

North York Moors National Park Authority Planning Committee

17 April 2014

Planning Advice Note Outdoor Advertisement and Signs

1. Purpose of the Report

- 1.1 To seek Member's support for producing a Planning Advice Note on Outdoor Advertisements and Signs and to endorse a strategic approach to dealing with unauthorised advance advertisements across the National Park

2. Introduction

- 2.1 As Members will be aware, raising the profile of the North York Moors National Park and promoting its local distinctiveness is a priority in the Authority's new Management and Business Plans. An important part of this initiative is the establishment of a tourism business network which will help local businesses to collaborate on marketing and raising visitor awareness of key villages, locations, business and the National Park itself. The Authority has been working positively in seeking improved signage to the National Park as a visitor destination and there is a need for more effective signing once visitors arrive in the National Park.

- 2.2 However, the impact of signs and advertisements on the character and appearance of buildings, settlements and the wider landscape of the National Park can be considerable, both individually and cumulatively and careful management of commercial advertising is needed. This is particularly so in relation to 'advance signs' which are located in open countryside outside of business premises and are therefore, by their nature conspicuous and prominently displayed. However, for many businesses they are an important means of attracting and directing customers and thereby helping to support the tourism economy which is a key objective of the National Park Management Plan.

- 2.2 For these reasons, a balance needs to be made and the Authority adopted a Development Policy (DP9) in its Core Strategy and Development Policies document in November 2008. This policy allows careful consideration of advertisement proposals to ensure they are sensitively and sympathetically displayed so as to protect the visual amenity of the National Park and public highway safety.

3 Adverts Policy

- 3.1 The Authority's adopted planning policy on adverts is as follows:

Adverts will only be permitted where:

- *The size, scale, proportions, design, position and materials of the advertisement do not detract from the character and appearance of the host building or site and/or the wider streetscape and landscape of the National Park.*
- *The number of advertisements is kept to a minimum to avoid clutter.*

- *There will be no adverse effect on residential amenity or public and highway safety.*
- *In the case of advance directional advertisements, it can be demonstrated that the sign is reasonably required to locate the related enterprise, the sign will not have an adverse impact on the character and appearance of the locality and will not, either individually or cumulatively, impact on highway safety and will be located outside of the limits of the highway. Advertisements will not be permitted for businesses eligible for 'white on brown' tourism signing*

3.2 The significant number of unauthorised advance adverts across the Park would indicate that there is a general unawareness of the existence of this policy and potentially a perception amongst business owners that the Authority adopts a negative approach towards advertisements. Additionally there may well be a lack of awareness of the need to seek consent for displaying adverts. The display of unauthorised adverts actually constitutes an illegal act which can lead to prosecution and the powers available to local planning authorities to deal with this form of planning breach are substantial including the ability to remove or 'obliterate' unauthorised advertisements and recharge the cost of doing so to the advertiser, land owner or tenant. These powers have been increased in the Localism Act reflecting the importance the current government attaches to the need to control unauthorised adverts which has been re-stated in recent announcements from the Secretary of State in relation to the need to 'de-clutter' the country's streets.

4 Unauthorised Adverts in the National Park

4.1 As stated, the current situation across the National Park is one where there are a large number of unauthorised adverts, particularly on the main 'A' roads along the Park boundaries, such as the A170 from Helmsley to Sutton Bank and along the A171 from Charltons to Whitby. The latter route especially is affected with some very large signs (some illuminated) situated in open moorland situations and a survey undertaken in October last year revealed a total of 12 (approx.) unauthorised signs. This has a significantly adverse impact on the character of this scenic route and in some cases may be affecting highway safety. Appendix A shows a sample of these unauthorised signs.

4.2 Currently, the Authority's enforcement team has given unauthorised adverts a low priority in view of the harsh economic conditions facing businesses over the past five years. Nevertheless, where complaints have been made, there is a need to respond and such cases have been addressed on an individual basis. This approach has been hindered by its 'ad hoc' nature with individual businesses complaining that they are being unfairly selected as other unauthorised signs and adverts in the locality are seen to be ignored. There is some sympathy with these views and therefore it is considered that there is a need for a more strategic approach which is proposed below.

