

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	11 April 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2391
TITLE:	Proposals to seek comprehensive and appropriate permissions for temporary display of banners and promotional material	
WARD:	All Wards in Bath	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Outdoor advertisements and signs: a guide for advertisers (Department for Communities and Local Government)		

1 THE ISSUE

1.1 The display of banners and other promotional material can add vitality and richness to the public realm of Bath, whilst also helping to increase economic activity. However, inappropriately located and designed promotional material can detract from the street scene and the appearance of the World Heritage Site. In order to ensure that the Council retains control over the location and design of appropriate banners and promotional material and takes a proactive approach in managing delivery there is a need for the Council to agree a process towards obtaining a new advertising consent; preparing design guidance and a delivery and management strategy.

2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 The process outlined in Option 3: Maximise Control and Corporate Management is progressed, and
- 2.2 Cabinet receives a further report following the completion of the stages A-E identified in Option 3 to consider the submission of a planning application; agree the implementation process and any necessary additional funding to cover additional costs

3 FINANCIAL IMPLICATIONS

- 3.1 Funding has been identified and Cabinet has been requested to approve a carry forward of £30,000 to 2012/13. However, this is subject to a satisfactory 2011/12 outturn report.
- 3.2 If Cabinet decides to progress the recommended approach (i.e. option 3) the budget of £30,000 will cover the estimated costs of the work outlined in stages A-E i.e. assessment of alternative locations; product design; preparation of a management plan and delivery strategy; preparation of an application for advertising consent and detailed supporting material; and undertaking stakeholder engagement. If agreed as the most appropriate way forward additional funding would need to be found to cover the costs of procuring production of banners fixings and mounts. The source of this additional funding will be subject to consideration by Cabinet following completion of stages A-E above.

4 CORPORATE OBJECTIVES

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 THE REPORT

- 5.1 Advertisements are an important part of the street scene and are essential to commercial activity, particularly within town centres. Designed well and integrated with buildings advertisements can blend in with the character of an area. Conversely, a proliferation of advertisements can detract from the appearance of the building and street scene.
- 5.2 Currently planning applications for the display of banners and advertisements are determined against the provisions of national and local plan policy (see paragraphs 5.7 to 5.14 below).
- 5.3 Bath and North East Somerset Council (Tourism Leisure and Culture Service has secured (advertisement) consent for a limited number of locations to display banners.
- 5.4 The Council's Public Realm and Movement Strategy recognises the display of appropriately designed and positioned banners and exhibitions can add vitality and richness to the city whilst bolstering its economy.
- 5.5 To protect the character and setting of the city, the location and design of all promotional and exhibition material within the public realm needs to be carefully considered.
- 5.6 The Council needs to investigate the potential to establish a framework that addresses locational; design; delivery and management issues of the display of banners and other promotional material.

Planning Policy

- 5.7 National policy: Many outdoor advertisements (including those on roundabouts) and designs come within the scope of control of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and therefore require express consent from the local planning authority. As outlined in PPG19 'Outdoor Advertisement Control', this regime enables local planning authorities to control advertisements when it is justified in the interests of amenity and public safety.
- 5.8 The advertisement control system covers a wide range of advertisements and signs including:
- _ posters and notices
 - _ placards and boards
 - _ fascia signs and projecting signs
 - _ pole signs and canopy signs
 - _ estate agents' boards
 - _ captive balloon advertising (not balloons in flight)
 - _ flag advertisements
 - _ town and village name-signs
- 5.9 Certain advertisements are specifically excluded from control under the Regulations. There are 9 different classes of advertisement which are excluded from the direct control of the planning authority provided certain conditions are fulfilled. These categories and their relevant conditions/limitations are listed under Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 2007. Given the complexity of the Regulations the categories are not summarised in this report. However, the Department for Communities and Local Government (DCLG) has published a simplified guide entitled 'Outdoor advertisements and signs: a guide for advertisers' which is attached as Appendix 1.
- 5.10 Other advertisements are granted deemed consent, which enables certain 'specified classes' of advertisement to be displayed without application being made to the planning authority. There are 16 such classes of outdoor advertisement, each with its own particular conditions. So the practical effect is that the number of advertisements in that class, their size and duration of display, are limited for each deemed consent. These categories and the relevant conditions are listed under Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 and are also explained in the DCLG guide attached as Appendix 1.
- 5.11 If it is considered appropriate, the Council may implement tighter controls over displays. This may be done by removal of 'deemed consent', taking discontinuance action to remove existing intrusive advertisements or by defining Areas of Special Control of Advertisements. There are however no designated Areas of Special Control within the district.
- 5.12 A direction under regulation 7 of the Town and Country Planning (Control of Advertisements) regulations 2007 restricts the display of 'To Let' and 'For Sale' signs within the City of Bath Conservation Area. This remains in place until April 2016, but can be renewed after this time. This means that advertisement consent is required each and every time such a sign is proposed to be displayed within the Bath Conservation Area.

