



CABINET REPORT

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| Report Title | Hunsbury Hill Country Park – Public conveniences |
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AGENDA STATUS: PUBLIC

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|------------------------------------|--------------------|
| Cabinet Meeting Date: | 23 September 2009 |
| Key Decision: | No |
| Listed on Forward Plan: | Yes |
| Within Policy: | Yes |
| Policy Document: | No |
| Directorate: | Finance & Support |
| Accountable Cabinet Member: | Cllr David Perkins |
| Ward(s) | West Hunsbury |

1. Purpose

- 1.1 The purpose of this report is to seek the authority of Cabinet for this Council to agree to the disposal of an area of land designated as public open space by the grant of a lease for a term of 9 years, determined by negotiation.

2. Recommendation

- 2.1 That Cabinet note the outcome of the public open space disposal procedures, including the objections and petition received, and take a view in the context of the objections, petition and this report.
- 2.2 To agree to the disposal of the land (edged red upon the attached plan shown on Appendix 1) on terms referred to in this report.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The property is located on part of the Hunsbury Hill Park situated to the southern edge of the town centre. It comprises a single storey brick building with a pitched slate roof and was purpose built for use as a public convenience. It is accessed directly off the car park into the park which is located off Hunsbury Hill Road (near Sentinel Road) and is set in a clearing between the trees. The facility was closed in January 2006 due to persistent vandalism whilst open and remains the target of antisocial activity now that it is closed.
- 3.1.2 The Council was first approached in May 2007 with a view to convert the disused/derelict public conveniences building into a café/snack bar. A prospective tenant subsequently obtained formal planning consent in June 2008 for the change of use. The planning consent is conditionally granted for a change of use to that of Café (Class A3). (See Appendix 2)
- 3.1.3 A number of concerns were expressed by residents and Ward Councillors regarding the planning application. Ward Councillors have also raised concerns that the proposed development is not suitable for the locality. Some of these concerns centred on perceived risk of increased crime and additional risks to public safety as a result of creating a café facility. A number of conditions were attached to the planning permission granted in June 2008. These conditions have regard to some of these concerns.
- 3.1.4 There are 15 conditions imposed through the planning process that relate 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 in the construction process. There is a statutory requirement to obtain approval through Development Control to ensure the conditions are discharged. (See Appendix 2)
- 3.1.5 Heads of terms have been agreed with the individual concerned for him to take a nine year lease of the property. The lease would be contracted outside of the security of tenure provisions of the Landlord & Tenant Act 1954 Part II. There would be provision for either party to break the agreement during the term. The tenant would be responsible for all costs of conversion of the building and would have full maintenance responsibilities into the future. The tenant would pay a market rent for the premises, following the expiry of the initial rent-free period and concessionary rent, to reflect the costs of the works being undertaken by him. He would be responsible for all outgoings including business rates. The café would only be permitted to operate between 9am and 6pm. The café operator would also be responsible for keeping the immediate locality clear of rubbish and litter. It has been agreed that in addition to patrons of the café, other members of the public may be able to use toilet facilities within the café – at the discretion of the tenant.
- 3.1.8 The land upon which the closed public convenience building stands is designated as public open space. The grant of the proposed lease is treated

as disposal of public open space. In accordance with and in pursuance of Section 123(A) of the Local Government Act 1972 (as amended) the Council has placed public notices stating its intention to dispose of the area of land shown in Appendix 1 in accordance with the decision of the Portfolio Holder for Finance on the 13th February 2009.

3.1.9 Following the expiry of the notice period the Council are in receipt of 162 letters of objection, a petition with 261 signatures, and five letters of support (not asked for in the notice). The majority of letters of objection are pre prepared copy letters listing six points of objection (see Appendix 3). Two of the objections were subsequently withdrawn (one raised a query regarding the authenticity of the signature). The petition (see Appendix 5) contains some signatures from different occupiers of the same address, and some signatories have also sent objection letters.

3.1.10 In relation to the listed objections:

Point 1 – Increased Traffic.

