

Development Management Sub Committee

Wednesday 5 May 2021

**Application for Planning Permission 20/05834/FUL
at Land to the West of, 50 Marine Drive, Edinburgh.
Erection of changing facilities, storage, retail outlet and café
serving hot and cold food and drinks to eat in or take away.
Operational times are 10am to 8pm daily over April to
September with the structure being dismantled and removed
for winter storage.**

Item number

Report number

Wards

B01 - Almond

Summary

The proposal is acceptable in this location and will not have a detrimental effect on the Green Belt, the special landscape area nor the Firth of Forth Special Protection Area. It is of an appropriate scale, form and design. There are no amenity, transport, archaeology, external lighting, waste, renewable energy, equalities or human rights issues. The proposal complies with the Local Development Plan. There are no other material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN10, LEN11, LEN13, LEN16, LEN18, LEN08, LEN09, LDES01, LDES04, LDES05, LDES10, LTRA03, NSG, LRET06, LRET11, NSG, NSGCGB, NSGD02, NSBUS,

Report

Application for Planning Permission 20/05834/FUL at Land to the West Of, 50 Marine Drive, Edinburgh. Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away. Operational times are 10am to 8pm daily over April to September with the structure being dismantled and removed for winter storage.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site sits between the north of the western part of Marine Drive and Silverknowes Promenade. It is part of a grassed area which slopes downwards to the promenade, beach and Firth of Forth.

To the south of the site, Marine Drive loops around parallel to the promenade and provides on street parking. Opposite to the east is an existing building which houses a café/restaurant. Diagonally opposite, to the south east, is Silverknowes Golf Course.

Although part of the City and near built up areas, the site is in a mainly undeveloped area next to the coast which has a rural character.

The application site is in the Green Belt, is a Notable Habitat Amenity Grassland and a Special Landscape Area. It is next to the Firth of Forth Special Protection Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal is for the erection of changing facilities, storage, retail outlet and café. The cafe will serve hot and cold food and drinks to eat in or take away. The proposal will be provided in conjunction with water sports activities, such as wind surfing and wing surfing hire and coaching, and it is also proposed to sell equipment, e.g. spares, and apparel.

As a temporary structure, it will be in the form of four container units which will be laid out as a U shape with an area of interlocking plastic tiles in this space to provide an area of hardstanding. The elevations will be timber clad with metal doors and there will be windows at the retail section. A short ramp, also of interlocking tiles, will be laid to give access from the area of hardstanding onto the existing grassed area.

Information provided with the application advises that the café will be licensed, and it is intended that operational times will be 10am to 8pm daily over the months of 1 April to 30 September and that out with these months, the structure will be dismantled and removed from site for winter storage.

Supporting information

- Design and Access Statement

The supporting information is available to view on Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The principle of the development is acceptable in this location;
- b) The proposal has any impact on nature conservation, natural heritage or ecology;
- c) The proposal will be of an appropriate scale, form and design;
- d) The proposal has any impact on neighbouring amenity;
- e) There are any Roads Authority, transport or parking issues;
- f) There are any other material planning considerations;
- g) There are any equalities or human rights issues and
- h) The public comments have been addressed.

a) Principle of development

Local Development Plan policy Env 10 (Development in the Green Belt) sets out criteria where development in the Green Belt will be permitted, provided it does not detract from the landscape quality and/or rural character of the area. Part a) of policy Env 10 is applicable and states that for the purposes of countryside recreation, any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.

Policy Env 11 (Special Landscape Area) states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas on the Proposals Map.

Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that: a) there will be no significant impact on the quality or character of the local environment and b) the open space is a small part of a larger area of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and c) the loss would be detrimental to the wider network including its continuity or biodiversity value and either d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or e) the development is for a community purpose and the benefits to the local community outweigh the loss.

The proposal is linked to the intention to provide water sports in the Firth of Forth as it will provide changing facilities for those doing water based recreation. In terms of Policy Env 10 the Green Belt, the proposal will be for countryside, albeit waterside in this case, related recreation. The basic, simple and low level design of the building is appropriate to the use. The structure will be mainly for changing facilities although there will be other ancillary uses and it will be removed in the winter months. The impact of the landscape quality and rural character of the Green Belt will be minimal and temporary. A condition is recommended in relation to the removal of the temporary structures when the use of the site is not operational.

