



Planning Committee

Directorate:

People, Planning and Regeneration

Corporate Manager:

Christine Stevenson

Date: **2 July 2008**

Report Title	APPLICATION FOR DETERMINATION:
	<p>Application no: N/2008/0521 (Application under Section 73 of the Town and Country Planning Act 1990)</p> <p>Proposal: Non compliance with Condition 9 of planning approval N/2006/0621 to allow pedestrian access to Delapre Park through boundary fence</p> <p>Address: Mencap site, land north of Delapre Abbey, London Road</p> <p>Target Determination Date: 26 June 2008</p> <p>Reason for Referral: Referral by Interim Development Control Manager as the application site is owned by the Council</p>

1. Recommendations:

APPROVAL subject to conditions below and for the following reason:

The proposal would have no undue adverse impact on the character and appearance of the Conservation Area or on the amenities of adjoining occupiers and would provide a suitable level of security for the site. The proposal would thereby comply with Policies E20 and E40 of the Northampton Local Plan.

2. Proposal:

The proposal entails the inclusion of a gate in the rear boundary of the Mencap site, to allow pedestrian access into the grounds of Delapre Abbey and Delapre Park.

Previous approval under application N/2006/0621 for the development of the Mencap building shows continuous boundary railings along the rear of the site. The

main pedestrian and vehicular access are via Ransome Road.

3. **Background & History:**

The application site is located to the north of Delapre Abbey and to the south of Ransome Road. Delapre Abbey is a Grade II* listed building. The application site is adjacent to the farm buildings and to dwellings at Park Cottage and nos. 1, 2 and 3 Gardener's Cottages.

The use of the site as a "New HQ and social centre for Mencap with associated parking and vehicular access" was approved under planning application reference N/2006/0621 on 21st February 2007. The development has substantially finished.

4. **Planning Policy:**

Development Plan:

Section 36(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material consideration indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS), the Northamptonshire County Structure Plan and the Northampton Local Plan.

Relevant **Structure Plan** Policy: No relevant saved policies.

Relevant **Local Plan** Policy: E9, E11, E12, E18, E20, E40 and L1

National Policies:

Planning Policy Guidance (PPG): PPG15 - Planning and the Historic Environment

Planning Policy Statement (PPS): PPS1 - Delivering Sustainable Development

Other Policy Considerations:

Supplementary Planning Guidance (SPG): Planning Out Crime

5. **Consultees:**

External:

Environment Agency: No objection.

County Highways: No observations.

Police Crime Prevention Design Adviser: I have looked through the file and note that the original intention was for a gate constructed with close boarded fence. I would recommend that the gate be constructed as 1.8m high bow topped railings. The gate should not however have a sliding latch as shown on the drawing but should have an integral keyed cylinder lock. This removes the convenient foot hold/hand hold which makes it easy

	to climb over the gate. I would further agree with the comments from the EHO that a condition be imposed on the applicant to ensure that the gate is locked at all times other than when being used by the centre.
Internal:	<p>Policy and Conservation: The principal consideration is the effect the proposal will have on the setting of the adjacent buildings and the character and appearance of the Conservation Area. It is considered that the proposed 1.8m high bow top metal railings along the southern most boundary will have a neutral impact on the setting and character of this heritage sensitive site.</p> <p>Parks: We would have no objections to a gate being installed for emergency use but not for general access. Concerned that the gate could be left unlocked for 14 hours. Would accept the development if there was a condition to state that the gate must be kept locked and only staff would have keys, so it would only be opened when needed for access.</p> <p>Arboricultural Officer: No use of any plant or machinery within the area of tree canopy; hand dig only within the area of the tree canopy; whilst digging no roots with a diameter of 25mm or more are to be cut; whilst digging as many smaller roots are to be saved as possible by moving them aside; the erection of supporting posts should not be within 1m of the trunk of the tree.</p> <p>Environmental Health: Officers from this section have no objection to the principle of the proposal. It is noted that the gate is for pedestrian access only and that the design and access statement indicates that will be locked when not in use. It is considered that it may be advisable to impose a condition to ensure that this is the case in order to prevent unauthorised access to the site for example by motorbikes.</p>

