

Barnet Local Plan EIP – Note on Policy CDH09 - Advertisements

Reason for producing this note

On Day 9 (Wednesday 2nd November) at the hearing sessions, during consideration of Matter 8 – Design, Tall Buildings and Heritage, Inspector Wildgoose raised a number of issues relating to CDH09 (Advertisements). This note, including any resultant proposed modifications, should cover the following matters:

1. Clarification required on scope Council has to control advertisements for amenity and public safety at start of policy. Reflect that control of advertisements is different from planning applications.
2. Modify CDH09(b) to make clear that conservation areas are heritage assets (i.e. say “including” instead of “and”, or omit it).
3. Ensure that tests are accurately recorded in the supporting text (e.g. different thresholds in paras 6.34.1, 6.34.3 and CDH09 (a)).
4. Should lighting and illumination aspects of (e)(ii) be separated from requirements related to obstructions. Clarify if all light pollution intended to be resisted, or unacceptable levels of harm / associated test. Justification needed if all illumination proposed to be resisted
5. Clarify justification for final para of CDH09 in terms of exceptional circumstances.
6. Clarify MM185 (as proposed by National Highways). This appears unnecessary.
7. Clarify MM182 (again as proposed by National Highways) This is inaccurate. Proximity to highway not a criterion, permission from landowner required in every circumstance.
8. Clarify MM183 as it refers to something that Council may attempt in future. Is it necessary/justified.
9. Clarify MM184 in terms of guidance provided by the SPD. Consider signposting in CDH09.
10. Clarify status in para 6.34.6 reference to Council’s Advertising Policy ie planning guidance or about Council land. Is reference merited in CDH09?
11. Clarify removal of Special Areas of Advertisement Control from Policies Map.

Background

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to high quality design.

During the examination hearing session where Matter 8 was discussed, proposed modifications were considered, together with aspects of wording of policy and supporting text in the submission Plan. In light of that discussion, the Inspector has requested further clarification, explanation and justification of the matters detailed in this note; the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

Considerations

- 1. Clarification required on scope Council has to control advertisements for amenity and public safety at start of policy. Reflect that control of advertisements is different from planning applications.**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Regulations”) require that decisions on advertisements are made only in the interests of amenity and public safety. Amenity relates to the visual and aural impact of an advertisement upon the host building or site and wider locality. Amenity factors include the general character of the locality, including the presence of any historic, architectural, cultural or similar interest. Factors relevant to public safety are set out in Regulation 3 of the Regulations. Public safety is not confined to road safety and can include consideration of factors which are relevant to the safe use and operation of any form of traffic or transport on land, over water and in the air. The NPPF outlines the scope for control of advertisements, as a separate process within the planning system. In order to clarify this it is suggested that additional explanation is provided in the supporting text within para 6.34.1. The Council proposes the following modification to para 6.34.1

Advertising can have an adverse impact on the appearance of an area, particularly if poorly sited and designed. The amenity impacts and safety implications of all advertisements will be carefully considered as a separate process within the planning system, which should be operated in a simple and effective manner. Permission will not be given for proposals which detract from the character of a building or street and impact on public as well as highway safety.

It also important to ensure that Policy is clear in terms of the role of the Local Plan. Therefore the following modification is proposed to CDH09:

Advertisements should be subject to control in the interests of amenity and public safety, taking account of cumulative impact; therefore, the Council will support advertisements that:

- 2. Modify CDH09(b) to make clear that conservation areas are heritage assets (i.e. say “including” instead of “and”, or omit it).**

The Council acknowledges the merits of a proposed modification CDH09b to make clear that conservation areas are included as heritage assets is as follows:

b) preserve or enhance heritage assets, including ~~and~~ conservation areas;

- 3. Ensure that tests are accurately recorded in the supporting text (e.g. different thresholds in paras 6.34.1, 6.34.3 and CDH09 (a)).**

To ensure that the NPPF is reflected accurately and consistently, the following modifications are proposed to the supporting text and CDH09(a) :

6.34.1 Advertising can have an adverse impact on the appearance of an area, particularly if poorly sited and designed. The amenity impacts and safety implications of all advertisements will be carefully considered as a separate process within the

planning system, which should be operated in a simple and effective manner. ~~Permission Consent~~ will not be given for proposals which ~~detract from the character of a building or street and impact on public as well as highway safety~~ have detrimental impact on amenity or public safety, including highway safety, taking account of cumulative impacts.

6.24.3 The Council must manage advertisements effectively in terms of number, size, siting and illumination, as key considerations to ensure that they do not have substantial detrimental impact on the public safety, ~~character and~~ or amenity of the surrounding area and residents. Advertisements and signs should be designed to be complementary to and preserve the character of the host building and local area. Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host buildings and surrounding environment.