It is anticipated that there may be some increased traffic but the majority of patrons would be existing park users. Planning conditions restrict the opening hours from 9am-6pm (see Appendix 2, Planning conditions).

Point 2 – Potential for more crime, fear of public safety

Utilising a property which is currently derelict and providing a facility that is open during the day is likely to reduce these incidents (see also Planning conditions Appendix 2).

Point 3 – Increase in noise, litter, smells.

This is addressed through the Planning conditions (see Appendix 2).

Point 4. Duplication of existing facility.

The Northamptonshire Ironstone Railway Trust facility is open occasionally (see Appendix 4).

Point 5. Site of Conservation Value.

It can be considered that the area will be enhanced by the removal of a derelict building which provides no benefit to park users. The Council retain ownership and control of the land.

Point 6. Rent free period.

The agreement for lease is in line with market practice for properties in need of repair or replacement. There is no subsidy to the tenant, as there is no cost to the Council for the rent free period and reduced rent which are in acknowledgement of the level of investment required.

3.1.11 The Council also received five individual letters of support, generally commenting the park has become run down in recent years and the redundant toilet block is an eyesore, one letter makes positive reference to the benefits of café facilities in other country parks in Northamptonshire such as Abington Park, Becketts Park, Brixworth and Salcey Forest.

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 current proposals to reopen these facilities. In the absence of a longer 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)

3.2.1 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.

3.2.2 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)

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)

David Perkins (Cllr) – Portfolio holder – Finance and Assets

Trini Crake (Cllr) – Portfolio holder – Parks

Simone Wade – Head of Neighbourhood Environmental Services

Ward Councillors

4.6 How the Proposals deliver Priority Outcomes

None specifically

4.7 Other Implications

None specifically

5. Background Papers

- 5.1 Planning permission dated 5th June 2008

- 5.2 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

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

Standardised objection letter

1

March 2009

Dear Sir,

Objection to the proposed disposal of derelict toilet building at Hunsbury Hill Country Park Northampton.

The purpose of this letter is to register my formal objection to the proposal to dispose of land designated as public open space situated at Hunsbury Hill Country Park Northampton under the Local Government Act 1972 to facilitate the change of use, from the former public toilet block into a private commercial café.

The reasons for my objection, to the disposal of open space, are that the café facility will:

1. Substantially increase traffic on Hunsbury Hill Road. This will bring new dangers to existing road users particularly children walking to and from local schools and playgroups. Hunsbury Hill Road, which currently has no vehicle weight restriction, is already a busy inter-connecting estate road and has become a "rat run" for vehicles, particularly HGV's, taking short cuts between Danes Camp Way and Towcester Road to avoid the busy Tesco roundabout. I consider it highly likely that if approved, the new facility, will quickly become a recognised "truckers stop" bringing parking problems on an already busy road. We have already identified problems where heavy goods vehicles parking with wheels on the pavement adjacent to the old toilet building have caused substantial damage to the pavement (repaired 21st February 2009). Additionally Northamptonshire Police has recently identified Hunsbury Hill Road as having a speeding problem with vehicles speeding along its length.
2. Increase the potential for more crime, anti-social behaviour, public nuisance and the fear for public safety in the area. Ample evidence exists to confirm that the area around the proposed café site is already used as a "race track" by cars and motorcyclists and burning point for stolen vehicles, under age drinking, crime, anti-social behaviour and drug abuse. Recent statistics provided by Northamptonshire Police indicate that between November 2008 and January 2009 overall crime throughout the West Hunsbury Ward

increased by 58%, burglary by 254%, vehicle crime by 43%, and anti-social behaviour by 32%. I understand that the local Police Community Safety Officers fear that "new crime" will be brought into the immediate area of the proposed café bringing additional demands upon an already overstretched police service. I also fear that a café in this location would create an unpoliced point of congregation for local youths.

