

SUBJECT: RENEWAL OF REGULATION 7 DIRECTION ON LETTINGS BOARDS

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: DONNA MORRIS, PLANNING ENFORCEMENT OFFICER

1. Purpose of Report

- 1.1 To provide an update on the Regulation 7 Direction on lettings boards in certain areas of the City which removed deemed consent for lettings boards on residential properties.
- 1.2 To decide whether to apply to the Secretary of State for a renewal of the Regulation 7 Direction which expires in April 2024.

2. Executive Summary

- 2.1 Approval was given by the Secretary of State on 8 April 2019 to implement a restriction under Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 2007. This removed deemed consent for lettings boards usually given under Class 3(A) of the regulations and meant that express advertisement consent would be required for lettings boards in the specific areas covered by the Regulation 7. This restriction requires renewal after a period of five years.
- 2.2 The areas covered by the Direction are the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street (Appendix A). These areas were identified, through enforcement complaints from residents and Councillors and by officers of the Council as being the areas where the most lettings boards were being displayed. It is worth noting that some parts of the Monks Road, West End and Sincil Bank areas are within Conservation Areas. Union Road is within a Conservation Area and is also covered by an Article Direction which removes permitted development rights to carry out alterations to the exterior of the properties.

3. Background

- 3.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 currently gives deemed consent for residential sale and lettings boards provided they meet the following criteria:
 - It must not exceed 0.5 of a square metre for a single board
 - It must not exceed 0.6 of a square metre for two boards joined together
 - It must not extend outwards from a building by more than 1 metre
 - Only one board may be displayed on a property

- It must be removed not later than 14 days after completion of a sale or granting of a tenancy

3.2 Boards which do not meet the criteria for deemed consent were dealt with using Planning Enforcement powers under the Town and Planning (Control of Advertisements) Regulations 2007. However, due to the proliferation of lettings boards in certain areas where there are a high number of houses in multiple occupation, this became increasingly difficult to enforce. The main issue was the continuous display of many boards and the difficulty in establishing if these properties did have rooms available to rent. The proliferation of lettings boards were harmful to visual amenity and to the overall residential amenity of the areas in question.

3.3 A consultation took place between 16 October and 30 November 2017 as part of the application for the Regulation 7 Direction. This consultation was open to everyone regardless of where they lived. An explanatory leaflet and questionnaire was made available in the Council's Reception area and a dedicated page created on the Council's website with a link to the online questionnaire. The consultation also targeted stakeholders in the following ways:

- Article placed in the Council's newsletter 'Your Lincoln' which is distributed City wide
- Article placed in Sincil Bank newsletter
- 82 letters and emails were sent out to letting agents, landlord associations and signage installers with a link to the questionnaire
- Affected Residents Associations were emailed and 150 paper copies of the information leaflet sent out where required
- 8 site notices were posted around the proposal areas
- Ward Councillors were emailed and encouraged to discuss the proposal with their constituents in order to encourage participation in the consultation
- The City's two universities and the College within one of the proposed areas was consulted by email; emails were sent to Accommodation Officers and/or Student Union Presidents where direct email addresses were known.

3.4 The consultation highlighted the following:

- 134 responses were received; of these responses 61% considered the display of lettings boards to be a very serious problem and almost 18% considered them to be a fairly serious problem

- 85 of the respondents supported a complete ban on lettings boards
- 91% of respondents agreed with restriction being implemented on the areas proposed
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3.5 Following on from this, an application was made to the Secretary of State to implement a Regulation 7 Direction in the most problematic areas of the City. The Direction was approved and came in to force on 8 April 2019.

3.6 Since the implementation of the Direction in 2019, 55 complaints have been made to Planning Enforcement regarding the display of unauthorised lettings boards. Of these 55, 100% of them were removed upon request by the Planning Enforcement Officers once the offender was made aware of the Regulation 7 Direction in place. To date, no further action has been necessary.

3.7 Five years have now passed since the implementation of the Regulation 7 Direction and it is necessary to decide whether to begin the process for renewal of the current Direction which will expire on 8 April 2024. Following the success of the current Direction, we are now seeking to agree a ten year Direction.

3.8 The character of the areas covered by the Direction has not changed since the original application. The Sincil Bank, West End and Monks Road areas have a high density of properties, many of which are occupied as houses in multiple occupation resulting in a transient community. The streets in these areas exhibit a repeated pattern of vertical facades and a strong, singular building line which means that the proliferation of lettings boards was very apparent. Should the Regulation 7 Direction be removed it is likely that the proliferation of boards would recur, causing significant visual harm in this area.

3.9 Union Road and Wellington Street were previously recognised as a problem due to the high number of boards on such a small number of properties on these streets. This again caused significant visual harm which is likely to recur if the Regulation 7 Direction is not renewed.

4. Survey Results

4.1 A survey of the five areas currently covered by the Regulation 7 Direction was carried out on 15 January 2024. During the course of the survey, only two lettings board were identified within the restricted areas. The letting agents were contacted and reminded of the Direction and these were removed.

4.2 The photographs included as Appendix B were taken before and after the implementation of the current Regulation 7 Direction and illustrate the improvement made to the visual amenity of the areas.

5. Organisational impacts

5.1 Finance

There are no financial impacts arising from this report.

5.2 Legal implications

There are no legal impacts arising from this report.

5.3 Equality, Diversity and Human Rights

Consideration has been given to the impact on equality, diversity and human rights and the Equality Impact Assessment toolkit has been reviewed. The original consultation provided an opportunity for residents and tenants to raise any concerns, and the consultation response from the Students' Union did suggest a potential positive impact on student properties. Otherwise, it was concluded that there are no direct impacts to be assessed.

6. Risk Implications

A risk assessment has been produced and is included as Appendix C.

