

Report of the Chief Executive**APPEAL DECISION**

Reference number: 17/00802/ADV
Proposal: Retain 10 flagpoles

Site address: Evans Halshaw Nottingham Road Attenborough
NG9 6DQ

Applicant: Mr Nathan Sawbridge

APPEAL ALLOWED

The application was refused consent by the Planning Committee because the flags were considered to be visual clutter which would harm the visual amenity of the area and would be a distraction to motorists.

The Inspector considered the main issues to be the effect of the advertisements on the visual amenity of the area and public safety.

The Inspector considered the advertisements would not appear dominant in the context of a commercial area. Although there are other flagpole mounted advertisements on the opposite side of the street, Nottingham Road is wide and the flags would be well spaced apart and dispersed across the appeal site. The cumulative effect of advertisements would not therefore result in unacceptable visual clutter.

The residential properties along Ranson Road were considered to be some distance away from the site and therefore the flagpoles would not result in visual harm when viewed from these properties.

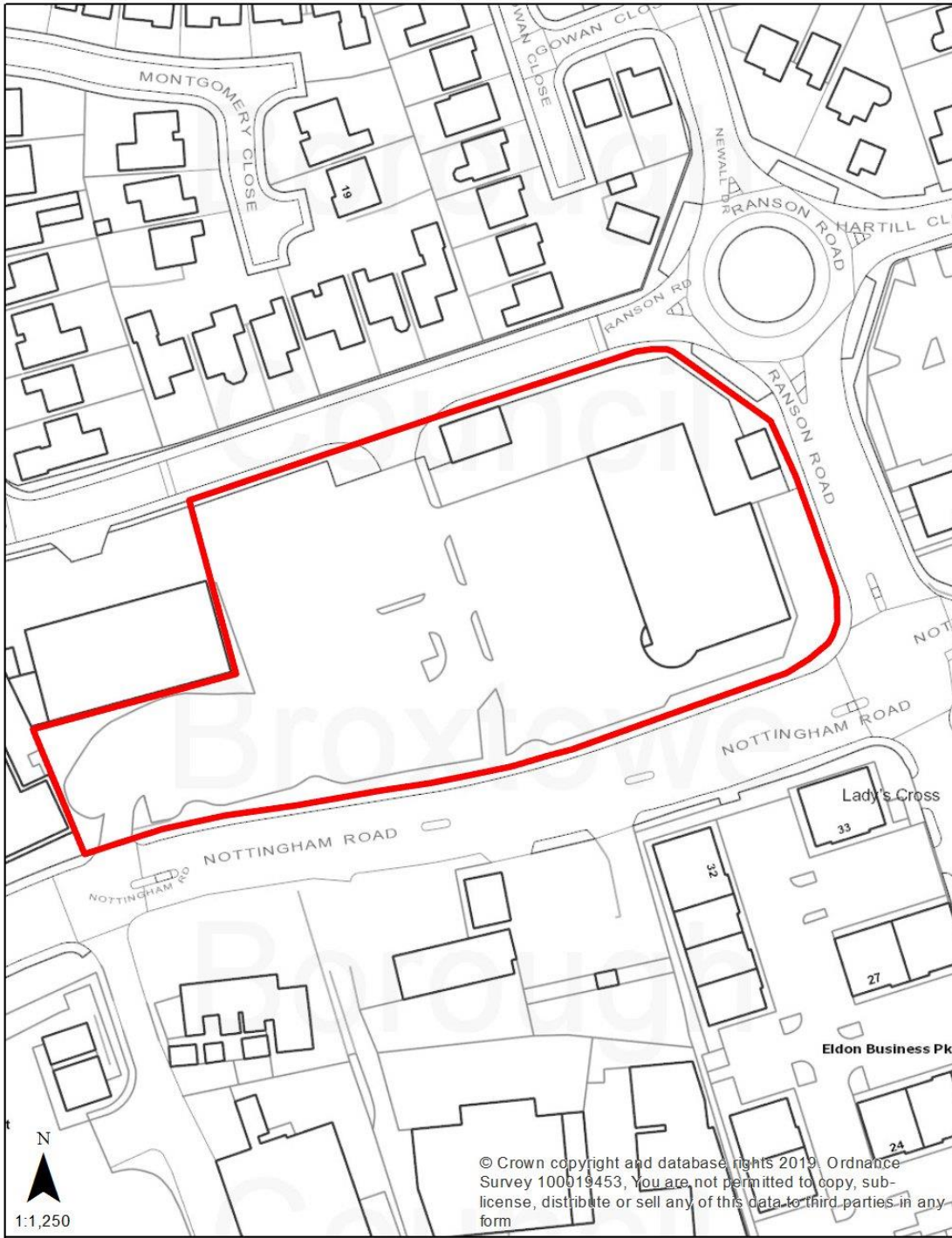
In regards to public safety, the advertisements are set in from the highway and are behind low-level planting. The Inspector considered that due to the relatively low height of the flagpoles, modest proportions and dispersed siting, the flags would not cause any significant distraction to road users and would not have a harmful effect on public safety.

