



**PLANNING COMMITTEE:** 31<sup>st</sup> July 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0782

**LOCATION:** Kingfisher Lake, Crestwood Road, Cygnet Lake, Billingbrook, Dragonfly Lake, Billing Brook Road

**DESCRIPTION:** Creation of wetland habitat areas, reed beds, banked margins and new islands in and around three balancing/amenity lakes, together with clearance of overgrowth around lake edges to open up views and make surrounding footpaths safer

**WARD:** Talavera Ward

**APPLICANT:** Growing Together Northampton  
**AGENT:** D T Design Ltd

**REFERRED BY:** Head of Planning  
**REASON:** Council owned land

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1 RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The application represents a regeneration opportunity for the area through enhancing the visual amenity, biodiversity, community cohesion and managing a flood risk asset which in the long term will improve the health and wellbeing of the community around the three lakes. The proposal accords with Policies S10, C5, BN1, BN2, BN7, BN9 and N11 of the West Northamptonshire Joint Core Strategy, Policy OS1 of the Growing Together Neighbourhood Plan and the National Planning Policy Framework.

### **2 THE PROPOSAL**

2.1 The application relates to the creation of wetland habitats, reed beds, banked margins and new islands in around three existing balancing/amenity lakes, together with clearance of overgrowth around the lake edges.

2.2 The works proposed involve the re-distribution of sediment from within the lakes to form channels, islands and marginal wetland habitats, within the bounds of the lakes. In addition sediment traps

and sloped bank edges will be created to improve free flowing water and safer banks, as in some places these are quite steep and have been identified as a safety hazard.

- 2.3 These works are intended to improve the biodiversity, improve the visual amenities of the area and open up the views across and around the lakes, making the footpaths around the lakes safer. In addition, the works aim to create a low maintenance approach to the created habitats.
- 2.4 The works do not involve alterations to any of the public rights of way around the lakes.

### **3 SITE DESCRIPTION**

- 3.1 The site comprises of three lakes and surrounding land that is in the ownership of Northampton Borough Council. They were originally constructed as a focal point and linear park for the estates of Lings, Lumbertubs and Thorplands and were centred on Billing Brook that runs through this area, under the A45 to Billing.
- 3.2 The brook meanders through the residential area and is visible in various locations, where there are open areas of public open space, some including play equipment. At its best, this provides a green corridor that enhances this area of high density residential development.
- 3.3 Over the years the lakes have become overgrown, silted and have collected rubbish, partly due to the reduction in flow through this area, combined with fly-tipping and general maintenance of the area. Some of the areas have become overgrown, that has raised concerns about public safety and the potential for anti-social behaviour.

### **4 PLANNING HISTORY**

- 4.1 There is no relevant planning history associated with this proposal.

### **5 PLANNING POLICY**

#### **5.1 Statutory Duty**

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and the Growing Together Neighbourhood Plan (2017).

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 7 – There are three dimensions to sustainable development. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role, an environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 56 – Good design is a key aspect of sustainable development and should contribute to making places better for people.

### 5.3 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10: Sustainable Development Principles  
Policy C5: Enhancing local and neighbourhood connections  
Policy BN1: Green Infrastructure Connections  
Policy BN2: Biodiversity  
Policy BN7: Flood risk  
Policy BN9: Planning for pollution control  
Policy N11: Supporting areas of community regeneration

### 5.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

### 5.5 **Other Material Considerations**

#### Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

Policy OS1 of the Neighbourhood Plan identifies local green spaces that have been demonstrated as being significant to the local community. Swanhaven Park, the linear park to which this application relates is identified as an important green space, offering recreational value, beauty and richness of wildlife to the area.

