



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 11 June 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0194: Continued additional use of lift tower for
abseiling at National Lift Tower, Tower
Square

WARD: St James

APPLICANT: Mr Peter Sullivan
AGENT: Mr Ed Wright

REFERRED BY: Head of Planning
REASON: Previous temporary consent application
determined by Committee

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** for a further temporary period subject to conditions and for the following reason:

It is anticipated that the development hereby approved would not have an undue detrimental impact on the living conditions of neighbouring occupiers and would provide satisfactory parking arrangements, and security. Nonetheless, given the close relationship with neighbouring residential properties, it is considered that a further temporary consent is reasonable to fully test the proposed mitigation so that these may be adjusted as required. This is to accord with Policy E40 of the Northampton Local Plan and aims of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission is sought for the continued additional use of the lift tower for purposes of abseiling. A similar application (ref N/2012/0608) was determined at Planning Committee meeting in September 2012 where members granted a temporary consent to allow officers to

monitor the abseiling use up until the end of May 2013 after which the applicant would seek a permanent permission. The applicant has confirmed that they would accept restrictions to limit the use to a maximum of 18 events per calendar year, to operate between the hours of 9am and 6pm and the numbers of participants per day to be limited to a maximum of total number of 60. They are also proposing that if events are postponed due to inclement weather conditions that they can be re-scheduled to another date and that no more than 6 events be run on consecutive weekends.

- 2.2 The abseiling takes place mainly on Saturdays with some Sundays. The day typically commences at 8.30am when the abseil team and charity arrive on site and begin setting up. This involves erecting a temporary gazebo adjacent to the building to be used as registration point. The abseil team rig the abseiling platform near the top of the lift tower and drop two ropes down the outside of the building. Registration takes place from 8.45am and the first abseil starts at 9am. Two abseilers go down every fifteen minutes. Typically, the day ends at 5pm however there may be delays during the day and on these occasions the event will continue beyond 5pm and end at 6pm at the very latest.
- 2.3 The submitted plans show 3 different points where the abseiling takes place from near the top of the tower. The exact position is dependent on the wind direction on the day which determines whether the abseiling occurs from Point A at height of 123m, Point B at 120m or Point C at 102m.
- 2.4 The table below sets out the frequency of such events in the last 12 months from May 2012 to May 2013 (details supplied by the applicant).

DATE OF EVENT	NUMBER OF PARTICIPANTS	CHARITY / ORGANISATION
12 May 2012	55	The Lowdown
19 May 2012	29	Various (organised by Girl Guides)
26 May 2012	51	Life Education
24 June 2012	27	Lighthouse Centre
7 July 2012	32	Help For Heroes (HFH)
18 August 2012	19	Families In Partnership
22 September 2012	35	FIP, Help For Heroes
20 October 2012	16	Various
10 November 2012	41	Various
15 December 2012	25	Various
16 February 2012	9	Various
13 April 2013	13	Help for Heroes, World Challenge, Voluntary Services Overseas
27 April 2013	60	British Red Cross
11 May 2013	60	Wood Green Animal charity, ALERT, Cynthia Spencer, St

		Peters, Maidenhead, Motor Neurone Disease, World Challenge
18 May	34	Target Ovarian Cancer , Motor Neurone, Childreach International, St Peters, Maidenhead

2.5 As can be seen from the table above, the frequency of events varies throughout the year, based on demand but also on the season. Spring and early summer seems to be the most popular although events have also been held in winter months.

3. SITE DESCRIPTION

3.1 The site is located within a modern residential estate to the south of Weedon Road to the west of the town centre. The lift tower is a highly distinctive and prominent concrete structure measuring some 127m high and 14m in diameter at the base. It is a Grade II Listed Building (listed in 1997) and has been previously used as a lift testing facility. The tower was built during 1980 to 1982 and designed by Stimpson and Walton for Express Lifts Company. It is positioned within a circular island at the end of the main estate road (The Approach) from Weedon Road and is surrounded by residential flats and houses completed in 2005.

3.2 The Lift Tower was opened in 1982 as a purpose built lift testing tower as part of the wider Express Lifts factory complex. The factory was closed in 1999 following the takeover of Express Lifts by Otis. The Tower was incorporated into the surrounding residential development such that it could continue to be used for lift testing purposes by the British Standards Institute. Although it has continued to be used periodically for research and development the building became largely dormant until 2008 when it was taken over by the current owner, the applicant.

4. PLANNING HISTORY

4.1 Planning permission was granted in November 1979 under Local Planning Authority reference 79/1017 for the construction of a lift testing tower with associated training facilities. Since then various applications have been determined for associated development connected with the tower.

4.2 In 1999 planning permission was granted for 411 residential dwellings, this was for the residential development which now surrounds the tower. In 2003, there was a listed building consent application submitted for the demolition of the tower which was refused. In 2010, the owner submitted a planning application and associated listed building consent for erection of 2 storey visitors centre at the base of

the tower. This was refused on the impact on the listed building and residential amenity and later dismissed on appeal.

- 4.3 As discussed in paragraph 2.1, temporary permission for abseiling was granted in September 2012 until the end of May 2013.

4 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 current Development Plan comprises the saved policies of Northampton Local Plan 1997.

5.2 National Policies

National Planning Policy Framework (NPPF).

5.3 Northampton Borough Local Plan

E40 Crime and Vandalism.

5.4 Supplementary Planning Guidance

Planning Out Crime in Northamptonshire SPG 2004.

6 CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Public Protection (NBC)** – Still have concerns regarding noise arising from the proposed development as there are a number of variables which could lead to problems if not adequately controlled in the future but confirm that no complaints have been received since the temporary permission was granted. The provision of marshals to patrol the exterior areas and supervise spectators to keep them on Tower property appears to have had some positive effect although we believe that a balance needs to be sought between the needs of business and neighbour amenity. I would suggest conditions to reflect the work already undertaken. Noisy behaviour off site cannot be enforced as the statutory nuisance regime does not lend itself to dealing with people noise in the street. Conditions are suggested to accommodate the following:

- Adequate supervision must be provided on the day of the events for purposes of marshalling, parking and crowd control
- The number of events per year shall be limited to 26
- Hours for actual abseiling limited to 0900 to 1700

- 6.2 **Built Conservation (NBC)** – There are no objections from a conservation perspective. A pre-application consultation was undertaken and it was established that listed building consent was not required for the proposal as the temporary scaffolding tower has no impact on the fabric of the building.

- 6.3 **Highway Authority (NCC)** – No objection.

6.4 **Northants Police (NCC)** - No objection.

6.5 **English Heritage** - No comments.

6.6 A total of **7 objections have been received from County Councillor Jill Hope, 52 Nearside, 81 Far End, 10 Tower Square and 6 Nearside** raising the following points:

- Events should be restricted in terms of maximum number and participants as they could expand out of reasonable proportion
- Concerns on limited parking at the site and increase in traffic generation
- Not enough time has passed to assess methods of crowd control and noise
- The development is totally inappropriate and does not contribute anything to the community
- Loss of privacy to residents of Tower Square and noise
- Will disrupt the peaceful enjoyment of my property and have a negative impact on tenants/owners living here
- Applicant has made no attempt to talk to residents on the development
- Concern that this is an attempt to use “charity events” as commercial venture
- The tower should stick to its intention as being used for lift testing.
- The application is for the benefit of the owner to develop extra income
- Concern that financial gain is put ahead of neighbour consideration
- Concerns over poor marshalling at abseil held on 11 May

7 APPRAISAL

7.1 The principal considerations for the determination of this planning application relate to the impact on the amenity of neighbouring properties, whether there is sufficient parking and security and the effect on the character of the listed building, while also taking into account the potential contribution the proposal would make to the long term use and maintenance of the listed building.

Policy context

7.2 Saved policy E40 of the Northampton Local Plan relates to the need for new development to reduce the potential for crime and vandalism. Paragraph 123 of the NPPF states that decisions should aim to avoid noise from giving rise to significant impacts on quality of life. The NPPF goes on to say that when considering the impact of a proposed development on a heritage asset (e.g. listed building) then weight should be attached to the asset’s conservation. National Policy also emphasises the importance of sustainable transport and stresses the

need for proposals to encourage sustainability.

Changes since grant of temporary permission

- 7.3 Since the grant of temporary consent in September 2012, the applicant has implemented a number of changes to stewarding at the events and better communication with local residents. Improved marshalling to ensure that spectators no longer congregate on the highway surrounding the tower and remain on tower land is in force. The applicant has also recently distributed leaflets to residents of the estate advising them that the dates of future events are to be posted on Facebook and on the Tower web page. Meetings have also been held between the applicant and some local residents in order to assist communication and discuss mitigation / management. In addition, one of the members of the abseil team has spoken to a number of residents on the estate who previously had concerns and the applicant and abseil team remains available to discuss concerns when the need arises.

Parking

- 7.4 Parking is provided primarily on designated parking spaces on the island encircling the tower. The parking layout drawing submitted with the application shows 14 existing spaces and 8 temporary spaces set aside for the proposal giving a total of 22 off-road spaces.
- 7.5 The applicant has provided a Management Statement which explains that parking is managed on event days by a marshal who advises visitors where to park “ensuring that cars are not parked illegally or inconsiderately on Tower Square”. Some of the objectors are also concerned that parking is enforced properly and that the abseiling events have occurred at the same time as events at the nearby rugby stadium. Officers recommend that a suitable Management Plan including travel and parking planning and management be secured by condition on any grant of planning permission to manage and control means of travel to and from the site.
- 7.6 The case officer observed the events that took place on Saturday 27 April and 18 May 2013. He noted that on the second occasion there was sufficient parking spaces on-site left available for use. On 27 April the car park was full to capacity. While it is acknowledged that there may be some conflict with parking demand generated from the nearby rugby club, it is not that frequent occurrence when the rugby ground is used at the same time as the abseiling. There is also adequate and well-marshalled car parking for the rugby ground with its car parks at the stadium and off Edger Mobbs Way such that there is unlikely to conflict between the two uses.
- 7.7 Whilst it is recognised that the designated marshalling team hold no legal remit to enforce parking on the estate as the roads are not in the applicant’s ownership, they are also monitored by civil enforcement

officers who monitor and regulate illegal parking on The Approach (the main access road leading up to the tower) on behalf of the owner. The applicant also provided evidence that they have an arrangement to use Wrefords Transport facility Edgar Mobbs Way to provide overflow parking for the use if required. However this is not a matter that can be controlled / secured through this planning application as it is not within the application site. Furthermore, the Highway Authority has been consulted on the application and raises no objections to existing parking provision as the site.

Impact on living conditions of neighbours

- 7.8 The principal concerns relate primarily to generation of nuisance noise from congregation of spectators around Tower Square, effect from additional traffic entering and egressing the site and general disturbance on the day of the abseils. It is acknowledged that the noise generated from spectators is difficult to govern effectively however with careful marshalling and management the effect can be reduced. On his 2 recent site inspections the case officer noted that the events were much better marshalled than prior to the grant of the temporary consent in 2012 and certainly the applicant has implemented a number of improvements. These include ensuring that spectators are now well supervised so that they are kept on tower land and do not venture onto the road or congregate beneath residents' windows. At his first site visit on 27 April the case officer was met on arrival by a steward who was distributing leaflets advising spectators to stand in the designated spectator area and not on the road and to put litter in the bins provided. The role of marshalling was seen to involve managing the available parking spaces, advising new arrivals where they can and cannot park and ensuring that cars are not parked inconsiderately on Tower Square such as to be a nuisance to local residents. Recent meetings have also taken place with the applicant and local residents to discuss their concerns. The concerns raised by one objector that the 11 May abseil was run particularly badly is in the officers opinion probably an exception rather than the norm given that the 2 abseils he attended appeared to be run by stewards in a professional manner.
- 7.9 The Council's Environmental Health Officers as a consultee have some concerns regarding potential noise from the development however they advise that no complaints have been received since the temporary consent was granted.
- 7.10 The Environmental Health Section has recommended that conditions should be imposed on any grant of consent relating to adequate supervision of events, controls on number of events per year limited to maximum of 26 and hours of operation. Discussions have taken place with the applicant who, following liaison with residents, proposes restrictions relating to hours of use, number of events (not exceeding 18 per annum), suitable marshalling regime and days of occurrence which have been discussed with a number of local residents. A number of planning conditions are therefore being included on the

officer's recommendation to reflect these points as well as other controls that are considered necessary. One objector has also raised concern that no mobile catering vans are used at abseil events and again this is to be secured by condition on any approval which the applicant is happy to agree to. Hours of operation will be controlled between 8am and 6pm with no events to be held on Bank or Public Holidays.

- 7.11 This suite of controls is considered sufficient to exercise control over the use to protect amenity and highway safety. However, it is recognised that this is an unusual use which by its nature and proximity to residential property has the potential to have a significant impact if not adequately controlled. Moreover, the current temporary planning permission has only been in place since September 2012 and therefore the potentially most intensive operating period during the summer has not yet been experienced. Therefore, in order to adequately assess the impact of the use (especially during summer months) and to fully test the suite of controls recommended herein, it is proposed that this planning permission is limited to an 15 month period so that the matter may be reviewed.

Community and Economic Benefits

- 7.12 The proposal provides some benefits to the wider community due to raising money for various charitable causes. In addition the abseiling requires a team of ten individuals to run an event including six abseil specialists responsible for training, fitting of equipment to participants etc, two supervisors who support the marshalling team, liaising with the charities and other related issues. Whilst the operation is primarily commercial in nature it must be borne in mind several charities have benefitted financially from the events being run.

Impact on character and setting of Listed Building

- 7.13 The applicant has submitted a Heritage Statement with their application which concludes that the abseiling platforms in use are free standing structures and therefore there is no adverse impact on the fabric of this listed building. The Council's Conservation Officers have been consulted on the proposal and raise no objection to the nature of the use and its effect on the setting and character of this Grade 2 listed building. This would comply with aims of the NPPF which promote new development to have an acceptable impact on heritage assets.

