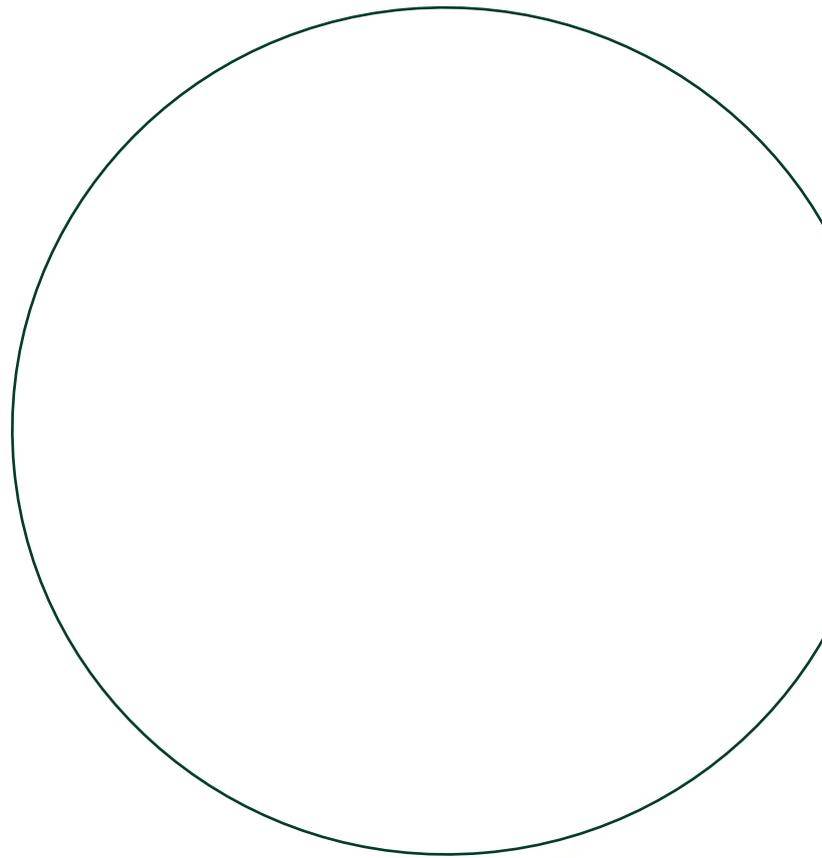




Draft Supplementary Planning Guidance Note

No.16 Advertisements



Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

Planning policies: the Flintshire context

The Development Plan

Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations over the period up to 2015.

The need for Supplementary Planning Guidance

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages www.flintshire.gov.uk/planning

The status of Supplementary Planning Guidance

Supplementary planning guidance can be taken into account as a material consideration in the decision making process. The National Assembly will give substantial weight to SPG which derives out of and is consistent with the development plan. In accordance with National Assembly advice the Council's suite of SPG's has been the subject of public consultation and Council resolution. The draft of this SPG was approved for public consultation on _____ (Council Minute no.). The SPG was the subject of a public consultation exercise between _____ and _____. The X comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on _____ (Council Minute no.) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Council's response is set out in Appendix X.

This document should therefore be afforded considerable weight as a material planning consideration.

No.16 Advertisements

1 - Introduction

1.1 - This document is one of a series of Supplementary Guidance Notes (SPG) which has been prepared to provide guidance on the policies in the adopted Unitary Development Plan. Upon completion of a public consultation exercise and adoption by the Council, the SPG will be a material consideration in the determination of planning applications and appeals.

1.2 - The purpose of this SPG is to provide guidance on the complex issue of Advertisement Consent and has been prepared in accordance with guidance contained in Planning Policy Wales Edition 6 and Technical Advice Note 7 (Outdoor Advertisement Control). However, it is unable to cover all aspects of this topic and advice should be sought from the Planning Section at Flintshire County Council prior to the erection of any advertisement. (For further advice contact Planning Development Management, see contact details on page 12 at the end of this note)

2 - Background

2.1 - An advertisement is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

“any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”

2.2 - The system of advertisement control in England and Wales is embodied in the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended) made under Section 220 of the Town and Country Planning Act 1990, although the same basic system has been in force since 1947 under earlier legislation and regulations.

