

Control of Advertisements Policy

1. Introduction

There is a need to give consistent and fair consideration to advertisers' applications yet reconcile the conflicting objectives of safeguarding amenity and public safety.

The purpose of advertising is to provide information to the public, whether by advice, direction or announcement of goods and services provided. When used in moderation this function is adequately served and there should be no conflict with public safety or amenity. However when a multiplicity of signs is used or when an advertiser seeks a larger or brighter sign than his competitors the original purpose of the sign is lost due to the visual confusion which results. This is self-defeating from an advertiser's point of view, provides no information to the public and can quickly destroy the amenity of an area.

The policy selected must be broad in its approach and flexible enough to cater for different circumstances, within the terms of the Regulations, as a proposal which might be deemed unsuitable in one location might well be acceptable in another. The overriding consideration in each individual case must be public safety and amenity. The following policy, therefore, has been adopted by North Ayrshire Council as a basis for the control of advertisements.

2. Scope of Powers

The legislation dealing with the control of advertisements is the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, a summary of which is attached as Appendix 1 of this document.

The powers available under this legislation are only exercisable in two respects, amenity and public safety. In terms of amenity, the local planning authority are obliged to take account of the general characteristics of the area, particularly any feature of architectural, historic, cultural or civic interest. In terms of public safety, the local planning authority must have regard to the potential effect of the proposed advertisement on road traffic signs, railway signals or any aid to navigation by water or air.

Certain categories of advertisements can be displayed without express consent. The main categories are:

- a) Functional advertisements such as road signs
- b) Advertisements relating to business premises, with restrictions on size and height, and
- c) Certain advertisements of a temporary nature, eg on building sites.

Generally no illuminated or projecting signs are included in these categories.

3. Areas of Special Control

Subject to the approval of Scottish Ministers, the legislation permits the local planning authority to designate any part of its areas as an area of special control. This is generally done to protect areas of high landscape or townscape value. North Ayrshire Council has not designated any areas of special control but there are 10 approved Conservation Areas in which similar strict controls over advertisements are in operation.

4. Application of Policy

The types of advertisements which require express consent can be considered under the following headings:

- a) Illuminated fascias
- b) Projecting signs both illuminated and non-illuminated
- c) Hoardings (panels and free-standing)
- d) Advance signs
- e) Free-standing illuminated signs

The Councils policy on each of these categories is set out in detail below.

a) Illuminated fascias

With the exception of Conservation Areas, fascia signs shall be permitted in principle above shops, public houses, cafes and similar commercial premises. In busy commercial areas such as town centres a wide variety of designs would be acceptable subject to the fascia sign being related to the design of the shop front and below the level of the first floor. It is considered that a variety of styles can add interest to a busy town centre.

Above ground floor level, illuminated fascias will not be permitted except in exceptional circumstances where it is appropriate to the scale or function of the building. On a large building it will often be more appropriate to have individual letters rather than a conventional box fascia sign.

Where premises do not form part of a commercial frontage or have no recognisable fascia, particular care should be taken to ensure that the design of the sign is compatible with the character and size of the building.

b) Projecting Signs

One projecting sign, either illuminated or non-illuminated shall be permitted on each commercial frontage of a building. Where there is an existing fascia, the sign shall be in line with the fascia. An exception may be made where this would leave insufficient headroom above a public road or footpath. The size and shape of these signs may be partly dictated by the depth of the fascia to which they are related, but normally such signs should not exceed approximately 0.5m²

Illuminated projecting signs may not be permitted near traffic lights if they could cause confusion.

Projecting signs will not normally be permitted above ground floor level. Exceptions may be made for large buildings where deemed appropriate and where the whole building is in the same use but only one projecting sign would be permitted on any frontage.

c) Hoardings

As with all advertisements, hoardings can only be controlled in the interests of amenity and public safety. In certain circumstances hoardings can provide environmental benefits in their locality. However, given the size and visual impact of many hoardings, careful consideration should be given to such proposals, especially in sensitive areas.

d) Advance Signs

In rural areas, advance signs will only be permitted in relation to isolated businesses which satisfy the following criteria:

- They are substantially dependant on passing trade from outwith the immediate vicinity
- The premises and associated signs which could be erected without express permission are not readily visible from an A Class road, and
- The local directional signposting is inadequate for identification purposes.

