



Bendcrete Leisure Ltd  
55 Caldecott Road  
Abingdon  
Oxon  
OX14 5EZ

FAO Wendy Davies

Ask for: Ms Susan Garbutt  
Telephone: 01933 231771  
Email: [susan.garbutt@northnorthants.gov.uk](mailto:susan.garbutt@northnorthants.gov.uk)  
Our Ref: NWP/21/00037/PREF  
Your Ref:  
Date: 13 May 2021

Dear Madam

### **Pre-Application Advice**

**Application No. NWP/21/00037/PREF**

**Proposal: Construction of an in-situ spray concrete skatepark to replace the existing skatepark in a new location with associated landscaped bunds and lighting.**

**Location: Bassetts Park, West Villa Road, Wellingborough, Northamptonshire,**

**Case Officer: Ms Susan Garbutt**

I write further to your submission of the above pre-application enquiry.

### **THE SITE AND SURROUNDINGS**

The application site is located within Bassetts Park on an area of lawn. The wider Park site contains a band stand, small skate park to the southern corner and play equipment to the northern corner. The park has walking routes within it and links to St Barnabas Street to the south-west, West Villa Road to the east and Westfield Road to the north.

The site is located within the Wellingborough urban area and the Park includes mature trees. The Park is identified as Local Green Space in the PBW.

### **APPLICATION PROPOSAL AND BACKGROUND**

Pre-application advice is sought for the erection of a skatepark to the northern part of the Park, and the removal of the existing skate park.

### **PLANNING HISTORY**

WP/2006/0161 Erection of nine 6m high lighting columns, with son-t-70w lamps to give a level of illumination to category 3/2. Proposed to be erected at side of existing path (which is proposed to also be a cycleway). AC 19th July 2006

WP/2003/0237 Erection of 6 6m lighting columns with SON-T 70W lamps to give a level of illumination to category 3/2 on the proposed cycleway. APPROV 23rd May 2003

WP/2001/0115 Erection of 10 No. 6m high lighting columns, with 70W Son lanterns  
AC 25th April 2001

WU/1963/0208 Changing pavilion APPROV 15th January 1964

## **NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

National Planning Policy Framework (NPPF) (19 February 2019)

Planning Practice Guidance (PPG)

National Design Guide (PPG) (September 2019)

### **North Northamptonshire Joint Core Strategy –Part 1 of the local plan (JCS)**

Policies:

- 1 (presumption in favour of sustainable development)
- 2 (historic environment)
- 3 (landscape character)
- 4 (biodiversity and geodiversity)
- 6 (development on brownfield land and land affected by contamination)
- 7 (community services and facilities)
- 8 (North Northamptonshire place shaping principles)

### **Plan for the Borough of Wellingborough – Part 2 of the local plan (PBW)**

Policies:

GI3 Local Green Space

### **Neighbourhood plans:**

None relevant.

### **Supplementary planning documents/guidance:**

Biodiversity SPD

Planning Out Crime in Northamptonshire

Trees and Landscape SPD

## **SUMMARY OF REPLIES TO CONSULTATIONS**

**Planning Policy** - The proposal would be a new community facility as supported in principle by policy 7 (a) of the JCS. The details of the schemes location and design should be considered against the criteria in policy 8 of the JCS, in particular its amenity impacts in terms of noise and its potential for anti-social behaviour. Any full application should seek to demonstrate how it has sought to mitigate these potential issues. Responses from Environmental Health and Crime prevention should be considered in terms of producing a full application and we would recommend that the applicant discusses the scheme with the police to determine whether this site/design is the most appropriate to limit the potential for anti-social behaviour. The design of the skate park should have regard to its landscape impacts in accordance with policy 3 of the JCS.

**Sport England** – The site is listed on Sport England’s Active Places Power as previously containing an adult sized football pitch, though in viewing historic imagery

back to 2003 unable to see such pitch markings at the site. To inform this response Sport England would be consulting a number of sporting national governing bodies (Football Foundation, ECB and RFU). Based on the above, Sport England raises no objection to the relocation of the skate park based on the comments from governing bodies highlighting that the field has not been utilised for formal sports and the physical activity benefits associated with the provision. Sport England would support the use of the remaining part of the field to be marked out for a mini 5v5 pitch as highlighted by the Football Foundation.