## **6 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environment Agency (EA)** – support the application; EA is a project partner of the Billing Brook Lakes Improvement Project. Requested that an informative is added regarding the obligations associated with the Land Drainage Act 1991.
- 6.1 **NCC Local Lead Flood Authority** - considers that the impacts of surface water drainage have been adequately addressed.
- 6.2 **NBC Arboricultural Officer** - supports any constructive management intervention that improves the overall public amenity of the locality.
- 6.3 **NBC Public Protection** - notes that contamination of sediments isn't expected at site but would request that a condition is attached to any decision document that ensures that a suitable testing, risk assessment and re-use strategy is presented should any sediments suspected of being contaminated are found. A condition has been recommended.
- 6.4 **NCC Ecologist** - has raised concerns about the ecological appraisal that has been submitted with the application and has sought more information regarding otters and bats. Also commented on some of the species referred to in the planting scheme.
- 6.5 **Natural England** - no objection based on the plans submitted. The development will not have significant adverse impacts on statutory protected sites or landscapes.

## **7 APPRAISAL**

### **Principle**

- 7.1 Policy BN1 of the Joint Core Strategy relates to Green Infrastructure Connections and to the creation and enhancement of green infrastructure corridors as mitigation of the effects of climate change through improved flood risk management, to enhance biodiversity and to reflect local character through the planting of native and climate appropriate species and consideration of natural and cultural heritage features. The proposal to improve the existing lakes and environment is in line with this Policy.

## **Ecology**

- 7.2 The lakes are a focal point through the residential areas of Lings, Lumbertubs and Thorplands, but due to lack of maintenance over the years, the area has become overgrown and unmanaged. What was intended to be an attractive area has lost some of its ecological value and visual amenity benefits. Whilst the lakes are still visible, they are screened by foliage. There is evidence of wildlife on the lakes, but the water quality has diminished.
- 7.3 The proposal seeks to create a wetland habitat, by incorporating reed beds, banked margins and new islands that aim to improve the water quality, improve biodiversity and encourage wildlife to the area.
- 7.4 In addition the removal of some of the foliage and tree growth will improve visibility for pedestrians, offer better surveillance of the area and discourage anti-social behaviour.
- 7.5 The application has been accompanied by an ecological appraisal which considers the species that could be present in such environs, the immediately surrounding area and the relative impact on them. During the survey, species such as badgers, bats, otters, water voles, breeding birds, amphibians, reptiles and any other protected species were considered. Whilst not all were present, the survey sought to identify the potential for their presence, this in turn is used to determine if the species could be encouraged to the area once the land and lakes have been improved.
- 7.6 This survey identified a number of species that are already present, including various types of bats, birds of prey, hedgehogs, muntjac and parakeet. As well as other species of water-based birds were identified such as mallard, moorhen and little egret. A separate otter survey was also undertaken.
- 7.7 Japanese knotweed was also present locally which is an invasive species and is required to be removed under the Wildlife and Countryside Act.
- 7.8 In addition a tree survey and an arboricultural impact assessment was also submitted that considers the condition of trees on the site, which informs the removal and maintenance works that may be required as part of the project.
- 7.9 The scheme seeks to add native species of shrubs that will encourage biodiversity as well as providing an attractive area for residents.
- 7.10 Additional information was submitted during the course of the application which addressed some of the concerns of the County Ecologist, whom has raised concern about the trees to be removed and the potential impact on bats.
- 7.11 The ecological survey has set out actions in respect of the timing of works, in order to avoid the main nesting and roosting periods for birds and bats, but at this stage the detailed survey of the trees to be removed has not been carried out. The County Ecologist has therefore raised concerns about the removal of trees important to their habitat. A landscaping condition is therefore recommended to allow this detail to be fully assessed, in consultation with the County Ecologist and the Council's Arboricultural Officer.
- 7.12 Policy OS1 of the Growing Together Neighbourhood Plan, refers to this area as Swanhaven Park and notes its importance to the area in terms of its biodiversity and open space. Subject to the

conditions to be imposed, it is considered that the proposal would enhance biodiversity in the lakes and should be supported.