COSTS REFUSED

The Inspector concluded that the reason for the refusal to grant consent was complete, precise, specific and relevant to the application.

Members placed weight upon the potential impact of the flagpoles on visual amenity. Minutes from the Committee meeting show visual amenity and public safety issues were considered and a site visit was held prior to the meeting. The Council properly evaluated the application and came to a balanced planning judgement on the merits of the scheme.

The Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense was not demonstrated, and an award of costs was not justified.



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Legend

 Site

Reference Number : **17/00837/FUL**
Applicant/Agent : **Mr B Hayer**
Site Address : **72 Mansfield Road, Brinsley, NG16 5AE**
Proposal : **Proposed Dwelling**

APPEAL DISMISSED

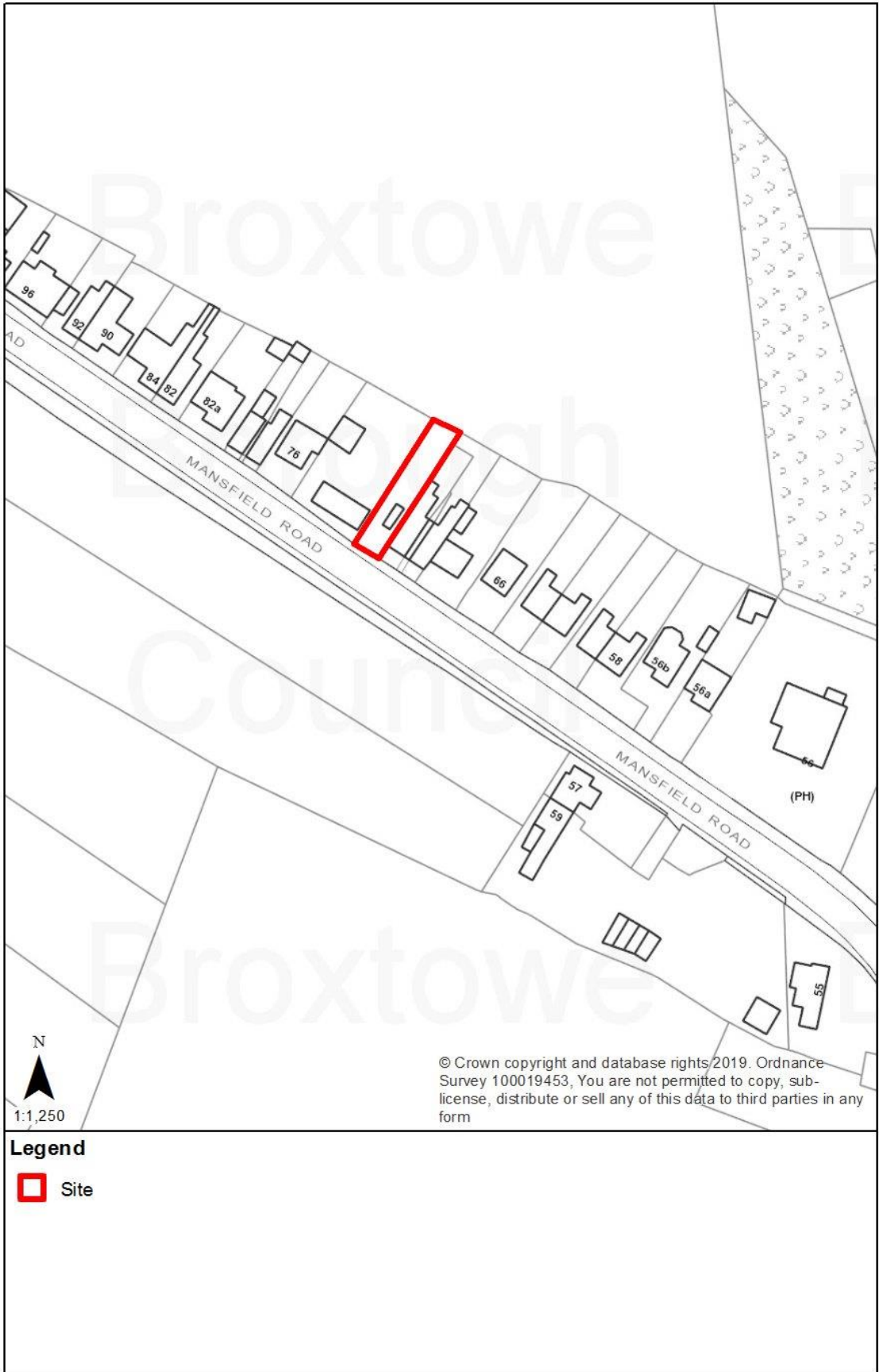
The application sought planning permission to construct a two bedroom house. The application was refused under delegated powers on 24 May 2017 for the following reasons:

1. The proposed dwelling by reason of its design, specifically its principal elevation and fenestration, would be out of keeping with the character and appearance of the street scene to the detriment of the visual amenity of the locality. The proposed scheme is therefore considered to be contrary to the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014), and Policy 17 of the Broxtowe Part 2 Local Plan (2017 Publication Version), and there are no other material considerations of compelling weight that would justify treating the proposal as an exception to these policies.

2. The proposed dwelling, due to its scale and siting of the built form and associated parking provision in close proximity to the boundary with 74 Mansfield Road, would result in an overbearing impact and unacceptable loss of amenity for the occupiers of this property. Accordingly, the proposal is considered to be contrary to the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014), and Policy 17 of the Broxtowe Part 2 Local Plan (2017 Publication Version), and there are no other material considerations of compelling weight that would justify treating the proposal as an exception to these policies.

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupants at 74 Mansfield Road. He concluded that design would be in stark contrast to the simple, traditional form of the surrounding dwellings and that it would fail to reference any surrounding building in scale, shape or detailing. The proposed dwelling would therefore harm the character and appearance of the area. With regards to amenity, he considered the scale of development would form a significant and imposing presence when viewed both from within the property and the neighbouring rear garden. The sense of space and openness for the occupiers of number 74 would be seriously impaired, resulting in a harmful sense of enclosure for neighbouring occupants.

The Inspector concluded that the proposal would result in conflict with the development plan which is not outweighed by other material considerations and therefore the appeal was dismissed.



Reference Number : **18/00441/FUL**
Applicant/Agent : **Kerching Amusements**
Site Address : **62 Nottingham Road, Eastwood, Nottinghamshire**
Proposal : **Change of use from retail (Class A1) to an adult gaming centre (sui generis)**

APPEAL ALLOWED

The application sought planning permission to change the use from a retail unit (A1) to an adult gaming centre (sui generis). The application was refused by Planning Committee on 12 September 2018 for the following reason:

The proposal by virtue of its nature, would add to the concentration of non-A1 retail uses in the Eastwood town centre Primary Shopping Frontages. Accordingly the loss of a further A1 use would have a detrimental impact upon the vitality and viability of Eastwood Town Centre. The proposed development therefore would be contrary to the aims of Saved Policy S4 of the Broxtowe Local Plan 2004 and Policy 6 of the Adopted Core Strategy 2014 and there are no material considerations that would justify taking a decision at variance to these policies.

The Inspector considered that the main issue in the determination of the appeal was the effect of the proposal on the vitality and viability of Eastwood Town Centre. The Inspector advised that it was observed during a site visit that Eastwood Town Centre was an established high street providing a full range of goods and services to the public and with retail uses spread along its whole length. It was acknowledged by the Inspector that the retail market has changed significantly in recent years with the introduction of internet shopping and, even in primary shopping areas, there has been a move toward a greater variety of operators catering to different needs. Whilst it is clearly legitimate for the Council to identify a level of retail provision below which harm to the shopping function of a street might take place, this also needs to be considered in the context of the current nature of retail activity.

The Inspector concluded that the proposed change of use would preserve the vitality and viability of Eastwood Town Centre, and would accord with the objectives of Policy 6 of the Aligned Core Strategy and the National Planning Policy Framework to promote growth and diversification of town centres. The appeal was allowed.