**Environmental Health (Noise)** – The new location is much closer to Westfield Road so may benefit from traffic noise masking the skate park noise. A Noise Impact Assessment should be carried out. The proposed lighting design is intended to limit spill and glare outside of the skate park area and the submitted design indicates that this should be achieved.

**Ecology** – The Lighting Plan does not show the location of the trees. The existing lighting creates some light disturbance, but any proposed lighting plan submitted with an application should demonstrate how the lighting would – or would not – impact any bats which might be roosting in the trees.

**Environmental Protection (contamination)** - unexpected contamination condition required.

**Northants Police** – have not been contacted to discuss the detail of park design since the initial enquiry that is attached to the application. Their concerns regarding the park remain unchanged, further engagement is needed.

**Built Heritage Consultant** – is unopposed to the principle of this application subject to the sympathetic landscaping of the existing skating location, this element has not been clarified adequately within the currently submitted documents.

## **ASSESSMENT**

### **Conformity with the development plan and material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”

Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

Bassets Park is designated as a ‘Local Green Space’ in policy GI3 of the PBW. Given the proposal would not impact on the designation of the site as LGS or result in any net loss of LGS, this designation would not be likely to significantly impact or inhibit any full application.

Policy 7 (a) if the JCS supports the provision of new or enhanced community facilities

including any other facilities that further the social, recreational, health and wellbeing or leisure needs of the community. A skate park could be considered a community facility against all of the above criteria and could therefore be fully supported in principle. The benefits of delivering such a facility should be weighed against other policy considerations set out in this response.

Policy 7(d) of the JCS states that development should not result in a net loss of open space or land. Sport England has consulted a number of sporting national governing bodies with the following responses received:

### **Football Foundation**

1. After consulting with Northamptonshire County FA, we are unaware of any historical formal football being played at the site.
2. Wellingborough has spare capacity on its council pitches therefore we will not demand that the site be retained to enable an 11v11 full size pitch.
3. We would however request that the remaining grass site not affected by the development be retained to enable the facilitation of a mini 5v5 60x40yd pitch to be marked out on the site for mini soccer and recreational use.

### **ECB**

1. Site has not been utilised for cricket.
2. No demand for use of the site for cricket.

### **RFU**

1. No knowledge of any formal rugby activity on site
2. No demand from rugby to utilise the area at the moment
3. No demand for formal rugby pitch to be marked out on site
4. Wellingborough RFC is approx. 3 miles from the site and is identified as having a pitch deficit, and would benefit from any off site contributions to support a pitch maintenance programme .
5. The RFU do not consider that the relocation of the skate park will have an impact on rugby locally.

Based on the above, Sport England raises no objection to the relocation of the skate park within the Park.

### **Design, layout and the effect on the character and appearance of the surrounding area**

JCS at policy 8 (d) (i) and (ii) states that development should create distinctive local character by responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation and respond to the local topography and the overall form, character and landscape setting.

The government at paragraph 127 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective

landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

The National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

The design of the skate park should seek to take into account the parks wider character as a Victorian era park with large areas of open recreational space. The colour of the skatepark, the design and colour of the lighting features and the fencing (if proposed) should reflect this character. The bunds required at the site should be minimal, to ensure the flat character of the Park is retained. Sectional plans of any bunds should accompany any application.

### **Effect on landscape visual amenity**

Policy 3 (a), (b) and (e) of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting retaining and where possible enhancing the distinctive qualities of the landscape character area which it would affect.

Full plans and details should be provided within the future full application to show how the existing skate park facility will be removed and the site restored to green space use.

The submitted plans show a skatepark measuring 31.8 metres in length by 18.8 metres width and 1.5 metres in maximum height and of an irregular shape. The limited height will minimise the visual impact of the skatepark. Any full planning application should be accompanied by a block plan which shows the location of the skatepark in relation to the nearest neighbours (the school and nearest dwellings) and also the existing trees on the site. Existing and proposed lighting should be shown on a lightings plan including light spread, elevational plan of lighting columns and lights to be installed include any measures to minimise light spillage.

The skate park should be designed in a way that limits its detrimental impacts on local landscape. Any full planning application should demonstrate that it has fully considered the impacts of the scheme on landscape character.

