
Directorate of Environment and Regeneration • Planning Services

LOCAL PLANNING GUIDANCE NOTE NO.16 ADVERTISEMENTS

Background

Unlike most proposals with which the British town and country planning system deals, advertisements do not fall within the statutory definition of “development”. 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. In order to understand whether consent is needed from the local planning authority (LPA) to display advertisements, there are **three main groups** to be considered:

- **Excluded advertisements**, 10 classes which can be displayed without the LPA’s consent.
- Advertisements for which the rules give a ‘**deemed consent**’ so that the LPA’s consent is not needed provided that the advertisement is within the rules, for example in terms of size. There are 14 such classes.
- Advertisements for which the LPA’s ‘**express consent**’ is always needed.

Under the Regulations, **it is unlawful to display advertisements without deemed consent, or otherwise, without express consent. Appendix 1 gives more details of these groups and classes.**

This Local Planning Guidance Note (LPG) sets out advice and policies for controlling signs which are not excluded from or have deemed consent under the Regulations.

It should be noted that this LPG does not relate to traffic signs erected on highway land.

Pol11rNo advertisement sign should be displayed without the consent of the landowner, an offence to erect or display any sign or advertisement 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.”

Advice on how Welsh LPAs should exercise their control of advertisement powers is given in WAG’s **Technical Advice Note 7 (TAN7)** of 1996, and which is taken into account in the advice contained in this LPG.

A helpful booklet entitled “**Outdoor Advertisements and Signs – A Guide for Advertisers**”, reprinted by the DETR/National Assembly of Wales in 2000, is freely available from Planning Services in County Hall, Mold.

At the local level, the Flintshire **Unitary Development Plan (UDP)** contains one specific policy on advertisements

England, which has not led to specific Welsh versions but has been adopted by WAG.) Applicants who want further information about tourist signs can find it via Flintshire's website.

What is an advertisement?

The advertisement control system covers a wide range of advertisements and signs, which can include any word, letter, model, sign, placard, board, notice or device, whether illuminated or not.

Further information is given in "Types of advertisements" later.

Obtaining advice about the need for permission

Given the many complications about advertisement control, such as size, location and type, it is always advisable to check with the Development Control Section of Planning Services in County Hall, Mold. The initial point of contact should be with a Planning Support Officer, telephone 01352 703234.

The criteria against which applications are judged

According to TAN 7, it is accepted that anyone proposing to display an advertisement needs one in that particular location, whether for commercial or other reasons, except in Areas of Special Control where an applicant needs to show a reasonable requirement for an advertisement.

Advertisement applications are judged against **two criteria**:

Public safety

LPAs should consider the effect of an advertisement on all highway users, namely drivers, cyclists and pedestrians. Full account must be taken of possible hazards to less mobile and visually impaired people. The main considerations are whether the advertisement itself or the exact location proposed for its display might be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity, which clearly is not necessarily confined to the highway itself. Concern is centred on the possible distraction of drivers and the safety of pedestrians. Highway authorities must be consulted.

Amenity

The test here is whether the advertisement will adversely affect the appearance of the building or its immediate neighbourhood. LPAs should take into account the scenic, historic, architectural or cultural features.

Businesses located in the countryside expect to be able to advertise their whereabouts, especially to visitors, but

Appendix 2: The relevant UDP policies

Policy STR9 Welsh Language and Culture

Development proposals should have regard to and where appropriate reinforce the Welsh language and cultural identity of the community and area.

Policy D8 Outdoor Advertisements

Outdoor advertisements requiring consent will be permitted where:

- a. they are sensitively designed and located in respect of amenity and public safety; and
- b. the applicant has provided sufficient information to demonstrate that they will not have a detrimental impact on:
 - i. the character or use of any building or the surrounding landscape/townscape;
 - ii. the safe operation of any form of transport; and
 - iii. the free passage of pedestrians.