### **Flood Risk to the area and Contamination**

- 7.13 Presently the maximum average water depth of the lakes does not exceed 80cm, with many areas having exposed mudbanks. The redistribution of the sediment to form channels and islands will result in better water flow and capacity.
- 7.14 In terms of flood risk, the Environment Agency has been involved in this scheme since the outset and have advised on the proposed works. The flood risk assessment carried out identifies areas to be cleared and recommendations on areas to be left as grassland, adding to the water storage capacity of the area, rather than planted.
- 7.15 In its conclusion, the survey concludes that as a result of the proposed works, the lakes could be used for water-compatible uses, so long as the use does not impede on water flow, floodplain storage capacity, increase the flood risk elsewhere and retain the lakes as operational and safe during periods of flood.
- 7.16 As a result of these works, the silt that is to be removed has the potential to include some contamination. This could be as a result of lack of water flow, but also as a result of items that have been fly-tipped into the lakes. A condition is recommended to ensure that this is appropriately dealt with at that time.
- 7.17 The proposal therefore meets the objectives of Policy BN7 of the West Northamptonshire Joint Core Strategy in terms of flood prevention.

### **Crime Prevention**

- 7.18 Some of the areas along the lakes are overgrown and uninviting, as they are dark and with little surveillance. The removal of some of the growth and management of the area, will encourage more activity and allow for more observation. This in turn, it is hoped, will make this a less attractive area for anti-social behaviour. Northamptonshire Police have been involved in discussions with the Growing Together community and are supportive of measures to make this area more accessible.

### **Community Cohesion**

- 7.19 As well as the ecological benefits of the proposal, the social and visual benefits are also important in respect of this proposal. The enhancement of this area to make a better environment for wildlife and residents is welcomed. In addition to the visual benefits, the feeling of living in a safe environment is also beneficial to the community in this area and encourages more people to take exercise in the knowledge that the area has good surveillance.
- 7.20 The feeling of wellbeing because of the improvement of the visual amenity of the area is an important step to creating a sense of place and healthy living environment within the community and in line with the heart of the policies of the Growing Together Neighbourhood Plan and the sustainable regeneration of the area.

## **8 CONCLUSION**

- 8.1 The proposal is in line with Policies S10, BN1, BN2, BN7, C5 and N11 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework to create an enhanced sense of place and promote the regeneration of this part of Northampton through the enhancement and management of the green infrastructure in this area.
- 8.2 The proposal offers many opportunities for the area, such as to enhance biodiversity, improve visual amenity, manage a flood risk asset, reduce antisocial behaviour and create a sense of place

through promoting changing attitudes and perception of the area. This is the basis of Policy OS1 of the Growing Together Neighbourhood Plan.

8.3 The application is recommended for approval.

## 9 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. The development hereby permitted shall be carried out in accordance with the following approved plans: 2018s03530-001 P01, 2018s03530-002 P01, 2018s03530-003 P01, 2018s03530-004 P01, 2018s03530-005 P01 2018s0353 007 P02.01, 2018s0353 008 P02.01, 2018s0353 014 P01.01, 2018s0353 015 P01.01 and site location plan.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the trees to be removed from the site and an assessment of the potential for the presence of bats from the identified trees. In the event that these trees are identified as being potential roosts, details of mitigation and the creation of new habitats shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of the trees.

Reason: In the interests of wildlife and nature conservation in accordance with Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the works and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy.

5. In the event that contamination is found (in sediments) at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

6. Prior to commencement of works on site, a Construction Environment Management Plan (CEMP) shall be submitted and approved in writing by the Local Planning Authority to address programme of works, construction working hours, control of noise and dust during the period of works, delivery times, vehicle routing to and from the site and removal and disposal of invasive plant species. The development shall be carried out in accordance with the CEMP.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

