

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	15 th JULY 2015	AGENDA ITEM:	13
TITLE:	LETTINGS BOARDS PILOT SCHEME		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	PLANNING	WARDS:	ALL
LEAD OFFICER:	KIARAN ROUGHAN	TEL:	0118 9374530
JOB TITLE:	PLANNING MANAGER	E-MAIL:	Kiaran.roughan@reading.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 For a number of years the Planning Enforcement Team has been surveying and monitoring the number and concentration of lettings boards, mainly in parts of Redlands Ward, in response to concerns raised by the Redlands and University Neighbourhood Action Group (NAG). Accepting that there is an issue in areas of the ward, and elsewhere in the Borough, the Council, in co-operation with most lettings agents, set up an agreed voluntary ban within a defined area of Redlands Ward with a view to seeing how successful it would be. This report details that the evidence from the pilot is that it has been a success. The report goes on to discuss how the pilot ban might be continued as a permanent ban and extended to cover adjoining areas of Redlands and Park Wards and introduced to other areas of the Borough.

2. RECOMMENDED ACTION

- 2.1 That the results of the voluntary pilot ban on lettings boards that operated in a part of Redlands Ward between October 2014 and March 2015 be noted.
- 2.2 That officers seek agreement with local lettings agents that the pilot ban be extended on a permanent basis;
- 2.3 That officers seek agreement with local letting agents and local community groups that the pilot ban be extended to adjoining areas in Redlands and Park Wards to be defined as part of consultation and

on the basis that local community groups can effectively monitor and encourage the operation of the voluntary ban;

- 2.4 That officers seek agreement with local letting agents and local community groups that a voluntary ban on the display of letting boards be agreed and introduced to cover the Russell Street/Castle Hill Conservation Area in Abbey Ward to be defined as part of consultation and on the basis that local community groups can effectively monitor and encourage the operation of the voluntary ban;

3. BACKGROUND AND POLICY CONTEXT

- 3.1 Concern was raised by the Redlands Neighbourhood Action Group (NAG) in 2009, and again through a petition submitted in 2011, that the proliferation of estate agent boards within certain areas of Park and Redlands Wards was having a negative effect on amenity. Whilst the majority of boards had deemed consent under the Advertising Regulations, it was felt that their high number and concentration was having a significant harmful effect on the area.

As it stands, provided lettings boards meet the conditions and limitations set out in the Advertisement Regulations (2007), they benefit from deemed consent. Subject to the limitations contained within the regulations, the LPA cannot restrict the number of boards. One of the conditions for display is that letting boards must be removed not later than 14 days after the granting of the tenancy. For a period, members of the Redlands and University NAG undertook regular surveys and wrote to Agents to remind them to remove letting boards that were out of time.

Petition

In October 2011 a petition was received by Reading Borough Council's Cabinet from residents of Redlands Ward, requesting the introduction of a ban on the use of estate agent boards across East Reading. The petition stated that *"the number of signs displayed across the area is having a serious negative effect and local residents would like to see this practice end"*.

Cabinet considered the petition on 31 October 2011 and it was resolved that officers would investigate the potential for making an application to the Secretary of State for a Direction under Regulation 7 (Advertising Regulations 2007) removing the deemed consent for such advertising. The effect of a Regulation 7 Direction is to withdraw deemed consent to display lettings boards within an area. An application for consent to display would be required for each board.

From January 2012 - April 2013 the Planning Enforcement Team undertook surveys of parts of Park and Redlands Wards (see Appendix 1)

to ascertain the extent of the problem. It was found that the numbers of boards displayed fluctuated throughout the survey period, but reached a peak during December/January each year. The greatest concentration of boards was found within a limited number of roads within the survey area, such as Blenheim Road, Donnington Road and Grange Avenue and the vast majority of boards are in connection with the letting rather than the sale of properties.