Where permitted, advance signs should conform to a standard design, agreed by North Ayrshire Council and should identify the premises, its location and principal function using a combination of words and standard symbols. A maximum of one double-sided or two single-sided signs shall be permitted at the nearest A Class road junction to the establishment advertised, and, thereafter directional signs of a standard type at minor road junctions as agreed by North Ayrshire Council.

e) Freestanding Illuminated Signs

These signs are mainly associated with petrol stations and repair garages which are often situated in non-commercial areas. In order to minimise visual intrusion, only one pole mounted identification sign shall be permitted on each road frontage of the premises. In addition, illuminated signs on canopies over pumps shall be permitted provided that they do not increase the depth of the canopies or interfere with road safety.

5. Other Special Circumstances

a) Conservation Areas

Within Conservation Areas, normal standard signs may not be appropriate and any signs should be individually designed to relate to the character of the area and the style of building.

b) Listed Buildings

Any sign to be situated on a Listed Building used for business or commercial purposes should be carefully designed to relate to the character and style of the building. Where it is considered that signs which have deemed consent adversely affect the appearance or setting of a Listed Building, the challenge procedure will be followed to remove those signs considered inappropriate.

c) Coastal Zone

No advertisements shall be permitted which would interfere with the seaward views available from the coastal roads and have a damaging effect on amenity.

d) Clutter

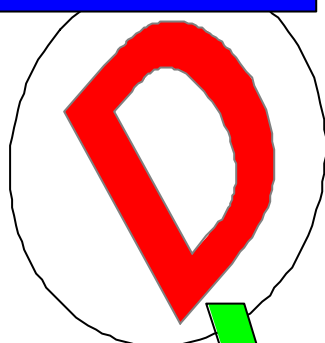
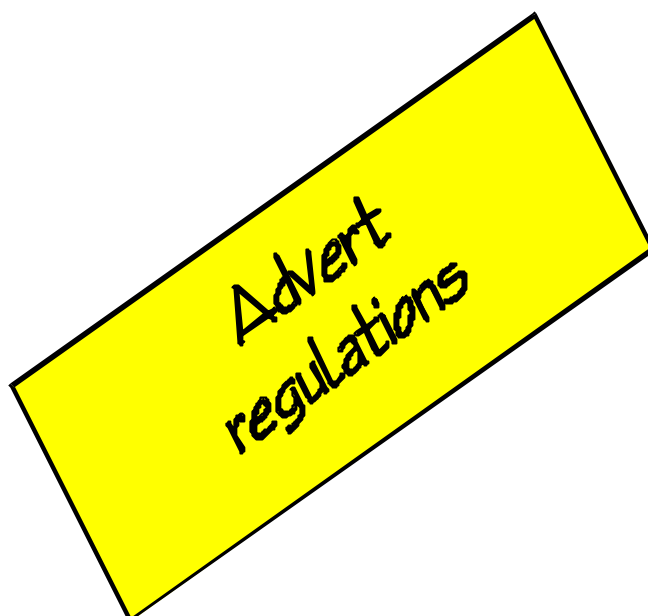
Where a proliferation of advertisements occurs on a building to the detriment of the amenity of the area, the challenge procedure will be used to control advertisements not normally requiring express consent. In particular, this procedure will be used where important buildings or views are adversely affected, or where road safety is adversely affected.

e) Skyline Signs

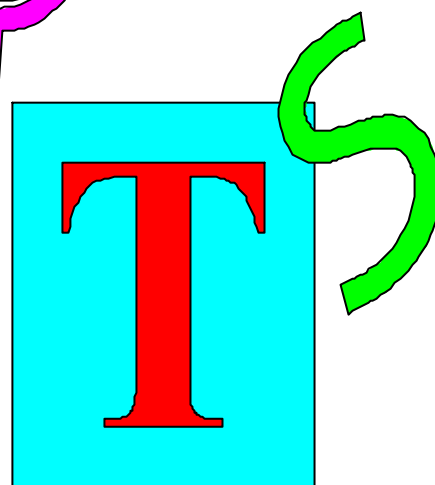
Signs or advertisements which would project above the roof of the building on which they are displayed shall not be approved. This restriction will be applied to both flat and pitched roofs.