Security

- 7.14 The applicant outlines that in terms of site security there is a single point of entry into the building on a given day which is supervised by a dedicated member of staff who ensure that only authorised persons can obtain entry into the building. Northants Police have been consulted on the application and conclude that they have no objections given that there are no recent reports of inconsiderate parking or

vehicle nuisance in the site vicinity. This would accord with Policy E40 of the Northampton Local Plan which encourages applicants to consider crime and vandalism in determining planning applications.

Other matters

- 7.15 It has been contended that not enough time has passed to allow local residents to assess the application. However in practice, the temporary consent was granted 9 months ago and a large number of abseils has been held in that time. Officers are recommending an extension to the current temporary consent to allow further monitoring of events to occur.

8. CONCLUSION

- 8.1 Whilst officers note that the proposed operation still raises concerns to some local residents it is considered that the principle of development has already been established by the previous consent and that this has not resulted in any known objections to the Council's Environmental Health Section since grant of temporary consent in 2012. The stewarding and general operation of the events have significantly improved since the previous grant of temporary consent and subject to a number of planning conditions (see Section 9 below) it is considered that the proposal is on balance acceptable given the reduced effect on neighbours, existing parking provision and security. The use is therefore considered to be acceptable. In order to fully test the suite of conditions / controls proposed it is recommended that planning permission be for a limited period of 15 months, which allow the use and controls to be fully re-assessed and any appropriate amendments made.

9. CONDITIONS

(1) The abseiling use hereby permitted shall only take place between the hours of 8am and 6pm on any day and there shall be no events on Bank or Public Holidays.

Reason: In interests of residential amenity to comply with aims of the National Planning Policy Framework.

(2) The total number of abseiling 'events' shall not exceed 23 and there shall be no more than 18 events in any calendar year. 'Events' shall be limited to a single day unless otherwise provided for by Conditions 6 and 7. A detailed schedule of events (showing dates and number of abseilers) shall be provided in writing (to planning@northampton.gov.uk) every 3 months starting on 11 September 2013.

Reason: In interests of residential amenity to comply with the aims of the National Planning Policy Framework.

(3) Prior to the first abseiling event held after the date of this planning permission full details of a Management Strategy and Regime clearly showing how the operator of the use will steward, supervise and manage all aspects of future abseils (including travel and parking and preventing mobile catering facilities) shall have been submitted to and approved in writing by the Local Planning Authority. All events thereafter shall be carried out in full accordance with those details.

Reason: In interests of residential amenity to comply with aims of the National Planning Policy Framework.

(4) Prior to the first abseiling event held after the date of this planning permission full details showing how the operator of the use will work with and carry out communication and inform local residents of future events shall have been submitted to and approved in writing by the Local Planning Authority. The operator of the use shall fully implement the approved details thereafter.

Reason: In the interests of residential amenity to comply with aims of the National Planning Policy Framework.

(5) The area shown on the approved plans as Parking Layout shall be used solely for the purpose of car parking associated with the abseiling events on the day of each abseil event and shall not be used for any other purpose.

Reason: In the interest of highway safety to comply with aims of the National Planning Policy Framework.

(6) In the event that an abseil is cancelled due to inclement weather conditions or other unforeseen circumstances, the applicant shall be able to re-schedule an event provided that the numbers of participants and hours of operation comply with the other conditions imposed on this approval notice. This is limited to 6 events per calendar year. In these circumstances the Local Planning Authority must be notified in writing (to planning@northampton.gov.uk) within 1 working day.

Reason: In interests of residential amenity to comply with the National Planning Policy Framework.

(7) In the event that all participants are unable to abseil in one given day those participants that were unable to abseil will be permitted to abseil the following day. This is limited to 6 events per calendar year. In these circumstances the Local Planning Authority must be notified in writing (to planning@northampton.gov.uk) within 1 working day.

Reason: In interests of residential amenity to comply with the National Planning Policy Framework.

(8) The maximum number of abseilers / participants per event is limited to 60.

Reason: In interests of residential amenity to comply with the National Planning Policy Framework.

(9) The use hereby permitted shall be limited to a temporary period only expiring on 11 September 2014. The Local Planning Authority shall be informed of the cessation of the use in writing within 7 working days of the specified date.

Reason: To allow the Local Planning Authority to fully monitor the use and the effectiveness of the mitigation / controls contained in the preceding conditions in the interests of residential amenity and highway safety.

(10) No more than 2 abseiling events shall take place on consecutive weekends in any calendar year.

Reason: In interests of residential amenity to comply with the aims of the National Planning Policy Framework.

(11) The additional use of the site hereby permitted shall be limited to abseiling events only and for no other additional purposes such as free falling or free jumping.

Reason: For the avoidance of doubt to make it clear that the additional use is limited to abseiling only.

10. BACKGROUND PAPERS

10.1 N/2012/0608 and N/2013/0194.

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.