

Subject:	Residential Letting Boards		
Date of Meeting:	17 November 2016		
Report of:	Executive Director for Economy, Environment & Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report reviews options and recommends the way forward for restricting the poor quality environment caused by a proliferation of residential letting boards in the context of available resources.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the Secretary of State's previous conclusion that the criteria for a Regulation 7 Direction is not met by Hove Station, Old Hove or Old Town Conservation Areas or sections of Regency Square and Valley Gardens Conservation Areas and specifically excluded these areas from the Regulation 7 Direction granted in 2010 (Appendix 2).
- 2.2 That the committee agrees a pilot scheme in the Lewes Road Area for the voluntary management of residential letting boards which would include the preparation of guidance outlined in para. 3.8 and existing Housing Partnership work . The outcomes of the scheme will be brought back to this committee for review after an operating period of one year and considered for extension to a wider area.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 A Notice of Motion was referred to this committee from Council on 22 July 2016 to extend the regulatory ban on Estate Agent's boards to other central parts of the city (the Regulation 7 Direction). It was agreed at this committee on 22 September 2016 to bring a report to this meeting to consider options and make recommendations for the best way forward for managing the proliferation of residential letting boards.
- 3.2 A Regulation 7 Direction restricts national 'deemed' consent for certain types of adverts. National Planning Practice Guidance (PPG) states that to impose a

direction 'it must be clear that one or more of the deemed consent provisions has had such adverse effects on the amenity or public safety of the area that there is no prospect of an improvement in the quality of advertising in the locality, unless the local planning authority are given the power to control that particular type of advertisement.'

- 3.3 In 2004 a permanent Regulation 7 Direction was requested by the council for the fronts of Squares, Crescents and Terraces of mainly Grade I or II* historic buildings in the Adelaide/Palmeira, Brunswick, and Kemp Town Estates and in Montpelier Crescent/ Vernon Terrace. Instead, a temporary 5 year period was granted by the SoS 'to enable the council to assess the full effects of the Direction and to review the situation at the end of the period'.
- 3.4 17 central conservation areas with high proportions of flats and HMOs (Houses in Multiple Occupation) were forwarded in 2009 to the Secretary of State (SoS) to be considered for a Regulation 7 Direction. Of these 12 were allowed; 2 partially allowed and 3 turned down. His reasons are contained within the 2010 decision notice attached as Appendix 2. This Direction included making permanent the streets covered by the 2004 Direction.
- 3.5 The central conservation areas rejected by the SoS include Old Hove (which includes St Aubyns), Hove Station (immediately adjoining Livingstone Road) which were areas specified for review in the Notice of Motion. In addition to these were Old Town and sections of Regency Square and Valley Gardens. These areas were considered in 2010 to not meet the criteria required for a Regulation 7 Direction. As a consequence of the NoM, a further evaluation has been undertaken of these areas into whether there is now a substantive case for a Regulation 7 Direction that would overturn this earlier assessment. This indicates that there have not been significant changes either in terms of the quality of these areas or legislation relating to the historic environment. It is therefore considered that efforts to extend this Direction to these and other areas are unlikely to be successful and that this approach is not therefore recommended.
- 3.6 Options have been considered to address the problem of the proliferation of residential letting boards (see Appendix 4) including considering areas around the Lewes Road with a high level of HMOs (a recommendation in the earlier Student Housing Strategy). The recommended option is to introduce a voluntary management of residential letting boards. This would need to be undertaken in consultation with stakeholders including the Strategic Housing Partnership; linked to other ongoing work streams around the city's HMOs and private rented sector housing; the Housing Strategy 2015 and the forthcoming update of the Student Housing Strategy. This option offers opportunities to have an impact on a wider area than that which might be allowed under a Regulation 7 Direction and could include the central areas which were not found to meet criteria for the Direction in 2010.
- 3.7 It is recommended that the voluntary residential letting boards scheme should be trialled through a pilot scheme and that this should be based within a ward covered by the existing Article 4 Direction (to control change of use from small houses to small HMOs), with the selection of an area in the Lewes Road corridor (boundary to be confirmed after a suitable area is identified). This is considered to be a suitable location due to the proliferation of stand-alone boards relating to

high levels of HMOs. In this way the pilot study would also support action point 24 of the Housing Strategy 2015; to 'reduce the impact of student lets on neighbourhoods through managing the concentration of student lets (City Plan policy) and other measures such as requiring safe bicycle storage, communal bins and working with letting agents to reduce signage.'

