

**Pre-application response for Former Arboretum Bowls Club, Rosehill Street-  
20/00020/PREAPP**

The proposed re-development of the former bowling green and demolition of the associated buildings is for erection of 12 one and two storey dwellings with private car parking and communal open space. The new housing are to be lifetime homes and some are adaptive units and the proposal is for a sustainable and highly efficient scheme. It is a historically sensitive site due to it being within curtilage of the Grade II\* listed Derby Arboretum park and close to the Arboretum Conservation Area. There are also groups of mature trees along the north and eastern boundaries of the site.

**Policy Context:**

**CITY OF DERBY LOCAL PLAN REVIEW (Adopted 2006) SAVED POLICIES**

GD5	Amenity
E17	Landscaping Schemes
E19	Listed Buildings and Buildings of Local Importance
E22	Historic Parks and Gardens
E24	Community Safety
T10	Access for Disabled People

**DERBY CITY LOCAL PLAN – PART 1: CORE STRATEGY**

**CP1(a) Presumption in Favour of Sustainable Development**

CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP5	Regeneration of Communities
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP16	Green Infrastructure
CP17	Public Green Space
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
MH1	Making it Happen

The application site is located within a designated Historic Park and Garden and adjacent to a number of Listed Buildings.

There are a number of elements to this proposal which are supported through policies in the Local Plan; namely locating the development in an urban regeneration area, the provision of Lifetime Homes and the construction of energy efficient homes. In addition, the provision of infrastructure to support low emission vehicles is welcomed.

As stated previously, the application site is situated in an areas designated as a Historic Park and Garden. As such, the requirements of Policies E19, E20 and CP20 need to be considered. I note that, as part of the pre-application pack, the applicant has submitted a Heritage Impact Assessment and a Heritage Assessment. Given the historic sensitivity of the site, the views of the Council's Conservation Officer would be welcomed.

The Council's Open Space Study indicates that the application site is situated on a bowling green and as such the requirements of Policy CP17, in particular criterion d. The applicant, in the Design and Access Statement, has already indicated that the bowling green has fallen into disrepair and that public access is restricted. Given that this application will generate a response from Sport England, I would suggest that a statement is prepared expanding on the information contained within the Design and Access Statement to satisfy the requirements of CP7(d). According to the Council's own Open Space Study, the application site falls within the central area of the City which has a deficit of open space. Even though the bowling green has not been used for some time, it is still classed as open space and, consequently, still contributes to the overall provision in the City.

A recent amendment to the NPPF requires all development to provide Biodiversity Net Gain. The applicant has highlighted, in the Design and Access Statement that any trees lost as a result of development will be replaced by native species, green roofs will be provided and that, in addition to each property having a private garden, a new landscaped communal area will be provided. All of these measures are welcomed but could further, small-scale interventions be provided such as providing bird or bat boxes?

Consideration should be given to the impact the proposal will have on the neighbouring properties. In this regard, Policy GD5 needs to be considered. It states that planning permission will only be granted for development where it provides a satisfactory level of amenity and provided that it would not cause unacceptable harm to the amenity of nearby areas. The policy lists the following which will be considered:

- a. Loss of privacy;
- b. Overbearing (massing) effect;
- c. Loss of sunlight and daylight;
- d. Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit;
- e. Air, water, noise and light pollution;
- f. Hazardous substances and industrial processes;

g. Traffic generation, access and car parking.

The applicant has already set out in the D & A Statement an analysis of the surrounding architectural styles and how this has informed the design of the new buildings. As the proposal evolves through the application process, the applicant is directed towards Policies CP3: Placemaking Principles which seeks to promote high quality design in all new development and CP4: Character and Context which requires that all new development makes a positive contribution towards the character, distinctiveness and identity of our neighbourhoods.

#### **Heritage Impacts and Design:**

The former bowls club at the Arboretum is historically an important piece of open space within the Arboretum registered park and garden (grade II\*). The adjacent Gate Lodge is also part of the listing. The Gardens Trust have commented on the proposals and its potential impacts on the significance of the listed parkland. Their comments are attached separately.