The location of the skatepark is 50 metres from the nearest neighbours and leaves a large area of green space available for other uses (Sport England would support the use of the remaining part of the field to be marked out for a mini 5v5 pitch as highlighted by the Football Foundation). The siting is therefore supported, subject to the heritage impact and crime prevention comments below.

### **Effect on heritage assets**

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

Policy 2 of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment.

With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 196 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 201 informs that not all elements of a conservation area will necessarily contribute to its significance.

The built heritage consultant advises that:

“Bassets Park is also known as Bassetts Close. The development site is located to the west of Wellingborough Town Centre Conservation Area and forms part of the Conservation Area’s setting.

The application concerns the Westfield Road gates and railings, the park bandstand and park, these are considered non-designated heritage assets for their architectural interest, contemporary with the parks creation in the early 20th century as can be seen from second edition Ordnance Survey historic mapping of the area.

The built heritage consultant is unopposed to the principle of this application subject to the sympathetic landscaping of the existing skating location, this element has not been clarified adequately within the currently submitted documents.

The proposals, in their form and location, would result in low level detrimental impact on the setting of the railings, gates, and bandstand. The view south to the bandstand from Westfield Road across the large expanse of parkland grass with the railings and gates in the foreground and the avenue of mature Beech trees to the east makes an important contribution to the setting and significance of these two non-designated heritage assets. The current iteration of the proposals would therefore result in a low level of harm to the setting of the non-designated heritage assets by disrupting the existing views across the grass and along the side of the avenue to the bandstand, making paragraph 197 of the NPPF relevant here with regard to both non-designated heritage assets.

Were this application to be forthcoming as a future application it is recommended that alternative locations within the park and alternative layouts are explored to avoid detrimentally impacting the setting of the heritage assets as identified above.”

Therefore, a full planning application would need to be supported by a heritage statement (as required by NPPF paragraph 189) to describe the significance of the heritage assets affected by the development and demonstrate how the proposal has

avoided or minimised any conflict between the heritage asset's conservation and any aspect of the proposal.

If fencing is to be proposed to the skate park area, the visual impact of the fencing on the setting of the railings, gates, and bandstand and the Conservation Area should be fully considered.

**Effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development**

The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

At paragraph 127 of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

The proposed location of the skate park is over 50 metres from the school to the north-west and residential properties to the north-east and south-west. It is likely that noise will be the key amenity impact from this sort of facility and should be fully considered as to how issues of noise could be mitigated to ensure it would not be unacceptable.

The environmental protection officer advises the following;

The proposed site is further from the primary school and the houses surrounding the park than the existing location and will probably encourage access from Westfield Road rather than West Villa Road as at present. The new location is much closer to Westfield Road so may benefit from traffic noise masking the skate park noise.

There will be some noise from the use of the skate park, but it is understood that the existing skating surfaces are constructed from steel whereas the new proposal is for a concrete surface which will probably provide better control of impact and rolling noise. In addition, the noisier activities are to be located furthest from the houses and the location of banking of some the features should help to break the direct noise paths.

It is noted that a noise impact assessment should be carried out prior to any planning permission being sought. As there are no accepted standards or methods for assessing noise impacts from this type of facility it is recommended that a multi-faceted approach is taken looking at the existing and predicted noise levels at noise sensitive properties around the park. The assessment should consider changes in noise level, absolute noise levels (WHO Guidance, BS8233, BS4142, etc.) and distinct noise events (impact noise, etc.) that may cause annoyance. The assessment should consider if the layout and orientation of the skate park provides the best noise mitigation and if any additional landscaping features could provide further, useful, mitigation.

It is noted that lighting is to be provided to extend the hours of use but that it will be time limited to 22:00hrs and will also operate on PIR sensors so that it is only on when users are on the skate park. The proposed lighting design is intended to limit spill and glare outside of the skate park area and the submitted design indicates that this should be achieved.

### **Effect/Impact on highway safety**

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The NPPF requires the development has safe and suitable access to the site can be achieved for all users, that development should be refused on highway grounds if there would be an unacceptable impact on highway safety (paragraphs 108-9). Paragraph 110 (c) supports developments that create places that are safe, secure and attractive, minimise the scope for conflicts between pedestrians, cyclists and vehicles and respond to local character and design standards.

No new highways impacts are anticipated. The proposed lighting should ensure no light spill onto the highway, which may distract drivers.

### **Effect on biodiversity**

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The JCS at policy 4 - biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

The NPPF states that planning decisions should enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (paragraph 170 (d)).

The council's ecologist advises the following:

At this stage their only concern is regarding the lighting plan, which does not show the location of the trees. It is acknowledged that there is already some light disturbance in the area, however any lighting plan submitted with an application should demonstrate how the lighting would – or would not – impact any bats which might be roosting in the trees.

### **Contamination**

The JCS at policy 6 says that local planning authorities will seek to maximise the delivery of development through the re-use of suitable previously developed land within the urban areas. Where development is intended on a site known or suspected of being contaminated a remediation strategy will be required to manage the contamination. The policy goes on to inform that planning permission will be granted where it can be established that the site can safely and viably be developed with no significant impact on either future users of the development or on ground surface and waters.

The revised NPPF at paragraphs 178 and 179 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

It is not known if the site is contaminated, a condition regarding unexpected contamination would be necessary on any future permission.

### **Crime and disorder**

Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

The revised NPPF at paragraph 127 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

The application includes correspondence from Northamptonshire Police dated 26/1/21 which set out concerns about the lack of surveillance of the new skatepark (properties back onto the park and the school provides little surveillance), lights should be on a timer and consideration should be given to fencing round the skatepark so it can be closed off if anti-social behaviour becomes an issue or for maintenance.

Northamptonshire Police remain concerned about the proposal. No further discussions on designing out crime and anti-social behaviour have taken place since January. This is a project that should be viewed holistically and with a partnership approach. Safety and security are essential to any play space these features provide peace of mind. Where safety and security are compromised a few incidents can cause disruption to the facility, threaten the physical and mental park users and local residents, cause damage to property, and reduce the use of a facility. Crime can render a facility incapable of working. Northamptonshire Police concerns regarding the park remain unchanged, further engagement is needed.

- If lighting is going to form part of the park, then these should be on a seasonal timer and should turn off at a reasonable time.
- Fencing should be considered, this will allow the park to be closed off should issues, damage or a pandemic arise. It also contains rubbish making clean up easier. The crime prevention design advisor is willing to have further discussions as this is known to be an issue for your client.
- The e-mails of support are noted, however has full local engagement been sought, your client tried to address the fear of crime that some of the residents have voiced?

Please contact the Crime Prevention Design Advisor to discuss the above on:

[Kelly.McDermott-Brown@northants.pnn.police.uk](mailto:Kelly.McDermott-Brown@northants.pnn.police.uk)

Mobile 07973 872849

The adopted designing out crime supplementary planning guidance gives detailed advice this issue and with a full application the applicant is advised to include details relating to Crime Prevention and Security.

### **Statement of Community Involvement**

Any submission should be supported by a statement of community involvement, with the ward councillors and local residents. Prior to the submission of any planning application a public consultation event with residents who abut or live in the vicinity of the site should be held and any comments received and changes made as a result of this event should be included within any statement of community involvement.

### **CONCLUSION**

The proposed development is acceptable in principle, but concerns have been raised about the siting of the development in relation to the setting of heritage assets, the trees in the Park and how the proposal can design out crime and anti-social behaviour. Further work and discussion on these matters recommended, and the proposal amended as necessary, before a full planning application is submitted. The full application should be supported by the necessary supporting evidence/reports as detailed above. Any future application should include the removal of the existing skatepark and how that area will be redesigned for future green space use.

**The advice given above is the informal opinion of an officer only and it will not fetter or bind other officers or councillors if they are called upon to make a recommendation or take a decision on any formal planning application.**

**In addition, the council cannot accept responsibility for any action you or your client may take as a result of receiving this advice. Furthermore, this advice has been formulated without the benefit of receiving comment from other statutory and non-statutory consultees or responses from members of the public which could result in a different recommendation to the advice given.**

I hope the above advice is of assistance. I can be contacted on the above number if you require further clarification in this matter

Yours faithfully



George Candler  
Executive Director Place and Economy