



## CABINET REPORT

<b>Report Title</b>	<b>Hunsbury Hill Country Park – Public Conveniences</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	3 <sup>rd</sup> March 2010
<b>Key Decision:</b>	No
<b>Listed on Forward Plan:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Finance & Support
<b>Accountable Cabinet Member:</b>	Cllr David Perkins
<b>Ward(s)</b>	West Hunsbury

### 1. Purpose

- 1.1 The purpose of this report is to (a) inform Cabinet of the outcome of discussions with the Police and other relevant parties, following the decision on 23 September 2009 by Cabinet to defer consideration of the previous report and (b) to decide upon the future use of these disused public conveniences.

### 2. Recommendation

- 2.1 To support the original recommendation made in the report to Cabinet on 23 September 2009 to agree to the disposal of the land designated as public open space (edged red upon the attached plan shown at Appendix 1) by way of a lease, on terms referred to in that report.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 At the Cabinet meeting on 23 September 2009 a report was considered which sought the authority of Cabinet to agree to the disposal of an area of land designated as public open space by way of the grant of a lease for a term of 9 years, for use as a cafe. There would be provision for either party to break the agreement after 1 year.
- 3.1.2 Cabinet resolved that consideration of the original report be deferred so as to allow further discussions with the Police Crime Prevention Officer to take place and to allow the proposed lessee and the Friends of Hunsbury Hill Country Park and the Ironstone Railway Trust to discuss the possibility of the lessee being involved with the Trust's café operation.
- 3.1.3 Enquires have been made of the Crime Prevention Design Manager for Northamptonshire Police to establish if the Police have any additional concerns or objections. It is confirmed that their original comment and recommendations (made at the time of the planning application in 2008) still stand and no additional concerns or objections are relevant.
- 3.1.4 Enquires have also been made of the Sector Commander for the Safer Communities Team in the South West of the town. The Sector Commander is of the opinion that a café in the proposed location may contribute to increases in crime and disorder in the area. These concerns focus on the increase in parking in the adjacent car park that, in his view, will result in a higher risk of car crime. He has commented that the installation and robust management of a barrier preventing vehicular access should be seen as a minimum for the car park ahead of any further development. The Sector Commander considered that comments about the potentially positive collateral impact of day trade from the café reducing crime locally should not be discounted, but is not something he feels informed enough to comment upon. He also commented that such a business enterprise in this location, when closed, will undoubtedly attract criminal enterprise and would need substantial crime prevention design to minimise this threat to the café itself.
- 3.1.5 Section 3.1.4 of the original report noted that 15 conditions are attached to the planning permission, relating primarily to the comments made by the Police and others about managing the risk associated with vandalism in the area. The conditions focus on the requirement to use suitable materials and design in the construction process (see Appendix 2).
- 3.1.6 The prospective lessee, Mr Ingle, has had discussions involving Cabinet members about his working more closely with the Trust. He has confirmed that he is not interested in locating a café within the demise of the Ironstone Railway Trust for a number of reasons. The primary reason stated is that he has incurred costs in obtaining the planning permission and reaching provisional agreement for a lease, which has taken him approximately 2 ½ years to date. He wishes to maintain his original business plan.

- 3.1.7 The Northamptonshire Ironstone Railway Trust (NIRT) are 3 years through a 10 year plan that includes its own plans to improve the cafe, located within their compound. They have been approached with a view to understand their aspirations for the café. It is understood that improvements are planned for the existing café but it will only be used on open days for people visiting the site (see Appendix 3). The Trust has no plans to operate a café on a daily basis.
- 3.1.8 Had the Trust or prospective lessee been interested in operating within the area let to the Trust, the Ironstone Railway Trust would have needed to agree with NBC a lease variation to permit sub-letting of parts of their demise. Further, there would have to have been a formal planning application for a café use. This may have resulted in some of the same objections being raised by local people concerning traffic issues. The same issue of higher risks of car crime arising from visitors to a café within the Trust area would logically be relevant.
- 3.1.8 It has been agreed that in addition to patrons of the café, other members of the public will be able to use toilet facilities within the café. The prospective lessee has offered to provide and accommodate an information board about the park's history, wildlife, cycling and park walks.