- 5.13 The Council's existing planning policy on the display of adverts is set out in the B&NES Local Plan and reflects national policy. Policy BH17 states that (relevant to Bath) consent for the display of advertisements will be granted provided that they do not prejudice public safety or will not, either on their own or cumulatively be detrimental to visual or residential amenity. This means that the display of banners or advertisements may be refused because of the visual impact on the World Heritage Site and Listed buildings or in the interests of public safety e.g. if it is structurally unsound or it is likely to cause confusion with traffic signs and signals or navigational facilities.
- 5.14 Additionally, Policy BH.18 seeks to steer hoardings, panels and posters to a predominately commercial, industrial or mixed-use area. If an advertisement is placed on a hoarding which relates to land where building operations are taking place, the whole structure can be classed as an advertisement and can be deemed consent under Schedule 3, Class 8 of the regulations. This, as with the other classes has set conditions and limitations, for example the advertisement should not be located within a Conservation Area.

Strategy – The Way Forward

- 5.15 In reviewing the way forward the Council needs to establish a framework that will enable it to be in a better position to facilitate the display of appropriate banners and other promotional material in the right locations which ensure protection of the World Heritage Site. The approach needs to be clear and consistent.
- 5.16 In addition to location, the programming and management of installation needs to be controlled by the Council. This has the potential to be delivered within a business case that balances costs with income from displays.
- 5.17 An initial review of existing local planning policy concludes that it closely follows national guidance and there is little scope to amend it. However, there is considerable scope to set out a more proactive approach to facilitating the display of appropriate banners and promotional material in the right places. Three options on the way forward are set out below. For each of the options the advantages and disadvantages are summarised and an estimate of the indicative financial cost is also set out.
- 5.18 In assessing the options on the way forward and determining the approach that should be taken it is vital that a corporate approach is taken and that other relevant service areas are closely involved, in particular Transport, Tourism, Leisure & Culture and Development & Major Projects.

Options

- 5.19 Three options on the way forward are set out below. Option 3 is recommended as the most appropriate way forward as it delivers a proactive approach that will enable the Council to retain control in facilitating and managing delivery of the display of the right types of banners and promotional material in the right locations.

Option 1: Continue to use Existing Policy and Consents

- 5.20 The Council can harness its existing powers of control and use an existing permission to manage and promote the display of banners in appropriate locations.
- 5.21 National and Local policy, applied through the development management (control of advertisements) process, provides the Council with a reactive approach to managing the location, design and duration of banners and exhibition material within B&NES, judged against policy criteria relating to public safety and visual or residential amenity.
- 5.22 Advertisement consent for banners in Bath obtained by the Council in March 2011 (09/02576/AR) has secured permitted locations for banners at Milsom Street, Stall Street, Pulteney Street, North Parade. However, the decision refused permission for a number of more sensitive locations including Sydney Place, Orange Grove and Bath Street. It has also limited the duration of display. This consent has both enabled the display of some banners for the next four years and set a benchmark for any proposed alterations.

