

DENBIGHSHIRE COUNTY COUNCIL

SUPPLEMENTARY PLANNING GUIDANCE: ADVERTISEMENTS

~~November 2014~~ March 2015

1. INTRODUCTION

- 1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

2. STATUS AND STAGES IN PREPARATION

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally ~~approved for consultation~~ adopted by Denbighshire County Council's Planning Committee on ~~12th November 2014~~ 18th March 2015.
- 2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (March 2014); Local Development Plans Wales (December 2005); and Welsh Government Technical Advice Notes.

3. BACKGROUND

- 3.1 The role of advertisements (or adverts) is to direct and / or inform the public (as potential customers) of a building, product or service. This document focuses on the location and design of advertisements, offering advice and guidance on location and type of advertisement. The regulations regarding the control of advertisements are complex, and advice should be sought prior to erecting or installing any advert or when considering making an application for advertisement consent from the Council's Planning Services.

4. PLANNING POLICY and REGULATIONS

- 4.1 National guidance can be found in **Planning Policy Wales (2014)** Para 3.5 and **Technical Advice Note 7 - Outdoor Advertisement Control (1996)** LDP Policy **RD1** outlines general development management considerations and section (i) will be relevant to advertisement consent applications. There is also useful advice published by the Department of Communities and Local Government titled '**Outdoor advertisements and signs- A guide for advertisers**', which is available via the following link <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers> . It should be noted that this document only

relates to England and some of the rules and regulations will differ in Wales but it does contain some useful design advice and illustrations which are helpful when considering options for advertisements.

- 4.2 Adverts are subject to control via the **Town and Country Planning (Control of Advertisements) Regulations 1992**. Adverts subject to control by the 1992 Regulations fall into two principal categories:
- Advertisements for which *deemed* consent is granted by the regulations; and
 - Advertisements which require *express consent* from the Council.
- 4.3 **Deemed consent** covers the types of advertisement listed in Schedule 3 of the regulations; to be found in Appendix A; subject to any specified conditions and limitations and also to the standard conditions listed in Appendix B. Although permission is not required for adverts that benefit from deemed consent, the Council has powers to require the removal of adverts that benefit from deemed consent but are considered to be having a detrimental impact.
- 4.4 **Express consent** is required from the Council for most types of advertising including fascia signs; posters and notices; advance signs; directions signs etc and the content of this guidance note will be a material consideration in the determination of applications for Express Consent. All applications for advertisement consent are judged against the following two criteria:

AMENITY - This relates to the effect the advertisement has on appearance of the surrounding area and host building, by way of size, siting, design, materials, colour, illumination etc. It also considers the cumulative effect of advertisements on the surrounding area. Particular care and consideration to the design and use of materials needs to be made in sensitive areas including the Clwydian Range and Dee Valley AONB and the Pontcysyllte Aquaduct and Canal World Heritage Site. Specific guidance in relation to Listed Buildings and Conservation Areas can be found in separate SPGs ~~xxx and xxx~~ which should be used in conjunction with this note.

PUBLIC SAFETY - This considers all highway users; cars, cyclists, pedestrians, and disabled people. The main considerations are the distraction of drivers and the safety of pedestrians.

- 4.5 ~~4.5~~ — The use of **bilingual signage** will be encouraged and supported in all advertisements to reflect the linguistic and cultural character of Denbighshire. Businesses are encouraged to use Welsh names and terms as best practice in naming their premises and to make them locally relevant whenever possible.

4.6 Unauthorised Signage

- 4.7 Anyone who displays an advertisement in contravention of the Regulations commits an offence. For example, by displaying an advert without the necessary consent or without complying with the conditions attached to that consent. The Council can bring prosecution proceedings and have the power

to remove any advertisement (and any structure used for its display) which in their view is displayed in contravention of the Regulations.

4.54.8 Section 132 of the Highways Act 1980 enables the highway authority to remove unlawful advertisements such as pictures or signs attached to any trees, highway signs, structures or works in the highway. Denbighshire's Highways department have developed additional guidance to clarify the position in relation to unauthorised signage and the highway. This is attached as Appendix C.

5. TYPES OF ADVERTISEMENTS

5.1 **Fascia Signs** – advertisements usually located on the principal elevation of the premises, between ground and first floor level. Materials should be appropriate to the property and surrounding area. The depth and size of the sign and lettering should reflect the characteristics of the premises. Painted, externally illuminated (if required) fascia signs will be encouraged across the County and required in sensitive areas.



