

Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/08091/FUL
At Land 34 Metres South East Of, 8 Bainfield Drive,
Edinburgh
Moorings for boat hotel accommodation (5 boats) at Union
Canal, west of Viewforth Bridge.**

Item number	7.1
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposed boat hotel development complies with the Development Plan and is compatible with the Fountainbridge Development Brief. It is a justified exception to the non-statutory Union Canal Strategy. It will not adversely impact on the Ancient Monument (Canal); residential amenity; nature conservation; road safety or the safety and security of school users. There are no other material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LEN16, LTRA02, LTRA03, LEMP10, LHOU07, LDES05, LDES10, LEN08, LEN15, NSGD02,
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Report

Application for Planning Permission 18/08091/FUL At Land 34 Metres South East Of, 8 Bainfield Drive, Edinburgh Moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge.

Recommendations

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

Background

2.1 Site description

The site is in a wider stretch of the canal just west of Viewforth Bridge on the north side towpath. To the north, across a newly completed hard landscaped open space, is the front entrance to Boroughmuir High School. To the north west are newly built, multi-storey student accommodation blocks. There are moorings on the south side of the canal opposite the site and adjacent to these to the south are new flats in Horne Terrace. Further east, beyond the bridge, is Lochrin Basin with associated commercial canal boat moorings and adjacent residential flats, hotels, restaurant, pub and leisure outlets.

The Union Canal is a Scheduled Ancient Monument ref: SM11097 and a Local Nature Conservation Site.

2.2 Site History

Permission was obtained from Historic Environment Scotland (HES) to change the canal edge on the north side from green to hard ref: (Scheduled Ancient Monument ref: 2016 01804). The towpath upgrade was funded by developer contributions from neighbouring developments.

Previously, there has been the construction of Boroughmuir School and the completion of the hard surfaced, canal side open space adjacent.

November 2018 - Application for a 6m pontoon extension on south side of canal behind Horne Terrace (to house three residential mooring boats). Pending Decision (application reference: 18/10132/FUL).

Main report

3.1 Description Of The Proposal

It is proposed to site five purpose built, barge-style boats to accommodate 4 persons each, as floating hotel accommodation. Each boat will be 20 metres in length and 2.1m in width. Accommodation will be bespoke, craftsmen built Scandinavian style full width master cabin in the bow with double bed; a second cabin with two single bunks; a walk through bathroom and a long open galley/dinette area towards the stern with external access doors on the side towards the towpath. The boats will not have engines and will be internally powered by electricity. Both power and water will be available from hook ups to canalside bollards. These services have been pre-installed by Scottish Canals as part of the previous canalside moorings upgrade. The development will make use of these hook ups.

Servicing will be carried out by a specialised company who will have a store on the other side of the canal and arrive on foot. All waste will be collected in a plastic or paper bag and disposed of in a commercial bin, including incinerated toilet waste every fortnight which will be in the form of a cassette containing ash.

Customer parking is not anticipated but can be provided by access to nearby Fountain Park car park. A drop off point will be recommended to customers followed by a short walk to the towpath. Guests will arrive about 1100 onwards with most arriving mid-afternoon. Check out would be between 1000 and 1100 in the morning, once the school day has commenced.

Supporting Statement

- Scottish canals Moorings Site Options Appraisal
- Design Statement

The above document is available to view on the 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 locating hotel boats in this location is acceptable;
- b) there are any amenity issues;
- c) there is any community impact;
- d) suitable sustainability measures have been taken to service the boat hotel;
- e) there are any roads issues;
- f) there any archaeology issues;
- g) there are any environmental/ecology issues; and
- h) the representations have been addressed, including those of the Tollcross Community Council.

a) Principle of Development

The area is allocated as City Centre Proposal in the Edinburgh Local Development Plan (LDP). Designation CC3 - Development Principles, Fountainbridge, states that proposals should:

- provide mixed use development including local centre, residential office, small business units, retail, leisure, community and tourist/visitor facilities;
- create new public spaces and streetscape consistent with the approved Fountainbridge Public Realm Strategy; and
- proposals should explore potential for expansion of water space and should provide attractive frontages to the canal, safeguarding its nature conservation.

Proposals should also take the opportunity, where appropriate, to enhance the use, physical appearance and condition of the canal, where this would be of benefit to development implemented through Proposal CC3.

