scotland  
EH31 2HB**

**APPLICANT: Alandas**

With reference to your application registered on 5th November 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Alterations to and change of use from office (class 2) to hot food takeaway (Sui Generis)  
at  
43 Quality Street  
North Berwick  
East Lothian  
EH39 4HR**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed hot food takeaway use would be likely to lead to irresponsible parking and waiting outside the premises, including on double yellow lines, on the footway or double parking. Such irresponsible parking would exacerbate the problem of limited visibility to the right for drivers of vehicles emerging from Forth Street, could result in congestion, and overall would result in a hazard to pedestrians and other road users in a heavily trafficked

area. On this consideration the proposed development is contrary to Policies TC4 and T2 of the adopted East Lothian Local Development Plan 2018.

- 2 Due to its position, size and the fact it would project from the building, the proposed cowl would appear as an incongruous feature and would have a detrimental impact on the appearance of this prominent building and on the character and appearance of the North Berwick Conservation Area. The height of the cowl would also pose a hazard to pedestrians using the footway below. The proposed cowl would be contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy CH2, DP5 and T2 of the adopted East Lothian Local Development Plan, and Scottish Planning Policy: June 2014.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
MANU LITERATURE 1	-	18.10.2018
AD(0)01	-	18.10.2018
MANU LITERATURE 2	-	05.11.2018
MANU LITERATURE 3	-	05.11.2018
AL(0)01	B	05.11.2018

**3rd January 2019**



Iain McFarlane  
Service Manager - Planning



## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.