The Council's Conservation Officer has some concerns about the principle of developing the site for residential development. Any application should be in full rather than outline to be able to properly assess the impacts on the important heritage asset. In relation to the supporting documents, the heritage statement should include a plan of the various components of the site and additional photos. The Design and Access Statement should include an analysis of context and relating the narrative on proposals to any new design regarding scale & massing, height, layout, form, design detail and materials.

Due to the historical significance of the site and its setting, a high quality and exemplar sustainable development will be sought here and it is noted that sustainability principles are being incorporated into the scheme.

The proposals indicate that the design and form of the new dwellings would take a contemporary approach and in principle this could work successfully on this site, subject to suitable materials and elevation detailing. In terms of layout, the staggered siting of the two storey units would result in the northern dwellings having very small rear gardens which abut up to the neighbouring properties at 71-73 Rosehill Street, which appears to be occupied as a gym and car showroom. There also appears to be a group of mature trees along this boundary which could result in significant shading of these units.

The two storey dwellings could also be subject to noise disturbance from these adjacent properties on Rosehill Street, which are in commercial use and could impact on their living environment. A noise assessment would therefore be required to accompany any application to measure the noise impacts on the proposed dwellings.

In terms of amenity, subject to the provision of an appropriate level of private garden space and safeguarding residents from excess noise disturbance, a good quality of living environment can be achieved on this site. Whilst, it normally be expected that the units would front onto Rosehill Street to increase active frontage, it is accepted that the historic

context of the former bowling green lends itself a more inward looking layout, which retains the existing boundaries.

There are two car parking areas proposed in the north west and south west corners of the development which do not appear to be well overlooked by the new dwelling houses. The purpose of this additional parking is also not clearly set out in the submitted documents. It is noted that electric charging points are proposed for some of the spaces, however the location of these areas are secluded behind the houses with limited surveillance and they would both be vulnerable to abuse. The boundaries in these corners of the site would also be less secure. The need for this number of parking spaces for the 12 units is questionable if it is to be a highly sustainable development.

### **Highway Implications:**

The applicant/developer needs to consider the following in respect of any submitted application. For avoidance of doubt; the layout is not suited to adoption and subsequent maintenance at the public expense.

- Access Visibility
- Access width
- Pedestrian Access
- Drainage
- Materials
- Refuse & recycling collection.
- Layout and alignment.
- Advance Payments Code

The following observations are primarily made on the basis of information shown on submitted drawing “1192-CA-125”. Due to the confidential nature of pre-application consultations; these observations are made on the basis of the drawings submitted, and an ‘e-visit’ and have not been the subject of a detailed visit and measurements.

The site is served by an existing dropped footway crossing approximately 3.6m wide; the access is surfaced in a bituminous material which falls to the highway with no water trap.

Rose Hill Street is subject to a 30mph speed limit and has no parking restrictions in the immediate vicinity of the site. There are no recorded Road Traffic Collisions in the vicinity of the site.

- For avoidance of doubt the site layout would not be suitable for ‘adoption’.

Should the applicant/developer wish for the development to be adopted; it would need to be designed and constructed in accordance with details laid out in “Delivering Streets and Places” (DSP). It is likely that any suitable layout would require considerable alterations from that shown on the indicative plan.

- Access Visibility.

DSP advises that for a road with a 30mph speed limit; visibility splays of 43m should be achieved from a point 2.4m set-back from the kerb edge; this is measured to the nearside kerb edge, in accordance with details shown in fig 8.11b (page 64).

- Access Width.

The current access width is unsuited to shared use for residential purposes and could lead to conflict between entering and emerging vehicles. This would be of especial concern should an entering driver be forced to reverse back out into the highway.

It is essential therefore that any access is suitable for shared use. DSP Table 8.12 gives advice on access widths (although this generally only relates for up to 5 dwellings).

The Highway Authority would generally recommend that the shared private driveway be a minimum of 5.0m wide for the first 7.5m into the site (from the near edge of the highway footway) in order to permit vehicles to pass.

- Pedestrian Access.

The layout shown does not appear to make provision for pedestrian access; rather being reliant on the main highway access being a shared surface.

Given the stated aim of the development to be a “sustainable” development; it would be appropriate to ensure that there is a segregated pedestrian access into the site. Current highway standards require a 2m wide footway type of access; although as this will be a private development a lesser distance may be appropriate.

- Drainage.