This peak around the beginning of the year is consistent with previous years and is related to the advertising of properties specifically for the student market to be let for the following academic year. It would also appear to be consistent with the experience of a number of towns and cities with a large university and concentration of students.

Regulation 7 of the Advertisement Regulations

The display of outdoor advertisements is controlled by the Town and Country Planning (Control of Advertisement) Regulations 1992. Schedule 3, Part 1, Class 3A of the Regulations gives deemed consent for certain advertisements, including those relating to the sale and letting of residential property to be displayed as long as certain conditions are met, including restrictions on the size, number and duration of adverts on a building.

If a Direction under Regulation 7 of the Regulations has been issued by the Secretary of State (SoS) then this deemed consent is withdrawn in a defined area, or a particular place, either for a limited period or indefinitely and 'express consent' from the LPA will be required. The LPA can then consider the acceptability of the boards in terms of 'amenity' and 'public safety'.

The NPPF advises:

"Where an area justifies a degree of special protection on the grounds of amenity, an Area of Special Control Order may be approved. Before formally proposing an Area of Special Control, the local planning authority is expected to consult local trade and amenity organisations about the proposal. Before a direction to remove deemed planning consent is made for specific advertisements, local planning authorities will be expected to demonstrate that the direction would improve visual amenity and there is no other way of effectively controlling the display of that particular class of advertisement. The comments of organisations, and individuals, whose interests would be affected by the Direction should be sought as part of the process."

Regulation 7 Process

Applications for a Direction are submitted to the Secretary of State for approval. The application needs to contain evidence of the problems and issues in the area to which the application relates, demonstrating that

unacceptable harm is being caused, along with evidence in the various ways that the local authority has unsuccessfully sought to deal with the issue. Once submitted, the Council will formally consult local residents and other interested parties (by advertising the proposal in the London Gazette, a local paper and in writing to each affected property) on behalf of the Secretary of State. A Planning Inspector, appointed by the Secretary of State, will consider the representations made by the Council, visit the area and consider any representations made by consultees. The Inspector may choose to recommend that the Direction be made as per the Council's submissions, that it should be refused, or that the proposed area of the Direction be amended, subject to further consultation. The Secretary of State then makes a decision based on these recommendations.

Officers have reviewed the submissions of a number of LPA's who have applied to Secretary of State for a Direction. Directions have been made in a limited number of locations to date, all of which appear to comprise, or at least include large portions of, Conservation Areas. Applications for Directions have been successful in areas of Westminster and Kensington & Chelsea and unsuccessful in areas of Canterbury and Newcastle (although all these decisions pre-date the Localism Act and NPPF). The threshold for a Direction appears to be high, based on the limited success of applications in other areas.

Additionally, previous decisions show that the LPA needs to demonstrate other methods have been attempted to resolve the issue, such as measures to restrict the high number of student let properties in a given area (e.g. Article 4 Direction), enforcement action against breaches of the regulations and the introduction of voluntary codes for estate agents which would, for example, restrict the number of boards and/or their positions.

The Voluntary Ban Pilot.

On 20th March 2014, the Council invited all Estate/Letting Agents known to have previously displayed advertising boards in Park and Redlands wards to a meeting, chaired by Cllr Tony Page, to discuss the possibility of introducing a voluntary code to limit the numbers of boards displayed in this area. As a result, it was agreed that agents would refrain from displaying boards in connection with the letting of properties (To Let/Let By) within a defined area for a trial period of six months from October 2014 to March 2015.

The trial area, much reduced from the original survey area, was bounded by, and included, the south side of London Road between Alexandra Road and Cemetery Junction, the south side of Wokingham Road from Cemetery Junction to Eastern Avenue, the west side of Eastern Avenue, the north side of Upper Redlands Road from Eastern Avenue to Alexandra Road, and the west side of Alexandra Road. (The defined area of the pilot is shown on the map at Appendix 2). This was an area that previous surveys showed suffered from a very high proliferation of letting boards

which had a detrimental impact on the character and appearance of the area. A significant part of this area is covered by Conservation Area status.

