

## Report of the Chief Executive

**18/00701/FUL  
CONSTRUCT ACCESS TO REAR OF 35 NOTTINGHAM ROAD FROM  
SPRING TERRACE  
35 NOTTINGHAM ROAD NUTHALL NOTTINGHAMSHIRE**

Councillor P J Owen has requested this application be determined by Planning Committee.

1 Details of the Application

- 1.1 This is a retrospective planning application for construction of an access driveway to the rear of number 35 Nottingham Road from Spring Terrace. Gates have also been submitted along with a hard standing area beyond which are considered to represent permitted development and therefore do not form part of this application.

2 Site and Surroundings

- 2.1 The application property is a two storey semi-detached dwelling set back from the main road of Nottingham Road, with a driveway to the front and garden located to the rear. Directly to the north west there is a private road, Spring Terrace, with open fields located beyond the rear garden to the north east.

View of Spring Terrace from  
Nottingham Road.



View looking along Spring Terrace.



Access and Gates.



Location of access driveway.



### 3 Relevant Planning History

- 3.1 83/00705/FUL – in 1983 planning permission was granted for the construction of a single storey extension to form a kitchen and garage.
- 3.2 88/00508/FUL - in 1988 planning permission was granted for the construction of an extension to form a garage with bedrooms over.

### 4 Policy Context

#### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) February 2019, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019 (NPPF), paragraph 143 advises inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 identifies engineering operations as appropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

#### 4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

**4.3 Saved Policy of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Local Plan Policy E8: Development in the Green Belt states that planning permission will not be permitted in the Green Belt except where it constitutes appropriate development.

**4.4 Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 10 representations in relation to policy 8 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did include a request that further modifications be undertaken to Policy 8 but not policy 17. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policy 17 can now be afforded moderate weight. Policy 8 should only be afforded limited weight.

4.4.2 Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the NPPF.

4.4.3 Policy 17 - Place-making, design and amenity states permission will be granted for development which meets a number of criteria including that it integrates into its surroundings

**4.5 Neighbourhood Plan**

4.5.1 The Nuthall Neighbourhood Plan was adopted on 13 December 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located.

**5 Consultations**

5.1 The County Council as the Highway Authority advise they have no observations to make in respect of the application.

5.2 12 neighbours were consulted on the application along with the posting of a site notice. During the course of the application 2 letters were received objecting on the following grounds:

- The use of private land to allow commercial vehicles on Spring Terrace;
- Residents not being given permission to develop the land in the past;
- Additional traffic generation along Spring Terrace;
- Highway safety.

## 6 Appraisal

- 6.1 The main issues relating to this application are whether or not the development constitutes appropriate development in the Green Belt, the impact on residential amenity and highway safety.

## 6.2 Green Belt

- 6.2.1 The site is accessed via an existing un-adopted access driveway Spring Terrace which is located off Nottingham Road. Along with providing access to the newly created access point into the rear garden of number 35 Nottingham Road, Spring Terrace also provides access for other properties located further along the driveway.
- 6.2.3 The access point is located approximately 25m from the junction of Nottingham Road and Spring Terrace. The land was previously grassed over and raised by approximately 200mm. The works carried out to create the access include the removal of land measuring 5m wide and 9m wide, and the removal of a section of existing hedgerow measuring 3.5m wide. A gravel surface has been laid to allow access for applicant to securely park his work vehicles behind a 1.84m high set of timber gates. A hard standing area has also been created behind the gates. It should be noted that due to the location of the gates, their overall height and the hard standing area, these works do not require planning permission and have been constructed under Permitted Development Rights.
- 6.2.4 Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019 (NPPF), paragraph 143 advises inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 identifies engineering operations as appropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 6.2.5 Given the small nature of the engineering operations carried out removing a section of grass verge, it is considered that the proposal would not significantly erode the open character of the Green Belt. It is therefore considered that the proposal is appropriate development within the Green Belt.

## 6.3 Residential Amenity

- 6.3.1 Objections have been received from local residents in respect of the applicant being allowed to create an access over the land and nobody in the past being allowed to plant flowers and shrubs. This is a private matter and not a material planning consideration. Historically, the land in question has not been in any ownership. The applicant has signed certificate C and served notice under the Town and Country Planning (Development Management Procedure) Order 2015 Notice Under Article 14 Application for Planning Permission and advertised the fact that planning permission has been applied for in the local paper. It is considered there has been no loss of amenity to neighbours due to the nature of the works.

## 6.4 Highway Safety

6.4.1 The driveway is accessed via a private un-adopted road known as Spring Terrace. The access point to the driveway is located approximately 25m from the junction of Spring Terrace and Nottingham Road. Spring Terrace is not a heavily trafficked road and only serves a small number of dwellings and provides access into a farmers field. There is also a small area located on Spring Terrace for parking. The County Council as the Highway Authority offer no observations on the application due to the location of the access point created away from the main road of Nottingham Road and the proposal having no significant impact on the highway network. There are no highway safety issues relating to this application.

## 7 Conclusion

- 7.1 The proposal is considered to represent appropriate development in the form of engineering operations in accordance with paragraph 146 of the NPPF. Due to the nature of the proposal, it is not considered the proposal will have significant detrimental impact upon the character or openness of the Green Belt and will not have a significant detrimental impact upon highway safety. There are no other issues which need to be considered as part of this application.
- 7.2 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following condition:**

**The development hereby permitted shall be retained in accordance with drawing numbers Site Location Plan 1: 1250, Access Gate Elevations and Block Plan received by the Local Planning Authority on the 19 December 2019.**

### **Reason**

**For the avoidance of doubt.**

### **Note to applicant**

**The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.**

Background papers  
Application case file