CDH09 a) Do not cause unacceptable harm to the ~~character and~~ amenity of the area or public safety and are sensitively designed and located within the street-scene and wider townscape;

- 4. Should lighting and illumination aspects of (e)(ii) be separated from requirements related to obstructions. Clarify if all light pollution intended to be resisted, or unacceptable levels of harm / associated test. Justification needed if all illumination proposed to be resisted.**

On review of the policy wording, it is considered appropriate to distinguish between obstructions and impacts of lighting. Therefore, the Council proposes the following modification as follows:

e) Are of an appropriate size and siting that does not:

- i) Significantly detract from the amenity of the street scene or neighbouring properties.*
- ii) Cause a physical or visual obstruction, including a proliferation of signs and advertisements that cause 'visual clutter'.*
- iii) Contribute to excessive light pollution from flashing or illumination ~~to~~ with impact on passers-by, highway users, nearby residential properties or wildlife habitats.*

- 5. Clarify justification for final para of CDH09 in terms of exceptional circumstances.**

The Council acknowledges that references to exceptional circumstances within the Plan should be used exceptionally. The inclusion of 'exceptional circumstances' in Policy CDH09 was intended to consider the potential for advertisements above facia or ground floor level should there be practical or logistic reasons to allow so, with exceptional design to ensure the placement and integration of the advert is appropriate.

The Council acknowledges that CDH09 should be updated to highlight the need to integrate with the existing building form. It proposes a modification as follows:

The Council will resist advertisements on shopfronts that are above facia level or ground floor level, ~~except in exceptional circumstances~~ to ensure that they contribute positively to the appearance of the existing building.

- 6. Clarify MM185 (as proposed by National Highways). This appears unnecessary.**

National Highways made a number of requests for specific wording in relation to the Regulation 19 Draft Barnet Local Plan consultation. This included additional text to manage

advertisements impacting on the Strategic Road Network. Modification MM185 ([EXAM4] - Policy CDH09G) was proposed as a result of this response.

After further reflection during the EIP the Council is of the view that these modifications should be withdrawn in the absence of further clarification and justification from National Highways. The Council acknowledges that the 2007 Regulations already require consultation with the Secretary of State for Transport under Reg 13(1) (c) and that this responsibility is delegated to National Highways. There is no need for the Council to repeat nor seek to modify these requirements in the Local Plan.

The Council has sought the views of National Highways on these matters with clarification provided through a revised Statement of Common Ground

7. Clarify MM182 (again as proposed by National Highways) This is inaccurate. Proximity to highway not a criterion, permission from landowner required in every circumstance.

For the same reasons as set out in our previous response at Point 6, MM182 is now withdrawn.

8. Clarify MM183 as it refers to something that Council may attempt in future. Is it necessary/justified.

MM183 refers to the display of estate agent boards to advertise property sales/lettings. This was added to ensure the effective management of such advertisements, which can on occasion cause harm to the appearance of a street. As noted, the removal of general approval for this type of advertisement is something that the Council may consider and it is reasonable to outline that the Council could do this when there is harm to the appearance of a street or area.

9. Clarify MM184 in terms of guidance provided by the SPD. Consider signposting in CDH09.

Para 6.34.7 refers to the Sustainable Design and Development Guidance SPD, which was updated in MM184 to reflect the updated name. Guidance on advertisements within this SPD will provide example of appropriate signs and adverts in various locations. The SPD is not intended to set any additional requirements to policy, but rather provide design and good practice guidance. To reinforce this, the Council proposes to update MM184 as follows:

Further guidance on the Council's approach to advertisements, reflecting best practice, will be set out in the Sustainable Design and Development Guidance SPD.

The Council also considers that there are merits in signposting the SPD in Policy CDH09. It proposes the following modification as the last para of CDH09 :

Applications for Advertisement Consent are required to have due regard to the Sustainable Design and Development Guidance SPD. Proposals that are on Council land are required to have due regard to the Council's Advertising Policy.

10. Clarify status in para 6.34.6 reference to Council's Advertising Policy ie planning guidance or about Council land. Is reference merited in CDH09?

Para 6.34.6 makes reference to the Council's Policy on Advertising (EB_DH_15) on Council land. The policy seeks to provide clarity on future proposals in regard to advertising on Council land, including the criteria to be applied when granting consent for advertising on highway land. The Council acknowledges that there are merits in making reference to the Council's

Advertising Policy in the Local Plan Policy on Advertisements and refers to the modification at Point 9.

11. Clarify removal of Special Areas of Advertisement Control from Policies Map.

The 2006 Unitary Development Plan (Core_Gen_31) states at para 4.3.1.41 that 'in areas of the borough which are particularly sensitive, such as Conservation Areas and areas of open land, special care is needed to ensure that advertisements and signs do not detract from the character and appearance of the area. In recognition of this the council has designated 'Areas of Special Advertisement Control' in the borough where a greater than normal degree of control is exercised over the number, type and size of advertisements which may be displayed. The Area of Special Advertisement Control is not designated through the Local Plan. It is designated in a similar process to Article 4 Directions apart from the need for it to be reviewed as highlighted by Town & Country Planning (Control of Advertisements) (England) Regs 2007 Reg 20 (4).

Where an Area of Special Control Order is in force, a local planning authority must consider at least once in every 5 years whether it should be revoked or modified. It is important to ensure that the standards adopted in first making the Order are consistently maintained throughout the whole Area of Special Control whilst it remains in effect.

The Council can confirm that no review of the Order has taken place in the period 2006 to 2022. It therefore cannot justify the Area of Special Advertisement Control under the Town & Country Planning (Control of Advertisements) (England) Regs 2007 Reg 20 (4) and the designation should be removed from the Policies Map.

Conclusion

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions.