

22/00785/FUL

Applicant Mr D Skillington

Location Land North Of 18 Gladstone Avenue Gotham Nottinghamshire

Proposal Erection of 2 No. residential dwellings including associated landscaping and access works

Ward Gotham

Full details of the proposal can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application site comprises of a vacant rectangular parcel of land located on the west side of Gladstone Avenue in the village of Gotham. The site currently comprises of overgrown vegetation. The site is bounded by residential properties to the north and south, opposite the site to the east are two storey terraced properties, beyond the eastern boundary are the rear garden areas of detached bungalows located on Meadow End.
2. Access to the site is off Gladstone Avenue via East Street to the north. Gladstone Avenue has no through access or turning facility.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the erection of 2 no. two storey dwellings. The scheme proposes a pair of semi-detached dwellings positioned centrally within the site, with a driveway to each side providing 2 off-street car parking spaces per dwelling, and enclosed 11m deep garden areas to the rear. The front elevations of the proposed dwellings would be set back 2.5m from Gladstone Avenue, in line with the existing properties on the west side of Gladstone Avenue.
4. The scheme has been previously approved under application 21/01982/FUL. The current application seeks permission for the addition of two garages (one garage serving each dwelling) which would measure 3 metres in width and 6.4 metres in length. The proposed garages would have a pitched roof design with a ridge height of 4.5 metres dropping to 2.3 metres at the eaves.

SITE HISTORY

5. 89/01292 - Construct one bungalow. Refused.
6. 90/00296 - Erect one dormer bungalow. Approved.
7. 94/00350/OUT - Construct 2 detached two storey houses. Approved.
8. 98/00551/OUT - Construct 2 detached two storey houses. Approved.

9. 99/01094/FUL - Construct 3 detached two storey houses with integral garages. Withdrawn.
10. 01/00740/OUT - Construct 2 detached two storey houses (renewal of 98/00551). Approved.
11. 03/00788/REM - Construct 2 detached houses. Approved.
12. 08/00514/FUL - Construct 3 two storey houses (with accommodation in roof space). Approved. Whilst some representations received from local residents in respect of the current application suggest that development commenced before being abandoned, the agent has not submitted any evidence with the current application that this previous permission was implemented.
13. 20/030303/FUL - 3 dwellings with associated garages and off road parking. Refused.
14. 21/01982/FUL - Proposed residential development for 2 dwellings with associated off road parking (Resubmission of 20/03030/FUL) (Permitted). The dwellings have been partially erected.

SITE CONSTRAINTS

15. The village of Gotham is now inset from the Green Belt.
16. The application site is a 'recommended housing site' on the Gotham Neighbourhood Plan.

REPRESENTATIONS

Ward Councillor(s)

17. Cllr R Walker objects to the application as this application replicates the parking provision proposed in application 20/03030/FUL which was refused, in part, due to the inadequate parking arrangements. Maintains the
18. objections, upheld at committee, for the same reasons as before.

Town/Parish Council

19. Gotham Parish Council have no formal objections, but comments that the addition of one single garage to each property fails to improve the situation regarding vehicular ingress and exit from the properties and reduces the expected worsening of on-street parking for surrounding properties

Statutory and Other Consultees

20. NCC Highways - Does not object to the application but recommends the below condition:
 - a) The development shall not be occupied until the vehicular crossovers and footway in front of the site been constructed to Nottinghamshire Highway Authority specification and to the approval of the Local

Planning Authority.

Reason: In the interest of highway safety

Informative:

For these works to be carried out to the satisfaction of the Highway Authority. You are required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk

Local Residents and the General Public

21. Five neighbouring properties have objected to the application, these comments are summarised below:
- a) Out of character for the area as no other properties have garages
 - b) Proposed garages will decrease parking provision and create exacerbate parking issues on Gladstone Avenue
 - c) The proposed garage could be converted into extra living accommodation, reducing parking provision further
 - d) Dropped kerbs have been implemented, but they are not in accordance with previous plans
 - e) Concerns regarding possibility of the dwellings being further extended in the future
 - f) Concerns regarding proposed garage size not being able to fit modern car
 - g) Concerns regarding creating further bedrooms within the dwelling

PLANNING POLICY

22. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009). The Gotham Neighbourhood Plan (2017) is also a material consideration in this instance.

Relevant National Planning Policies and Guidance

23. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
- Chapter 2 - Achieving Sustainable Development
 - Chapter 9 - Promoting Sustainable Travel
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

A copy of the National Planning Policy Framework 2021 can be found [here](#)
A copy of the Planning Practice Guidance can be found [here](#)

Relevant Local Planning Policies and Guidance

24. The following policies within LPP1 are of relevance:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 17 - Biodiversity

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

25. The following policies of LPP2 are of relevance:

- Policy 1 - Development Requirements
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 40 - Pollution and Land Contamination
- Policy 41 - Air Quality

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

26. The Gotham Neighbourhood Plan was adopted in 2017, it sets out to protect and conserve the environment of the village, as well as allow sustainable development. Policy H1 sets out sites the Neighbourhood Plan will recommend allocating for housing in any future review of the Neighbourhood Plan or Local Plan. The application site is identified as Site GOT 09 Land at Gladstone Avenue, a 'recommended housing site'. Policy H2 Design Briefs proposes design briefs for the housing sites. It is understood that a Design Brief has not been prepared for GOT 09 Land and Gladstone Avenue.

