

5p P/11/0015/A - Unauthorised display of placard advertisements within the District of East Hertfordshire District Council.

Parish: ALL

Ward: ALL

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990.

Reasons why it is expedient to commence legal proceedings:

1. The unauthorised signage, by reason of its location adjoining public highways, together with its size, materials of construction and colour, is detrimental to the visual amenity of the street scene, and the character and appearance of the surrounding areas. Furthermore, the signage is visually distracting to road users, thereby likely to create a danger and hazard to highway safety. It is therefore contrary to policy ENV29 of the East Herts Local Plan Second Review April 2007.
2. The signage, where it occurs within Conservation Areas, is additionally detrimental to the character and appearance of those Conservation Areas and is therefore contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

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1.0 Background:

- 1.1 This matter relates to flyposting, by the attachment of corrugated plastic placards to street furniture, and an unoccupied building, in various locations throughout the District advertising "Halloween Fright Night Tours" at Mountfitchet Castle. The placards were being displayed at a number of locations in Bishop's Stortford, both within and without the Conservation Area; on the A120 at Little Hadham and adjacent to the circular carriageway of the Rush Green roundabout in Hertford, just prior to the offslip onto the northbound A10. This is the second occasion recently where officers have been required to take action in respect of events being held at Mountfitchet Castle.
- 1.2 On Wednesday 19th October 2011 planning enforcement officers undertook a patrol of the district to remove unauthorised roadside advertisements. Members may be aware that this activity takes place

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three or four times a year and is considered necessary not only to remedy the loss of visual amenity caused by such advertisements but also in light of their detriment to highway safety. On this occasion the officers' removed eight posters advertising this event at Mountfitchet Castle and a further poster was removed by a planning officer the following day.

- 1.3 Members may be aware of a 2007 report by Dr Mark Young of Brunel University into the effects of roadside advertising on driver attention. That report states that "There is growing concern that roadside advertising presents a real risk to driving safety, with conservative estimates putting external distractors responsible for up to 10% of all accidents. In this report, we present a simulator study quantifying the effects of billboards on driver attention, mental workload and performance in Urban, Motorway and Rural environments. The results demonstrate that roadside advertising has a clear detrimental effect on lateral control, increases mental workload and eye fixations, and on some roads can draw attention away from more relevant road signage."
- 1.4 In this case all the signs, bar one, were attached to street furniture, including a traffic light standard, a speed limit sign and parking restriction sign. These signs were also generally at busy traffic junctions where it is particularly important that drivers are not distracted from their task.
- 1.5 It is the view of officers that all the signs also had a detrimental effect on the visual amenity of the street scene, and the character of the area in which they were displayed.
- 1.6 When enforcement officers' remove flyposting for a company or organisation within the district for the first time they generally write to them pointing out that it is an offence to display such advertisements. That letter requires that any further advertisements being displayed are removed immediately and informs them that if further incidents of flyposting occur that the matter will be referred to Committee for authorisation to issue summonses.
- 1.7 The enforcement officer removed posters advertising another event at Mountfitchet Castle, around the circular carriageway at Rush Green roundabout in Hertford, earlier this year. He wrote to them on 14th April 2011 pointing out that the unauthorised display of such placards was an offence and warning them that any further incidents would be referred to Committee for authorisation to issue summonses. However, this has not prevented this latest unauthorised advertising.
- 1.8 Photographs of the placards will be available at the meeting.

2.0 Planning History:

There is no relevant planning history.

3.0 Policy:

3.1 The relevant saved policies of the adopted Local Plan in this matter are:-

BH15 Advertisements in Conservation Areas.
ENV29 Advertisements Outside Conservation Areas.

4.0 Considerations:

4.1 It is the view of Officers that the unlawful signage is visually intrusive and detrimental to the character and appearance of the areas in which it is displayed. Furthermore, it is a significant distraction to drivers, which risks drawing their attention away from authorised traffic signs and, thereby, causes a danger to highway safety.

4.2 The signs are of a form, colour, design and size that are not in keeping with any of the areas in which they were displayed and, accordingly, they detract from the particular characteristics of those areas.

4.3 As such, Officers consider the signage to be contrary to the provisions of the Local Plan and detrimental to highway safety. As previous written requests to cease this practise appear not to have been heeded, Officers consider that legal proceedings should be taken in order to prevent further incidents in the District.

5.0 Recommendation:

5.1 It is therefore recommended that authorisation be given to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990.