5. Proposed Approach to Unauthorised Advance Adverts

5.1 It is important for the Authority to address this issue, not least because of the adverse impact of the number of unauthorised advance adverts currently being displayed and that if no action is taken, the fact that immunity will be acquired after a period of time. There is also a potential risk of ombudsman referral if harmful planning breaches are not dealt with. It is therefore proposed that a strategic positive approach is taken, with the offer of advice, but with the determination to take direct action as a last resort.

A five stage approach is therefore put forward to address this issue, initially focusing on the A170 and A171 which will include:

- Raising awareness of the Authority's Planning policy on adverts: - A letter will be sent to businesses displaying unauthorised adverts setting out the Authority's adverts policy;
- Explanation of the Policy: - The types of advance adverts (e.g. size and design) and locations where they could be supported by policy will be explained – by inclusion of the Planning Advice Note on Outdoor Adverts and Signs (draft copy attached as Appendix B);
- Offer of Advice: the letter will include an offer for officers to discuss the businesses' advertising requirements, including possible site visit to advise on the potential for advance adverts;
- Timescales Set; the letter will include reference to a timescale where the business is expected to either seek advice, remove the unauthorised sign or submit retrospective consent for it (if advised it is policy compliant, or could be with amendment);
- Direct Action; If no response is received by a certain date, the Authority will commence legal proceedings including direct action to remove the unauthorised signs.

5.2 Alongside this Development Management approach, the Authority will work positively with tourism businesses, economic development officers, the County Council and the Local Enterprise Partnerships to positively promote the Park and key sites and villages within it. Signage is just one element of advertising and promoting places and businesses and other awareness initiatives will be encouraged such as web based and publications advertising and promotional campaigns in other key regional visitor destinations and travel terminals.

Financial and Staffing Implications

6.1 Adopting this approach to dealing with the current level of unauthorised signs will involve a concerted effort by the enforcement team. However, this has been programmed in to the work schedule and can be undertaken without the need for additional financial or staff resources. Inevitably though, other areas of enforcement work will have reduced priority for a period of time.

7. Contribution to National Park Management Plan

7.1 Ensuring the Authority's planning policy on adverts is adhered to through the siting of sympathetic and well-designed adverts will meet the general Management Plan aim of ensuring that new development will not have a detrimental impact on the landscape of the National Park. (Policy E3) whilst pursuing the aim of increasing visitor awareness, tourism and the profile of the North York Moors.

8. Legal Implications

8.1 The work will be undertaken within the existing legal framework of planning legislation which allows for direct action to take place and costs incurred to be recovered. Decisions which involve additional legal expenses, such as prosecution can be taken as and when necessary.

9. Recommendation

- 9.1 That:
Members approve the adoption of the Planning Advice Note on Outdoor Adverts and Signs and agree the strategic approach to addressing unauthorised advance signs as set out in this report.

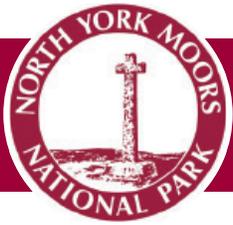
Contact Officer:
Chris France
Director of Planning
Tel 01439 772700

Background papers to this report

1. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Online National Planning Policy Guidance 2014 hosted by Planning Portal
3. Appendix: Photos of some unauthorised signs
4. NYM Planning Advice Note 10 dated April 2014







Planning Advice Note 10

Outdoor Advertisements and Signs

The design and siting of advertisements including signs in the North York Moors National Park can have a significant visual impact. Previous government guidance stated that all advertisements affect the appearance of the building, structure or place where they are displayed. Therefore, the main function of the system to control advertisements is to ensure that a reasonable balance is struck between fostering the rural economy and promoting businesses operating in the Park without adversely affecting the landscape character of the area. This note seeks to assist those involved in the display of outdoor advertisements contribute positively to the local economy without unduly harming the character and appearance of the area.

The Legal Position

For the North York Moors area, the National Park Authority is the local planning authority (the "Authority") that is charged with making decisions under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations") and in doing so, making a balanced judgment between the commercial need to advertise and its impacts on public amenity including visual impact and public safety.

