



**PLANNING COMMITTEE:** 9<sup>th</sup> April 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0161**                      **Application to extend time limit for implementation of Planning Permission N/2008/0502 for proposed boat restaurant, bar and associated access at land at Midsummer Meadow**

**WARD:** St Crispin

**APPLICANT:** Mr Nagarbhai Patel  
**AGENT:** Richard Coulson, APC Planning

**REFERRED BY:** Head of Planning  
**REASON:** Part 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 would enhance the River Nene valley environment with a proposal 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 mitigated to avoid any harm to users, the local or the wider environment thus complying with policies within the adopted Central Area Action Plan and the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 This proposal seeks to extend the time period for an existing planning permission to enable it to be implemented. The proposal relates to the provision of a purpose built boat restaurant moored on a dead arm of the River Nene at Midsummer Meadow. The vessel would be

unpowered and 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.

The developer has constructed the boat for the proposed use, it is constructed entirely of sheet metal cladding and painted in white gloss and is waiting to be implemented subject to negotiations with the Environment Agency and the Wildlife Trust.

### **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 is wilder and semi-natural with significant ecological value. The boat restaurant would be moored on the north bank of the dead arm adjacent to an informal Council owned car park accessed directly from Bedford Road.

### **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.
- 4.2 N/2008/0502 - Planning permission granted for boat restaurant and bar and associated access on 8 April 2010. Conditions 3, 8, 12 and 13 details approved.
- 4.3 N/2010/0475 – Removal of Condition 2 attached to Planning Application N/2008/0502 – still outstanding.

### **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.
- 5.2 **National Policies:**  
National Planning Policy Framework
- 5.3 **Adopted Central Area Action Plan:**  
Policy 1- Promoting Design Excellence  
Policy 4 - Green Infrastructure  
Policy 25 - Waterside  
Policy 36 - Infrastructure Delivery

5.4 **Supplementary Planning Guidance:**  
Planning out Crime in Northamptonshire SPG 2004

## 6. CONSULTATIONS / REPRESENTATIONS

6.1 **Environmental Services (NBC)** – no objections, subject to original conditions being added.

6.2 **Northants Police** (Crime Prevention Design Adviser) – no objections.

6.3 **Highway Authority (NCC)** – (verbal) no objections.

6.4 **Environment Agency** – no objections received to previous application. Originally supported proposal subject to conditions on the following issues:

- River connections, ditches and culverts
- End of life plan
- Mooring
- Safe access and egress
- Dredging
- Overland flood flows

6.5 **Northants Wildlife Trust** – originally raised concerns about pollution and waste risk arising from the proposal, these would be controlled by conditions. 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. Also advised that the nature reserve land is in the centre of the two water bodies managed by the Wildlife Trust, thus it would need further consultation with them. Any further comments received will be reported.

## 7. APPRAISAL

7.1 This application seeks to extend the implementation date for the scheme granted in April 2010. The key issue to consider is whether there have been any significant material alterations in planning policy or the in the physical characteristics of the development site and its environs.

### **Principle of Development**

7.2 Since the initial consent was granted the National Planning Policy Framework has been issued and the Central Area Action Plan has been adopted, these promote and reinforce a planning policy approach where town centre land uses are encouraged in the town centre first before other less central locations are considered. The impact of such a small restaurant on the viability and vitality of Northampton town centre is considered minimal. The boat restaurant and bar proposed is of a relatively small scale and the principle of the proposal has been

established within the existing planning permission. The proposed location of the boat should encourage sustainable foot trips from the town centre. The proposed development is considered to be a sustainable proposal in accordance with the general thrust of the aims of local and national planning policy.

### **Update On Other Issues**

#### **Flooding and the Water Environment**

- 7.3 In terms of the flood risk elements of this proposal, the applicant previously submitted a flood risk assessment and details of moorings would be controlled by condition. There has previously been a concern about the possibility of the boat being abandoned on the river with potential flooding and pollution implications in such an event. The Environment Agency have their own powers to seek the removal of vessels that have been abandoned. Notwithstanding this, the Borough Council as landowner is involved with contractual arrangements with the developer to secure a financial bond to enable any abandoned structure to be removed. It is therefore no longer considered appropriate to restrict the permission to a temporary consent as was the case in the previous approval. Other matters raised by the Environment Agency can be dealt with by planning conditions.