## **3.2 Issues**

- 3.2.1 The vacant property is the subject of continuing antisocial behaviour and vandalism. The Council continues to spend revenue resources keeping the premises secure and attempting to prevent access to the interior and to the roof.
- 3.2.2 The Council has no proposals to re-open these facilities. In the absence of a long-term strategy to either reopen them or to use the building for an alternative purpose, they should rationally be demolished. The appropriate cost of undertaking this work and making good the land would be approximately £5,000.

## **3.3 Choices (Options)**

- 3.3.1 The Council could support the disposal of public open space by way of a grant of a lease to facilitate the conversion of the property into a café use, at no capital or revenue cost to the Council. This would (after an initial rent free period) also generate a modest new income for the Council of £7,500pa. The provision of a café/snack bar and seating area would enhance the facilities in the park. The risk of crime affecting cars parked in the car park whilst people use the café has to be acknowledged if this option is pursued. It may be mitigated by the presence of the café staff during operational hours and a higher flow of public visitors to the locality.
- 3.3.2 The Council could decide to reject the proposal to grant a lease. In this event there would need to be either a decided alternative strategy for reuse of the building or resources allocated to its demolition.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 There are none, save for the proposal impacts on the policy relating to the release of public open space, to facilitate the grant of the proposed lease.

### **4.2 Resources and Risk**

- 4.2.1 If the Council pursues the recommended course of action there will be no additional resources required from the Council. If a lease were completed there would be a small saving in revenue costs from not having to maintain the property. The letting would generate a new income to the Council. In the event of the café not being successful or leading to unanticipated problems in the locality, either party could break the proposed lease at the end of either the first or third years. In this event the position of the Council would be resource neutral compared with the current position.

### **4.3 Legal**

- 4.3.1 The legal implications and relevant statutory provisions are detailed elsewhere in this report.

### **4.4 Equality**

- 4.4.1 There are none. The facility is not presently open to the public and the proposed conversion to café use would have to be compliant with relevant building regulations as they relate to disability.

### **4.5 Consultees (Internal and External)**

Ward Councillors  
Northamptonshire Police - South West Sector Commander  
Northamptonshire Police - Crime Prevention Design Manager

### **4.6 How the Proposals deliver Priority Outcomes**

None specifically

### **4.7 Other Implications**

None specifically

## **5. Background Papers**

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- 5.1 Planning permission dated 5<sup>th</sup> June 2008  
5.2 Cabinet Report dated 23<sup>rd</sup> September 2009  
5.3 Asset Management file – 60364/02

**Adrian Daniell, Principal Estates Officer, x8762**

## Appendix 1



## Appendix 2

Reference No: N/2008/410

**NORTHAMPTON BOROUGH COUNCIL**  
**APPROVAL OF FULL PLANNING PERMISSION**

Applicant Name And Address

**PROPOSAL:** Conversion of public toilet block to café (Class A3) including paved patio area to front and erection of extraction flue  
**LOCATION:** Public Toilets Hunsbury Hill Country Park Hunsbury Hill Road Northampton  
**DATE REGISTERED:** 04 April 2008  
**DRAWINGS (No.):** Location plan, layout, cross-section and elevation.

**NORTHAMPTON BOROUGH COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT FOR THE FOLLOWING REASON:**

The proposed development is not considered to have an undue detrimental impact on the amenity of the nearby residential properties and there would be sufficient off road parking to cater for the proposed use. The site would be brought back into use with improved surveillance together with additional measures for crime prevention. The development is therefore accords with Policies E20 and E40 of the Northampton Local Plan and advice in PPS1 (Delivering Sustainable Development) and PPG24 (Planning and Noise) and the SPG "Planning Out Crime."

Subject to the following 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) Before the development hereby permitted commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise from the site, whether from fixed plant or equipment or noise generated within the building, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: In the interests of residential amenity to accord with advice in PPG24 Planning and Noise.

(3) Notwithstanding the details as submitted, before the development hereby permitted commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the collection and treatment and dispersal of

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cooking odours and the agreed scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: In the interests of residential amenity to accord with advice in PPS23 Pollution Control.