The development complies with Policy CC3 of the LDP as the development will provide a commercial leisure use for visitors; will add positively to the streetscape/canalscape through its attractive boat frontage; will safeguard nature conservation as it does not affect any reed bank or nesting birds; and will enhance the appearance of a currently visually empty part of the canal.

The development is subject to Edinburgh Local Development Plan (LDP) Policy Emp 10 - Hotel Developments and the background documents are the Council's Union Canal Strategy 2011 and the Fountainbridge Development Brief. The latter two are not incorporated in the statutory LDP but are material considerations. This policy also states that hotel use may be permitted in the urban area with good public transport access to the city centre. The development complies with this policy because it is close to the city centre; would assist diversity and vitality, is close to public transport and will help tourism employment. It will provide a high quality accommodation.

The Council's Union Canal Strategy 2011 identifies six canal 'hubs' throughout its length eastwards from Ratho. One hub is at Lochrin Basin, Hub 6 (part of which is the site of this application). This states that:

Lochrin Basin needs to generate adequate waterway traffic to animate the water space. High quality visitor moorings should be complemented by commercial and residential moorings to create a vibrant sustainable waterway neighbourhood throughout the year.

This document identifies residential moorings on the south side of the canal but not on this north side where it indicates potential to extend marginal vegetation. However, since this strategy was adopted, the canal edge on this side has been made hard with associated moorings and is therefore suitable for the accommodation of boats.

The development does not comply with the Strategy but is an exception given the current physical layout of the canal edge on this side. Commercial use of this stretch of the canal is logical as it would be across the water and away from existing residential flats next to an open space. The commercial use would complement the residential moorings and help to create an active, vibrant frontage throughout the year.

Fountainbridge Development Brief states:

The area's enviable location adjacent to the canal and in close proximity to the city centre provides an exciting opportunity to create a new urban quarter involving mixed use development. Development proposals for the area as a whole could incorporate a wide range of uses including residential, office, business, retail, leisure, community and tourist/visitor facilities.

The brief is therefore flexible and encourages tourism.

Under Canal Related Development it states:

Enhancing the role and accessibility of the Union Canal and realising the potential for increased canal-related activity, both on the water and on adjacent land, are key objectives of the development brief. The concept of extending the water space of the canal into adjacent sites to provide more mooring and turning facilities for boats and create more "canal side" development land is strongly encouraged.

The regeneration of Fountainbridge has the potential to make the Union Canal and Lochrin Basin a major visitor/tourist destination. There is an opportunity for the development of a range of leisure, retail and other appropriate uses to improve the "canal experience" for those visiting, living or working in the area. Proposals affecting the canal should complement and, where possible, enhance the built heritage, biodiversity, and amenity value of the canal.

The development satisfies these criteria.

The Scottish Canals Moorings Site Options Appraisal (Supporting Document) identifies a hierarchy of mooring uses at each hub. Between Yeaman Place Bridge and Viewforth Bridge (part of Lochrin hub) on the north side by Boroughmuir School, it allocates five hotel boat moorings. On the south side, against Horne Terrace/Canal Bank Walk, it allocates five residential and one leisure mooring at pontoons. Three residential boats are already present, with associated secure access steps from the east end of Horne Terrace to pontoons and canalside landscaping.

The proposed development complies with this Appraisal.

Policy Des 10 of the LDP - Waterside Development states that permission will only be granted at the Union Canal where it provides an attractive frontage or improves public access to and along the water's edge; maintains and enhances that water environment, nature conservation or landscape interest, including its margins; and if appropriate, promotes recreational use of the water. This is addressed as part of the **Community Impact** at 3.3c) of the Assessment in this report.

Recreational use is not defined, either active or passive, in any of the above documents so hotel leisure use is as equally acceptable as house boats or occasional stay tourist boats. Hotel boats in this location will enhance the relatively empty canalside space which currently exists. The canal on this north side has a recently formed hard edge and the proposal will not impact on nature conservation or landscape interests because there are no reeds or vegetation on this side which would support ducks or swans nesting or feeding. The towpath/quayside is already designed with service connections for permanent moorings on this north side by Scottish Canals. The adjacency of the towpath on the north side means that the type of mooring provision is best allocated to commercial based opportunities.

The proposals comply with policies Des 10, Env 5 and Env 16 of the LDP.

The site is reasonably central to the city and the town centre amenities of Fountainbridge. Visually, the new hotel boats will add vibrancy to the canal environment and surrounding uses. Residential amenity is addressed below.