#### **Ecology**

- 7.4 The proposal is close to the Midsummer Meadow nature reserve on the opposite bank. Whilst the physical impact of the boat's mooring will be minimal, the Wildlife Trust, who manage the adjacent nature reserve, have been previously 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. Negotiations at the time resulted in agreements being reached with culverts being connected to the main river with a silt pond in between being created. Furthermore where the existing connection to the dead arm of the river, where the boat restaurant is located, would be permanently closed to stop any chance of pollution entering the reserve via the ditches. These details would be provided prior to the proposed development commencing.

#### **Appearance and the River Nene**

- 7.5 Existing planning policies draw attention to the need to protect and enhance the character and appearance of the River Nene valley. The application site is largely a mooring within part of the river system and the proposal is not considered out of keeping with its surroundings. The proposal would not dominate the river nor will it be abnormally large in the landscape. For all these reasons, the proposal would positively enhance the character of the area in line with development plan policy.

## Transportation Parking and Access

- 7.6 The County Council as Highway Authority raise no objection to the method of access and use of the nearby Borough Council car park accessed from Bedford Road. Separate negotiations are taking place with the Borough Council as landowner. The boat restaurant would function as previously approved by making use of the pedestrian access from the larger Midsummer Meadows pay and display car park further away. A high vehicle barrier would be provided to prevent commercial deliveries being made to the site from Bedford Road.

## **8. CONCLUSION**

- 8.1 In summary, the principle of the development has already been accepted. The boat restaurant would provide natural surveillance in this part of the wider public open space of Midsummer Meadows, making it more attractive and useable. The overall scheme accords with the policies in the adopted Central Area Action Plan and National Policy Planning Framework.

## **9. CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission: the developer shall notify the Borough Councils Planning Authority in writing within three weeks of the following dates;
- a) The date of commencement of the development hereby permitted; and
  - b) The date when the developed hereby permitted is bought into use.

Reason: To comply with Section 91 of the Town and Country Act 1990 as amended by Section 91 of the Town and Compulsory Purchase Act 2004 and enable compliance with other conditions of the consent.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P/196/4; 5049-A010.1; 5049-A040; C4861 Rev A; C4865/32 Rev A; C4865/3 M5049 LB1 & photograph of Boat.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- 3) Prior to the commencement of the development hereby permitted, 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 then 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 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 4) Prior to the development hereby permitted being brought into use, details including siting and appearance of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 5) Prior to the development hereby permitted being brought into use, details of the siting and appearance of the refuse facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 6) Prior to the development hereby permitted being brought into use, details of the siting and appearance of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: To ensure the provision of adequate facilities in accordance with Policy 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 7) Prior to the development hereby permitted being brought into use, the details for the large vehicle control barrier indicated on drawing No. 5049-040 shall have been fully implemented and made operational and thereafter maintained.

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 the National Planning Policy Framework.

- 8) Prior to the development hereby permitted being brought into use, in prior written consultation with Environment Agency, details of the storage and handling of all oils, chemicals and waste and an emergency pollution containment strategy shall be submitted to and approved in writing by the Local Planning Authority. Development shall

than be carried out in accordance with the approved details and 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 and the National Planning Policy Framework.

- 9) Prior to the commencement of the development hereby permitted, a scheme for emergency vehicle access to the boat restaurant location shall be submitted to and approved in writing by 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 in accordance and with the National Planning Policy Framework.

- 10) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Fenland Hydrotech April 2008 Revision 0 and Addendum 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 and the National Planning Policy Framework.

- 11) Prior to the commencement of development hereby permitted, the full design details of the safe access and egress route to the development shall be submitted to and approved in writing by the Local Planning Authority to include:
1. no raising of ground levels; and
  2. no impedance of overland flood flows.
- The scheme shall be fully implemented prior to the development hereby permitted being brought into use and maintained thereafter in accordance with the timing / phasing arrangements embodied within the scheme.

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 and the National Planning Policy Framework.

- 12) Prior to the commencement of development hereby permitted, a scheme for the 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 to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved concurrently with the development and maintained thereafter.

Reason: To protect the habitats on the nearby nature reserve in accordance with and the National Planning Policy Framework.

- 13) Prior to the commencement of development hereby approved, full details of the mooring attachments shall be submitted to and approved in writing by the Local Planning Authority. The approved mooring details shall be fully implemented concurrent with the development and maintained thereafter.

Reason: To ensure the boat is securely held in position particularly during flood events in accordance with and the National Planning Policy Framework.