The proposal complies with policy Env 10.

The proposed location is within the Special Landscape Area (SLA), Southern Forth Coast at Cramond Foreshore. This SLA encompasses an extensive area of undeveloped land, foreshore and islands on Edinburgh's coastal margin and reflects the aspect and scenic quality of the landscape along the coastline.

The landscape is important for recreation, providing connectivity along the shore, and forms a key component in views towards Edinburgh from the Forth Estuary. The landscape towards Lauriston Castle and Cramond is more rural in character due to the combination of open sloping pastures and Silverknowes Golf Course. Although a recreational environment, the character of the area is relatively tranquil.

Potential pressures upon landscape integrity are noted as 'changes in the management of the landscapes for recreation and provision of recreation facilities'. Changes to landscape character should therefore not be permanent.

Views of the Coastal backdrop and Firth of Forth and the Forth Bridge are protected as advised in the Edinburgh Design Guidance. The proposed development will be visible in the forefront of some of the views looking along and into the coast. Due to the land sloping away into the shore, the single storey building will sit under the ridge of the slope and the development will sit comfortably in the landscape. The proposal will not detract from the overall key view from Cramond to the Coastal Backdrop. In terms of the key view looking west towards the Forth Bridge, this is from the Port of Leith and the proposed development site will not be prominent from this viewpoint.

The coastal slope is likely to conceal the proposed temporary structure in views from the south. However, it will be part of the long views along the waterfront promenade, where it would form a recreational hub. The exterior timber cladding and green roofing would assist in reducing any negative visual effects in views along the length of the shoreline where the existing grassed slopes provide an open sweep of landscape and the u-shaped form would contain activity.

There will be no significant impact on the quality or character of the local environment and the proposal complies with policy Env 11 and part a) of Env 18.

The amount of protected public open space to be lost in the summer months has limited leisure value as it slopes down to the coast, which is not ideal for usable space, for example for informal sports. There is also a large amount of open space in the immediate area and there will remain ample open space for amenity or leisure use. Much of the recreational value comes from the promenade and shore. Overall, there is a significant over-provision of open space in the area. The loss of the relatively small amount of existing open space is part of a larger area of open space provision.

In this context, the proposal complies with part b) of policy Env 18.

The application site is on existing grassland and the small area to be lost in the summer months will not detract from the continuity or biodiversity value of the area nor from the existing open space. Therefore, the loss of open space will not be detrimental to the wider network including its continuity or biodiversity value.

The biodiversity value is assessed in more detail below in 3.3b).

The benefit of allowing the development will improve the type of recreation available in the area by introducing an alternative recreational sport, i.e. water sports. By providing changing facilities, this will improve the experience of those participating in water sports recreation. The Design and Access Statement states that it is proposed to offer "assistance to state schools, disabled and disadvantaged groups" and this would be for a community purpose and benefit.

The proposal complies with parts d) and e) of policy Env 18.

The loss of open space at this location is acceptable and the proposal complies with Policy Env 18.

Policy Ret 6 (Out-of-Centre Development) states that proposals for retail development in an out-of-centre location will only be permitted provided it meets certain criteria. The supporting text clarifies that for small retail units (up to 250 sq m) there is benefit in providing these in locations easily accessible by foot or bicycle.

Policy Ret 11 (Food and Drink Establishments) states that the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub or shop selling hot food for consumption off the premises (hot food take-away) will not be permitted: a) if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents; or b) in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents. Although the policy text relates to a change of use the supporting text clarifies that it is to protect residential amenity and to prevent concentrations of such uses.

The size of the retail element of the proposal will be ancillary to the main proposal and does not require to be assessed under the criteria set out in Policy Ret 6. The retail use will be in a location next to the promenade which is accessible by foot and bicycle.

Whilst policy Ret 11 relates to change of use of existing shop units to food and drink establishments, it is useful in considering the impact of introducing a food and drink establishment as its aim is to protect residential amenity and to prevent concentrations of such uses. The applicant has advised that the hot food unit will be a commercially constructed 20ft kitchen container, lined in stainless steel, with hot and cold water, handwashing sinks, refrigerators and forced air extraction that vents out of a stack on ceiling at a height of 3m from the ground and that the unit complies with Environment Protection's requirements.