In conclusion, the principle of this development accords with Policies CC3, Emp 10, Des 10, Env 15 and 16 of the LDP.

b) Amenity Issues

Boroughmuir School

The hotel boats will be moored on the north bank some 20 metres from the school front door and across an open, hard landscaped area. The school curtilage is protected by a barrier of planters and a moveable gate; beyond this is public open space. The towpath lies between the boats and the open space and is a thoroughfare used by many walkers, cyclists and runners. So there is already much activity along this route.

This use as a boat hotel will not materially impact on the use of the towpath or the school as the level of activity in the boats will be the same as if they were a visiting tourist boat, the personnel movements over which there would be no planning control. In this case, the use will be managed by the applicants. The clientele are intended to be families or commercial executives looking for an unusual leisure experience. This is born out by the double room and bunk room layout of each boat. The boats will be electrically powered and will not have engines so will be quiet and will not produce any measurable omissions to the atmosphere.

Conflict between the use and the school is unlikely to be significant. The arrival and entry times for bookings would be outwith the main school arrival and departure times. During break times, pupils already have to mix with cyclists, walkers and other towpath users if they venture across the open space towards the canal edge. The open space is public realm and not privately policed. There are no planning conditions which could control any interaction of pupils and hotel users and are not enforceable. The safety and security of school pupils is not therefore a planning issue, but one for the police or other security bodies.

Visual amenity

The hotel boats will be brand new and built to a high specification and finish. They are designed to look like traditional narrow boats. Visually, they will form an attractive addition to the canal and be in keeping with their surroundings. They will not detract from visual amenity.

Noise and disturbance

Environmental Protection (EP) does not support the application on the grounds of potential vocal disturbance from boat hotel users and the boats being only 10 metres from residential accommodation in Horne Terrace across the canal. With little space on board, EP state that clientele are likely to use the towpath for smoking and socialising particularly at night. It says this would be exacerbated where group bookings occur.

The accommodation is geared towards families and is small in scale. Anti-social behaviour is a matter for the police. It cannot be controlled by any effective and enforceable planning conditions, whether tourist moorings or hotel moorings. This is a central location where such a use is acceptable and where a degree of disturbance is to be expected.

The proposals comply with policy Des 5 LDP.

c) Community Impact

Only five boats are proposed in this application and not twelve as indicated by Tollcross Community Council.

The Scottish Canals Moorings Site Options Appraisal is not a statutory document but is a material consideration and does illustrate Scottish Canal's commitment to achieving a reasonable balance of commercial and residential uses on the canal. In theory, there is a possibility of having hotel boats on the east side of Viewforth Bridge, away from existing residential boats and moorings at Horne Terrace on the south side and away from Boroughmuir School, but the appraisal shows five visitor berths allocated.

The applicant states the boat hotel cannot be moved east beyond the Viewforth Bridge where the visitor moorings are currently established as this would impinge on the movement of the residential boats that are moored on the offside (south side) at this location. Given the end-on angle of these moorings, any vessels moored at the visitor moorings are at a higher risk of collision. As such, these easterly moorings are not considered suitable for these hotel boats.

The planned mix of different types of boats along the canal will assist in achieving a beneficial mix of uses which will support the community in and around the canal. This is born out by there having been several residential moorings approved in this extended basin hub as well as flats adjacent. There are more residential moorings planned on the south side of the canal here. The balance of residential and commercial uses is set out in the documents previously mentioned in this report and the proposals will add a vibrant resource which will support the commercial community (shops and venues close to the canal) in the long run.

There have been several hotels constructed in the Lochrin area in recent times, but there has also been a number of flats (Horne Terrace) and house boats approved, all providing colour and activity to the canal. Whilst they might not be strictly part of the residential community, the hotel boats are physically appropriate to the canal environment. The applicant states that partying groups are not to be tolerated at this facility and no group bookings are proposed at the boat hotel compared to some hotels and short stay premises on land. No conflict is foreseen with the proposed use.

The presence of the boat hotel will not prevent a future sports activities pontoon near the school. A site close to Gibson Terrace has been identified and one pontoon already exists near the (Leamington) Lift Bridge.

An objection has been raised stating that the proposed boat hotel business will conflict with existing, hard fought commercial boat operations. There is no planning control over this and a free commercial market exists.