6. Representations:

The application was advertised by site and press notice and 9 letters of notification were posted. Responses were received from the occupiers of **174 Towcester Road, Park Cottage, 1 Gardeners Cottage and 3 Gardeners Cottage**, making the following points in summary:

- In the original application there was no mention of requiring access to the park via a gate as it was always stated that access would be via Ransome Road. As far as we were aware there was never any requirement for emergency access and we would dispute that this would be in any way useful to the emergency services.
- As the gate is intended for pedestrian access this would mean inconsiderate parking of vehicles in the service yard as opposed to the main car park at Delapre Abbey as is the case at present whilst the bridge is being built from Ransome Road. We have been obstructed in entering and leaving our properties as there is only a small access point and they park as close to the building as they can get.
- If the Mencap building is to be locked when not in use how would the use of disabled changing facilities be of any use to visitors to the Abbey?
- The erection of bow top metal railings instead of a close boarded fence would

do little in the way of privacy for the occupiers of the house opposite the main entrance to the building. It has already proved to be vastly invasive to our privacy as people stand outside staring into our property and during the winter months the very big wide windows with light glaring out of all of them and vehicle headlights is very disconcerting.

- Improved planting in front of any such fence would just serve as a litter trap as has already been proven with the increased amount of litter and rubbish we have noticed since the building came into use. A wine box from the open day of the Mencap building blew over from the building and remains against the fence as will happen with all other litter and we are not convinced that any of the users or the people that run the building would take responsibility for litter picking and we would strongly object to having to pick up their litter.
- As well as the light pollution the 'bow top' fence would give us no protection from any people who are required to stand outside smoking and staring into our property; we have increased the curtains/doors at windows as this is very intrusive to our privacy. You can see our property from Ransome Road at present, which is making us more vulnerable to passing thieves; we recently had a bike stolen from outside our house. We have noticed a large increase in the number of people nosing around the new building and increasingly at our house. While at a meeting on 13 May in the Mencap building with John Cornwell and another trustee of the Mencap charity, a member of the public out walking with his dog meandered through the grounds of the building, which as far as we are concerned is not a right of way.
- A close boarded fence would give us as tenants a higher standard of privacy than we have been granted at present. This would reduce the light pollution and the view of others from our house and if it followed the original line of the present fence would not make it any darker.
- We welcome plans to erect a 1.8m high close boarded fence between our property and the Mencap building, and have been assured verbally that this will rise 1.8m from the new ground level of the site, as opposed to the lower ground level of our garden.
- We would anticipate that the approval of the above fence indicates an awareness of the lack of privacy and security we have experienced since the building began, and yet other aspects of the amended plans, namely the proposal to put bow top railings on the southern side of the site and also to put a pedestrian gate to the back of the building are both aspects which will reduce our privacy and make our premises more vulnerable.
- At a meeting in 2007 it was agreed that the outside of the fence closest to the stable yard was to be planted with shrubs in keeping with the grounds of the abbey, and that the uneven surface of the stable yard was to be repaired to ensure that the uneven surface of the stable yard was to be repaired to ensure we had good vehicular access to our properties. Nothing was received in writing and none of this work has been carried out.
- The bow top railings will allow a clear view of no. 1 Gardeners Cottage and also of ourselves as we access our house. We are extremely aware of being watched by people working on the site and those visiting it. The construction of iron gates at the site entrance on Ransome Road, together with these railings, means that people on Ransome Road also have a clear view of our access road.
- There is also a great deal of light pollution, the centre has shutters on the windows which are raised when the building is in use, meaning our properties are flood lit.
- We are aware that MENCAP themselves are opposed to metal railings and agree with our request that a wooden fence is put along the boundary.
- The original plans indicated that the day centre would be accessed from Ransome Road and adding a gate into the park is likely to cause confusion for

people accessing the centre We should not have to spend our time redirecting visitors to the centre who have strayed onto our property.