Option 1

Advantages

- 1 Minimises the need for financial commitments (within the capacity of the planning service)
- 2 Potential for immediate implementation.

Disadvantages

- 1 Reactive management tool with no specific guidance
- 2 No opportunity to deliver consistency
- 3 Existing permission limited in scope and durations.

Option 1

Financial Estimate

Zero capital

Planning Service revenue costs

Option 2: Increased Guidance

- 5.23 The Council may choose to produce design and process guidance to supplement existing policy. This would need to focus on design criteria and guide the process of assessing sites and duration of display to inform an application. It should not specify locations as these may not benefit from advertisement consent and could impose a risk to the Council.
- 5.24 This could be produced as informal or formal planning guidance (SPD)

Option 2

Advantages

- 1 Increases likelihood of receiving well considered proposals
- 2 Increases opportunity for objective assessment of proposals.
- 3 Contained single task with modest financial implications

Disadvantages

- 1 Reactive approach lacking the management control to secure consistency
- 2 Opportunities likely to be restricted by consent to 09/02576/AR until 2016.

Option 2 Financial Estimate

Consultant fee c£10-15,000

+ Corporate consultation and adoption process costs

Option 3: Maximise Control and Corporate Management

- 5.25 To secure maximum control and obtain wider opportunities for promotional banners, the Council may choose to agree a process towards obtaining a new advertisement consent that it could use to market its events and rent space to others. This would require the demonstration of new circumstances and clear design material as well as potential new management capacity within the Council.
- 5.26 A five-stage approach is suggested. This may be undertaken combining consultant input with in-house B&NES resources where available. Estimated consultant fees are noted with each stage. An indication of the month in which different stages of the work could be undertaken is also included. This assumes that work is progressed immediately after consideration by Cabinet and the necessary consultant support can be commissioned quickly.

A. Determining Locations (April-May)

Appraisal of streets and spaces within Bath city centre, city gateways and principle approach routes to assess;

- (i) Desktop research (existing consent 09/02576/AR)
- (ii) Assessment of character and visual impact.
- (iii) Heritage implications, impact on the fabric and setting of listed buildings.
- (iv) Structural implications and potential for fixing material to existing street furniture and buildings and surfaces.
- (v) Highway implications

This will produce a sieve map identifying locations where there is potential for the display of banners and exhibition material.

Financial Estimate:

Consultancy Fee c£5,000

B. Product Design (May-June)

The Public Realm and Movement Programme has delivered a coordinated suite of street furniture and way-finding material for Bath.

To enable banners and exhibition material to compliment this suite and the city's fabric, it is recommended the Council's retained product design consultants produce;

- (i) Designs for a range of bespoke and coordinated fixings/mounts for specific items.
- (ii) A design parameters manual to guide location of particular items and manage the design of all associated promotional and exhibition material.

Financial Estimate:
Product Design Fee c£10,000-15,000

C. Management Plan (May-June)

A management plan should be produced to address:

- (i) The duration and programme for the display of material within the recommended locations.
- (ii) The Council's management and administration systems to enable the on-going delivery of exhibitions and promotions.

Financial Estimate:
Consultant fee c£2,000

D. Delivery Strategy (June-July)

The Delivery strategy should ensure the Council has an action plan to secure:

- (i) Advertising consent to allow the display of banners and exhibition material within the identified locations design and durations.
- (ii) Other consents including highways and building/landowner.
- (iii) Procure the required suite of products.
- (iv) Establish the necessary management resource and systems.

This stage will include preparation of an advertising consent application and detailed supporting material.

Financial Estimate:

- *Consultant fee to prepare and co-ordinate delivery strategy/programme c£3,000*
- *Preparation and submission of applications for advertising and other consents; c£5,000*

E. Stakeholder Engagement and Communications (July)

In resolving preferred streets, spaces and product design, it is recommended a managed (pre-application) stakeholder engagement process is undertaken. This may reduce risk during the formal stages of gaining necessary consents and increase the quality of the scheme.