The proposed café use, including hot and cold food to take away, is not near residential uses and will not result in a concentration of such uses. Cooking odours will not cause a nuisance as there are no residential neighbours nearby. The proposed café element is acceptable.

The proposal is acceptable and complies with policies Env 10, Env 18, Env 11, Ret 6 and Ret 11.

b) Nature conservation, natural heritage and ecology

Policy Env 13 (Sites of International Importance) sets out criteria which would make development on such sites acceptable. It states that development likely to have a significant effect on a "Natura 2000 site" will be permitted only if either: a) the development will not adversely affect the integrity of the area; b) it has been demonstrated that: c) there are no alternative solutions and d) there are imperative reasons of overriding public interest for permitting the development, including reasons of a social or economic nature. e) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless: a) there is an overriding public need for the development and it is demonstrated that there is no alternative; b) a full survey has been carried out of the current status of the species and its use of the site; c) there would be no detriment to the maintenance of the species at "favourable conservation status"; and d) suitable mitigation is proposed.

Nature Scot (Scottish Natural Heritage) has advised that there are natural heritage interests of international importance adjacent to the site, but in its view, these will not be adversely affected by the proposal.

A Habitat Regulations Appraisal (HRA) has been undertaken as the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") are relevant due to the Firth of Forth Special Protection Area (SPA) being designated for its wintering bird interest. The HRA concluded that there are "no adverse effects upon site integrity".

The proposal will not result in a detrimental impact on the Firth of Forth Special Protection Area Sites of International Importance nor on species protection. Therefore, the proposal complies with policies Env 13 and Env 16.

c) Scale, form and design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge or adjoining a watercourse where the proposals: a) provides an attractive frontage to the water in question; b) where appropriate, maintains, provides or improves public access to and along the water's edge; c) maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valleys; and d) if appropriate promotes recreational use of the water.

The proposal will contribute to the sense of place at the promenade and promote recreational use of the water. It will provide a destination for those doing watersports and those wishing to use the café or retail facilities.

The proposed building will sit below the level of Marine Drive and slightly above the level of the Promenade. The positioning will enable it to use the change in levels and sloping site to reduce the impact of the building on an otherwise open landscaped/grassed area. The simple and basic design of the containers and the timber cladding will sit comfortably within the surroundings. The green roof will soften the proposed development and a condition is recommended, should planning permission be granted requiring a landscape plan. This is to ensure that the proposed landscaping and planting is appropriate for the location.

The proposed structure will be just under a metre to the promenade and the area of hardstanding will sit slightly further back at about 2.3-2.8 metres from the promenade. Therefore, it will not encroach onto the promenade. The levels shown in the drawings reflect those on site and the levels slope up 400mm from the front of the structure to the back. The proposed hardstanding of interlocking tiles will give a flat surface and a short ramp will give access onto the existing grass. The proposal will maintain public access to and along the water's edge. It will not detract from the importance and dominance of the promenade or shoreline.

The surface outside the WC and service area is to remain as grass. Whilst it may become muddy in certain circumstances, the retention of the grass surface will help keep the extent of the proposed development as tight as possible and reduce the amount of area required for the proposal. It is noted that the details of the lease will ensure that the grass is made good after the close of each season.

The proposed development will provide some active use to the waterfront with a subtle frontage and maintain nature conservation and landscape interest of the area. The structure will maintain the water environment.

The proposal will contribute to a sense of place and respects the positive characteristics of the area. It's simple and low level design will reduce its impact on the current open and mainly undeveloped area. The proposed development will provide an appropriate waterside development.

The proposal complies with policies Des 1, Des 4 and Des 10.

d) Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

There are no residential neighbours near the application site and, therefore, there will be no impact in terms of noise, daylight, sunlight, privacy or immediate outlook. Cooking odours will not cause a nuisance as there are no residential neighbours nearby. The closest neighbour is a restaurant/café which is a similar use to the proposal and will not be unreasonably affected regarding its amenity.

There are no amenity issues and the proposal complies with policy Des 5.

e) Roads Authority issues

LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

The Roads Authority has advised that it has no objections to the application subject to conditions or informatives relating to cycle parking and the rights and authority to access and service the site via Silverknowes Promenade.