(4) The external doors and windows of the building shall comply with security standards independently certified as set out in PAS 24-1;1999 "Doors for enhanced security" and BS 7950 "Windows for enhanced security". Full details shall be first 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 crime prevention to accord with advice in Policy E40 of the Northampton Local Plan and SPG Planning out Crime.

(5) The proposed external shutters shall comply with standards set out in LPS1175 SR2. Full details shall be first 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 crime prevention to accord with advice in Policy E40 of the Northampton Local Plan and SPG Planning Out Crime.

(6) The use hereby permitted shall not commence until details of two fixed anti-ram raid bollards to Secure by Design standard to be erected in front of the main access doors of the building have been erected. Full details of which shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interests of crime prevention to accord with advice in Policy E40 of the Northampton Local Plan and SPG Planning out Crime.

(7) The roof tiles shall be replaced with those that meet the requirements of LPS1175 SR1 or an equal or higher specification. Full details of which shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Reason: In the interests of crime prevention to accord with advice in Policy E40 of the Northampton Local Plan and advice in SPG Planning out Crime.

(8) All external wall surfaces of the building shall be coated with an anti-graffiti finish. Details of which be first submitted to and approved in writing by the Local Planning Authority and implemented prior to the first use of the café.

Reason: In the interests of crime prevention to accord with advice in Policy E40 of the Northampton Local Plan and advice in SPG Planning out Crime.

(9) The patio area shall be constructed of a solid concrete base without any form of slabbing or tiling. Details of which shall be first submitted to and approved in writing by the Local Planning Authority and implemented prior to the first use of the café.

Reason: In the interests of crime prevention to accord with advice in Policy E40 of the Northampton Local Plan and SPG Planning Out Crime.

(10) 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.

(11) The premises shall be used as a café only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The premises shall not be used for the sale of hot food for consumption off the premises.

Reason: In the interests of amenity of the surrounding locality in accordance with PPG24 Planning and Noise and PPS23 Pollution Control.

(12) The premises shall only be open to customers between the hours of 9am and 6pm.

Reason: In the interests of residential amenity to accord with PPG 24 "Planning and Noise."

(13) Details of the provision for the internal storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation of the building as a café and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(14) Full details of the proposed external lighting of the café hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation of the building as a café and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(15) The proposed fire exit door at the rear elevation of the building as shown on the submitted plan shall be used as emergency exit only and shall be kept shut at any other time.

Reason: In the interests of residential amenity in accordance with PPG24 Planning and Noise.



## Appendix 3

Opening times for the Northamptonshire Ironstone Railway Trust – 2010 opening times - to be announced

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# NORTHAMPTONSHIRE IRONSTONE RAILWAY TRUST

Hunsbury Hill Road, Camp Hill, Northampton NN4  
9UW. Tel: 01604 702031

Trust Directors: Mr Ian Cave, Chairman. Mr Alan Sorkin, Treasurer. Mr  
David Windhaber, Company Sec. Mr Kevin Smith, Mr. Roger Whiffin,  
Mr. Simon Tasker.

*... 2009 season starts on Good Friday from 10am... NIRT - the family friendly,*

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■■■ charities aid foundation CA

## NIRT 2009 OPENING TIMES

Month	Days open	Time	Event	
<b>April Easter 2009</b>	<b>10 – 13</b>	<b>10am – 5pm</b>	<b>Easter Egg Hunt</b>	<b>Adult £ : £ 10.00</b>
May Bank Holiday	3 – 4	10am – 5pm		Adult £ 3. 10.00
Spring Bank Holiday	24 – 25	10am – 5pm		Adult £ 3. 10.00
June	7	10am – 5pm		
July	5	10am – 5pm		
August	2	10am – 5pm		
August	29 – 31	10am – 5pm	Treasure Hunt	
September	12 – 13	10am – 5pm	Heritage Open Days	
October	30 – 31	5.30pm – 9pm	Halloween	
December	12-13/19-20/24	11am – 5pm	Santa Specials	

*To book for events please email Nirt or Call the Hotline 07790-163.114.*

Web site updated: 26.03.09

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<http://www.nirt.co.uk/> 17/04/2009