



**NORTHAMPTON**  
**BOROUGH COUNCIL**

**PLANNING COMMITTEE:** 6<sup>th</sup> April 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2008/0502**                      **Boat restaurant, bar and associated access at  
Land at Midsummer Meadow**

**WARD:**                              **St Crispin**

**APPLICANT:**                      **Mr Nagarbhai Patel**  
**AGENT:**                              **Ron Sheffield, Architect**

**REFERRED BY:**                      **Head of Planning**  
**REASON:**                              **Borough Council owned land**

**DEPARTURE:**                      **No**

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposed boat restaurant will enhance the River Nene valley environment with a leisure destination that is in keeping with its surroundings and poses little or no threat to the vitality and viability of the town centre. The ecological and flood risk impacts can be suitably managed to avoid any harm to users, the local or wider environment complying with PPS25 – Development and Flood Risk, saved Northampton Local Plan Policies L16, L17 and L29.

The proposal is in a sustainable location and not unduly dependent on car borne trips in accordance with PPG13 – Transport. The proposals accord with national policy and guidance, the Development Plan and emerging local policy documents.

**2. THE PROPOSAL**

2.1 The proposal is for a boat restaurant on a dead arm of the River Nene at Midsummer Meadow. The vessel would be unpowered and

therefore technically a barge, purpose-built for use as a restaurant. It would measure approximately 23 metres long, 6 metres wide and 6 metres tall. There would be three decks, the lowest being a service deck with kitchens, storage and office, a middle deck with inside dining and toilets, and an upper deck mainly open with a small inside dining area.

### **3. SITE DESCRIPTION**

- 3.1 Midsummer Meadows are the flood meadows of the River Nene as it passes east out of the centre of Northampton. Whilst the areas to the north of the proposed mooring site closest to Bedford Road are managed as public open space, the land between the Nene and the dead arm to the south of the main course of the river are wilder and semi-natural with significant ecological value.
- 3.2 The boat restaurant would be moored on the north bank of the dead arm close to an informal Council owned car park accessed directly from Bedford Road. The site is south of the old substation on Bedford Road and not far from the Council's Cliftonville House offices.
- 3.3 A new footbridge, replacing a previous unsafe bridge, linking the extensive footpaths on the north side of the river with the natural areas on Midsummer Meadows, has recently been installed directly east of the proposed mooring.

### **4. PLANNING HISTORY**

- 4.1 N/2007/0569 – Boat restaurant and bar and associated access at Midsummer Meadow (closer to town centre on the main course of the River Nene) – Withdrawn

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

#### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development  
PPG4 - Planning for Sustainable Economic Growth  
PPS9 - Biodiversity and Geological Conservation  
PPG13 – Transport  
PPS23 - Planning and Pollution Control  
PPS25 – Development and Flood Risk

- 5.3 **East Midlands Regional Plan 2009**  
 Policy 2 – Promoting Better Design  
 Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.
- 5.4 **Northampton Borough Local Plan**  
 E1 – Landscape and open space  
 E2 – Riverside landscape  
 E17 – Nature conservation  
 E18 – Sites of acknowledged nature conservation value  
 E20 – New Development  
 E40 – Crime  
 L1 – Existing recreational facilities  
 L16 – River Valley Policy Area  
 L17 – Use of river and canal  
 L29 – River valley policy area: provision of new facilities  
 T12 – Development requiring servicing  
 T22 – Provision for people with a disability
- 5.5 **Supplementary Planning Guidance**  
 Planning out Crime in Northamptonshire SPG 2004

## 6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Town Centre Manager (NBC)** – supports the principle of a restaurant in this location but seeks car park improvements nearby.
- 6.2 **Parks and Open Space (NBC)** – concern about the additional use of the free car park close to the proposal.
- 6.3 **Regeneration (NBC)** – private land issues raised and safety concerns
- 6.4 **Public Protection (NBC)** – no objections, but consider waste condition should be applied.
- 6.5 **Environment Agency** – a series of correspondence concluding with conditional support for the proposals including comments on the following issues:
  - River connections, ditches and culverts
  - End of life plan
  - Mooring
  - Safe access and egress
  - Dredging
  - Overland flood flows
- 6.6 **British Waterways** – No comments
- 6.7 **Highway Authority (NCC)** – No objections but need a solution for the

height barrier that would prevent large delivery vehicles safely entering from Bedford Road.