Policy HE1 Development Affecting Conservation Areas

Development including changes of use in or affecting the setting of conservation areas will only be permitted if it

Appendix 3: Policies from the Council-approved Supplementary Planning Guidance of September 1999

“Supplementary Planning Guidance – Advertisement Control” (September 1999) is a material consideration, which has been through a process of public consultation and has received Council approval. Omitting the (outdated) early sections of the report, the (main) policy section is reproduced in full below.

“All applications for advertisement consent will be considered against Policy A1 and where appropriate against the additional specific policies.

A2.2 It is particularly important to avoid the proliferation of advance signs. To this end, where signs to a number of businesses in one location are requested the Council will seek shared signage, and where appropriate, a rationalisation of existing signs will be sought. Applicants proposing signs for tourist facilities should, in the first instance, explore their possible qualification for a "white on brown" highway tourist sign.

A2.3 There is a danger that if advertisements are granted consent without a careful assessment of their need and design, the character and quality of the countryside will be eroded with an adverse effect on its tourism attraction. It is nevertheless recognised that in appropriate circumstances there may be a need for tourist facilities that are primarily reliant on passing trade to be able to advertise their presence where they are either not easily visible or not visible at all from a main highway. Main highways are defined as Trunk Roads and 'A' and 'B' class roads. Premises that are readily visible from a main highway will not normally be granted consent for advance signs since the view of the premises adequately conveys notification of its existence and services to the traveller.

A2.4 Commercial enterprises located over 1 km from a main highway are too distant to normally justify an advance advertisement on a main highway and consent would lead to a proliferation of signs if such businesses were allowed to display advance signs.

A2.5 The size and height of any sign will be restricted so that it is no larger than that required to adequately convey the necessary information. In this connection the use of standard symbols will be looked upon favourably and garish, strident designs will be resisted.

Policy A3 Advance Signs situated outside Areas of Special Control Advertisements relating to Tourist Facilities

Applications for advance signs situated outside the Area of Special Advertisement Control and which relate to tourist facilities will be considered on their individual merits and against the background of the criteria of Policy A2.

Justification

A3.1 Whilst the majority of those areas outside of the Area of Special Control of Advertisements are urban areas, there are some rural areas which are attractive in their own right and where the control of advertisement displays is fully justified in order to protect the amenities of these localities. Nevertheless, within these areas in appropriate instances there may be scope for a more flexible approach than exercised within the Area of Special Control of Advertisements.

Policy A4 Advance Signs Situated Outside Areas of Special Control of Advertisements Relating to Commercial Premises

Applications for advance signs situated outside Areas of Special Control of Advertisements and which relate to major commercial premises will be considered against, and should satisfy, all of the following criteria:-

1. The premises to which the sign relates are located in a predominantly commercial area;
2. The enterprise to be advertised generates significant traffic flows;
3. The proposed signs is no larger than 0.6 square metres and has a maximum height above ground level of 2.4 metres.

Justification

A4.1 There are very few suitable locations available to provide advance signs in urban situations alongside main highways. For this reason advance signs need to be severely restricted to those that give notice of major enterprises that would not otherwise be readily apparent to the motorist. Due to the larger number of businesses, such as public houses, hotels and shops in urban areas, in these areas it would be unrealistic to allow such businesses to have advance signs.

Policy A5 Combined Advance Signs Situated in Areas of Special Control of Advertisements and which Relate to Tourist Facilities

Applications for combined advance signs situated in Areas of Special Control of Advertisements and which relate to tourist facilities, will be considered against, and should satisfy, all of the following criteria:-

1. The group of tourist facilities involved are on or within 1 km of a main highway and are not readily visible from a main highway.
2. The combined sign is designed as a single sign with the individual tourist facilities benefiting from an equal area of the overall sign.
3. The proposed sign has a maximum area of 3 sq. metres with no more than 0.5 sq. metres being available to any one tourist facility and the sign has a maximum height above ground of 3 metres.

Justification

A5.1 There could be cases where there are groups of tourist facilities on or close to main highways, but due to local physical conditions, are not apparent to motorists. If each facility were to display individual advance signs, the amenities of the areas involved would be seriously harmed. Accordingly, in some instances a group sign may be appropriate.

Policy A6 Advertisement Hoardings and Poster Sites

Advertisement hoardings and poster sites will not be considered favourably in residential or rural areas or where there is already a proliferation of such hoardings.

Justification

A6.1 Due to their large size and impact, advertisement hoardings and poster sites are extremely difficult to integrate into small scale settings and are inappropriate in predominately residential and rural areas. Hoarding or poster advertisements will be acceptable only in predominantly commercial or industrial areas, where the character of the locality and scale of the buildings will not be substantially affected by their display. In some cases, hoardings can help brighten up a dilapidated area, or allow the temporary screening of unsightly building works but they will be resisted where there is already a proliferation of such advertisements.

Policy A7 Fascia Signs and Projecting Signs within Conservation Areas

Fascia signs and projecting signs on buildings within or close to the edge of conservation areas will be considered against, and should satisfy, all of the following criteria:-

1. The sign is preferably non-illuminated or if it is illuminated this shall be achieved by external illumination or the illumination of individual letters only.
2. The size, design and placing of any fascia sign respects the architectural detailing, scale and character of the whole building and street scene.
3. Only one projecting sign will normally be allowed on a building, the size, design and placing of which shall respect the architectural detailing, scale and character of the whole building and street scene. The sign shall be located at fascia level or where this is not practicable it shall be located below the cill level of any first floor window.

Justification

A7.1 Fascia and projecting signs should be carefully designed to form a natural, integral part of a shop front and standard designs should not be merely affixed to a building without regard to the character of that building. Attention needs to be paid to the size and position of such signs and the relationship with adjoining shopfront and fascias.

A7.2 The location and size of a sign will therefore need careful consideration; one that has too much depth, for example, can overwhelm a shopfront and its neighbours in a street scene. This may mean that the initial proposals of an individual or company may have to be modified to take into account the wider view of the environment and street scene.

A7.3 A well designed fascia sign can be quite properly and effectively convey its message without creating a strident or obtrusive feature; it can even contribute positively to the appearance of the building and the street scene.

A7.4 Within all conservation areas special consideration and attention needs to be paid to the design of fascia and projecting signs. A multiplicity of projecting signs will lead to the visual detriment of the conservation area. Projecting signs will normally be restricted to a maximum of one per building and should be of a traditional hanging design. Attention is drawn to the Council's Design Guide – "Shopfronts and their Advertisements".

Policy A8 Illumination of Advertisements

The illumination of advertisements will be considered against, and should satisfy, all of the following criteria:-

1. The means of illumination respects the character of the building or immediate surroundings of the site;
2. The means of illumination is unobtrusive and discreet in its form and is of a quality that enhances the advertisement display;
3. The means of illumination is not internal if on a listed building or within or close to a conservation area.
4. The means of illumination does not detract from the visual amenities of the locality, especially if located within an Area of Special Control of Advertisement.

Justification

A8.1 The County Council only wishes to encourage the use of unobtrusive and discreet illumination in the interests of amenity and public safety. The Council would not normally consider granting consent for moving signs, moving messages or intermittent lighting, laser lighting or projected lighting.

Policy A9 Unauthorised Advertisements

The County Council will seek to discourage the unauthorised display of advertisements. However where appropriate it will use its enforcement powers and powers of prosecution to control and regularise the unauthorised display of advertisements.

Justification

A9.1 It is the Council's policy to pursue effective and appropriate enforcement action to remedy the undesirable effects of unauthorised displays. The Council's officers will seek in the first instance to persuade those responsible for displaying unauthorised advertisements to have them removed. In order for the County Council to operate the

Advertisement Regulations fairly and effectively in the interests of amenity and public safety, it may become necessary from time to time to instigate prosecutions against those displaying unauthorised advertisements as the display of an unauthorised advertisement is a criminal offence. However such action will only be pursued as a last resort.”