- Emergency access will be via Ransome Road, and it is unnecessary to provide yet another access.
- The plans state that the gate will be locked, which will prevent it being used in an emergency.
- The stable yard is unsafe for disabled visitors (in fact it lacks safety for the able bodied) and despite discussions this has not been rectified by the Council.
- There is no reason why disabled people accessing the disabled changing room should not use the main entrance on Ransome Road.
- I do not agree to rear access to the Mencap building whether it is occupied by Mencap or any other person / business / organisation.
- The Mencap building has been designed with a front entrance in Ransome Road and to create a new pedestrian entrance will put already vulnerable people at risk, particularly in the dark evenings when they are on their own.
- The residents living in the immediate houses behind the Mencap building will lose their privacy and security as a rear pedestrian access will encourage vandals and other undesirables which will be difficult to police.
- The access road to the houses is already being used as a car park for delivery and collection of young people using the building rather than Ransome Road.
- Taxis are hanging around waiting for business.
- The pedestrian access will be a “rat run” for people to use to and from work, many people use the route through the abbey grounds from nearby Brackmills.
- Should Mencap building be sold or there is a change of use for all or part of the building a back entrance for Mencap users could set a precedent for other users.
- Given the plans for developing Delpare Abbey there could be a car parking issue for people using their cars at the Abbey and those using the Mencap building.
- I have personally witnessed vulnerable people walking from the Mencap building using the back way through the stable buildings and walking back through the Abbey Grounds. Not a planning issue but a back way will put vulnerable people at risk if on their own.
- A rear pedestrian access will make the area very difficult to police.
- Nobody wants to hinder members enjoying the facility to the full, but having already sacrificed a great deal of privacy and security to the centre I feel this is a step too far.
- Having been told that the committee is considering letting out the centre to weddings and conferences it would seem that this application has been placed not for the benefit of members but to make it more appealing as a venue to rent.
- Mencap state that there was an existing access in the same position however the original plans show no access.
- A locked gate does not provide an emergency exit, I have asked the fire service for their opinion who pointed out that if it was needed it would have been a recommendation on the original application.
- Vehicle access is not required for this to become a constant and popular entry / exit as they already use the adjacent courtyard as a car park.
- It is impossible to grant permission for a gate that provides only occasional access, once it is installed it will provide permanent access for any reason.
- The Ransome Road project will provide many adjacent pathways into the park.
- In referring to the Delapre Abbey Trust Mencap should be embarrassed as they have only attended meetings when they have an agenda and want something for themselves.
- It is not clear how disabled visitors wanting a shower would gain access without a prior appointment or why they would want a shower when visiting the park.

- They may intend to lock the gate but in the same way the temporary fence is supposed to be put back each evening and yet has been left fully open for the past five weeks, good intentions often fall by the wayside. A youth running from the Police will not know if it is locked and will at least try before turning towards park cottage.
- If there was no rear access and the fence was solid there would be no need for constant supervision, allowing its members more freedom.
- Planning permission was granted with access from Ransome Road only, if it is their intention to use Ransome Road as their main entrance why do they give their address as Delapre Park, Delapre Abbey?
- At a meeting with the Council it was agreed that there would be no walkways within 100 yards of properties, and that a wooden fence would be erected. The proposed gate also leads to an area that parks had agreed to cultivate and plant. The application should not even be considered as it contravenes all that had been achieved and granted by the Council.

Friends of Delapre Abbey: Object to allow access to Delapre Park through the boundary fence.

7. Appraisal:

The issues to consider are the impact of the proposed access gate on the character and appearance of the Conservation Area and on the amenities of adjoining occupiers.

Impact on the Conservation Area

Condition 9 of the planning permission N/2006/0621 requires full details of boundary treatment of the Mencap site to be submitted to the Local Planning Authority. The details were submitted and subsequently approved in May 2008 which included the provision of 1.8m high bow top railings to the southern boundary of the site with no pedestrian access.

The existing southern site boundary has metal railings of approximately 1.5m in height and not in a very good state of repair. The height of the existing railings is such that it would not provide adequate security for the site. Bow top railings of 1.8m in height is considered preferable due to the proximity of the boundary to the stable block, which will allow a more open aspect in this area and will be of a similar appearance to the existing fence, whereas a close boarded fence would result in a very enclosed appearance adjacent to the stable block, which would not preserve nor enhance the character of the Conservation Area.