- 6.8 **Northants Police** – no objections but notes the potential clash with “cruisers and cottagers” who frequent nearby areas, although they state that this can be addressed by other means.
- 6.9 **Northants Wildlife Trust** – original concerns about pollution and waste risk have been addressed by the applicant. The river connections between the dead arm and the main course of the river require a scheme to mitigate the impact of major pollution incidents. The nature reserve land in the centre of the two water bodies is managed by the Wildlife Trust, thus it needs consultation with them. The Trust also seek finance for biodiversity enhancements on the reserve.
- 6.10 **Two letters of representation have been received both objecting** to the proposals.
- 6.11 The first states that the floodplain should not be for development, the impact of silt on spawning fish at the installation would be harmful and there would a loss of habitat on the riverbank on which birds nest.
- 6.12 The second objection is from the Northants Lesbian, Gay and Bisexual Alliance stating that a commercial activity will harm the openness, the semi-natural character of the meadows, and the freedom of the area. Further they state that if the ‘post dusk social networking’ is displaced elsewhere this may be an area of concern.

## **7. APPRAISAL**

- 7.1 The current application followed a 2007 application by the same applicant for an identical business closer to town on the main river. This was withdrawn after discussions about the location and the present site was identified.
- 7.2 Since the application has been submitted in May 2007, there have been protracted discussions about the technical requirements of such a development. During early and mid 2009, the Environment Agency (EA) made detailed requests for further information about the scheme and these details have been submitted and effectively approved by the EA in recent months.

### Principle of Development

- 7.3 Northampton Borough Council is promoting a planning policy approach where town centre land uses are encouraged in the town centre first before other less central locations are considered. This approach is backed up by national planning policy statements in PPS4 Planning for Sustainable Economic Growth and the Regional Plan for the East

Midlands, the top tier of the Development Plan. Both documents strongly support uses such as restaurants being directed to Northampton town centre as part of regenerating and revitalising the central economy.

- 7.4 Nonetheless, the boat restaurant and bar proposed is of a relatively small scale and has particularly distinct characteristics far different from most other restaurants. Firstly, the location, although out of centre, is within easy walking distance of Becketts Park and thus the town centre beyond and makes an ideal destination for those enjoying the green corridor that follows the Nene east out of the town. The Riverside area through the town is the subject of high ambitions from both the emerging Northampton Central Area Action Plan and the planning work being carried out by WNDC. It is considered that having a sustainable 'destination' along the course of the river will encourage greater use of the riverside generally and assist regeneration of the wider area. The impact of such a small restaurant on the viability and vitality of Northampton town centre is considered to be minimal and may conversely attract more people to the town centre overall, who in turn, may patronise other town centre businesses.
- 7.5 Saved Policy L29 of the Northampton Local Plan is framed as an approach that promotes a programme of waterside improvements and the provision of new facilities where appropriate, which benefit tourism. It is apparent that the proposed boat restaurant will be a positive attraction that meets the thrust of this policy.
- 7.6 For these reasons, the proposed development is considered to be a sustainable proposal in accordance with the aims of local and national planning policy.

#### Appearance and the River Nene

- 7.7 A number of policies in the Development Plan, particularly the saved Policies of the Local Plan, pay direct attention to protecting and enhancing the character and appearance of the River Nene valley. The application site is largely a mooring within part of the river system and the 'built form' is effectively a boat. As a starting point in considering the physical impact of the proposal, it is considered that a boat on the Nene is a normal and encouraged scenario by local planning policy. The boat itself, at 6 metres from keel to top deck is tall in comparison to other riverboats (it would be about as tall as a bungalow from ground level), but it is not considered out of keeping with its surroundings as one might expect to encounter such craft as a matter of course in this environment.
- 7.8 Where saved Local Plan policies such as E1 and E20 provide guidelines on general good design in the Borough, Policies L16 and L17 pay specific regard to the prospect of development in and around the River Nene. For example, L16 states that only agricultural, leisure