2.3 - As noted above this is a complex area and when looking to display an advertisement reference should be made the three groups as detailed below:

Groups of advertisement

1. Advertisements excluded from control – 10 classes of which can be displayed without the Local Planning Authority’s (LPA) consent
2. Advertisements which have Deemed Consent – 14 classes of which can be displayed if they meet the criteria set out in Part II of Regulation 6.
3. Express Consent – All advertisements which do not fall under or meet the conditions and limitations of the above categories need consent.

(A list of the above classes is provided in Appendix 1 together with links to the relevant legislation and guidance see page 11 and 12)

2.4 - All outdoor advertisements must comply with five 'standard conditions' within the regulations, which are:

- Be kept clean and tidy
- Be kept in a safe condition
- Have the permission of the owner of the site on which they are displayed (including the Highway Authority if on highway land)
- Not obscure or hinder the interpretation of, official road, rail, waterway or aircraft sign or otherwise make hazardous the use of these type of transport
- Be removed carefully where so required by the planning authority

2.5 - It should be noted that under the Regulations, it is a criminal offence to display advertisements without the necessary consent. (For further advice contact Planning Development Management, see contact details on page 12 at the end of this note)

Policy Context

2.6 - This SPG sets out the broad policy guidelines to be used by the Council when looking at the control of advertisements within Flintshire. However, it does not relate to traffic signs (including brown and white signs) erected on highway land which are dealt with by the Council's Highway Authority.

2.7 - Planning Policy Wales (PPW), Edition 7 produced in July 2014 reiterates the requirements of the Regulations in that LPA's can only evaluate Advertisements applications in terms of public safety and amenity and states:

2.8 - "The test in assessing an advertisement's impact on public safety is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety." (Paragraph 3.5.1)

2.9 - "The test in considering an advertisement's impact on amenity is whether it will adversely affect the appearance of the building, or of the immediate neighbourhood, where it is to be displayed..." (Paragraph 3.5.2)

2.10 - Advertisements can make a positive contribution to the street scene providing they are of an appropriate scale and design for the location they are in. On the other hand inappropriate design, size, style and illumination can have a detrimental impact on the amenity of an area particularly in the rural landscape and a proliferation of signage can cause clutter and confusion in both urban/built up locations. In granting express consent the LPA cannot consider the content of any advertisement.

2.11 - The landowners consent is required in order to display an advertisement and PPW refers to the Highway Act 1980 (section 132) which states:

2.12 - "No advertisement sign should be displayed without the consent of the landowner, and it is an offence to erect or paint signs on any part of a public highway. Unless applicants are able to demonstrate prior highway authority authorisation for the proposed sign(s), then applications to display advertisements on (or overhanging) highway land should be refused automatically." (Paragraph 3.5.3)

2.13 - Further advice on how Welsh LPAs should exercise their control of advertisement powers is given in Welsh Government Technical Advice Note 7 (TAN7) of 1996, which is taken into account in the guidance contained in this LPG.

2.14 - The Flintshire Unitary Development Plan (UDP) contains one specific policy on advertisements namely D7 Outdoor Advertisements. In addition, policies STR9 Welsh Language and Culture, HE1 Development Affecting Conservation Areas and S2 Shop Front Design have some relevance, all of these policies are produced in full in Appendix 2.

2.15 - In line with Welsh Government guidance in Technical Advice Note 20 and Planning Policy Wales (PPW) the Council encourages and supports the use of bilingual signs. Signs can have a very visual impact on the character of an area and in facilitating bi-lingual signage it demonstrates a commitment to and respect of the county's Welsh culture ensuring all members of the community are catered for. The use of such signs helps to preserve the future wellbeing of the Welsh language within the county and recognises the distinctive culture of Wales.

Design

2.16 - A balance has to be struck between protecting areas of visual/heritage significance on the one hand and the importance of advertisements to the economy on the other, and it has to be acknowledged that original designs or new display techniques should not be stifled.

2.17 - Corporate designs should not be refused simply because the LPA dislikes the design. However, where a sign is unsuitable, the LPA will work with designers to agree a compromise. For example, a modern style of design may look out of place in an historic town or village centre, therefore a sign which is sympathetic to its surroundings could be produced.

2.18 - When looking at new build, advertisements should be “designed-in” from the outset so that they form an integral part of the development rather than appearing as an afterthought. Lighting must be handled carefully, so as to avoid dominating, either individually or cumulatively in sensitive areas.

2.19 - Garish colours or high intensity lighting can have an adverse effect on both the amenity of an area and public safety. Increasingly light pollution is seen as an environmental concern and efforts should be made not to exacerbate the situation. All illumination should have regard to energy efficient technology where appropriate.

3 - Designations and Special Areas

Area of Special Control of Advertisements

3.1 - A review and modification of Flintshire's Areas of Special Control of Advertisement Order, which was last approved in 1974, has recently been undertaken. The Council adopted the order on.. with the Welsh Government granting approval on..... The Area of Special Control of Advertisements (ASCA) covers a large part of the County, including rural areas and the designations detailed below. The ASCA provides greater protection of the area due to stricter advertisement controls, such as as restrictions in the height and text, with no illumination permitted on advertisements displayed

with deemed consent (certain exceptions apply, such as medical signs). Restrictions also apply to advertisements requiring express consent where some classes of advertisement are not allowed at all, such as general poster hoardings and balloons. A map of the ASCA can be found under appendix 2

Area of Outstanding Natural Beauty (AONB)

3.2 - The Clwydian Range AONB occupies most of the western side of Flintshire. The primary objective of this national designation is the conservation and enhancement of natural beauty.

Conservation areas

3.3 - Flintshire has 32 conservation areas. SPG Note No 7 Conservation Areas in this series gives a fuller picture than it is possible to do here. The aim of designation is to preserve or enhance the character or appearance of the conservation area, which includes the control of outdoor advertisements. Many conservation areas are also commercial centres where the normal range of advertisements may be expected but they should not detract from visual amenity.

Listed buildings

3.4 - Over 900 buildings in Flintshire are listed, and more can be found out about the subject by referring to SPG Note No 6 Listed Buildings. Advertisements on a listed building will require listed building consent as well as advertisement consent. Special care must be taken to protect the integrity of the building's design, architectural character or structure and also its setting.

3.5 - The regulations provide for stricter controls on the display of adverts within certain designations, such as an Area of Outstanding Natural Beauty, Conservation Areas and Areas of Special Control for Advertisements.

4 - Types of Advertisements

4.1 - The details below provide guidance relating to Fascia Signs and Hanging signs which usually require Express Consent.

Fascia Signs

4.2 - Fascia signs are usual found on the main elevation of a commercial building and advertisements should be designed as an integral part of the shop front and/or building. An important consideration when looking at fascia signs is the character of the surrounding area with other key considerations being:

- The importance of the building within its setting
- The size of the sign
- The size and style of the text
- The colour of both the text and the background
- The materials to be used
- The protection of any historic, architectural or special features of the building.

- Illumination

4.3 - The design of any signage must take into account the character of the surrounding area; a sign which would be unacceptable in a Conservation Area may be appropriate in, say an out of town Retail Park. In most street scenes, including Conservation Areas, traditional hand painted timber fascia with individual lettering, either hand painted or fixed to the fascia are preferred. However in other locations different styles and materials may be considered acceptable subject to the setting.

4.4 - The size and style of the lettering and the scale and design of the sign needs to reflect the proportions and characteristics of the building and shop front and must not obscure any traditional, historic or special features.

4.5 - Full illumination of fascia signs will generally be resisted and illumination on fascia signs in Conservation Areas is discouraged. The use of illumination close to traffic lights is unacceptable on highway safety grounds.

Projecting/hanging signs

4.6 - These are usually at fascia level, projecting at right angles from the building and normally supported by a bracket. In order to ensure such signs, including the brackets, do not have an adverse impact on amenity or public safety the following considerations need to be taken into account:

- The signs need to be of a scale and design which is in keeping with the character of the building and surrounding area with no hanging signs at first floor level. Where there is a corner property only one hanging sign will be allowed.
- Appropriately designed hanging signs can have a positive effect on the amenity of the street scene; however large numbers of such signs can have the opposite effect, so in order avoid advertisement clutter only one sign per property will be allowed.
- The internal illumination of such signs will be resisted in favour of suitable external illumination where appropriate.
- Hanging signs should not project by more than 1m and they need to be more than 2.5 m from ground level for public safety reasons.
- The signs and brackets shall be of high quality design with materials, colours and text styles to be in keeping with character of the building and area. The sign should relate to the size and scale of building façade and not obscure any features.

Other types of signage usually requiring Express Consent:

Sun blinds and canopies

4.7 - Traditionally made of wood and canvas, with the ability to be retracted, these are intended to protect goods in the shop from sunlight, such features may enhance the street scene where they are a traditional feature of a particular locality. However, they are now commonly a fixed feature used as an additional form of advertising and can have the reverse effect. As such strict control of the



design is required to ensure they do not have an adverse impact on both amenity and public safety.

Hoardings (other than those falling under Deemed Consent Class 8)

4.8 - Such advertisements would generally require Express Consent. They are the most common form of outdoor advertisement and can have an adverse impact on both amenity and public safety. In most cases such advertisements will be resisted.

Temporary banners

4.9 - Usually attached to a building or structure and are often used to advertise events which do not relate to the building on which they are located. As such they are not encouraged and may only be accepted in limited circumstances.

4.10 - Any form of fly posting (that is, displaying advertisements without the owner's permission) is an offence which is immediately open to prosecution.

4.11 - Advice in regard to adverts which may fall under Deemed Consent subject to meeting the conditions of each class (14 Classes in all), include:

Flags (Class 7)

4.12 - With the exception of national flags, these are classed as advertisements. Outside of the AONB, conservation areas and on listed buildings, some temporary flag displays do not require consent, such as house building sites.

4.13 - Flags and flagpoles can have a detrimental impact on both amenity and safety and careful consideration will be given by the LPA in regard to:

- Temporary permissions, which will need to be fully justified by the applicant
- The design of the flag and its pole: the size of the flag needs to be in proportion with the flagpole and not detract from the building and/or its surrounding area
- The impact of such signs outside of urban areas, which can be detrimental to the amenity of the rural landscape.

Assessing Applications



4.14 - When an advertisement does not qualify for Deemed Consent, an application must be made to the LPA for Express Consent before its display using the correct application form, not a planning application form. The application must provide sufficient information, as per Regulation 9, to allow its impact to be understood, including its precise location and all necessary details such as height, materials, design and colour, etc. In areas of special control or designations, the application needs to show a reasonable requirement for the advertisement.

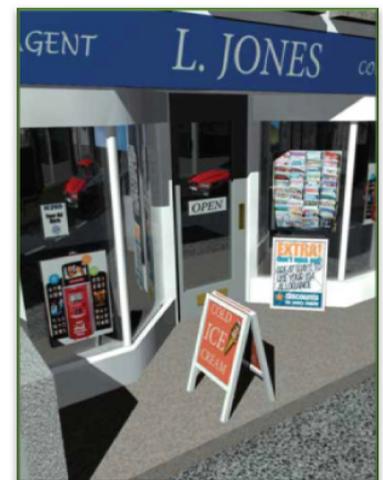
4.15 - When granting consent, the LPA may attach conditions, against which there is a right of appeal to the Welsh Government. Consents usually last for five years, but the LPA may vary the period. Unless a condition requires removal after the expiration of the consent, it can continue to be displayed although the LPA could take discontinuance action where it has concerns.

4.16 - When an application is refused, the LPA should give reasons which are clear and specific, setting out why the proposal is contrary to the interests of public amenity or prejudicial to public safety at the particular site. The applicant has a right of appeal to the Planning Inspectorate.

Forecourt signs (Class 6)

4.17 - These are usually either moveable A-boards or fixed structures located on land in the same ownership as the commercial premises. The need for clear identification is recognised but the LPA will seek the following:

- ensure there is no hazard to the public, particularly pedestrians
- avoid a proliferation of signs in an area.
- As a public footway is part of the adopted highway, any signs on a public footway requires consent from the Highway Authority, which is will not be granted as they are classed as obstructions.



Unauthorised signs

4.18 - The Council will take action where persuasion fails to remedy the problem of illegal advertisements. In general, prosecution proceedings may be taken against the landowner and/or those responsible for displaying a sign without consent or not in accordance with the Regulations, which is an offence. There is no right of appeal.

4.19 - When a sign has been displayed with Deemed Consent, but fails the safety/amenity test then discontinuance action can be taken by serving a notice requiring the sign's removal. In this instance there is a right of appeal.

Appendix 1 - Town and Country Planning (Control of Advertisements) Regulations 1992 (As amended)

1. Classes of Advertisement excluded from Local Planning Authority control (from Schedule 2 of the Regulations)

Class A Captive balloon advertisements

Class B Advertisements displayed on enclosed land

Class C Advertisements displayed on or in a vehicle.

Class D Advertisements incorporated in the fabric of a building

Class E Advertisements displayed on an article for sale or on its container

Class F Advertisements relating to Parliamentary, European Parliamentary or Local Government elections

Class G Advertisements required by any Parliamentary Order

Class H A traffic sign

Class I The national flag of any country

Class J An advertisement displayed inside a building

Classes of Advertisement for which 'deemed consent' is given provided that the advertisement is within the specified conditions (from Schedule 3 of the Regulations)

Class 1 Functional advertisements by public bodies

Class 2 Miscellaneous advertisements relating to the premises on which they are displayed

Class 3 Temporary advertisements

Class 4 Illuminated advertisements on business premises

Class 5 Advertisements on business premises

Class 6 Advertisements on the forecourt of business premises

Class 7 Flag advertisements

Class 8 Advertisements on hoardings around temporary construction sites

Class 9 Advertisements on highway structures

Class 10 Advertisements for Neighbourhood Watch and similar schemes

Class 11 Directional advertisements

Class 12 Advertisements inside buildings

Class 13 Sites used for displaying advertisements on 1st April 1974

Class 14 Advertisements displayed after expiry of express consent

3. Classes of Advertisements for which the planning authority's 'Express Consent' is always needed

If the advertisement is not excluded from control and does not benefit from any of the provisions for deemed consent, the LPA's Express Consent is needed before it can be displayed. This would include:

- Virtually all posters
- Some illuminated signs
- Fascia signs and projecting signs on shop fronts and business premises where the top edge of the sign is more than 4.6 metres above ground level
- Most advertisements on gable ends

Notwithstanding the above and as detailed within the guidance notes restrictions apply to both Deemed and Express Consent when the advertisements are to be displayed in Areas of Outstanding Natural Beauty, Conservation Areas and Areas of Special Control of Advertisements. Listed Building Consent is required where advertisements are to be displayed on a listed building or structure.

N.B. These lists are a brief summary of the classes of advertisement but it should be noted that the position is complicated by the existence of many qualifying clauses, such as the areas to which they apply, the periods for which they may be displayed, and their size limits. Reference should be made to the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended) for a full description, this can be found via the following link:

<http://www.legislation.gov.uk/ukxi/1992/666/made>

The publication "Outdoor Advertisements and Signs – A Guide for Advertisers" also provides more detailed information - **https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf**

Finally, if in doubt, seek advice from Flintshire Planning Services, as mentioned earlier.

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