There is no opportunity to provide private car parking on the application site. Public parking is available on Marine Drive and a minimum of two cycle parking spaces are required to comply with the parking standards in the Edinburgh Design Guidance. Therefore, a condition is recommended requiring a minimum of two cycle parking spaces, should planning permission be granted. In this context, there are no parking issues.

There are no roads authority, transport or parking issues with the use of a condition relating to cycle parking.

f) Other Material Planning Considerations

Drainage and flood protection

LDP Policy Env 21 (Flood Protection) states that planning will not be granted for development that would increase flood risk or be at risk of flooding.

Flood Planning has no major concerns.

Archaeology

LDP Policies Env 8 and Env 9 outline the requirements for developing sites of potential archaeological interest.

LDP Policy 8 (Protection of Important Remains) states that development will not be permitted which would damage or destroy non-designated archaeological remains which the council considers should be preserved in situ.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and if required a field evaluation.

The City Archaeologists has advised that it is unlikely that this development will have a significant archaeological impact and that there are no known archaeological implications.

There are no archaeology issues and the proposal complies with policies Env 8 and 9.

Waste

The Design and Access Statement advises that bins will be stored on street next to those of the existing restaurant/café. As this is outwith the application site, the applicant is advised to ensure that the necessary authority is secured from the Council as Roads Authority to store bins on the public road. It is acknowledged that the proposed development is not adjacent to the proposed location of the bins and in practice it is likely that some waste storage will occur on site. There will also be items capable of being recycled and water waste.

The Design and Access Statement also states that wastewater will be stored under units and pumped out by way of waste handler contractor. The developer will need to comply with the relevant legislation and regulations relating to waste water disposal.

It is the responsibility of the developer to ensure that the waste strategy proposed is appropriate for the development and practicable.

External Lighting

There will be four 100w LED uplighters outside. The electricity is to be generated and taken from batteries and, therefore, it is not expected that the lights will be so bright that they will dominate the vicinity. The amount of lighting is not excessive and as such will not detract from the views of the landscape and coast at, for example, late evening or nighttime.

The proposed external lighting is acceptable.

Renewable Energy

It is not proposed to use renewable energy at the moment. The energy will be provided by generated electrical and battery power and LPG from tanks. However, it is recognised that renewable energy possibly can be used, and the agent has advised that a small solar panel could charge the battery.

This is a small scale development to be in place for six months of the year and the current energy generation proposals are acceptable.

Watersports

The associated watersports activity is not development and, therefore, cannot be taken into account in the consideration of the application.

g) Equalities and human rights

Scottish public authorities are required to have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The Council as planning authority must also have "due regard" to equalities and human rights matters.

A short ramp will enable access from the tiled flat area at the building onto the existing grass for those using wheelchairs. The agent has advised that the ramp could be extended down to the promenade and made flush with the surface of the promenade. In order to make the proposal inclusive and accessible, it is recommended that a condition be attached to the planning permission, should permission be granted, to require a ramp to be provided.

The proposed toilet does not comply with the relevant standards for an accessible WC facility. Whilst this would generally be a Building Standards matter, it requires to be taken into consideration by the planning authority for this planning application. Therefore, it is recommended that an appropriate condition be attached to the planning permission, should permission be granted, requiring an accessible toilet. As such, the toilet is not part of the approval.

The Design and Access Statement states that it is the intention of the operators to offer "assistance to state schools, disabled and disadvantaged groups". Those wishing to use the building and/or participate in the associated water sports would be able to do so without being excluded or discriminated.

There are no identified equalities or human rights issues, with the use of appropriate conditions.

h) Public Comments

Material Comments - Objection:

- development of promenade. Addressed in 3.3a).
- protect landscape designations; preserve qualities of continuous greenspace of extensive landscape; special place. Addressed in 3.3a).
- greenspace recreational facility must not be compromised. Addressed in 3.3a).
- operation of facility on existing environment. Addressed in 3.3a) and 3.3b).
- no community or commercial benefit. Addressed in 3.3a).
- easily accessed on foot, by bike, on the bus or only a short drive across the city. Addressed in 3.3a).
- detrimental impact on the view westwards towards Cramond. Addressed in 3.3a)
- impact on wildlife/birds. Addressed in 3.3b).
- damage to grassland (due to access). Addressed in 3.3b).

