
Delegated report Officer: Richard McMichael

Application ref. DMPA/2021/1418

Change of use of public open space to residential garden land and erection of a fence at 35 Jubilee Park, Woodville, Swadlincote, DE11 7NZ

Valid date: 01/11/2021

Consults expired: 23/11/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

No relevant planning history.

Responses to consultations and publicity

Woodville Parish Council – No comments.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S2 (Presumption in Favour of Sustainable Development), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness)

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 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:

- Principle of development
- Impact on character of the area and neighbour amenity

Planning assessment

Principle of development

The proposal is to provide 35 Jubilee Park with a larger garden by changing the use of the land from public open space to domestic curtilage. The land in question would result in a relatively small extension to the existing rear garden. Policy BNE4 states that proposals will be expected to retain key valued landscape components, unless it can be demonstrated that the loss of features will not give rise to unacceptable effects on local landscape character. The neighbouring dwelling to the west, no. 1 Teasel Drive has its side boundary wall built up to the edge of the footpath, similar to that proposed,

and it is considered that this does not detrimentally impact on the character of the area. Therefore, given the relatively small footprint of the public open space, It being effectively unusable as recreational land given its small size, and its location in a relatively irrelevant part of the existing residential development, it is considered that the principle of development is acceptable.

Impact on character of the area and neighbour amenity

Policy SD1 states that proposals will be supported that do not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments. As with many large-scale residential developments, these small areas of green space are often overlooked and allowed to overgrow, with little to no maintenance, which is deemed to be the case with this area. Therefore, it's believed that the proposal would improve the appearance of this area. Subject to conditions withdrawing permitted development rights and requiring details of boundary treatments should be attached to any permission to ensure that the appearance of the boundary treatment is acceptable. The proposal is therefore considered to comply with SD1 of the Local Plan.

Recommendation

Approve with 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 made:	21/12/2021
Report agreed:	27/12/2021
Authorised officer:	Steffan Saunders