and recreational uses will be permitted in Valley Policy Area where they avoid harming the character of the area. It is considered that the size of boat and restaurant proposed (a leisure / recreational use) is in keeping with the relatively low-key character of the River at this stage in its course. The proposal will not dominate the river nor will it be abnormally large in the landscape. The number of patrons will not be of a scale that they become the dominant users of this area, but would hopefully bring activity and with it safety to a relatively remote part of the public open space. For all these reasons, the proposal is supported, as it would positively enhance the character of the area in line with development plan policy.

- 7.9 Boats are distinct from permanent buildings in that they can significantly degrade over relatively short periods of time. End of life plans for the vessel have been raised by the Environment Agency and may be an issue for the Borough Council as adjoining landowner. In short, it is considered that for a number of reasons, including preserving the long term appearance of the river, it is pragmatic to review the boat restaurant and its physical appearance five years after first commencing operations. Therefore, a condition giving temporary consent for 5 years is recommended for this use.

#### Crime and Safety

- 7.10 The installation of a boat restaurant in this location will enhance overlooking and surveillance of the surrounding public open space in compliance with saved Policy E40 of the Local Plan and the Designing Out Crime SPG. The Police have no objections to the proposal, but note that near to the proposed mooring is an area frequented for what they term "cruising". The objections regarding commercial activity in an open area and the displacement of current activities from the Northants Lesbian, Gay and Bisexual Alliance (see para 6.12 above) are understood and noted, but do not outweigh the importance and benefit of the improvements to public safety that introducing activity to this public open space will bring.

#### Ecology

- 7.11 The proposal not only forms a mooring on a relatively natural and unmanaged area of riverbank, but is also close to the Midsummer Meadow nature reserve on the opposite bank. The protection of ecology and riparian habitats is inherent in a range of Northampton Local Plan policies including E2, E17, E18, L16 and L17.
- 7.12 The loss of a stretch of semi natural bank side ecology is not considered to be so substantial as to warrant objection and most of this habitat will go unchanged due to the large amounts of similar vegetation that will remain and will be able to re-establish after the mooring is created.

- 7.13 Whilst the physical impact of the boat's mooring will be minimal, the Wildlife Trust, who manage the adjacent nature reserve, are particularly concerned about the potential for significant pollution spills into the dead arm of the river reaching the present channels that pass through the reserve and back to the main river. To summarise a lengthy process that has been negotiated between applicant and the Trust, a scheme of culverts involving two connections to the main river with a silt pond in between will be created and the existing connection to the dead arm of the river, where the boat restaurant is located, will be permanently closed to stop any chance of pollution entering the reserve via the ditches. This should be in place before first operation of the business and can be controlled by condition.
- 7.14 The Trust has also made a series of financial requests for the enhancement of the reserve, but on balance it is considered that the sums proposed are not reasonable or necessary in relation to the impact of the proposals.

#### Flooding and the Water Environment

- 7.15 In terms of the flood risk elements of this proposal, it is clear that any boat on the river will be at particular risk at times of flood. The applicant has submitted a flood risk assessment and schemes for water-based recreation are exempt from the flooding sequential test laid out in PPS25. It should be borne in mind that the EA suggested this location as preferable after considering the 2007 application which proposed its siting on the main course of the river.
- 7.16 At times of flood, it is the EA's opinion that the boat must be secure and the users of the boat must have early warning of flooding and able to safely access and egress the boat. Details of moorings have been submitted but these details need to be to a higher standard all round. It is therefore recommended that further mooring details be submitted pursuant of a planning condition for agreement before installation.
- 7.17 The EA recommend two conditions to secure safe egress and access routes from the boat to safe areas and these are considered reasonable requests alongside the early warning system that is in place for users of the river.
- 7.18 The EA is also concerned about the possibility of the boat being abandoned on the river with potential flooding and pollution implications in such an event. It is the officers' understanding that the EA as custodians of the river have the right to seek removal of vessels that have been abandoned and the Borough Council is the local landowner who will be controlling this area. The Council as landowner would be able to seek an end of life plan as part of contractual arrangements with the developer / operator. This combined with a temporary planning consent would offer reasonable safeguards to ensure an abandoned vessel is not left in the river.