- 14) Prior to the development hereby permitted being brought into use, in prior written consultation with the Environment Agency and the Wildlife Trust, 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. The approved programme shall be carried at all times for the life of the development.

Reason: To ensure proper management of the watercourse and prevent flooding in accordance with and the National Planning Policy Framework.

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## **10. BACKGROUND PAPERS**

- 10.1 Planning Application None Relevant.

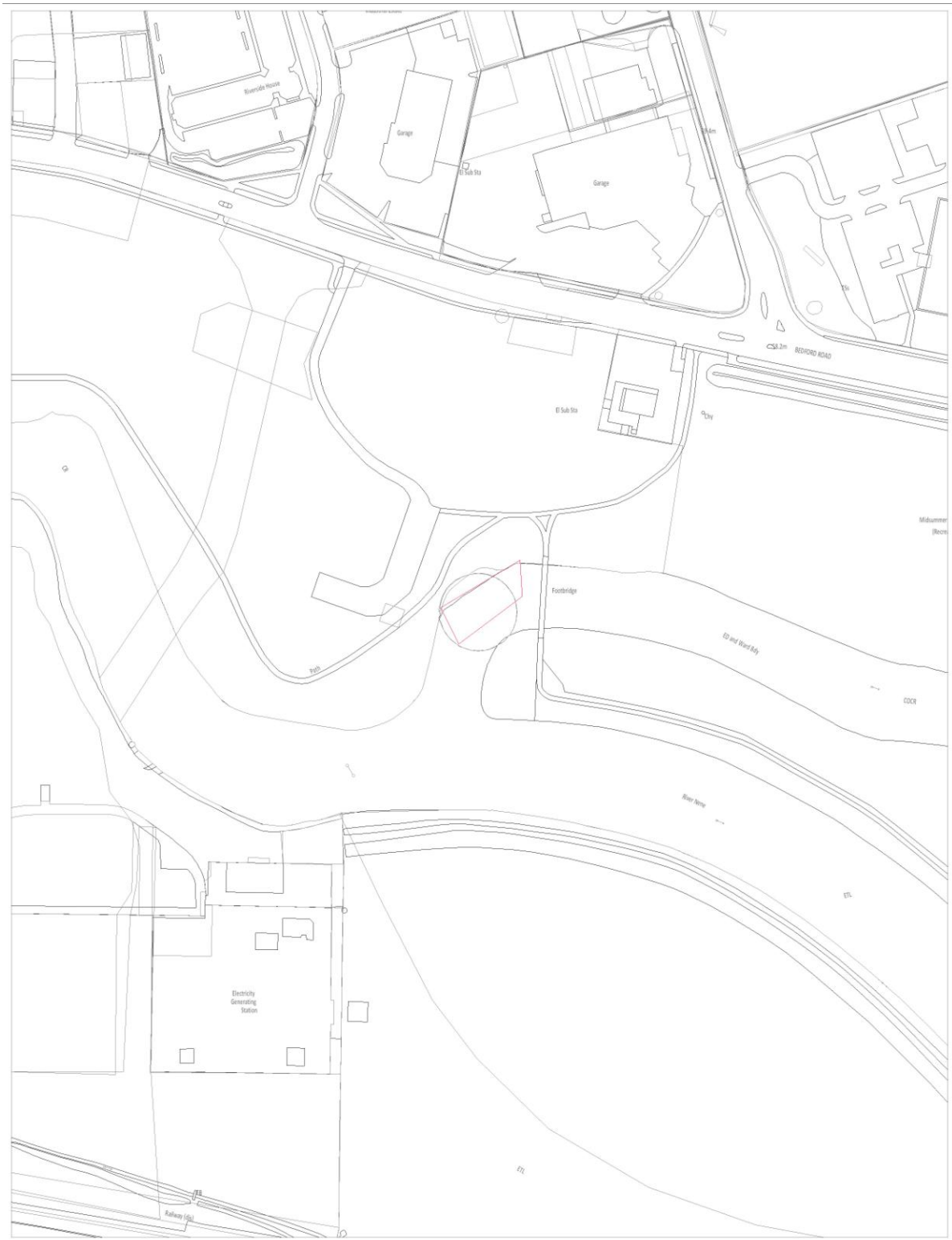
## **11. LEGAL IMPLICATIONS**

- 11.1 None for Planning.

## **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.





Name: **Planning**  
 Date: **27th March 2013**  
 Scale: **NTS**  
 Dept: **Planning**  
 Project: **Committee**

Title

## Land at Midsummer Meadow

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