A copy of The Gotham Neighbourhood Plan (2017) can be found [here](#)

27. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that "Infill development should respect the existing massing, building form and heights of buildings within their immediate locality". It also provides guidance on garden sizes for new dwellings.

A copy of the Rushcliffe Residential Design Guide can be found [here](#)

APPRAISAL

28. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

29. The main material planning considerations in the determination of this planning application are:
- a) Principle of development
 - b) The impact on the character of the area
 - c) The impact on highways and parking
 - d) The impact on residential amenity
 - e) Sustainability

Principal of development

30. The settlement of Gotham is no longer washed over by the Green Belt, but inset. Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy, sets out the settlement hierarchy for residential development across the Borough. Gotham is not one of the settlements specifically identified for housing growth, and therefore falls into paragraph b) viii) 'other villages solely to meet local housing need'.
31. Officers note that principal of the erection of 2 dwellings has been established under the previously approved scheme 21/01982/FUL, which granted permission for the erection of 2 dwellings which have been partially built.

Impact on highways and parking

32. The application site would be accessed off Gladstone Avenue, via East Street to the north. Gladstone Avenue is narrow (approx. 4.6m in width) with no through route or turning facility. Due to the terraced nature of properties, few have off-street car parking to the front resulting in high levels of on-street car parking, although some properties on the east side of the road appear to have parking accessed off Wallace Street. At the time of the Officer's site visit, cars were parked along the eastern side of Gladstone Avenue. Cars exiting Gladstone Avenue are required to reverse northwards onto East Street.
33. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
34. The previously approved scheme, reference 21/01982/FUL, proposed the provision of 2 off-street car parking spaces for each dwelling which includes a tandem driveway. Consultation was carried out with NCC Highways under the previous scheme and a swept path analysis was provided to demonstrate that vehicles would be able to access and egress the properties even when on-street car parking was occurring on the opposite side of Gladstone Avenue. NCC Highways were satisfied that any previous concerns that they raised had been addressed. A condition was attached to the previous permission that ensured the driveways are kept free from obstruction, and retained for the parking of vehicles, for the lifetime of the development.
35. The current proposal seeks the addition of a garage for each dwelling, located on the proposed driveway for the previously approved scheme (21/01982/FUL). The proposed garages would be attached to the outer side

elevation of each dwelling, and would measure 3 metres in width and 6.4 metres in length. The proposed garages would have a pitched roof design with a ridge height of 4.5 metres dropping to 2.3 metres at the eaves.

36. The NCC Highways design guide states that dwellings that include 2-3 bedrooms should provide 2 off-street car parking spaces. The guide also sets out the minimum requirements for garage sizes, with 3 metres x 6 meters being acceptable for single garages. The proposed development would accord with the design guide as 2 off-street parking spaces would be retained and the garage would meet the internal dimensions specified in the design guide.
37. Further to this, officers note that permitted development rights for Schedule 2, Part 1, Class A (extensions) and Class E (outbuildings) remained in-tact. As such, a garage could be erected on the site under permitted development regulations once the dwellings have been erected. Whilst the previously approved scheme did include a condition stating the driveway could not be obstructed, it is considered that the proposal would not be at odds with this condition as the addition of a garage would still allow for a car parking space.
38. Concerns from the ward member and neighbouring properties regarding the impacts to parking along Gladstone Avenue are noted by Officers. However, the parking provision proposed under the current scheme is the same level as the previously approved scheme. Officers do appreciate that a garage could be later converted into a habitable space. In order to address these concerns, officers consider it pertinent to apply conditions if permission were forthcoming to ensure the garage can only be used for the parking of a vehicle and restricting permitted development rights for the conversion of the garage to living accommodation.
39. Due to the narrow nature of Gladstone Avenue, and the constraints of the site, officers also consider it necessary to condition the submission of a 'Construction Management Plan' prior to works commencing on site. The Management Plan would be expected to include details of the means of access for construction traffic; parking provision; the loading and unloading of materials; the storage of plant and materials; and the hours of operation.

Impact on the character of the area

40. The surrounding area is residential in nature, characterised by a mix of two storey terraced and semi-detached dwellings along Gladstone Avenue, some having accommodation in the roof served by dormer windows. Detached bungalows are located to the west off Meadow End. The application site occupies an existing gap within the street frontage between 8 and 18 Gladstone Avenue (No's 10, 12, 14 and 16 Gladstone Avenue are absent). The proposed pair of two storey dwellings would infill this existing gap and create an active street frontage.
41. The proposed ridge height of the dwellings would measure 8.2m (which is the same as the previously approved scheme) and would be marginally higher than the flanking properties (200mm higher than no. 18 and 400mm higher than no.8). The proposed eaves height of the dwelling would be the same as no.8. As a result, the scale and proportions of the proposed dwellings would not therefore appear out of character with, or be harmful to the street scene.