- 7.19 In terms of pollution, oils, chemicals and waste must be stored securely and safely extracted from site. Appropriate schemes for storage and movement of these materials can be secured by planning condition. Furthermore, the realignment of the channels and closure of the culvert into the nature reserve has satisfied the Wildlife Trust that any significant pollution incident could be controlled in the dead arm of the river without exceptional harm to valuable habitats. The EA are content for the Trust to deem whether or not the new culvert system is acceptable or not.
- 7.20 The introduction of a boat in this position will result in additional silting issues and the EA recommend a de-silting programme to overcome this issue that may threaten the wider alluvial environment. A scheme for dredging around the boat is therefore necessary, which can be secured by planning condition.

#### Parking and Access

- 7.21 Initial concerns were raised that the site for the moored boat relied heavily on the nearby Borough Council car park accessed from Bedford Road. The County Council as Highway Authority raise no objection to this method of access, but it is apparent that the applicant will have to seek right of access along this roadway from the Borough Council as landowner.
- 7.22 The Borough Town Centre Manager has laid out a scheme of works for improvement of the car park including surfacing, lighting, pay and display machines and laying out works, suggesting the possibility of the applicant contributing to this. On balance it is considered that these works, although desirable, are not required from a land-use planning perspective from the development proposed.
- 7.23 In simple terms, the boat restaurant would function adequately making use of the pedestrian access from the larger Midsummer Meadows pay and display car park further away and it is very unlikely that any patrons would try to park on Bedford Road itself given that it is fully parking restricted and well trafficked. The Borough Council in negotiating may wish to seek an arrangement for parking improvements as part of a deal that allows access to the site, but these agreements can take place outside of the planning system and do not significantly alter the acceptability of the scheme.
- 7.24 A high vehicle barrier that prevents commercial deliveries being made to the site marks the access from Bedford Road. The restaurant will require service access including waste collection and deliveries and standing vehicles on Bedford Road unable to get past the barrier pose a threat to other vehicles coming into Northampton on this road. The County highway engineer has highlighted this concern and this could be resolved by setting the barrier back so a large vehicle could get out



of the carriageway before the barrier is opened. The repositioning of this gateway can be controlled by condition.

### Environmental Health Issues

- 7.25 The Council's environmental health service, Public Protection, has noted that there are no nearby residents to the application site. They have recommended a waste condition to control potential pollution and pest issues.
- 7.26 The location is in a naturally dark area with established natural habitats and all associated lighting should be controlled to minimise landscape and wildlife impact. This can be applied by requiring low-level lighting through a scheme to be approved by planning condition.

## **8. CONCLUSION**

- 8.1 In summary, what is a relatively small development proposal creates a number of technical issues due to its isolated location on a sensitive part of the River Nene. Although outside of the town centre, the restaurant use is considered acceptable with potentially positive regenerative effects on the vitality and viability of the town centre in accordance with PPS4 and the East Midlands Regional Plan. The boat restaurant will provide natural surveillance and reduce the fear of crime in this part of the wider public open space of Midsummer Meadows, making it more attractive and useable for a cross-section of the community.
- 8.2 A number of potential ecology impacts have been identified but can be mitigated. The numerous issues around flood events can be managed to alleviate risk to people and the wider environment providing suitable schemes are adopted. It is proposed to allow a 5 year initial period for the development at which time the progress and degradation of the development can be re-evaluated.
- 8.3 The proposed location of the boat should encourage sustainable foot trips from the town centre and elsewhere and with plentiful public car parking available nearby there are no substantial threats to the highway network. The adjacent car park and service access through the Bedford Road entrance must be addressed through negotiation with the Borough Council as wider landowner.
- 8.4 The overall scheme accords with the saved River Nene Valley policies in the Northampton Local Plan and the generic development policies in the remainder of the Plan. The proposals amount to a sustainable and positive tourism and recreation development, that if managed well, can help enhance the wider viability and vitality of the town.

## **9. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The use hereby permitted shall be discontinued and the land restored to its former condition (including full removal of the vessel and mooring) on or before 5 years from first installation of the vessel hereby approved.  
Reason: To enable the Local Planning Authority to assess the effect of the development during the said period in accordance with Policy E20 of the Northampton Local Plan.
3. Details and/or samples of all proposed external facing materials of the approved boat structure shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.
4. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site, implemented concurrently with the development and retained thereafter.  
Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.
5. The premises shall not be used for the sale of hot-food for consumption off the premises.  
Reason: In the interests of the amenity of the surrounding locality and / or in the interests of highway safety in accordance with PPG13 Transport.
6. Prior to the boat restaurant's first use, a scheme shall be submitted and approved by the Local Planning Authority which specifies the refuse arrangements to be provided for the approved use. Details of the storage area and number of bins provided, and pest control measures shall be included in the scheme.  
Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with PPG23.
7. Unless agreed in writing by the Local Planning Authority full details of facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted, provided prior to the development being first brought into use and retained thereafter.  
Reason: To ensure the provision of adequate facilities in accordance

with Policy E20 of the Northampton Local Plan.

8. No development shall commence until a scheme for recessing the large vehicle control barrier on the junction point from Bedford Road to the access road that leads to the restaurant's adjacent car park has the prior written approval of the Local Planning Authority (LPA). The approved scheme shall be fully implemented before first use of the boat and retained as approved thereafter unless otherwise agreed in writing by the LPA.  
Reason: In order that large vehicles do not obstruct the Bedford Road when entering the site to the detriment of highway safety in accordance with PPG13.
9. Full details of the storage and handling of all oils, chemicals and waste and an emergency pollution containment strategy shall be submitted for the prior written approval of the Local Planning Authority before first occupation of the boat restaurant. All resultant equipment, methods and procedures shall be retained for the lifetime of the development and used in accordance with the approved details.  
Reason: To protect the river environment from pollution incidents in accordance with PPS23.
10. A scheme for emergency vehicle access to the boat restaurant location shall be submitted for the prior written approval of the Local Planning Authority and all approved routes made available at all times for the life of the development.  
Reason: To ensure emergency vehicle access.
11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Fenland Hydrotech April 2008 Revision 0 and Addendum (yet to be dated) and the following mitigation measures detailed within the FRA:
  - The safe access and egress route set at 57.57m AOD
  - The business will sign up to the Environment Agency's Flood Warning system.
  - The business will close, and the boat will not be occupied, on receipt of an Environment Agency flood warnings Direct Flood Watch.Reason: To ensure the safe access and egress route is dry and to ensure that the site users are safely evacuated in dry conditions in accordance with PPS25.
12. The development hereby permitted shall not be commenced until such time as the full design of the safe access and egress route has been submitted to, and approved in writing by, the local planning authority to:
  1. Ensure no raising of ground levels; and
  2. Ensure no impedance of overland flood flows.The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within

the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the impact of flooding on the proposed development and future occupants and to reduce the risk of flooding to the proposed development and future occupants in accordance with PPS25.

13. No development shall commence until a scheme for closing the dead arm outlet to the River Nene's main course and the creation of a culvert system utilising new inlets and outlets from the River Nene is submitted for the prior written approval of the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to first use of the boat restaurant and maintained thereafter.

Reason To protect the habitats on the nearby nature reserve in accordance with PPS9.

14. Full details of the mooring attachments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved mooring details shall be fully implemented concurrent to the development and completed prior to the first use of the restaurant and maintained thereafter.

Reasons To ensure the boat is securely held in position particularly during flood events in accordance with PPS25.

15. A programme for dredging the river in direct proximity to the proposed boat for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority to first occupation of the boat restaurant and shall be implemented thereafter.

Reason To ensure proper management of the watercourse and prevent flooding in accordance with PPS25.

## **10. BACKGROUND PAPERS**

- 10.1 None.

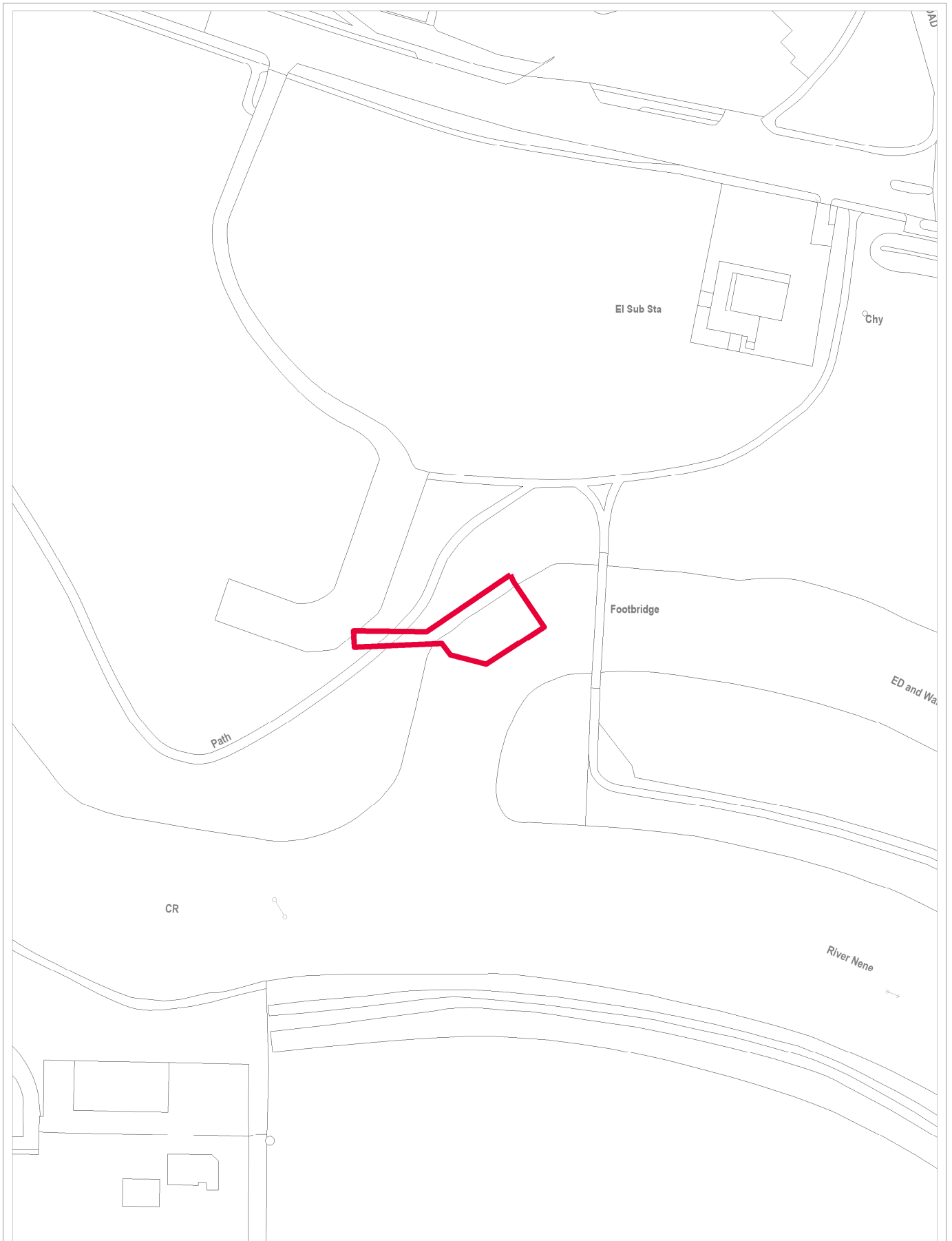
## **11. LEGAL IMPLICATIONS**

- 11.1 None.

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Richard Boyt	22/03/10
<b>Development Control Manager Agreed:</b>	Gareth Jones	22/03/10



Name: COMMITTEE APRIL 6TH  
 Date: 22nd March 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

**Title**  
**Midsummer Meadow - Bedford Road**

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