The planning enforcement team conducted monthly surveys of the agreed area throughout the trial period. From the results of these surveys it is clear that most agents have refrained from advertising in accordance with the agreement and the numbers of boards displayed was significantly reduced (see Appendices 3 and 4). As can be seen the voluntary ban has had a significant impact compared with previous years and must be viewed as being very successful.

4. THE PROPOSAL

4.1 The Council again invited all estate/letting agents to a meeting, held on 9th June 2015, to discuss the results of the survey and to discuss the possibility of:

- Extending the pilot voluntary ban in the same area over a longer period (e.g. 3 years); and
- Extending the voluntary arrangement to areas adjoining the pilot area that formed the original survey area that had been identified (as shown in Appendix 1) as suffering particularly high concentrations of lettings boards;
- Extending the voluntary arrangement to other areas of the Borough, in particular parts of Abbey and Battle Wards which also experience detrimental impacts arising from the proliferation of such boards.

4.2 The meeting was attended by a small number of the estate and letting agents who had been invited (invites had been sent to all estate and letting agents that the council had records for operating in Reading), along with invited representatives of community groups of affected areas. Those attending agreed that the pilot had been a success and had removed an intrusive, unnecessary element that contributed to the blight and poor appearance of the pilot area. There was considerable support, including from the agents, for the pilot ban on such boards to continue on a permanent basis. There was also discussion about extending the voluntary ban to areas adjacent to the pilot area which are also affected by high numbers of student lettings and other areas of the Borough such as Conservation Areas (e.g. the Russell Street/Castle Hill Conservation Area), the character and appearance of which is also seen to be adversely affected by the proliferation of lettings boards.

4.3 Resource issues were raised and it was made clear that any extension of the ban in terms of a permanent ban and/or the area covered by any ban being widened or introduced to new areas, can only be effective if the community take a primary role in monitoring and encouraging its effectiveness. The Council Planning Enforcement Team does not have the resources to monitor and police such voluntary bans on a continuing basis.

The meeting did discuss the role of community groups in highlighting in newsletters, etc., how the voluntary ban is being complied with.

- 4.4 The Council undertook to draft a Charter to be sent to all agents for agreement and signing. A draft of such a charter is attached (Appendix 5 - Draft Voluntary Ban Charter). The Council will consult with Agents and community groups on this draft charter and seek to reach some agreement on its commitments and wording. Agents will then be requested to sign a final version.
- 4.5 The council will also consult with letting and estate agents and relevant community groups on:
 - Extending the area of the existing ban to adjoining areas where there has been a high concentration of lettings boards that the local community are willing and able to monitor and encourage the ban on a regular basis (Appendix 1 shows the original survey area which corresponded with areas experiencing high concentrations of lettings boards);
 - Introducing a voluntary ban into the Russell Street/Castle Street Conservation on the basis that the local community are willing and able to monitor and encourage the ban on a regular basis.

Officers will work with community groups and the neighbourhood officers/streetcare teams to define an appropriate basis for monitoring and encouraging the voluntary ban in their areas.

- 4.6 It has to be emphasised that this report is discussing voluntary arrangements to reduce and minimise the impacts of the proliferation and high concentration of lettings boards in particular areas. The erection and display of such boards has deemed consent under the advertisement regulations and there is no question of enforcement or prosecution if agents do not accord with the voluntary ban and lettings boards are erected. However if it is determined through effective monitoring and proactive encouragement that these voluntary arrangements are not working and there is evidence that the detrimental impact of lettings boards is continuing to be damaging to an area, the Council can consider making an application to the Secretary of State for a Regulation 7 Direction.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The proliferation of advertising boards, in particular "to let and let by" boards detracts from the character and appearance of an area, adds to the impression of blight and can attract anti-social behavior including rising incidences of burglary. Such proliferation can be particularly harmful in Conservation Areas, which contribute to the conservation and enhancement of heritage assets in the town. Such proliferation can therefore be detrimental in seeing to meet the aim of producing a sustainable environment and economy within the Borough.