- levels - decking and ramp to promenade. Addressed in 3.3c).
- lack of parking - addressed in 3.3e).
- increased traffic. Addressed in 3.3e)
- external lighting impact on natural, darkening shoreline environment. Addressed in 3.3f).
- access to promenade/paths for servicing. Addressed in 3.3e).
- renewable energy. Addressed in 3.3f).
- waste water. Addressed in 3.3f).
- toilets, accessible/disabled access to toilet. Addressed in 3.3g).

Material Comments - Support:

- water sport recreation/activity opportunity/asset/encourage/provision;
- more variety of facilities and creation of a hub;
- good/benefit for community, community groups, community soul; community purpose;
- create much needed facilities and jobs;
- proposed building would fit well;
- encourage being active and active travel;
- car free access; cycle, bus and pedestrian access;
- Edinburgh's Open Space strategy 2021 seeks to protect and enhance open space to encourage sports and recreation - area forms part of the Edinburgh North West Open Space Action Plan and (Waterfront Promenade).

Non-material - Comments:

- road closures, closure of/re-open Silverknowes Road, traffic route to Marine Drive and road safety. These matters are the responsibility of the Roads Authority.
- insufficient access to beach - out with application site boundary; will use existing promenade and beach accesses. Not a material planning consideration.

- vehicular access to promenade and paths should be restricted - out with application site boundary; the applicant should ensure that they have the necessary rights and authority to access and service the site via Silverknowes Promenade. Not a material planning consideration.
- no bus service - provision of bus services is not a responsibility of the planning authority.
- congestion on the promenade and paths; narrowing walkway - this is outwith the application site boundary. Not a material planning consideration.
- increase in visitor numbers - planning has no control over visitor numbers. Not a material planning consideration.
- impact on and disturbance to marine life. Outwith application site boundary. Not a material planning consideration.
- hazard of additional water sports activities in River Almond and Firth of Forth - Not a material planning consideration
- water quality and safety. Not a material planning consideration
- use of beach and conflict with other beach users - beach outwith site boundary of application site and not a material planning consideration.
- no consultation - consultation not required for this type of planning application; Neighbour Notification undertaken according to regulations and application advertised on 22 January 2021 in Edinburgh Evening News
- relocate proposed development - only the planning application presented in front of the planning authority can be considered.
- future development - only the planning application presented in front of the planning authority can be considered.
- advertisements and other features - advertisement consent may be required; some objects may be ancillary or not development, e.g. plant pots. Only the application presented in front of the planning authority can be considered.
- toilets (except accessible toilets) and showers. Not material planning considerations.
- maintenance of grass (cutting). Not a material planning consideration.
- litter. Not a material planning consideration.

- energy use of building. Not a material planning consideration.
- setting a precedent. Not a material planning consideration.
- ground lease. Not a material planning consideration.

CONCLUSION

The proposal is acceptable in this location and will not have a detrimental effect on the Green Belt, the special landscape area nor the Firth of Forth Special Protection Area. It is of an appropriate scale, form and design. There are no amenity, transport, archaeology, external lighting, waste, renewable energy, equalities or human rights issues. The proposal complies with the Local Development Plan. There are no other material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions: -

1. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. A minimum of 2 cycle parking spaces to be provided. The details to be submitted to and approved in writing by the Planning Authority and implemented before the use is taken up.
3. Details of the ramp from the hardstanding to the promenade to be submitted to and approved in writing by the planning authority. The ramp shall not be more than 1:20 gradient and be no less than 1.5 metres wide. The ramp shall be available for use during the seasonal operational dates and the hours of operation.
4. Notwithstanding what is shown on the approved drawings the WC is not approved. Details of an accessible WC in an appropriate location shall be submitted to and approved in writing by the Planning Authority and implemented before the use is taken up (for the avoidance of doubt, the WC should comply with accessibility standards under the Buildings (Scotland) Regulations 2004 (as amended)).
5. The centre and use hereby approved will be operational between 1 April and 30 September annually only. Outwith this period, the temporary buildings will be dismantled and removed from the site for winter storage.