6. Summary

- Illuminated fascias shall be permitted in principle related to commercial uses particularly in town centres. However no illuminated fascias shall be permitted above first floor level, except in exceptional circumstances where the scale and character of the building is appropriate
- Only one projecting sign whether illuminated or non-illuminated shall be permitted for every frontage relating to a commercial use. The size of the sign shall be in scale with the building and related to the fascia.
- No advance signs shall be permitted except where in the opinion of the local planning authority the display is considered to be in the public interest or where special justification of need is shown.
- Applications for hoardings will be given careful consideration, especially where they would impact on sensitive areas.
- Only one pole-mounted illuminated sign shall be permitted on each road frontage of petrol filling stations etc. Illuminated signs over pump canopies shall be permitted provided they do not increase the depth of the canopy.
- Advertisements displayed within Conservation Areas will be the subject of strict control. No specific policy is appropriate, but the design of signs must be carefully integrated with the special character and form of these visually sensitive areas.
- The display of advertisements on Buildings of Special Architectural or Historic Interest will be strictly controlled. Such signs must not detract from the inherent architectural value of these buildings and in most cases will have to be specially designed to fit their location.
- The seaward views available in the Coastal Zone shall be protected when considering applications for advertisement consent.



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***ADVERT REGULATIONS
Town & Country Planning
(Control of Advertisements)
(Scotland) Regulations 1984***

Advert Regulations

ADVERTS

Adverts covered by Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Under Regulation 5 no advertisement may be displayed without the consent granted by the Planning Authority or the Secretary of State or as deemed to be granted by the regulations themselves.

The display of an advertisement may also involve development i.e., the hoarding on which it is situated, but under the planning act, that development is deemed to be granted with exception of the advertisement.

TYPES OF CONTROL

Non Development

The advert regulations do not regard as development for advertisement purposes, the following-:

- a) An advert displayed inside a building, unless it is visible from outside the building and is either illuminated or is displayed within a building used principally for the display of adverts, or any part of the advert lies within 1m of an external door or window.
- b) An advert displayed on a vehicle or vessel normally employed as moving, but not if the vehicle is used mainly for the display of adverts.
- c) An advert incorporated in and forming part of the fabric of a building other than a building used principally for adverts.
- d) An advert on "enclosed land" and not readily visible from outside the enclosure.
- e) An advert on or consisting of a balloon at more than 60m above ground level.
- e2) An advert on or consisting of a balloon tethered to a site where it is not controlled as an area of special control such as a conservation area, providing firstly there is not more than one balloon on the site at a time, and secondly, the site is not used for adverts on more than 10 days per year.
- f) An advert on an article for sale, package or container, or on a pump for the selling of liquid, provided firstly it refers wholly to the article or liquid, secondly it is not illuminated and thirdly it does not exceed 0.1m² in area.

Planning Law

Under Schedule 4 of the advertisement regulations, 6 classes of adverts may be displayed without express consent.

Class 1

Functional advertisements of local authorities, community councils, statutory undertakers, public transport undertakers relating to:-

- 1) Their function or operation for a safe or efficient performance.
- 2) As displayed by a planning authority on land within their area.

Class 2

Miscellaneous advertisements relating to the land on which they are displayed subject to the following restrictions of letters not exceeding 0.75m in height and highest point of advert being no more than 4.6m above ground level, the following 3 types of advert are covered:-

- 1) Adverts for identification or direction up to 0.2m² in area.
- 2) Adverts relating to business or firms up to 0.3m² per advert and 1 per firm or 1 per separate road access. Only signs relating to a medical service may be illuminated.
- 3) Adverts relating to recreational, educational, residential, tourist premises etc. up to 1.2m² per advert and 1 advert per business or road access. Only signs relating to a medical service may be illuminated.



An advertisement relating to hotel premises (included in Class 1) located on the site of the building.

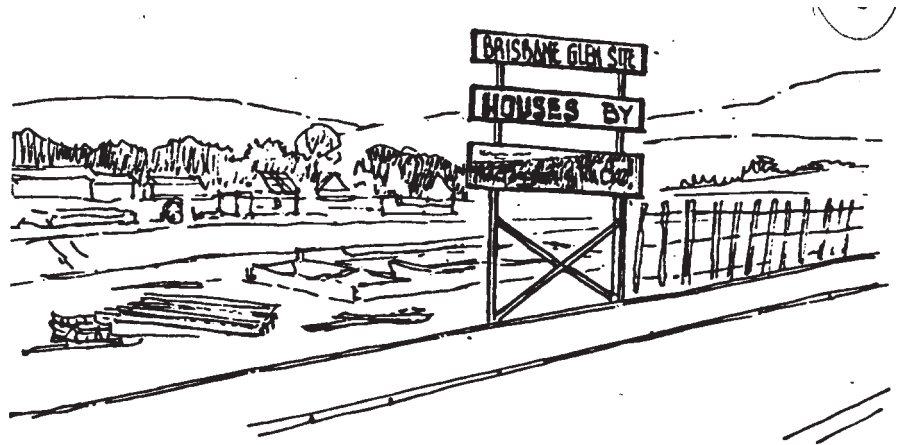
maximum area permitted 1.2 square metres.