5.2 This report seeks meet the 2015 -18 Corporate Plan objective for “Keeping the town clean, safe, green and active.” Under the heading, Neighbourhoods, the Corporate plan aims to improve the physical environment - the cleanliness of our streets, places for children to play, green spaces, how we feel about our neighbourhood and whether we feel safe, have a sense of community and get on with our neighbours. This report advocates a voluntary approach working with companies and community groups to meet the concerns and aspirations of communities for the needs of neighbourhoods, engaging and enabling local residents and targeting resources so that we can improve outcomes often for the most deprived areas.

5.3 However, other aims under the Corporate Plan seek to balance the budget and any actions must be capable of being undertaken within existing budgetary resources.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 This report responds to requests made by representatives of the community in relation to conservation areas. It is therefore responding to community concerns. The report recommends continued work with local community organisations and other interested parties including estate and lettings agents.

7. EQUALITY ASSESSMENT

7.1 A Scoping Assessment identifies that an Equality Impact Assessment (EqIA) is not required as there is no reason to believe that specific groups will be affected any differently from others in responding to concerns about the display of lettings Boards in parts of the Borough.

8. LEGAL IMPLICATIONS

8.1 There are no direct legal implications.

9 FINANCIAL IMPLICATIONS

9.1 Work involved in carrying or surveys of areas and liaising with estate and lettings agents and community groups has been, is being and will continue to undertaken by officers of the council within existing budgets.