As previously stated, the site falls to the highway. It is an offence under the Highways Act for a developer to permit water to wash out of a site onto the public highway. The applicant/developer would therefore need to put systems into place to prevent surface water egress.

- Materials

In order to prevent material being dragged out onto the highway by manoeuvring vehicles the site access will need to be constructed in a sealed (bituminous, blockwork (could be permeable for either) or concrete for example).

- Refuse and Recycling Collection.

As previously stated, the layout being proposed would be unsuited for adoption.

This in effect means that City Council refuse vehicles would be unlikely to enter the site; Manual for Streets 6.8.11 advises that BS 5906: 2005 provides guidance and recommendations on good practice. The standard advises on dealing with typical weekly waste and recommends that the distance over which containers are transported by

collectors should not normally exceed 15 m for two-wheeled containers, and 10 m for four-wheeled containers.

The applicant/developer would therefore need to designate a suitable refuse/recycling collection point, no more than (say) 15m back from the carriageway edge.

This does not preclude the applicant/developer from making arrangements for private refuse collections.

Moving on from this, the applicant/developer would also need to demonstrate via vehicle tracking that the turning head proposed is suitable for the largest vehicle which is likely to have regular access into the site.

For information the Council uses a "Phoenix 223 W" refuse vehicle", so vehicle tracking information should be provided using such a vehicle may be appropriate.

- Layout and alignment

The (90 degree) bend at the access to the site; may prove not to be negotiable by (for example) a fire tender.

Whilst not strictly a highways issue; I would be likely to recommend that the Local Planning Authority consult further with Derbyshire Fire & rescue in this respect, albeit this may fall under Building Regulations.

The applicant/developer may wish to provide suitable vehicle tracking to demonstrate that the site is accessible by these means.

I would also point out that the driver of any vehicle manoeuvring out of the plot closest to the bed would only be afforded minimal visibility of and for approaching vehicles; the applicant/developer may wish to give this further consideration; perhaps "handing" this particular unit.

- Advance Payments Code.

Due to the number of residential dwellings served, the Advanced Payments Code in the Highways Act 1980 applies; under section 219 of the Act; payment will be required from the owner of the land fronting a private street on which a new building is to be erected.

### **Public open space and Trees:**

Parks colleagues are supportive of the re-development of this area. They advise that the site has been the subject of constant anti-social behaviour and damage in the past and opening up this site would benefit not only the park but the surrounding area.

Their main concern is the boundary fence along the northern edge of the site that borders Arboretum Park. The current fence is in a poor state of repair and we would welcome the replacement of the fence to be conditioned if a full planning application comes forward. As part of this we would require removal of the shrubby vegetation along this boundary to open up the views through the fence into the park and from the park into the development to improve visibility and help to prevent future anti-social behaviour.

The provision of an area of private open space for the benefit of residents is welcomed provided it is usable and landscaped to a high standard, which enhances the quality of the living environment. There is also opportunity to make reference to the heritage significance of the former bowling green through the design and planting of this new open space. The retention of the tree groups along the perimeter of the site would also contribute to the character and landscape value of the open space.

The trees along the north and eastern boundaries of the site, make a significant contribution to the character and visual appearance of the Arboretum and it is important to retain these groups of trees, as much as possible. The main issues will be concerned with the trees along the northern boundary, which would be impacted by the development of the nearest houses and access road in this part of the site. The Council's Tree Officer will be providing comments on the proposals shortly and these will be sent through separately.

### **Flood Risk & Drainage:**

The Council's Land Drainage advise that the site is located within flood zone 1 according to the Council's SFRA and the Environment Agency Flood Maps. We would therefore have no objections to the development in principle in this location.

Due to the nature of the development a Flood Risk Assessment should be provided.

The development would be regarded as a major development as such a Sustainable Drainage System (SuDS) should be incorporated in the design.

Surface water discharge rates from the site should be engineered, to not drain to the local surface water sewerage at a rate greater than the equivalent greenfield (Qbar) rate or 5l/s, whichever is higher.

It will need to be confirmed who is responsible for maintaining the drainage systems, and how this is organised and funded for the life of the development.

Confirmation that, Severn Trent will accept the connection and discharge rates for foul and surface water, should be provided to support of the application.