Class 3

Class 3 relates entirely to temporary adverts.

- 1) Firstly adverts relating to the sale or letting of land. One advert not exceeding 2m² or 2 conjoined boards not exceeding 2.3m² not to project more than 1m from the face of a building, not to be displayed earlier than 28 days before the sale and to be removed no later than 14 days afterwards. To be displayed at the lowest practicable level. Maximum height of lettering 0.75m.
- 2) Adverts announcing sale of goods or livestock on land not normally used for that purpose, limited to one advert, 1.2m² maximum area, not to be displayed earlier than 28 days before the sale and to be removed no later than 14 days after the sale. Not to exceed 4.6m above ground level.
- 3) Carrying out of building or similar works on land not normally used for that purpose, one advert up to a maximum of 2m² per contractor or subcontractor on each road frontage. Only to be displayed during building works and not to exceed 4.6m in height.

A temporary advertisement below the maximum permitted size of 2 square metres relating to building work on the land on which the board is displayed.



4) Advert for any religious, cultural, recreational etc. temporary non-commercial local activity not to exceed 0.6m^2 on any site, not to be displayed prior to 28 days before the event and to be removed no later than 14 days after the event. Highest point of advert not to exceed 4.6m in height.

5) The demonstration of agricultural methods on the land where the advert is displayed. Not to exceed 1.2m^2 for each demonstration with no one advert to exceed 0.4m^2 . To be displayed for no more than 6 months, not prior to 28 days before commencement and no later than 14 days after demonstrations cease. Highest point of advert not to exceed 4.6m in height.

6) Hoardings enclosing building operations designated in a development plan for commerce, industry or business. Not to be displayed in areas of special advertisement control or conservation areas. Shall exclude adverts less than 1.5m in height, less than 1m in length or more than 3.1m in height and 6.1m in length. Not to be displayed for more than 2 years and not prior to 28 days before building operations start.

The planning authority must be notified 14 days before hoardings are erected.

Highest part of advertisement should not exceed 4.6m in height.

Class 4

Adverts on business premises.

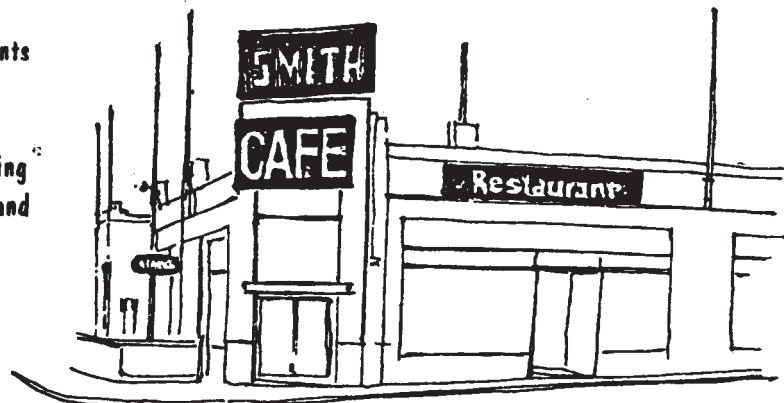
Adverts displayed on business premises referring to the goods or services available and the name and qualification of the person involved. Not to be displayed on the wall of a shop without a shop window. Restrictions on area may apply in areas of special advertisement control. The bottom of the first floor level of the building shall be the maximum height for the advert or 4.6m whichever is the lower. Adverts displayed on any forecourt of a business, containing the information contained above shall have an aggregate area of not more than 4.5m², however forecourts facing different frontages shall be treated separately. The highest point of any such advert must not exceed 4.6m high.

An advertisement of Class IV relating to business premises which indicates name of business and activity being carried out. This is a good example of the use of individual letters attached directly to the building.

height above ground level 4.6m maximum or first floor level.