5.2 **Projecting/hanging signs** – usually located at fascia level, projecting at right angles, normally supported by a bracket. This form of advertising can, when designed and displayed appropriately, form a positive addition to the street scene, adding interest and variety. Proliferation of such signs may however result in a cluttered and unattractive appearance and to avoid this only one such sign will be allowed per premises except on corner properties. Signs should not project more than 1 metre from the supporting wall and should be higher than 2.5 metres from ground level to ensure public safety. The use of materials, colour and illumination (if required) should be in keeping with the character of the premises and the surrounding area.



- 5.3 **Illumination** - Illuminated signs should be of a type and style not to cause visual nor hazard nuisance. Illuminated adverts should:
- cause no intrusion into any residential properties
 - cause no glare, dazzle nor conflict with street or traffic lighting
 - not be similar to traffic lights or the lights of emergency vehicles
- 5.4 In addition, the means of illumination should:
- be by a constant, non-intermittent light source (non flashing and non moving parts)
 - if illuminated from the front, should not project more than 500mm from the advertisement
 - cause minimal upward light spill
 - be energy-efficient
- 5.6 **Forecourt signs** – Fixed forecourt signs are located on land in the same ownership as the commercial business being advertised. The safety of pedestrians and motorists will be a primary consideration as poorly sited signs, or a proliferation of such signs can obscure viewpoints. Rotating signs will not be encouraged as they can be distracting for motorists.
- 5.7 **A Boards** – these are temporary or moveable, and as above should be located on land in the same ownership as the business being advertised. If a sign is to be located on the pavement it should be remembered that this is part of the adopted highway and separate consent will be required from the Highway Authority (DCC). Pavement signs can pose particular problems for pedestrians and must not obstruct movement or present a potential hazard.



Oversized adverts and collections of A boards that obstruct the pavement will not be approved.

5.8 **Temporary Banners** – these are generally used to advertise forthcoming events. They should be sited so that they do not obstruct visibility to road users or pedestrians. They should not be displayed more than 28 days before the event and must be removed no later than 14 days following in line with the 1992 Regulations.



5.9 **Advance Directional Signs** – these are used where the site or event being advertised is not easily seen, or is some distance from the main highway. These signs are not usually displayed on the premises to which they relate. If they are to be located in the Highway then separate consent from the Highway Authority (DCC) will be required. Preference is for AA or white on brown tourism signs and advertisement consent is not required for these signs.



5.10 **Poster Hoardings** – these are often used to screen building sites whilst work is being carried out, attached to the flank walls of buildings or free standing along roadsides. These are usually large and are controlled strictly through the planning system. They should not have an adverse impact on the character and appearance of the building or wider area. Any illumination should not cause a distraction to drivers or increase light pollution for nearby residents.



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Deemed consent

By regulation 6 of the 1992 Regulations¹, deemed consent is granted for the following displays of an advertisement falling within classes 1 to 14 listed in Schedule 3 (subject to any specified conditions and limitations and also to the standard conditions).

- Class 1: functional advertisements of local authorities, statutory undertakers and public transport undertakers, and advertisements displayed by LPAs on land in their areas.
- Class 2: miscellaneous advertisements relating to the premises on which they are displayed (e.g. professions, businesses, trades, religious institutions and hotels). There is some doubt as to whether signs for 'bed and breakfast' establishments are currently covered by Class 2.
- Class 3: miscellaneous temporary advertisements relating to sale or letting of property, the sale of goods or livestock, the carrying out of building or similar work, local events, demonstrations of agricultural processes, and visits of a travelling circus or fair.
- Class 4: illuminated advertisements on business premises.
Class 5: advertisements other than illuminated advertisements on business premises.
- Class 6: advertisements on forecourts of business premises.
- Class 7: flag advertisement attached to single flagstaff projecting vertically from the roof of a building, or on a site where planning permission is granted for residential development, and at least one house remains unsold.
- Class 8: advertisements on hoardings.
- Class 9: advertisements on highway structures.
- Class 10: advertisements for neighbourhood watch and similar schemes.
- Class 11: advertisements directing potential buyers to a residential development.
- Class 12: advertisements inside buildings.
- Class 13: sites used for the display of advertisements without express consent on 1 April 1974 and that have been used continuously since that date.
- Class 14: advertisements displayed after expiry of express consent (unless a condition to the contrary was imposed on the consent or a renewal of consent was applied for and refused).