Reasons:-

1. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
2. In order to comply with cycle parking standards.
3. In order to be inclusive and accessible and comply with Equalities Act.
4. In order to be inclusive and accessible and comply with Equalities Act.
5. Due to the temporary nature of the proposed development.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. The applicant should ensure that they have the necessary rights and authority to place the waste bins on the public road. The applicant is responsible for the Waste Management Strategy/Plan for the site.
4. The applicant should ensure that they have the necessary rights and authority to access and service the site via Silverknowes Promenade.
5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 January 2021 and 72 public comments were received, including from Cramond and Barnton Community Council and Davidson's Mains & Silverknowes Association. Of these comments 65 were in support, five objected and two were general comments.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is identified in the Local Development Plan as being in the Green Belt, a Notable Habitat Amenity Grassland and a Special Landscape Area. It is next to the Firth of Forth Special Protection Area.

Date registered

12 January 2021

Drawing numbers/Scheme

01-05.,

Scheme 1

David Givan

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PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Relevant Non-Statutory Guidelines

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

**Application for Planning Permission 20/05834/FUL
At Land To The West Of, 50 Marine Drive, Edinburgh
Erection of changing facilities, storage, retail outlet and café
serving hot and cold food and drinks to eat in or take away.
Operational times are 10am to 8pm daily over April to
September with the structure being dismantled and removed
for winter storage.**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away.

The site is located along the historic foreshore to the east of the Roman Fort and settlement at Cramond. In addition to Roma occupation the area is important for early prehistoric occupation and also medieval and latter settlement. Accordingly, the site occurs within a wider area regarded as being of archaeological significance. However, the area proposed for the new building lies on lower ground below the raised beach (a focus for this activity) and the known limits/concentration of Roman activity to the west.

Therefore, it has been concluded that it is unlikely that this developed will have a significant archaeological impact, and that there are no known, archaeological implications.

Roads Authority

Summary Response

No objections subject to cycle parking provision.

Flood Planning

We have no major concerns over this application. This application can proceed to determination, with no comments from Flood Prevention.

Nature Scot (formerly Scottish Natural Heritage)

Summary

There are natural heritage interests of international importance adjacent to the site, but in our view, these will not be adversely affected by the proposal. Advice in relation to this is provided below and in Annex 1.

NH Advice

Firth of Forth SPA

The proposal lies adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest. A Habitats Regulation Appraisal (HRA) is therefore required.

We consider that HRA screening and if necessary appropriate assessment should be able to be undertaken with information already or readily available.

In terms of HRA screening, our view is this proposal is likely to have a significant effect on the Firth of Forth SPA and consequently, Edinburgh Council as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that, in our view, based on the information provided in the application and existing information, the proposal will not adversely affect the integrity of the site.

Annex 1 contains details and reasoning for all requirements.

The advice in this letter is provided by Scottish Natural Heritage, acting under its operating name NatureScot.

Annex 1

Firth of Forth SPA and Habitats Regulations Appraisal

This proposal could affect the Firth of Forth Special Protection Area (SPA) designated for its wintering bird interest. Further information about this internationally important site, the special features it is designated to protect, and its conservation objectives, can be found on NatureScot's SiteLink website: <https://sitelink.nature.scot/home>

*The status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations"). Consequently, Edinburgh Council is required to consider the effect of the proposal on the site before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has summaries of the legislative requirements and the HRA process: <https://www.nature.scot/professional-advice/protected-areas-and-species/protectedspecies/legal-framework/habitats-directive-and-habitats-regulations>
<https://www.nature.scot/professional-advice/planning-and-development/environmentalassessment/habitats-regulations-appraisal-hra>*

Our advice in relation to the HRA is provided below:

HRA Stage 1 - is the proposal connected with conservation management of the European site?

No - this proposal is not connected to conservation management of any European site. Hence further consideration is required.

HRA Stage 2 - is the proposal 'likely to have significant effects' upon the European site?

In plain English this asks whether there is any connectivity between the proposal and the European site.

The proposed structure is adjacent to the SPA but will also involve various watersports on the Silverknowes and Cramond coastline as well as River Almond. It is proposed that the centre will be open from the start of April to the end of September, daily 10am-8pm. Given that the SPA birds arrive back to the Firth of Forth in September, then there could be possible disturbance to the bird population and its supporting habitat. We therefore conclude that there's likely significant effects:

- There is potential for disturbance or displacement of birds using the shoreline habitat or coastal water, with the construction of the temporary unit on the adjacent grassland and water based activities, with associated light, noise and movement.*

HRA Stage 3 - will the proposal have adverse effects on the integrity of the SPA?