42. The proposal would also include the erection of single storey garages on either. Officers note the concerns from the neighbouring properties regarding the impact to the character of the area due to the proposed garage additions. Whilst there is a uniformity within the properties along Gladstone Avenue, other properties within the general vicinity (including along East Street and Meadow End) include detached and attached garages.
43. The garages would retain a gap (albeit smaller), between neighbouring properties No.8 and No. 18. Due to the modest scale of the proposed garages, the retention of a gap between the properties and the fact that surrounding properties in the general vicinity, officers consider that the proposed garages would not cause undue harm to the character of the area.
44. Further to this, as mentioned above, the previously approved scheme did not remove permitted development rights for the erection of extensions or outbuildings. As such, if the previous scheme was implanted and completed further additions, including the addition of an attached garage extension in this location, could be erected without the requirement for express planning permission. Officers consider this to be a material consideration of the proposal and, as such, weight has been applied to this.
45. The materials proposed are red brick and slate roof tiles which would be in keeping with the character of the area, as these materials are feature heavily along Gladstone Avenue.
46. As such, officers consider that the proposed amendments would not cause undue harm to the character of the area.

Impact on residential amenity

47. In terms of impact to residential amenity, the application proposes the addition of two garages to a scheme previously approved under reference 21/01982/FUL. As such, the assessment will cover the impact on residential amenity from the proposed garage additions.
48. The garage relating to Plot 1 would be positioned on the southern side elevation and would be positioned 1.2 metres from the site southern site boundary, shared with No. 18 Gladstone Avenue. No. 18 Gladstone Avenue is set back from the southern boundary by approx. 2.4 metres. Due to the siting and location of the proposed garages, along with the modest scale, officers consider that the proposed garage additions would not cause undue harm to the neighbouring properties to the south of the site.
49. The garage serving plot 2 would be positioned on the northern side elevation and would be positioned 1 meter (at its closest point) from this boundary, which is shared with No. 8. The side elevation of No.8 flanks the application site, and the proposed garage would partially infill the gap between the proposed dwellings and No.8. However, due to the modest height of the proposed garage and the fact that a gap will still be retained between the properties, it is considered that the proposal would not cause undue impact to properties to the north (including No.8) in terms of overlooking, overshadowing or overbearing.

50. There is an opening proposed in the rear (west) elevation of both garages. The proposed garage would be positioned approx. 11 metres from the western boundary, which is shared with properties along meadow End. Due to this separation distance of the garages, it is considered that the proposal would not cause undue harm to neighbouring properties along Meadow End in terms of overlooking, overshadowing and overbearing.
51. Therefore, taking the above information into account, officers are of the view that the proposed alterations would not have a detrimental impact upon the residential amenity of the adjoining properties.

Sustainability

52. In order to promote sustainable development and construction, conditions are proposed which would require the dwellings to be constructed so as to limit the water consumption of each property to no more than 110 litres per person per day, and require the installation of electric vehicle charging points at each property.

Conclusion

53. The proposal would be visually acceptable, would not impact on residential amenity and would not be harmful to highway safety. There would also be no adverse impact on the character and appearance of the area. As set out above, the proposal was also considered acceptable and granted planning permission previously. Since the granting of that permission there has been no significant change in planning policy that would justify a variance to that earlier recommendation, which is a material planning consideration. Accordingly, the proposed development is considered to conform with the objectives of policies within the LPP1, the LPP2 and the Design Guide. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- VED644 02 REV F – Proposed Elevations and Floor Plans
- VED644 01 REV E – Site Location Plan
- VED644 03 REV B – Proposed Site Layout

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and

Planning Policies].

3. The approved boundary treatment and hard landscaping, referenced in the submitted plan VED644 03 REV B Site Layout Plan, shall be installed prior to the dwellings being occupied. The approved soft landscaping shall be planted during the first planting season following occupation of the dwellings.

[To ensure that the amenities of future and surrounding occupiers are protected, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The dwellings must not be brought into use until the run-off limitation measures have been installed in accordance with the details provided within VED644 03 REV B.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the access driveways have been provided and surfaced in a bound material (not loose gravel), which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained as such for the life of the development.

[In the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

6. The dwellings shall not be occupied until a dropped vehicular footway crossing has been provided along the whole of the site frontage, in accordance with the Highway Authority's specifications.

[In the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

7. The off-street car parking spaces (including the garages), as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and kept free from all other obstructions, for the life of the development. The garages shall not be used for any purpose that would prohibit the parking of a vehicle.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

8. The dwellings hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point for each dwelling has been submitted to and approved by the Borough Council. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, each dwelling shall

not be occupied until it has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure that the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The residential dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. This development shall be constructed in accordance with the Construction Method Statement (CMS) received on 8 February 2022, as discharged under application 21/03006/DISCON.

[To ensure that the site is developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from any unacceptable levels of overlooking and/or loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

12. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the proposed garages shall be retained as parking spaces and not converted into living accommodation. There shall be no external alteration (including insertion of windows and doors) within any part of the garages hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

Condition 11 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website.