



PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0611: Change of use of land for erection of decking in association with bar/restaurant (retrospective application) at The Ark Restaurant, Midsummer Meadow, Bedford Road

WARD: Rushmills

APPLICANT: Mr N Patel
AGENT: Mr A Chhatralia

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL for the following reason:

The design and appearance of the decked area is considered acceptable and the structure would not adversely impact on the character and appearance or amenity of the surrounding area or existing flood conditions within the locality in accordance with the requirements of Policies BN7 and BN8 of the West Northamptonshire Joint Core Strategy, Policies 1, 5 and 30 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application seeks the retention of an area of timber decking including a ramped section on an area of Council owned open space within Midsummer Meadow forming part of the embankment adjacent to the boat restaurant. The decking is intended to provide an external drinking/eating area for the boat restaurant. It is enclosed by 1.2m high wooden balustrades at either end including adjacent to the riverside and sits between two existing wooden gangways which provide access to the boat from the embankment.

3. SITE DESCRIPTION

- 3.1 The boat restaurant is moored on the north bank of a dead arm of the River Nene and located within Midsummer Meadow, an area of Council owned open space situated to the east of the town centre and south of Bedford Road. The site lies within Flood Zone 3. The area of decking is situated within the open space on an area of embankment adjacent to the boat restaurant. The skate park, café and a car park are situated to the north of the site. A riverside footpath runs along the front of the site. A single mature tree is located at the front of the site surrounded by the area of decking. Barnes Meadow Local Nature Reserve is situated to the south and east of the site.

4. PLANNING HISTORY

- 4.1 Planning permission was granted in April 2010 under application N/2008/0502 for a 'boat restaurant and bar and associated access at Midsummer Meadow.' Condition 2 of the approval required that the use be discontinued and the land restored to its former condition on or before 5 years from first installation of the boat. The boat has been in situ since December 2013.
- 4.2 N/2010/0475 - Removal of Condition 2 attached to Planning Application N/2008/0502. Withdrawn 11.04.13.

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Central Area Action Plan (2013).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 seeks to secure a high quality design and good standard of amenity and to conserve and enhance the natural environment.

Paragraph 19 supports economic growth.

Paragraph 56 advises good design is a key aspect of sustainable development.

Paragraph 103 seeks to ensure that in determining applications flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including safe access and escape routes where required.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy BN7: Flood Risk – new development will need to demonstrate that there is no increased risk of flooding and is or can be safe and shall seek to improve existing flood risk management.

Policy BN8: The River Nene Strategic River Corridor – the natural and cultural environment of the Nene corridor including its tributaries will be enhanced and protected in recognition of its important contribution to the area's green infrastructure network.

5.4 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1: Promoting Design Excellence – new development should positively contribute to character of the area.

Policy 4: Green Infrastructure – development in the Central Area must contribute to the provision of green infrastructure by enhancing its setting and function and incorporate opportunities to enhance the green corridor within the waterside.

Policy 5: Flood Risk and Drainage – within the Central Area developments will be expected to implement measures that will ensure there is no increase in flow of surface water.

Policy 30: The Waterside: Nene Meadows – will become a strategic leisure and recreation destination with Midsummer Meadow providing a central activity hub.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Arboricultural Officer** – The theoretical root protection area (RPA) of the tree on site has already been compromised by the existing adjacent public footpath and two existing access bridges to the Ark. It is considered that the damage caused by any excavations for the decking would be minimal and therefore any adverse effect on the long term health of the tree would not be significant.
- 6.2 **NBC Environmental Health** – no observations.
- 6.3 **NCC Highways** – no observations.
- 6.4 **Environment Agency** – no objection.
- 6.5 **Northamptonshire Wildlife Trust** – no comments received.
- 6.6 **Canal & River Trust** – no comment.

7. APPRAISAL

Principle, Design and Appearance

- 7.1 The site forms part of an area of open space within Midsummer Meadow. National and local policy seeks to ensure the preservation and enhancement of the natural environment and areas of green infrastructure. Policy BN8 of the JCS recognises the important contribution of the Nene corridor including its tributaries to the area's green infrastructure network. Alongside this, Policy 30 of the Central Area Action Plan seeks to promote Midsummer Meadow as a strategic leisure and recreation destination.
- 7.2 The principle of the boat restaurant in this riverside location and potential impacts on the surrounding environment and habitats has previously been considered and accepted through the grant of planning permission in 2008. The boat restaurant, along with the presence of the adjacent skate park and café, is in line with policy aims to establish Midsummer Meadow as leisure and recreation destination.
- 7.3 Whilst the provision of the decked area would lead to the loss of a small area of greenspace on the embankment, the area concerned is not significant in the context of the surrounding open space and the location of the decking between the two existing wooden gangways assists in minimising the overall impact. The use of timber decking is consistent with the overall appearance of the existing timber gangways.
- 7.4 It is not considered that the decking would lead to any significant impact on the long term health of the adjacent tree which has been retained.
- 7.5 The design and appearance are considered acceptable and the decking would improve the provision of facilities for customers at the restaurant in providing an additional outdoor seating area on the embankment. The principle of a boat restaurant has previously been established in this location and the proposal is a relatively minor extension of the existing use. A condition requiring the cessation of the use and the restoration of the land as required by the original consent would ensure that any future adverse impacts on the character of the area or amenity in terms of potential visual degradation of the facility could be controlled.

Flood Risk

- 7.6 The site lies within Floodzone 3. Condition 11 of the original consent for the boat restaurant requires that on receipt of an Environment Agency flood warning from Direct Flood Watch the business should close and the boat not be occupied.
- 7.7 The Environment Agency has confirmed there is no objection to the decking as proposed and it is not considered that the development would lead to any increased risk of flooding in accordance with policy requirements.