3. That there will be an unacceptable increase in noise, litter and smells around the new facility, which will have an adverse effect upon nearby properties, nature conservation, wildlife and the environment of the area, which is already designated by the Northampton Borough Council in the Northampton Local Plan as a "Site of Acknowledged Conservation Value"

4. That the use of the building as a café will duplicate an existing facility located just 50 metres away, within the Northampton Ironstone Railway Trust property. I understand that plans are already well advanced by the Trust to seek additional financial support through the "Awards for All" – Lottery Grants Scheme to upgrade their existing facilities, to improve disabled access, to extend the current occasional café opening times to throughout the week and at weekends for visitors to the Trust and Hunsbury Country Park and to allow for social activities by other local community groups.

5. I strongly object to the proposed disposal of open space for the purpose of a commercial enterprise in a public park that is an area designated as a "Site of Acknowledged Conservation Value".

6 Finally I object to the proposed financial subsidy in the form of a lengthy rent-free period and reduced rent, to the benefit of the potential leaseholder, as being totally unacceptable particularly in the current economic climate with the Northampton Borough Councils budget already showing substantial deficits. Furthermore the proposed subsidy should not be considered particularly when an established café facility, operated by a local Trust, offering community facilities, already exists in the immediate area. An additional, similar business in such close proximity will only undermine the work of the long established Northampton Ironstone Railway Trust.

Yours sincerely

Appendix 4

Opening times for the Northamptonshire Ironstone Railway Trust

Northants Ironstone Railway Page 1 of 7

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,

■■■ charities aid foundation CA

NIRT 2009 OPENING TIMES

| Month | Days open | Time | Event | |
|--------------------------|----------------|-------------------|------------------------|------------------------------|
| April Easter 2009 | 10 – 13 | 10am – 5pm | Easter Egg Hunt | Adult £ : £ 10.00 |
| 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

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

Appendix 5

Petition

Your Ref: MW/OAP/005034

Dear Sir

Objection to the proposal to dispose of land designated as public open space at Hunsbury Hill Country Park Northampton

I forward herewith for your attention the signatures of 261 local residents, Hunsbury Park users and visitors to the area who wish to formally object to the proposal to dispose of land designated as public open space situated at Hunsbury Hill Road under the Local Government Act 1972 to facilitate the change of use, from the former public toilet block into a private commercial café..

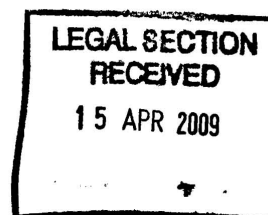
Their objections, as will be seen from the attached documents, fall into three main categories:

- that the proposal will increase traffic volumes on Hunsbury Hill Road causing congestion and danger to other road users particularly pedestrians including children walking to and from local schools and nurseries.
- it would increase the potential for more crime, public order and anti-social behaviour and the fear of public safety
- it would increase the potential for noise, litter, nuisance and smells from those using the café.

Comments from local residents include the following:

“As a disabled lady I will feel even less safe that I do now”

“Having lived in the area only a short time I have already suffered from car crime and oppose the development of the site which will attract undesirable elements.”



“Should this development go ahead I would feel it necessary to restrict my son’s (who has special needs) activities in the park”

“Burger bars attract large lorries which have no appropriate parking facilities at the location”

I would be obliged if you would inform me of the date when this matter will be dealt with by the Northampton Borough Council Cabinet in order that the appropriate representations can be made. Please acknowledge receipt of these documents.

Yours faithfully

Mr M Wickham
Senior Legal Assistant
Legal Services
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

PETITION

Objection to the proposed disposal of derelict building at Hunsbury Hill Country Park, Northampton.

I object to the proposal to dispose of land designated as open space to facilitate the change of use, from the former public toilet block into a private commercial café for the following reasons.

The proposal will increase traffic volumes on Hunsbury Hill Road causing congestion and danger to other road users particularly pedestrians including children walking to and from schools and nurseries.

Would increase the potential for more crime, public order and anti-social behaviour and the fear of public safety.

Would increase the potential for noise, litter, nuisance and smells from those using the café.