The current application proposal involves the installation of a pedestrian gate of a matching style to this bow top railing. It is not considered, therefore, that this would result in any undue adverse visual impact on the Conservation Area.

Impact on adjoining occupiers and users of the Abbey

The proposed gate would be in close proximity to residential properties within the Abbey grounds, in particular Park Cottage, but also the stable block and nos. 1 to 3 Gardeners Cottages.

The use of the gate would result in an increase in pedestrian movements in the vicinity of these properties. However, the level of disturbance would depend on the

frequency and nature of the use of the gate.

The application is presented as being to allow users of the centre occasional access to the Abbey and the Park only, to provide an alternative exit in the event of an emergency. It is not, therefore, proposed as an alternative principal means of access to the building. The proposed gate is also not to be used as a right of way for the general public to gain access from Ransome Road to the Abbey or the Park.

It is not considered unreasonable that users of this centre, the majority would be people with disabilities, should have a more direct access onto the grounds of the Abbey and Delapre Park.

However, comments from neighbours indicate that this area of the site is currently being used as the main access to the site, no doubt as a result of the fact that access from Ransome Road is not currently available whilst the road access is being constructed.

If the proposed gate was to be used as a principal means of access to the site with no access control, this would significantly increase the number of people passing close to the neighbouring properties i.e. Park Cottage and Gardener's Cottages and could have adverse impact on the amenity of those occupants.

Of concern is if the gate is to be used as the main entrance, visitors with cars will drive into the Abbey grounds and use the car park there, or park in the area around the gate before walking into the site. This has the potential to result in the Abbey parking area becoming unavailable for visitors, whose numbers may increase in the future if the Abbey is restored, and would also result in congestion around the access to Park Cottage and Gardeners' Cottages, making access difficult for the occupiers of those properties.

A condition stating that the gate could only be used for occasional access would not be enforceable, even if the term "occasional" could be clearly defined, as if the gate was to be left unlocked during the opening hours of the centre its use could not be controlled by the staff of the centre.

However, it would be possible to require that the gate is kept locked and only opened by staff of the Mencap centre. This would prevent free access to the centre from within the grounds of the Abbey and whilst this would mean that users of the centre could only access the Abbey grounds if accompanied by a member of staff, it is considered that those users who are able to make unaccompanied visits would also be able to make use of other means of accessing the Abbey which are available to the general public. Additional means of pedestrian access are proposed from Ransome Road during the future development by English Partnerships of this area (to the east) which will be available to such users of the centre.

It is therefore considered that the proposed access gate with appropriate access control and restricted hours of operation is acceptable and would not cause undue impact on the amenity of nearby residents. The proposal is not considered to have adverse impact on the character and appearance of the Conservation Area and would not compromise in terms of site security.

8. Legal Implications:

None.

9. Proposed Conditions:

(1) Notwithstanding the details submitted, the proposed access gate hereby approved shall be of a self closing and slam to lock type and shall only be open by means of a key or similar opening device. Prior to the installation of the gate, full details of the security measures of the proposed access gate, including all self closing and self locking mechanism, shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed and thereafter maintained in full accordance with the approved details.

Reason: In the interests of security and the amenities of the adjoining occupiers, to comply with Policies E20 and E40 of the Northampton Local Plan.

(2) The access gate hereby approved shall at no time be used to accept deliveries to the building.

Reason: In the interests of security and the amenities of the adjoining occupiers, to comply with policies E20 and E40 of the Northampton Local Plan.

(3) The access gate hereby approved shall only be used between the hours of 0900 to 1800 and shall be kept locked and not use at any other time.

Reason: In the interests of security and the amenities of the adjoining occupiers, to comply with policies E20 and E40 of the Northampton Local Plan.