An appropriate assessment will be required and should be carried out by Edinburgh Council in view of the site's conservation objectives for its qualifying interests. In our view this assessment can be carried out using likely available information and should include an appraisal of the following:

- Are there existing water based activities in this location - is this introducing a new activity/disturbance or does it exist already?*
- How many people are expected to use this centre?*
- Level of activity will be dependent on weather, wind direction and tide*
- It is assumed most watersports will be undertaken at high tide, especially around the Drum Sands area, when birds will be roosting inland - would this be right? This would reduce the likelihood of disturbance.*
- Is there existing data to give an indication of how many birds use this stretch of coastline in September? Our Firth of Forth HRA guidance document gives an indication of species arriving back in September but it isn't location specific: <https://www.nature.scot/habitatsregulations-appraisal-hra-firth-forth-guide-developers-and-regulators>*
- Existing recreational use of this part of the coastline, in terms of walkway, people, coastal use - on-going background disturbance.*

By September, again there is an assumption that there's unlikely to be much use of the centre by the evening, when it's dark, so reducing potential disturbance. Would this be correct?
- Building to be dismantled at the end of September and operations to cease for the wintering season, avoiding disturbance over the rest of the winter period.*

A similar reasoning could be used for the end of the wintering period, at the start of April, when some birds might still be present.

HRA - Conclusion

Taking all of the above considerations into account, in our view it should be possible to reach a conclusion of 'no adverse effects upon site integrity'.

To note: If the planning authority intends to grant planning permission against this HRA advice, you must notify Scottish Ministers.

Cramond and Barnton Community Council

Cramond and Barnton Community Council (CC) has assessed this application and while the land-based site is outwith the CC's boundaries, the implications for public use of Silverknowes and Cramond Promenade, foreshore and coastal waters, including the River Almond river-mouth, are of concern to the CC. Please treat this submission as from a statutory consultee.

In assessing the BoardFast proposals, the CC is aware that the Council is negotiating a lease for the proposed site at Silverknowes and has submitted observations on the draft terms of the lease. It may be that some of the issues identified below would be better dealt with through lease conditions. The CC requests, therefore, that the Council adopts a corporate approach to ensure that the means of resolving the issues identified below are achieved either through planning conditions or lease conditions. Hence, this letter is being copied to the Council's Property and Facilities Management Team.

In principle, the CC welcomes new visitor facilities, such as the proposed watersports centre, where these will bring more activity and enjoyment by both participants and spectators visiting Silverknowes foreshore and waters. However, it is vital, in the interests of the environment and visitor experience, that proposed facilities, such as this watersports centre are carefully assessed, not only in terms of implications for the immediate site, but in respect of operational aspects, which may affect users of the Promenade (e.g. parking, vehicular movements between the site and Cramond Harbour) and of the shore and waters (e.g. implications for Cramond Boat Club of use of the river-mouth).

The CC is seeking, therefore, full consideration by the Planning Authority and Council's Property and Facilities Management Team of the following matters -

a. The proposals include watersports activities on the River Almond river-mouth and coastal waters west of the Causeway during suitable water/weather conditions. This has potential to pose safety issues and limit use of these waters by the long-established Cramond Boat Club, Cramond Sea Scouts, and others. While Scotland's access legislation enables commercial organisations to make active recreational use of the foreshore and coastal and river waters, subject to access rights being exercised responsibly, the Council should keep the recreational use of such areas under review and, if the introduction of BoardFast's activities adversely impact existing activities in/ around Cramond Harbour and the mouth of the River Almond, develop a watersports management plan. This may best be dealt with in the lease conditions.

b. *The proposed temporary buildings should be located nearer to the existing sealed surface path/driveway from Marine Drive to the Promenade, to minimise the length of any vehicular access along the Promenade to the proposed facility. Vehicular access should be restricted to essential loading/unloading at defined off-peak periods and only parking of emergency transport (e.g. beach buggy), if required.*

c. *Due to the often congested use of the Promenade by walkers, dogs and cyclists, and including young children and disabled users, no vehicular access should be permitted on the Promenade between the proposed facility and Cramond Harbour, other than in an emergency.*