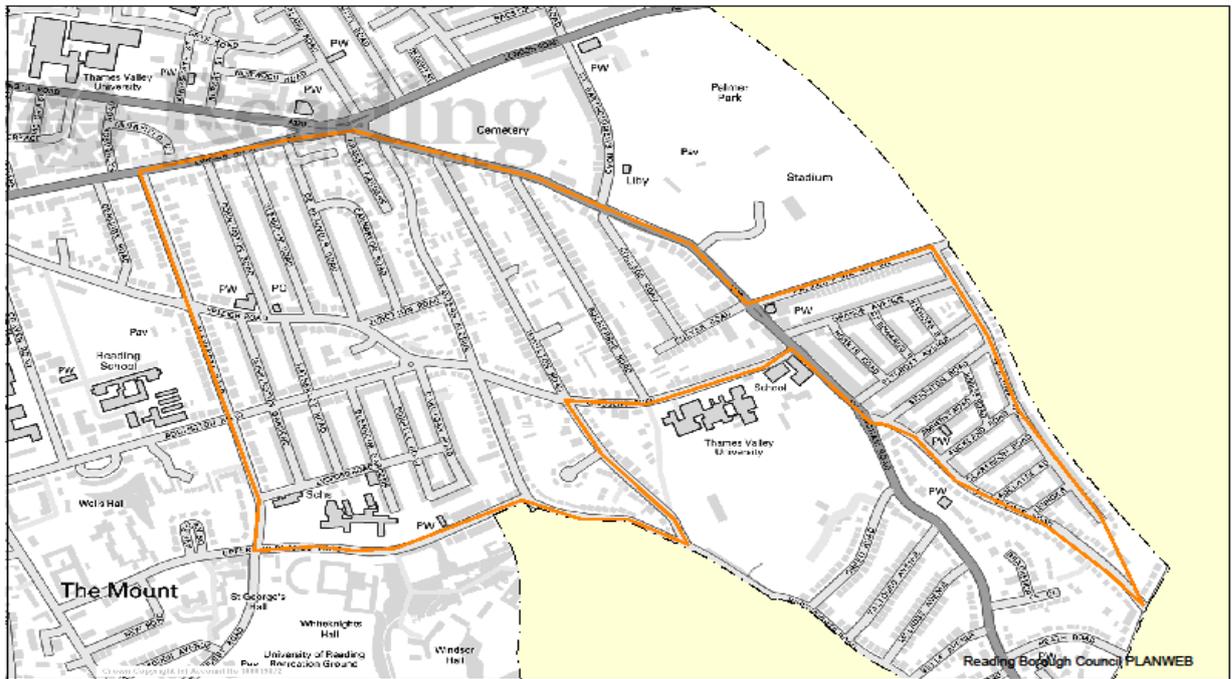
Risk Assessment

9.3 There are no direct financial risks associated with this report.

BACKGROUND PAPERS

Appendix 1

AREA SURVEYED



Date 7/6/2012
Scale 1/7500

© Crown copyright and database rights 2011 Ordnance Survey 100019672



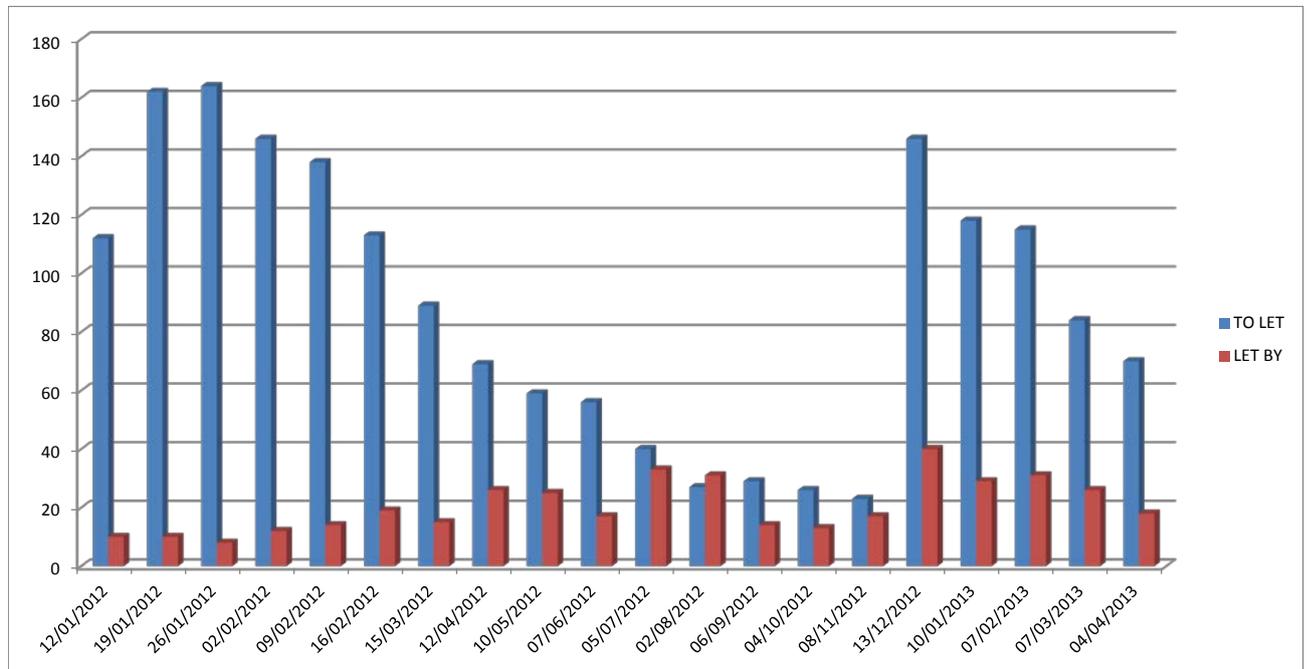
Appendix 2

Area covered by the Voluntary Ban on Lettings Boards



Appendix 3

SURVEY RESULTS PILOT AREA (Letting Boards Jan2012 - April 2013)



Appendix 4

SURVEY RESULTS PILOT AREA (Letting Boards Sept 2014 - April 2015)

