

Item No. 1.6

Ref. No. [DMPA/2021/1264](#)

Valid date: 19/11/2021

Applicant: Martin Reid

Proposal: The creation of three public parking spaces from land utilised as amenity open space at Land between No 37 Linton Road and Bass's Crescent, Castle Gresley, Swadlincote, DE11 9HW

Ward: Linton

Reason for committee determination

The land is owned by South Derbyshire District Council and therefore the item cannot be delegated to Officers for decision.

Site Description

The land is situated to the north side of the commercial block of retail units and flats above to the south of Bass's Crescent. It is a roughly triangular piece of mown grass with no redeeming or notable features. There is a car park to the rear for residents, and staff within the shops, and provides some space for deliveries of goods, etc to the units.

It is clear that there has historically been some parking across the kerb on Bass's Crescent on the grassed area, and at the site visit there were two vehicles parked partly on this space. There is a small retaining wall at the front as the shops are at a slightly lower level. There is a public footpath which runs from Linton Road round the side of the building and runs to the south leading to Arthur Street.

The proposal

The proposal is to remove part of the existing grassed area immediately adjacent to the existing access to the existing car park, and provide an area of hard standing for an additional three car parking spaces to add to the available spaces for users of the existing car park to the rear of the commercial units and flats. The spaces would be surfaced in tarmac and edged with a typical kerb detail. There would be drainage provided to ensure there is no surface water run off, other than into the main drains. This is yet to be detailed.

Applicant's supporting information

The application has been made as the Council has installed some electric charging points within the existing car park to the rear of the commercial units and flats on Linton Road. This has resulted in the loss of some spaces for those residents and customers. These spaces effectively replace those lost for the public and residents.

Relevant planning history

No relevant planning history.

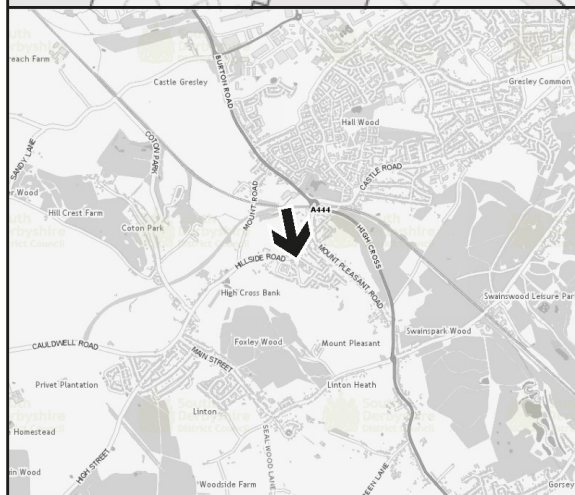
Responses to consultations and publicity

The [County Highway Authority](#) has no objection to the proposal.

The [Landscape Architect](#) has requested some additional planting with three native trees, to enhance the existing grassed area which is currently bare.

No other responses have been received.

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Castle Gresley, Swadlincote DE11 9HW**



**South
Derbyshire
District Council**

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Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

South Derbyshire Local Plan Part 1 2016 (LP1): Policy S1 Sustainable Growth Strategy; Policy S2 Presumption in Favour of Sustainable Development; Policy S6 Sustainable Access; Policy SD1 Amenity and Environmental Quality; Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure; Policy BNE1 Design Excellence; Policy INF2 Sustainable Transport and Policy INF9 Open Space, Sport and Recreation.

South Derbyshire Local Plan Part 2 2017 (LP2): SDT1 Settlement Boundaries and Development.

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the highway network.

Planning assessment

The effect of the proposal on the character and appearance of the area

The proposal would result in the loss of some of the existing public open amenity space in the vicinity of the site. This would result in some detrimental impact from the loss of seeing green space in a localised area which is quite urban. The size of the open space however means that its use is relatively limited and there is no evidence of it being used in terms of play, or public enjoyment. It does seem to be used at times for some overflow car parking with evidence of worn grass and vans parking over the pavement possibly due to lack of other parking spaces in the vicinity. The site is reasonably bare.

It has been identified that there is a strategic demand for additional spaces to assist in the area with off road parking. Although on the face of it, this would seem contrary to policy S6 which encourages a move away from use by the private car, there does seem to be a desire to seek a greater provision of off road parking for nearby residents and customers, based on local concerns regarding the provision of the electric charging points. Although the proposals may have a minor negative impact with regard to sustainable transport movements and encouraging a move away from the private car, this is considered to be outweighed by the identified desire and local need for more parking spaces.

The loss of open space is noted. Policy INF9 of the South Derbyshire Local Plan 2016 covers the assessment of proposals where informal open space is to be lost. Whilst there is a lack of informal open space within the area, it is considered that there are exceptional local circumstances in this instance which would allow for the strategic loss of some of this green space in the locality. It is considered that there would be some biodiversity improvements to the area with the provision of three additional native tree specimens within the remaining area of green space. These can be secured through the imposition of a condition. This would help reduce the visual impact of the increase in tarmacked space, and also help to reduce CO2 levels in the vicinity.

It is therefore concluded that, on balance, whilst there would be some conflict with policies S6 and INF9 of the South Derbyshire Local Plan Part 1 2016, the desire for the spaces meets the Council's strategic desire to provide additional public car parking spaces. The proposal therefore complies with other policies S1, S2, and BNE1 of the South Derbyshire Local Plan Part 1 2016.

The effect of the proposal on the highway network

The three car parking spaces are 5.5m in depth with some additional space to the rear, so this would be adequate to accommodate three cars. The main access from the car park onto Bass's Crescent would not be altered. It is considered appropriate that cars could exit the three spaces and leave in a forward gear.

It is concluded that the proposal would comply with policy INF2 of the South Derbyshire Local Plan and paragraphs 110, 111 and 112 of the NPPF.

Conclusions

It is concluded that the proposals are acceptable and it is recommended that planning permission be granted subject to the imposition of appropriate conditions.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

Approve subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with plans/documents ref;

Location Plan received 10th August 2021;
Block Plan received 22nd November 2021; and
supplementary emails received 14th December 2021.

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. Prior to the occupation of the car parking spaces, a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. This shall include the provision of three native tree specimens. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the spaces; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the local planning authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

4. No laying of services, or creation of hard surfaces shall commence until a scheme for the drainage of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in conformity with the approved details prior to the first use of the spaces served by the surface water drainage system.

Reason: To ensure that the site can be satisfactorily drained.