d. *Similarly, siting of the facility nearer to the access route and Boardwalk Beach Club café would reduce the visual intrusion of the seasonal structures on the more natural stretch of land adjoining the Promenade between the access road and Cramond. Also, it would reduce the length of travel and numbers of watersports users moving between the proposed centre and the access ramp to the shore, which lies to the east of the facility. This is already often a heavily congested area, due to the access route from Marine Drive and visitors congregating around the Beach Club Café.*

e. *Council staff and elected members will be aware of the severe congestion issues associated with access to, and use of, Cramond's Village Car Park. This has been exacerbated by the closure of the Silverknowes Road access to Marine Drive and Silverknowes Foreshore. It is essential, therefore, that Silverknowes Road be re-opened to vehicles to cater for this new facility and other users of Silverknowes Foreshore and to relieve at least some of the pressures on Cramond.*

f. *The applicants refer in the 'Design Statement' to the uncertain economic and watersports viability of the project and local knowledge suggests that tide times and sea/weather conditions are likely to severely restrict the proposed activities. Hence, it is suggested that the £500 reinstatement bond mentioned in the 'Heads of Terms: Ground Lease' copied in the planning application should be substantially increased.*

g. *There is only one WC shown in the plans and the space and design of this would appear not to be all-abilities compliant. New visitor facilities such as this should be fully all-abilities compliant. We would also suggest that more than one WC should be provided and that the provision of showers will be essential.*

h. *As the proposals include a café and take-away outlet, the operators should be required to provide adequate litter receptacles and keep the vicinity of the facility clear of litter at all times.*

Representatives of the Community Council will be pleased to discuss any aspects of the proposals with members of Council staff.

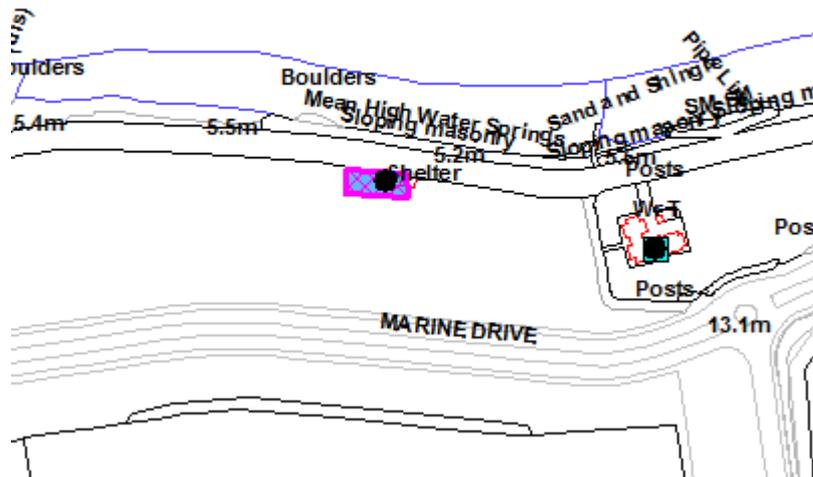
Community Council - Summary of submission

In principle, the Community Council welcomes visitor facilities at Silverknowes, provided potential impacts on users of the Promenade, foreshore and waters are fully assessed.

The CC is seeking consideration by the Planning Authority and Estates Team of the following -

- i. Additional watersports activities at the R. Almond mouth and waters west of the Causeway may pose hazards and limit use by Cramond Boat Club, Sea Scouts and others. This should be kept under review and, if required, a watersports management plan be prepared.
- j. The temporary buildings should be located nearer to the access from Marine Drive to minimise vehicular movements on the Promenade. Access should be restricted to essential, off-peak, loading/unloading and parking of emergency transport.
- k. Only emergency vehicular access should be permitted on the Promenade between the facility and Cramond Harbour.
- l. Siting the facility nearer to the Beach Club café would reduce visual intrusion and congestion on the more natural greenspace between the access road and Cramond and reduce movements between the facility and beach access ramp.
- m. Silverknowes Road should be re-opened to vehicles to enable access to this facility and Silverknowes Foreshore and reduce traffic and parking pressures at Cramond.
- n. Due to the uncertain economic and watersports viability of the project, as recognised by the applicants, the proposed £500 reinstatement bond should be substantially increased.
- o. One, non-all-abilities, WC is inadequate. Showers should be provided.
- p. The café/take-away operators should provide adequate litter receptacles and keep the vicinity clear of litter at all times.

Location Plan



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