The Regulations require the Authority, where necessary, to consider public amenity and public safety in relation to a wide range of advertisements and signs including:

- Posters and notices
- Placards and boards
- Facia signs and projecting signs
- Pole signs and canopy signs
- Models and devices
- Advance signs and directional signs
- Estate Agent's boards
- Captive balloon advertising
- Flag advertisements
- Price markers and price displays
- Traffic signs
- Town and village name signs

All advertisements and signs fall into one of three groups of outdoor advertisements.

1. Advertisements exempt from deemed and express consent

Provided their respective conditions and limitations are met, the following advertisements are specifically excluded from control:

- Class A – an advertisement displayed on enclosed land.
- Class B – an advertisement displayed on or in a vehicle normally employed as a moving vehicle.
- Class C – an advertisement incorporated in the fabric of a building.
- Class D – an advertisement displayed on an article for sale or on the container in, or from which, an article is sold.
- Class E – an advertisement relating specifically to a pending Parliamentary or local government or a referendum under the Political Parties, Elections and Referendums Act 2000.
- Class F – an advertisement required to be displayed by Standing Orders of either House of Parliament or by any enactment or any condition imposed by any enactment on the exercise of any function.
- Class G – a traffic sign (see regulation 2(1))
- Class H – a national, Commonwealth, European Union, United Nations, English County flag or flag of any saint – see amendments in The Town and Country Planning (Control of Advertisements)(England) (Amendment) Regulations 2012 (SI2012/2372)
- Class I – any advertisement displayed inside a building.

2. Advertisements displayed with deemed consent

There are 16 classes of deemed consent which are permitted and subject to conditions and limitations which must be met, therefore no formal advertisement consent application is necessary. Full details of the conditions and limitations along with a description of each Class of advert can be found within Schedule 3 Part 1 of the Regulations with guidance contained within the Communities and Local Government Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Circular"); its amendments and the Communities and Local Government guide "Outdoor Advertisements and Signs: A guide for advertisers".

The North York Moors National Park Authority has been designated as an Area of Special Advertisement Control which means that there is a reduction in the scope and size of advertisements within the deemed consent provisions.

3. Advertisements requiring express consent

Where an advertisement does not fall within either of the previous two groups, you will need to submit an application for Advertisement Consent before displaying that advertisement or sign. Examples of the types of advertisement requiring advertisement consent are:

- Posters
- Directional signs
- Most illuminated signs
- Adverts or signs that exceed the conditions and limitations for the 16 classes of deemed consent.

Where express consent is required the Local Development Framework (the "LDF") sets out the policy framework for decisions made by the Authority. Where there is sufficient concern over advertising that does not normally require consent, the Authority may seek to bring it within its control.

The relevant planning policies are Core Policy A (Delivering National Park Purposes and delivering sustainable development), Development policy 3 (Design) and Development Policy 9 (Advertisements) of the LDF and any relevant policies within the National Planning Policy Framework ("NPPF"). Copies of these documents are available at: <http://planning.northyorkmoors.org.uk/ldf/default.aspx>

The Process

Pre-application advice

The Authority would strongly encourage pre-application discussions with one of your area planning officers, officer details can be found at the end of this document.

We can confirm whether your proposed advertisement will require advertisement consent and offer suggestions on improvements to your preferred scheme which will increase its likelihood at being successful through the application process. In order that we may provide the most constructive advice, you will need to have a firm proposal otherwise we can only offer general advice. The most effective way to do this is to send us your firm proposal by email or in the post, enclosing all relevant drawings, photographs, details and any other information you consider relevant. We will then provide you with a written response detailing our advice. Alternatively you can make an appointment with the area planning officer to discuss the proposal either on site or at our offices.

Please be advised that all pre-application advice is offered as an informal professional opinion only which is not binding on any subsequent formal decision of the Authority. Some pre-application advice is chargeable, see website for current arrangements.

Applying for express consent

After establishing that Advertisement Consent is required and obtaining professional advice from a planning officer, the next step in the process is the submission of an application. Applications for Advertisement Consent within the North York Moors National Park should be made on the appropriate forms available on our website, www.northyorkmoors.org.uk or submitted online via the planning portal www.planningportal.gov.uk. For further guidance on this process please refer to the Application Forms, Fees and Guidance section on our website and national requirements before submitting an application. The application must be submitted with the required documentation as set out in the guidance and the appropriate fee, currently £110.00 (April 2014) please refer to the Fees section of the Authority's website or the Planning Portal Fee Calculator, in order that it can be made valid.