## **10 BACKGROUND PAPERS**

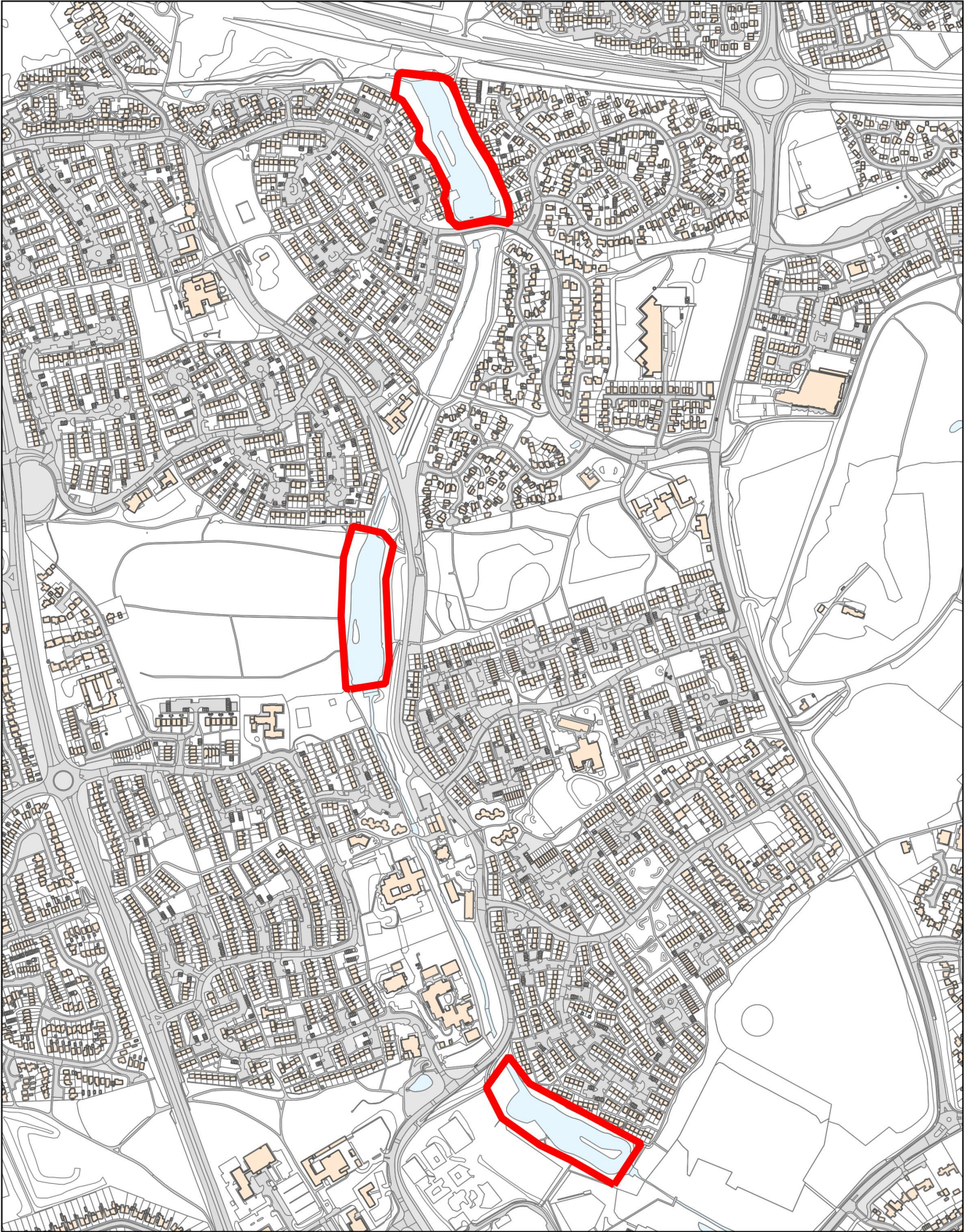
10.1 N/2018/0782.

## **11 LEGAL IMPLICATIONS**

11.1 The development is not CIL liable.

## **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.



Title: **Billing Brook Lakes**

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Date: 19-07-2018

Scale: 1:7.000

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