In moving the new offer forward a programme of promotions/communication may be undertaken to increase customer awareness.

Financial Estimate:
Consultancy fee, c £3,000

Summary of option 3 Estimated Financial Implications

- 1 *Total Financial Estimate for Strategy and Design and Delivery (excluding planning application preparation/submission and stakeholder engagement) c £20,000-25,000*
- 2 *Implementation Costs*
 - (i) *Stakeholder engagement and planning application preparation/submission fees c£8,000*
 - (ii) *Product (production of bespoke and co-ordinated fixings for different types of banners and promotional material – cost is dependent on results of design stage) (Optional)*
 - (iii) *Management Costs*

- 3 *Income*
 - (i) *Space/Equipment Rental*
 - (ii) *B&NES events income*

Option 3

Advantages

- 1 Proactive approach placing control and management with the Council
- 2 Maximum opportunities to deliver consistent design approach to compliment Public Realm Strategy
- 3 Opportunities for income generation

Disadvantages

- 1 Investment cost (see budget provision under section 3 of the Report)
- 2 Timescale for completion
- 3 Delivery Risk (Achieving Advertisement consent)

5.27 If Cabinet decides to pursue Option 3, the work outlined in stages A-E will need to be progressed. A further report will be taken to Cabinet following the completion of stages A-E, outlining the results of the work; the stakeholder engagement and the recommended content of a planning application. Cabinet would be asked to agree the submission of a planning application and to make a decision on the implementation process and specifically whether the Council should, in addition to producing design guidance on the fixings and mounts for different types of banners, seek to procure their production. Dependent on the decision taken, the Cabinet will also need to consider and agree funding streams to cover the cost of the procurement of production. At this stage more accurate information on the costs of production and the potential income from renting space and equipment will be available. As set out above the requested £30,000 budget carry forward covers the estimated cost of stages A to E of this option (but excluding costs of the production of fixings and mounts).

5.28 Cabinet should note that the recommended process outlined above would result in the submission of a planning application in the Autumn this year. As such this process cannot be completed in time for Olympics. Permission has recently been granted (application 11/05349/AR) for the display of 60 Olympic flags, 4 non-illuminated signs and bunting in various locations within the city from May until September. Therefore, it is assumed that this process does not need to be completed before the Olympics. However, if Cabinet is seeking to identify and benefit from the potential opportunities provided by the Olympics an alternative and shortened process will need to be followed e.g. pre-application stakeholder engagement could not be undertaken and consultation would need to take place only through the statutory notifications as part of the planning application determination process. However, given the sensitivity of the locations under consideration and the issues involved this is not recommended as an appropriate way forward.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 An Equalities Impact Assessment has not been completed for this report because this will be undertaken as part of the proposed way forward described in option 3 (paragraphs 5.25 to 5.26) above.

8 RATIONALE

8.1 Three options on the way forward to address the issue are set out in section 5 of the Report. Option 3 is recommended as the most appropriate way forward as it delivers a proactive approach that will enable the Council to retain control in facilitating and managing delivery of the display of the right types of banners and promotional material in the right locations.

9 OTHER OPTIONS CONSIDERED

9.1 The options considered are outlined in section 5 of the Report.

10 CONSULTATION

10.1 *Cabinet Member for Homes & Planning; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 The recommended approach (option 3) includes managed stakeholder consultation and engagement in the process of determining the right locations and appropriate designs for banners and other promotional material. Various methods of consultation will be employed. The most appropriate methods will be determined dependent on the stakeholders to be involved.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Corporate; Health & Safety; Other Legal Considerations*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Sponsoring Cabinet Member	<i>Councillor Tim Ball (Cabinet Member for Homes & Planning)</i>
Background papers	Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Please contact the report author if you need to access this report in an alternative format	