How an application is decided

In deciding whether to approve your application the Authority will consider the interests of amenity (sound and vision) and public safety and take into account any relevant planning policy including DP 9 above. The majority of these decisions are delegated to the Director of Planning.

In addition to the above, the Authority will also have regard to any representations received from the general public and other consultees in making their decision.

After the Decision

The Authority will issue a decision notice which will confirm the outcome of your application. Proposals for more than one advertisement may result in a split decision if some of the advertisements within the proposal were considered to be acceptable and others were not.

Should consent be granted then this normally lasts for five years only, however this may be for a shorter or longer period depending upon the nature of the application.

Where consent has been refused; or if you are not happy with a condition; or if a decision has not been made within eight weeks or longer period if agreed between the Authority and you, an appeal may be made within 8 weeks of the decision date to the Planning Inspectorate. Advice on appeals can be obtained from the Planning Inspectorate by way of email, post or the planning portal.

enquiries@pins.gsi.gov.uk

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

<http://www.planningportal.gov.uk/planning/appeals/advertappeals>

Unauthorised adverts and signs

Anyone who displays an advertisement or uses an advertisement site, or knowingly permits someone else to do so without consent, is acting illegally. It is then open to the National Park Authority to bring a prosecution under Section 224 of the Town and Country Planning Act 1990.

Where advertisements and signs have been erected the Authority may take direct action under Section 225 of the Town and Country Planning Act 1990, Section 127 of the Localism Act 2011. The additional powers under Section 225 allow the Authority to remove unauthorised advertisements and signs and recharge the costs back to the advertiser, land owner or tenant.

Furthermore, where an advertisement has been displayed with the benefit of deemed consent and the Authority consider that the advertisement or signs results in substantial injury to the amenity of the area or a danger to members of the public, the Authority is empowered to serve a discontinuance notice. The Authority is likely to pursue this course of action if it involves the display of a large number of advertisements or if an advertisement is particularly obtrusive. If it adversely affects the setting or character of listed buildings or Conservation Areas then action is likely to be considered appropriate.

The Design Advice

Advertisements can be necessary for the economic welfare of businesses and potentially enhance the street scene when handled well. On the other hand, a plethora of ill considered signs can have an extremely adverse impact on an area's character. The following advice is targeted specifically at advanced directional signs and a-boards.

Advanced Directional Signs for tourism and business premises

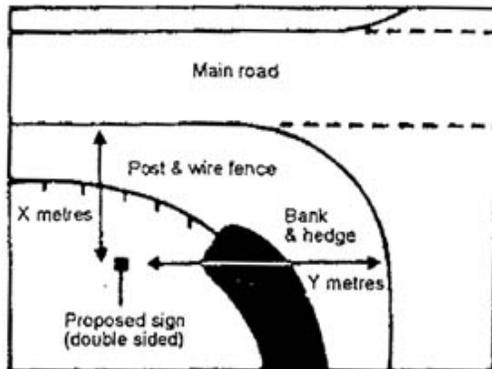
There are generally three distinct forms of directional signs that attractions and businesses use to help people reach a specific destination:

- Highway signs – These are usually erected and paid for by the Highway Authority for the area and erected on land forming part of the highway.
- Brown tourism signs – These are normally erected by the Highway Authority on land forming part of the highway, but at the expense of the advertiser.
- Other signs – Generally, all of these fall within the broad term 'advertisements'. These are controlled under the Regulations.

Generally most other directional signs require Advertisement Consent from the Authority.

These signs will only be permitted where there is a local business need or road safety and are acceptable in terms of design and siting. Signs should be of a timber finger-post design which contains only the name of the business. Composite signs will be required to avoid proliferation of individual signs, where this is not possible further advice should be sought from this Authority. Other directional signs will not normally be permitted for tourist attractions that are eligible for Department of Transport (brown) tourism signs. They will also not be permitted on A roads where the Highways Authority have erected a Highway sign confirming village services.

Where there are multiple business enterprises in a single location (i.e. within a small village) it would be beneficial to all of those businesses to apply for a single composite sign as in most cases only a single sign post will be permitted.

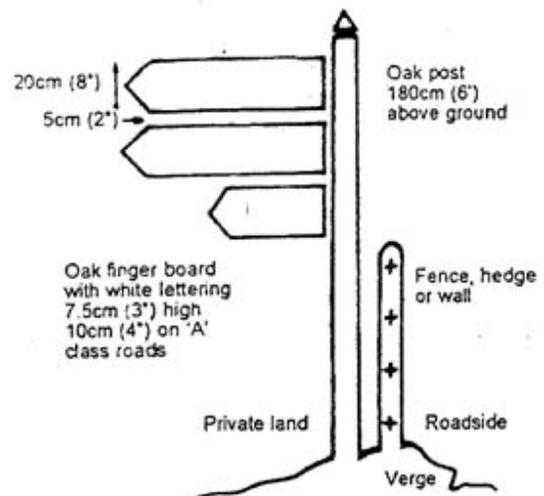


When making an application for a directional sign please consider the following:

- You will need to provide a location plan to show the size of the sign and its location in relation to roads and property. This plan should be to a scale of 1:500 or less and be detailed enough to identify the site.
- Finger posts signs should be used. Where there is more than one business, composite signs will be required. A maximum of three fingers per side of any single post will be permitted providing each sign relates to a separate business.
- Signs will not be illuminated.
- The sign should, where possible be sited against a backdrop of hedges trees buildings or rising ground.
- The content of the sign will be limited to the name of the business.
- The sign should be sited as near as reasonably practicable to the entrance of the site and should direct traffic by the most satisfactory route.
- The design, including materials, colour and wording, and location should be appropriate to the locality and you are advised to agree details with the Authority in advance.

The diagram and information provided below is a guide only for when you prepare your application.

ELEVATION



- The sign should be legible at a minimum distance of 60m.
- All characters and symbols to be 75mm high or, on A Classification roads, 100mm.
- Names to combine upper and lower case letters.
- Post and boards to be of timber (preferably oak). However, alternative materials can be discussed with the area planning officer.
- Letters to be routed and either in sans serif or slab serif style.
- Colour of lettering to be black.

A-board advertisements

There is a trend to using A-boards outside of premises to draw attention to commercial services, goods for sale, or other services available. The cumulative effect of too much advertising can lead to unsightly clutter. A well maintained property will be more pleasing to the eye and more likely to encourage customers to enter the building.

A-boards can be displayed within the forecourt of premises without the need for advertisement consent subject to limitations which include:

- The total advertising area.
- The size of each individual advertisement.
- The letter and symbol size.
- The height of the advertisement above ground level
- No illumination is permitted.

Be aware that the public highway which includes the pavement must be kept clear to allow safe passage of pedestrians and drivers. A-boards in these locations represent at best an inconvenience in terms of impeding pedestrian flows and at worst a serious hazard to those people who are partially sighted or blind.

Further Information and Advice

Area Planning Officers Northern Team

Mr Peter Jones (Planning Team Leader)
Mrs Ailsa Teasdale
Mrs Cheryl Ward

Southern Team

Mrs Hilary Saunders (Planning Team Leader)
Mrs Jill Bastow
Miss Helen Webster

For further advice on a particular advertisement or advertising scheme please contact your area planning officer by telephone on 01439 77270 or by email through our general enquiry address - planning@northyorkmoors.org.uk.

Further information can also be found at:

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007/783)
http://www.legislation.gov.uk/uksi/2007/783/pdfs/uksi_20070783_en.pdf

Communities and Local Government Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7678/321506.pdf

Corrections to Communities and Local Government Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7679/441431.pdf

The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2011 (SI 2011/2057)
<http://www.legislation.gov.uk/uksi/2011/2057/made/data.pdf>

The Town and Country Planning (Control of Advertisements)(England) (Amendment) Regulations 2012 (SI2012/2372)
http://www.legislation.gov.uk/uksi/2012/2372/pdfs/uksi_20122372_en.pdf

DCLG Guidance Outdoor advertisements and signs: a guide for advertisers
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf