

Report of the Chief Executive

17/00802/ADV
RETAIN 10 FLAGPOLES
EVANS HALSHAW, NOTTINGHAM ROAD, ATTENBOROUGH, NG9 6DQ

Councillor L Fletcher has requested this application be determined by the Committee.

1 Details of the Application

- 1.1 The application seeks permission to retain ten flagpoles. Five flagpoles are displayed alongside, or close to, the boundary with Nottingham Road. Five flagpoles are displayed within the site. The flagpoles have a height of 4.63m. The rectangular flags displayed on the flagpoles measure 2.1m by 1m and are used to display a variety of advertisements associated with the car sales business.
- 1.2 During the course of the application, amended plans were submitted which reduced the number of flagpoles from fourteen to ten.

2 Site and Surroundings

- 2.1 The site is a car dealership which includes a car showroom, external car display areas, a vehicle repair and servicing garage and a wash and valet bay. There are two vehicular entrances into the site, one from Ranson Road and one from Nottingham Road. There is low level planting alongside the boundary with Nottingham Road.
- 2.2 To the north of the site, beyond Ranson Road, lies a residential area. To the north west of the site, there is a manufacturing business. Beyond the west boundary of the site, lies a supermarket. To the south, beyond Nottingham Road, there are various businesses including a car garage and an accountancy office. To the east, there is the office of a construction company.



3 Relevant planning history

- 3.1 Planning permission was granted to construct a car showroom and vehicle servicing facilities on the site in 1999 (98/00742/FUL). Condition 11 of the planning permission stated "There shall be no flags, bunting or similar display material erected on the sites without the prior written approval of the Local Planning Authority." The reason for the condition was "To ensure the development presents a more pleasant appearance in the locality".
- 3.2 There have been various applications relating to the display of advertisements and replacement fascia signs on the site. In 2007, advertisement consent was refused for ten flagpoles (07/00720/ADV) due to the cumulative effect of the proposals which would lead to a proliferation of advertisements and an unacceptable degree of visual clutter which would be detrimental to public amenity and the appearance of the area. The flagpoles were 8m in height with each flag measuring 1.8m x 0.8m. The most recent application (16/00445/ADV) related to the granting of advertisement consent for the display of three illuminated fascia signs, four illuminated signs and four non illuminated signs on the showroom and vehicle servicing buildings.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay.
- 4.1.2 Paragraph 67 of the National Planning Policy Framework states that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of architectural, cultural or similar interest. Public safety relates to whether the advertisement will cause an obstruction or distraction to road users.

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 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council’s Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.3.2 Policy 18 ‘Shopfronts, signage and security measures’ states that proposals for signage will be granted consent provided that they relate well to the design of the building concerned; are in keeping with the frontage as a whole; and respect the character of the area.

4.4 Neighbourhood Plan

4.4.1 The Chetwynd: The Toton & Chilwell Neighbourhood Forum are currently in the process of preparing a Neighbourhood Plan. The application site falls within their designated plan area.

5 Consultations

5.1 19 letters of consultation were sent to occupiers of properties either adjoining or opposite the site. In respect of the original plans, one letter stating no objection and two letters of objection were received. Following the submission of an amended plan, three letters of objection were received.

5.2 The following issues are raised within the objections:

- The flags have been displayed for some time which is contrary to condition 11 of the original planning permission (98/00742/FUL) which required the written approval of the Local Planning Authority prior to flags being erected. Compliance with the planning permission has not been taken seriously.
- The flags shown within the application do not reflect the variety of flags displayed.
- To erect more flags will make the site look like a circus and there is no need for this number of flags.
- The applicant fails to comply with the conditions of the existing planning permissions. Car parking spaces are not provided in accordance with the original planning permission resulting in staff parking on Ranson Road. Car transporters still regularly load and unload on Ranson Road. There is loud music from the car garage.

6 Appraisal

6.1 In accordance with the National Planning Policy Framework, the advertisements should only be assessed in the interests of public safety and amenity.

6.2 In respect of public safety, the flagpoles are set in from the highway boundary. The flags do not cause an obstruction to either vehicles or pedestrians, they are clearly different in form and appearance to road signs and are not illuminated.

Therefore, it is considered that they do not cause a distraction to drivers and do not cause an obstruction.

- 6.3 In respect of amenity, Nottingham Road is more commercial in character with a number of businesses to the east, south and west. To the north of Ranson Road the area is predominantly residential. Advertisement consent has been granted at AJW Motors, which lies directly to the south of the site, to display four flags (17/00641/ADV) and at NK Motors, to the south east of the site, to display twelve flags (16/00795/ADV).
- 6.4 The neighbour objections raise concerns regarding the number of flagpoles and whether there is a need for this amount. Reference must also be made to a previous refusal in 2007 for ten flagpoles on the site. During the course of the application, the number of flagpoles proposed to be retained has been reduced from fourteen to ten. The flagpoles are positioned either close to the boundary with Nottingham Road or set within the main site. No flagpoles are positioned close to either the northern or eastern boundaries with Ranson Road. As referred to above, a number of other businesses within the vicinity have similar flags displayed, with the two examples above both having received consent post 2007. Whilst ten flagpoles is a significant number, taking into consideration the large size of the site, it is considered that the flagpoles are appropriately distributed to prevent a cluttered appearance. The flagpoles are significantly smaller than those refused in 2007, with a maximum height of 4.63m compared to 8m which prevents them being overly prominent or dominant within the site. The content of the flags may vary but the size and positioning of the flags would have to stay in accordance with the submitted plans. Due to the commercial character of this section of Nottingham Road, it is considered that the flagpoles would not adversely affect the visual amenity of the area.
- 6.5 The neighbour objection letters also raise concerns regarding a breach of conditions attached to previous planning permissions. The display of flags is contrary to condition 11 of the original planning permission but the applicant is attempting to regularise this breach through this application. Issues relating to car transporters and car parking are not matters for this application which relates to advertisement consent but are planning enforcement issues which have been investigated. The complaint regarding loud music from the car garage has been referred to the Council's Environmental Health Department.

7 Conclusion

- 7.1 Overall, following the submission of an amended plan, it is considered that the flagpoles do not cause a public safety danger and are not harmful to the amenity of the area.

Recommendation

The Committee is asked to RESOLVE that consent be granted subject to the following conditions:

- 1. (a) Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the**

reasonable satisfaction of the Local Planning Authority.

- (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
 - (c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
 - (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
2. The development hereby permitted shall remain in accordance with the Site Location Plan received by the Local Planning Authority on 20th November 2017 and the photograph showing flagpole dimensions and the amended flagpole position drawing received by the Local Planning Authority on 10th April 2018.

Reasons

- 1. In the interests of amenity and public safety.
- 2. For the avoidance of doubt.

Note to Applicant

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans.

Background papers
Application case file