- 3.8 It is also recommended that the pilot scheme is accompanied by guidance on suitable locations, type and number of residential letting boards. Examples from other authorities' guidance are attached in Appendix 5 to this report.
- 3.9 If the pilot scheme and associated guidance are agreed the following steps are proposed – identification of pilot area, consultation and preparation of guidance by April 2017. Introduction of pilot scheme to run for one year from 1 May 2017. Review pilot and report back to committee June/July 2018.
- 3.10 There would be no direct costs for pursuing either a voluntary agreement or submitting an application to the Secretary of State for a Regulation 7 Direction, however both approaches would require officer resources. Feedback from other councils indicates that preparing a Regulation 7 Direction would require more officer resources to prepare, submit and implement a Direction. In the case of Leeds City Council a dedicated post was introduced to carry out Regulation 7 Direction work.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Conservation areas are recognised designated heritage assets and the council made the case in 2009-10 to protect 17 central conservation areas through written submissions and a public hearing citing the harm lettings boards cause to the character, appearance and architecture of these 17 areas which are subject to higher densities of flats and HMOs. An assessment of the areas rejected by the Secretary of State in 2010 indicates there would be a significant risk that re-applying to cover the 3 rejected conservation areas with a Direction would not be successful.
- 4.2 Outside conservation areas, there are greater challenges demonstrating how residential letting boards cause materially adverse effects to amenity. As a consequence the Secretary of State is less likely to withdraw a nationally applied deemed consent.
- 4.3 The recommended option is to pilot a voluntary management scheme. The success of this will be reviewed after a year. If unsuccessful then the regulatory option should be reviewed, and the submission of an application for a Regulation 7 Direction could be re-considered.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 At this initial stage no community engagement or consultation has been carried out as this committee is being asked to approve the concept of a pilot scheme to include collaboration between residents, community and voluntary groups, business groups and public organisations. This would be in accordance with Aim

3 of the Community Engagement Framework and Standards 'Improve engagement activity that drives up the quality of services and makes better use of resources'.

- 5.2 The Brighton & Hove Estate Agents Association have met with council officers and are supportive of better management of residential lettings boards and will continue to work with officers to this end. They are also support stronger enforcement of the current Regulation 7 Direction scheme.

6. CONCLUSION

- 6.1 The criteria for securing a Regulation 7 Direction to restrict a nationally applied deemed consent was not met in a number of existing central areas (some of the areas referred to in the NoM). Following an evaluation of changes since 2010 it is considered that the situation has not materially altered and that pursuing an extension to the Regulation 7 Direction area is unlikely to be successful.
- 6.2 It is recommended that committee agrees to a pilot of a voluntary management scheme of residential letting boards for a one year period in a selected area of the Lewes Road corridor which would link into ongoing work around the private rented sector and would include a collaborative approach between community groups, residents, Partnerships, letting agents and other relevant organisations. After a year of operation the outcome of this pilot scheme would be brought back to this committee to review further options and ways forward.
- 6.3 Guidance will be produced to set out acceptable practices for the display of lettings boards. As a consequence it is estimated that a preliminary 6 month period would be required to initiate the pilot scheme.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of officer time associated to the report recommendations will be funded from existing revenue budgets within the City Development and Regeneration service. Any associated costs will be reviewed as part of the budget monitoring process.

Finance Officer Consulted: Steven Bedford

Date: 19/10/16

Legal Implications:

- 7.2 Regulation 6. of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 grants deemed consent for the display of certain classes of advertisement, including advertisements relating to residential sales and lettings. Regulation 7. of those Regulations allows the Secretary of State to issue a Direction restricting deemed consent in any particular area or in any particular case which would mean that an application for advertisement consent would need to be made to the LPA.

As noted in the Report, guidance as to whether deemed consent should be restricted is contained in the Planning Practice Guidance.

It is not considered that any adverse human rights implications arise from the recommendations in the Report.

Lawyer Consulted: *Name Hilary Woodward* *Date: 19/10/16*

Equalities Implications:

- 7.3 If the removal of all on-site advertisements displaying available properties were being proposed there may be fairness and inclusion implications for groups who do not have internet access but who need to access this information. However the proposal is forwarding a managed approach that would allow limited levels of wall mounted signs advertising available properties and this would overcome possible detrimental impacts upon groups protected in law. Thus an Equalities Impact Assessment has not been carried out at this stage.

Sustainability Implications:

- 7.4 The proposal has positive implications for the One Planet principle of 'reducing waste' as this approach will encourage a modal shift for residential letting agents to display their main offer of available properties via the internet or upon inquiry, and dissuade stand-alone boards outside each property.

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Relevant Implications
2. Decision letter from the Secretary of State to Brighton & Hove City Council August 2010
3. Map of 2010 Regulation 7 Direction
4. Evaluation of Options
5. Excerpts of advice from Nottingham City Council and Leeds City Council

Documents in Members' Rooms

None

Background Documents

1. Brighton & Hove City Plan Part One 2016
2. Brighton & Hove Local Plan 2005
3. National Planning Practice Guidance 2014
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
5. Brighton & Hove Housing Strategy 2015
6. Student Housing Strategy 2009 – 2014
7. Article 4 Direction 15 March 2012

Relevant Implications

Crime & Disorder Implications:

- 1.1 Prolonged display of residential lettings signs can often indicate the presence of an HMO and in student areas it is more likely that each individual resident will own electronic devices for study which will make those properties more vulnerable to opportunistic crime

Risk and Opportunity Management Implications:

- 1.2 None

Public Health Implications:

- 1.3 None

Corporate / Citywide Implications:

- 1.4 The proposal is in accordance with and supported by policies CP13 'Public Streets and Spaces' and Policy CP21 'Student Accommodation and Houses in Multiple Occupation' of the City Plan Part One 2016; and policies QD12 'Advertisements and signs', QD13 'Advertisement hoardings' and QD27 'Protection of amenity' of the Brighton & Hove Local Plan 2005, as well as SPD07 on Advertisements.
- 1.5 The proposals will support action point 24 of the council's Housing Strategy 2015 (Priority 1: improving housing supply; Student Housing) to 'Reduce the impact of student lets on neighbourhoods through managing the concentration of student lets (City Plan policy) and other measures such as requiring safe bicycle storage, communal bins and working with letting agents to reduce signage.'