In conclusion, the mix of hotel, leisure/commercial, residential and visitor moorings is appropriately allocated in the area and complies with the LDP and the Scottish Canals Moorings Site Options Appraisal. It is a justified exception to the Council's Union Canals Strategy December 2011. It will not have an adverse community impact.

d) Servicing/Sustainability

The boats will not need any vehicles to service them. Cleaning and linen services will be provided by a person walking to the site with a trolley for cleaning and collecting bags of refuse and composted/incinerated toilet waste. A servicing store will be provided for this purpose on the south bank of the canal on Scottish Canals land as stated by the applicant. The boats will be powered by clean electricity and not by diesel or liquid fuel.

The proposals are environmentally safe and sustainable.

e) Access issues

The proposals will not compromise use of the towpath as this is already a busy pedestrian/cycle route. No motor vehicles are intended. Taxis will serve the site but will stop in the nearest streets to the north and not trespass on the towpath or open space. If really necessary, guests will be asked by the applicant to park any vehicles in the large car park at Fountain Park or elsewhere and walk to the site. The roads authority has no objections subject to informatives concerning production of a Travel Plan by the applicant and possible cycle parking on top of the boats as an option. An informative is recommended.

The proposed use complies with policies Tra 2 and Tra 3 of the LDP.

f) Archaeology issues

Policy Env 8 of the LDP refers. The canal is a Scheduled Ancient Monument and apart from mooring and linking up to the service bollards on the towpath, there is be no physical impact on the fabric of the Scheduled Ancient Monument. The proposals comply with this LDP policy and will have no impact on its setting. Historic Environment Scotland has no objections.

g) Environment/Ecology issues - Local Nature Conservation Site

Policies Env15 and Env16 of the LDP refer. As previously mentioned, the boats will be electrically powered for static use. Noise and disturbance will be minimal and there will be no air pollution. Whether the boats involved were to be tourist visitors or boat hotels, they will take up the same space and position along the towpath. The edge of the canal will therefore be partly masked visually. The towpath at this point has been re-engineered with a hard edge incorporating mooring and service bollards and there are no reeds/vegetation supporting wildlife in this location. The proposal will not detract from the greenness of the canal or impact directly on any swans or ducks which will still have free passage along the middle of the canal and will be able to nest on the south side in the reeds at the back of Horne Terrace.

The proposals comply with policies Env15 and Env 16 of the LDP.

h) Public comments

Material Comments - objection:

- overprovision of hotel accommodation - addressed in section 3.3 (a) of the assessment;
- Commercial venture along north-west bank departs from Edinburgh Union Canal Strategy - addressed in section 3.3 (a) of the assessment;
- Excess and overconcentration of hotel boats conflicts with Scottish Canals options appraisal - addressed in section 3.3 (a) of the assessment;
- excess and overdevelopment - addressed in section 3.3 (a) of the assessment;
- conflicts with Fountainbridge Development Brief to achieve predominantly residential character, where people can live, work and relax - addressed in section 3.3 (a) of the assessment;
- safety and security of children/strangers/public order issues - addressed in section 3.3 (b) of the assessment;
- congestion and noise; air pollution from fuel burning; party boats hygiene - addressed in section 3.3 (b) of the assessment;
- Proximity of boat hotel to residential boats on south side of canal - addressed in section 3.3 (b) of the assessment;
- 5 boat hotels not suitable next to/overlooked by residential buildings - addressed in section 3.3 (b) of the assessment;
- obstruct access to canal for school kayaking club - addressed in section 3.3 (c) of the assessment;
- towpath already busy with walkers, cyclists, joggers and school children - addressed in section 3.3 (c) of the assessment;
- Clear destruction of public space and out of keeping with the area - addressed in section 3.3 (c) of the assessment;
- detrimental to neighbourhood and local businesses - addressed in section 3.3 (c) of the assessment;
- more transient community with boatel than with residential moorings - addressed in section 3.3 (c) of the assessment;
- No adequate storage nearby for services such as linen cleaning, spare parts and workforce to deliver this - addressed in section 3.3 (d) of the assessment;
- traffic/parking - addressed in section 3.3 (e) of the assessment; and
- ecology impact - addressed in section 3.3 (g) of the assessment.

Letters of support

- greater activity on the canal; and
- canal is underused.

Non-material objections

- decline in property value as a direct result - this is not a material planning consideration;
- neighbour notification not correct - this has been checked and carried out in accordance with the requirements of the legislation;
- School planned to be extended - this is unrelated to the proposals;

- Impact on other existing canal boat businesses - commercial competition is not a material planning consideration;
- Residential moorings contribute to community spirit of area - the application is for a boat hotel; and
- Moving boats not static boats - the application is for static hotel use.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. 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.
2. 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.
3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a Welcome Pack, pedal cycles, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.

Note:

The proposed zero car parking is considered acceptable for the development. The proposed zero cycle parking is considered acceptable for this development given that it is unlikely that a usable, secure location can be found adjacent to the site. However, it is likely that cycles could be accommodated on the deck of the vessels and the applicant should consider provision of some form of securing cycles in this manner. In addition, the applicant should consider provision of pedal cycles for the use of guests.

4. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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:

The application has been assessed and has no impact in terms of equalities or human rights.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Advertised initially under an incorrect address on the south side of the canal, (Canal Bank Walk). The address was corrected to the north side of the canal and re-advertised on 30 November 2018.

376 representations have been received, of which 374 are of objection, including those from Tollcross Community Council, the Gilmore Place and Lochrin Residents' Association, local residents, school parents and boat owners and two are of support.

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

Allocated as City Centre Proposal (CC3 - Fountainbridge) and Scheduled Ancient Monument (Canal).

Date registered

28 November 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

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

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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 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 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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.

Appendix 1

Application for Planning Permission 18/08091/FUL At Land 34 Metres South East Of, 8 Bainfield Drive, Edinburgh Moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge.

Consultations

Archaeology

The application affects a section of the Union Canal and its northern towpath/bank within Edinburgh. The Canal was constructed in the 1820's and terminated just to the east n of this application at three basins at Fountainbridge. The Union Canal is a site of scheduled ancient monument and therefore the application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV8.

Setting Impacts

Given the nature and design of this development and the semi-permanent nature proposed moorings for these hotel-barges, it is considered that there are no significant impacts upon the setting of this scheduled monument.

Physical Impacts

The proposed development will necessitate minor works within the scheduled area for the Union Canal. Accordingly, HES must be consulted regarding this aspect and scheduled monument consent will be required by the applicant for any works affecting the monument. However, out with this it is considered that this development will not have any significant archaeological impact.

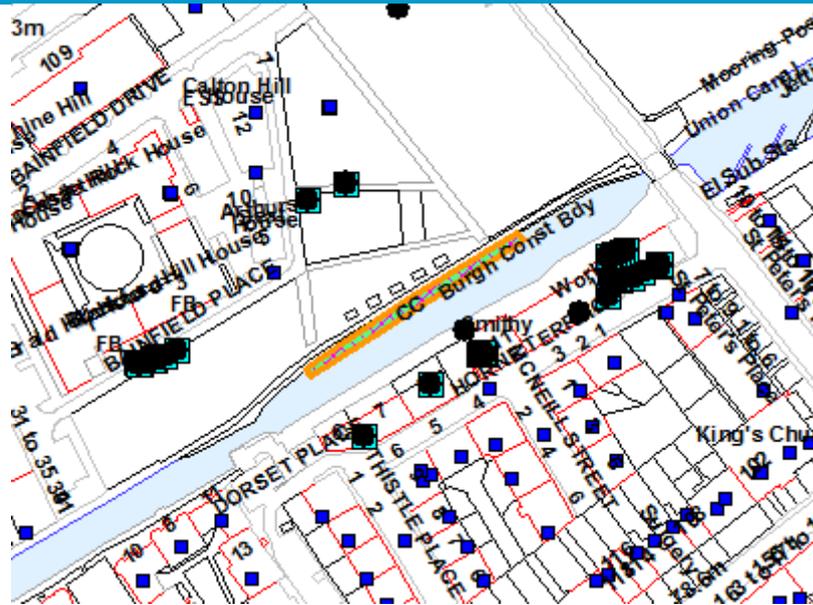
Environmental Protection

We have concerns about noise issues with regards to this proposed use - specifically vocal disturbance from the users of the boat hotel. The boats would be positioned approx. 10 metres from residential accommodation on Horne Terrace. We can easily envisage that, due to the limited amenity space within the boats/smokers etc., that the outdoor areas on the boats or the path beside will be used as a gathering /socialising space. Each boat can presumably sleep four people, which can definitely be enough to cause disturbance, particularly at night. However, there also remains the possibility of several boats being booked by the same party and occupants of a number of boats socialising together. I think we would be unlikely to support this application.

Historic Environment Scotland (Scheduled Ancient Monuments)

Do not have any comments to make on the proposals.

Location Plan



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