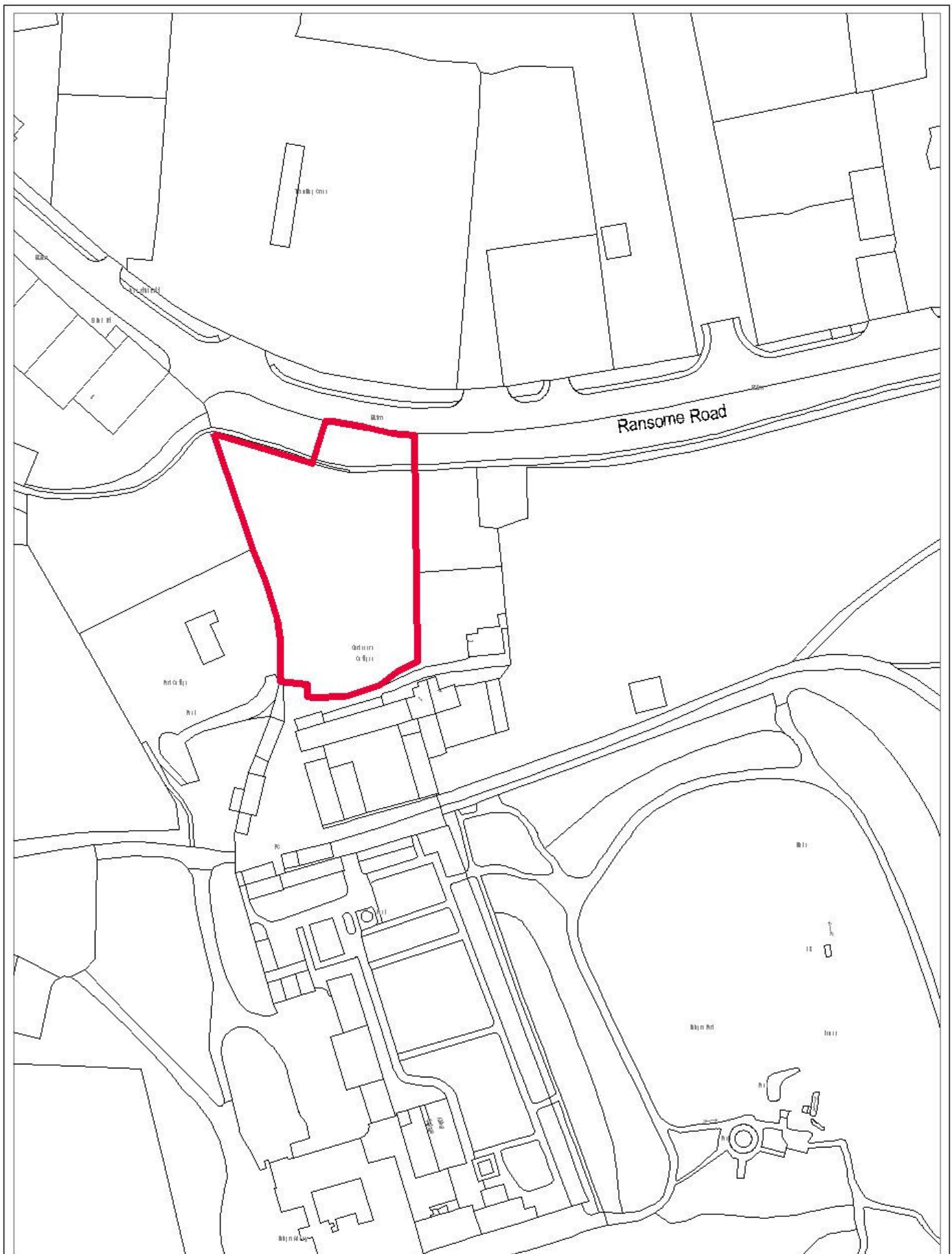
10. Background Papers:

N/2006/0621 and N/2008/0521.

Summary and Links to Corporate Plan

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.

Position:	Name/Signature:	Date:
Author:	Andy Holden	17/06/08
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NORTHAMPTON
BOROUGH COUNCIL

jmc: Becky Gittins
 dt: 17th June 2008
 nts: NTS
 psp: Planning Support
 map: Location Plan

Title

Mencap site, land north of Delapre Abbey, London Road

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