A combination of advertisements requiring consent by virtue of the size of the lettering (above 0.75m), the height being over 4.6m from ground level and the signs are capable of illumination



Class 5

Adverts within buildings.

Adverts displayed within any building not otherwise exempt by these regulations.

When illuminated, not to incorporate any moving feature or animation. No one advert shall exceed 250cm², no group of adverts to exceed 1/10th the area of the door or window in which they are displayed. The highest point of any such advert not to exceed 4.6m in height.

Class 6**Illuminated adverts displayed on business premises referring wholly to the goods or services inside and the persons involved.**

- 1) Each character of the advert to be lit individually from within. The background to be unlit.
- 2) Not to be displayed in a conservation area or area of special advertisement control.
- 3) To be only displayed on the external face of the business premises and parallel to it.
- 4) Only 1 advert on any external face.
- 5) No part of the advert to be less than 2.5m above ground level.
- 6) Not to include any moving feature or animation or to be lit intermittently.
- 7) Not to be displayed on any wall not containing a shop window.
- 8) Not to project more than 0.25m from the wall.
- 9) Switches, wires etc. to be concealed as far as possible. The highest point of any such advert not to exceed 4.6m in height.

All advertisements are subject to the following five conditions as per schedule 1 of the regulations-:

- 1) All adverts must be kept in a clean and tidy condition.
- 2) All hoardings etc. must be maintained in a safe condition.
- 3) When an advert has to be removed under the regulations it shall be carried out to the satisfaction of the planning authority.
- 4) Before the advert is displayed on land the permission of the owner should be obtained.
- 5) The advert must not obscure a signal for road, rail, air traffic or an aid to navigation, nor render hazardous the use of any transportation method. *

*This condition only applies to adverts granted by deemed consent, but the safety factor will be taken into account when the planning authority is considering granting express consent.

DEEMED CONSENT (OTHER ADVERTISEMENTS)

- 1) A site used for the display of adverts before the 16th August 1948 may continue to be so used subject to standard conditions.
- 2) Election notices, statutory adverts, traffic signs subject to the standard conditions.

OBTAINING EXPRESS CONSENT

The procedure is similar to that of obtaining planning consent in so much that forms, drawings and a fee must be submitted.

The application can be granted, conditions attached, or it can be refused. Every express consent must be for a fixed period of five years unless specified otherwise. The application can be renewed 6 months prior to the expiry of the consent. An appeal can be made against the refusal of an application, conditions which are attached, or a discontinuance notice. Under regulation 21, the appeal procedure consists of a written notice to the Secretary of State within 6 months of the decision, or within 28 days of the serving of a discontinuance notice. The appellant has 28 days to forward relevant documents in either case. The planning authority is required to submit written observations with 2 sets of photographs of the site within 28 days of being advised of the appeal.

PRINCIPALS OF CONTROL

When consent is required, the authority can only be concerned with issues of public safety and amenity within the area. The content of the advertisement or the need are irrelevant, nor can an advert be refused for being offensive to public morals.

ENFORCEMENT

Under regulation 24, planning authorities can serve an enforcement notice where the advertisement has not received consent or conditions are not complied with. The notice should be served on the owner, lessee or occupier of the land and on the person displaying the advert. The enforcement notice must specify the advert if displayed without consent, or the matters of alleged failure to comply with the condition, the steps to be taken to rectify the situation and the time period for doing so. The notice will take effect on a date specified which is normally 28 days from the date of last serving the notice, or 7 days when urgency is required.

Appeal Against Enforcement Notice

This shall be lodged in writing before the notice takes effect, and operates to suspend the notice pending determination of the appeal or withdrawal of the notice. If the steps are not taken within the period to rectify the situation, the planning authority may enter the land and carry out the work, and may reclaim any expense.

Discontinuance Notices

Under the 1984 regulations, discontinuance notices were introduced whereby the display of an advert with deemed consent may be stopped if it is injurious to the amenity of the area or the safety of the public. The notice must be served on the person displaying the advert, the owner or lessee of the site and the reasons for the serving of the notice explained.

Date of effect, which must be not less than 28 days after the notice is served, must also be advised to all recipients. This notice will, however, be suspended if an appeal is lodged.

Areas Of Special Control

These can be designated by the Secretary of State or the planning authority, and they considerably restrict the display of adverts

LISTED BUILDINGS

On a listed building where the character of the building will be affected, listed building consent will be required not only for the adverts requiring express consent, but also for those to be displayed with deemed consent.