Specified conditions and limitations are set out in detail under each of the above classes of advertisement subject to deemed consent.

¹ *The Town and Country Planning (Control of Advertisements) Regulations 1992* SI 1992/666, as amended

Appendix B – Standard Conditions

The standard conditions are prescribed by Schedule 1 to the 1992 Regulations:

- [1] Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the LPA.
- [2] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- [3] Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
- [4] 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.
- [5] 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 or aerodrome (civil or military).

Denbighshire County Council - Highways & Environmental Services

Summary of the Council's policy position in relation to:

The erection of temporary signs on/about the Highway – February 2015

1. Scope / background :

This document refers to non-permanent signs that are erected on or about the highway (**e.g. adverts, A-boards, signs for events etc.**)

2. Basic policy position in relation to signs:

The council's Communities Scrutiny Committee considered this topic in great detail on 9 September 2014. After debating the issues, including the interests of our local businesses, the committee wanted the Highways department to continue working to the following general guidelines :

- i) ALL signs/banners that have an adverse effect on road safety are to be removed from the highway immediately (i.e. regardless of the content).
- ii) Formal permission is required for the erection of temporary direction signs for one-off events / construction sites / new housing estates etc. These signs are approved/authorised via the council's Streetworks department.
- iii) A-boards are to be dealt with in accordance with Section 3 below.
- iv) Any other unauthorised signs are to be dealt with according to section 4 below.
- v) The erection of political campaign signs is not permitted on highway land or council property, including street furniture.

3. Policy position in relation to A-boards:

The council's scrutiny committee also discussed 'A boards', and they wanted the Highway department to continue working to the following rules:

- i) 'A-boards' will only be allowed immediately outside the particular business that they are advertising. The council will not permit A-boards to be placed at locations away from the business, e.g. on nearby street corners, or nearby junctions etc..
- ii) a minimum passing space of 1.2 metres must always be maintained. That's sufficient for a wheelchair or double buggy to get past. At some locations more than 1.2 may be required (e.g. busy town centres).
- iii) A-boards cannot be excessively large. They should be less than one metre in height.

4. Policy position in relation to Unauthorised signs

In the case of unauthorised signs, the scrutiny committee wanted the highway department to continue working to the following principles:

- i) All unauthorised COMMERCIAL advertising will be removed from the highway. Where feasible, the council will allow 24hrs notice before removal (thereby allowing companies the option of removing their own signs).
- ii) safely located signs for NON-COMMERCIAL events may be allowed to remain on the highway. However; this is entirely at the discretion of the appropriate highway/streetscene officer. NB This exemption is designed to cover date-specific community events / charity events and the like ONLY.
- iii) If companies / organisations / or individuals continue to erect unauthorised signs, after being warned in writing not to do so, the council will either a) initiate enforcement action for fly-posting, and/or b) recover the costs of the removal of the authorised signs. The non-payment of the removal costs will be pursued through the courts.

5. Rationale behind the Council's Policy Position:

There are good reasons why the council's policy position (outlined above) has developed over time. The main reasons include:

- i) Signs attached to DCC street furniture are technically classed as fly-posting, and are therefore illegal. The council has a general duty to remove fly-posted materials in the public realm.
- ii) The majority of businesses and event organisers pay for proper signing schemes to guide people to their events (black on yellow type signs). It is therefore unfair to allow some businesses to get away with flouting the law and/or ignoring the rules.
- iii) One of the council's stated priorities is to maintain a clean and tidy streetscene within Denbighshire. Before the council adopted its current policy position, business were effectively being allowed to advertise on the highway without restriction, providing safety wasn't compromised. The consequence was; a proliferation of unauthorised signs, with clusters developing around many junctions and street corners. The situation had become impossible to manage, and very messy. The lack of enforcement inevitably led to copy-cat sign erection by rival companies.
- iv) The council's scrutiny committee recognised that the situation had got out of control, and asked officers to rectify it. They acknowledged that officers could not be left in a position where the council said "yes" to one business, and "no" to another. Officers were therefore given a clear set of ground rules, that could be applied fairly and consistently across the whole of Denbighshire, without fear or favour.

S.Parker

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February 2015