Impact on Amenity

- 7.8 The decking is situated on land owned by the Council a licence of which is under consideration. The terms of the licence could seek to control potential inappropriate use of the land.

7.9 The boat restaurant has a license in place with regards to the hours of use permitting opening hours of 09:00 hours to 00:00 hours Monday to Sunday. Use of the decked area is not covered by the licence however Licensing has advised that it is unlikely that the decked area would be subject to licensing requirements. The consumption of alcohol is not a licensable activity and therefore if customers are eating in the daytime, drinking alcohol and not listening to music this would not require a license. Late night licensing requirements would be required for the sale of hot food and/or drink after 11pm.

7.10 Details of lighting to the decking area are required to be secured by a planning condition.

8. CONCLUSION

8.1 The design and appearance of the decked area is considered acceptable and the proposal would not adversely impact on the surrounding character or amenity of the area or existing flood conditions within the locality. The application is therefore recommended for approval.

9. CONDITION

(1) If the adjacent boat restaurant is removed from its current siting, the decking hereby permitted shall be removed within one month from the removal of the boat restaurant and the land restored to its former condition prior to the installation of the decking.

Reason: In the interests of visual amenity and in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan.

(2) Full details of lighting for the decking area shall be submitted to and approved by the Local Planning Authority within one month from the date of this permission, and thereafter implemented in accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan.

10. BACKGROUND PAPERS

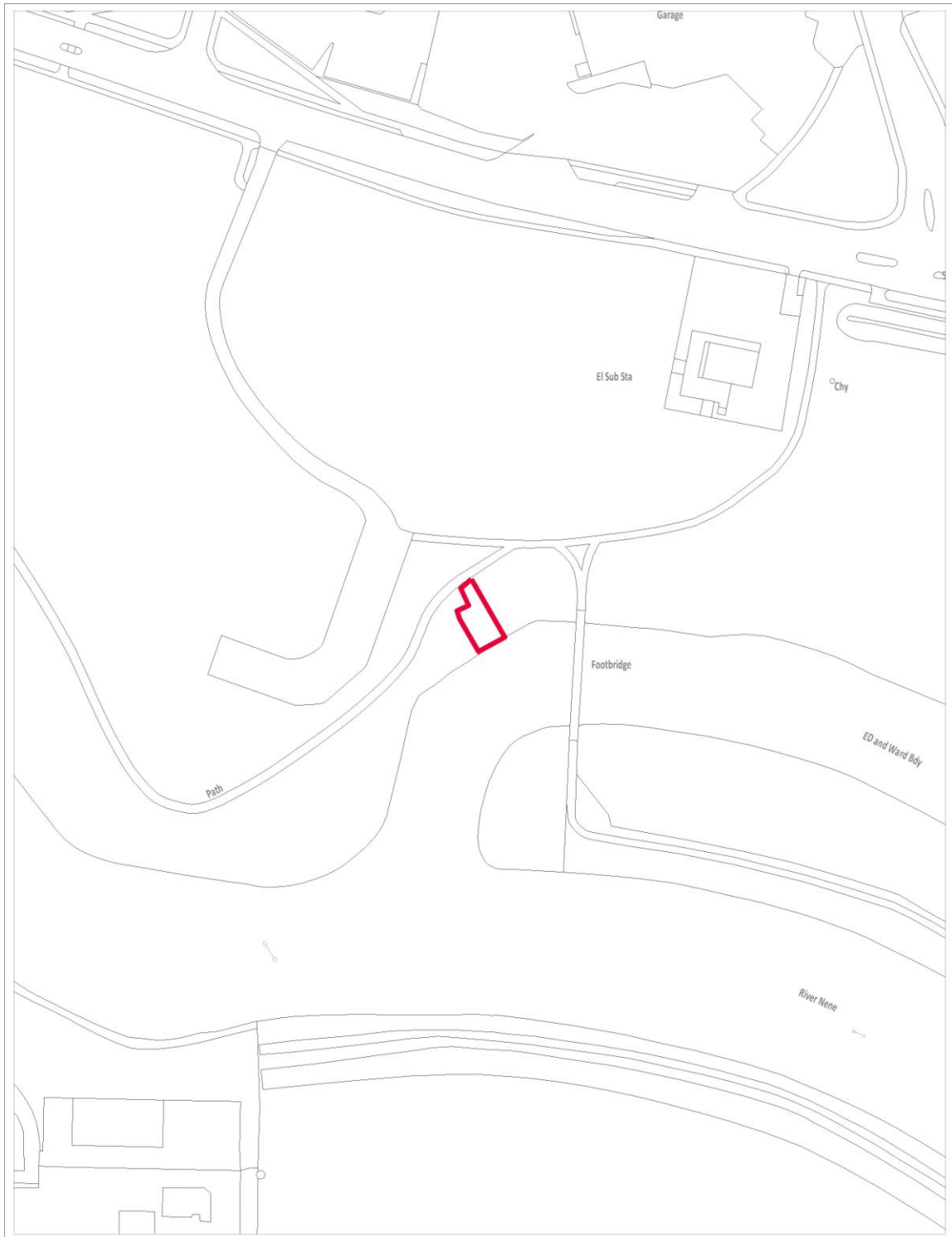
10.1 N/2015/0611

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.



Name: Site Location Plan
Date: 18th August 2015
Scale: 1:1250
Dept: Planning
Project: Planning Committee

Title

Midsummer Meadow, Bedford Road

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