7. Recommendation

- 7.1 Executive is asked to approve the recommendation that the City Council apply to the Secretary of State for a renewal of the Regulation 7 Direction to remove deemed consent for the display of lettings boards in the Monks Road area, West End area, Sincil Bank area, Union Road and Waterloo Street, Lincoln.

Is this a key decision?

No

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

3

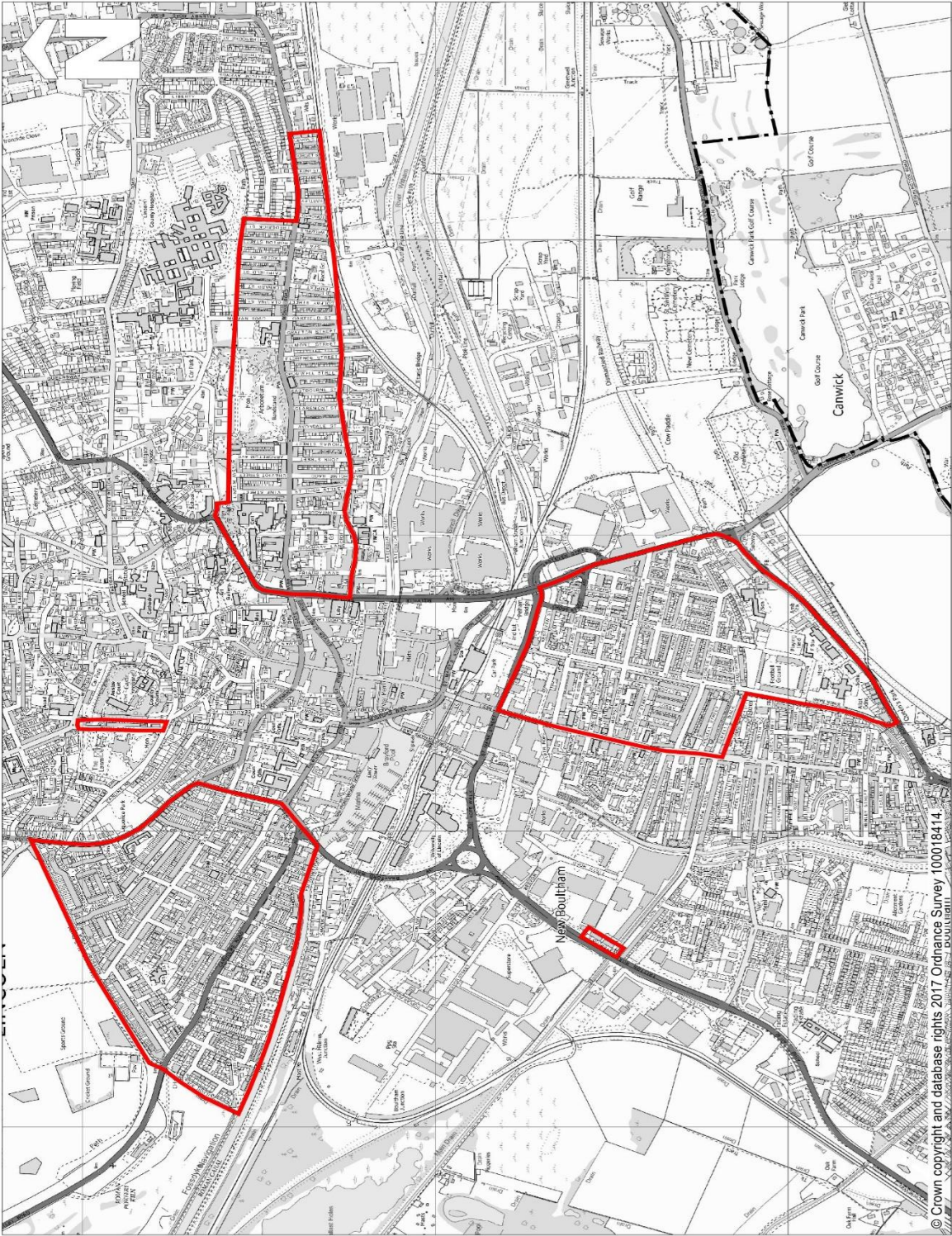
List of Background Papers:

None

Lead Officer:

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Appendix A



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Proposed Regulation 7 Direction Areas

Scale: 1:15000 at A4

Version 2: 28-Sep-2017



Appendix B

Newland St West - Before



Newland St West – After



Baggholme Road - Before



Baggholme Road – After

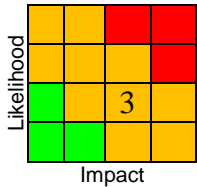
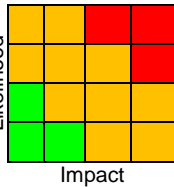




RISK REGISTER TEMPLATE

Likelihood		A Almost Certain	Retain	Transfer Modify Retain	Avoid Transfer Modify	Avoid Transfer Modify	<i>Occurs several times per year. It will happen.</i>
		B Probable	Retain	Prioritise for Modifying Retain	Transfer Modify Retain	Avoid Transfer Modify	<i>It has happened before and could happen again.</i>
		C Possible	Retain	Prioritise for Modifying Retain	Prioritise for Modifying	Transfer Modify Retain	<i>It may happen but it would be unusual.</i>
		D Hardly Ever	Retain	Retain	Retain	Prioritise for Modifying Retain	<i>Never heard of it occurring. We can't imagine it occurring.</i>
			4 Negligible	3 Minor	2 Major	1 Critical	
			Impact				

RISK REGISTER FOR: Regulation 7 Direction applications
VERSION: 1
REVIEWED FEBRUARY 2024
OWNER: D Morris

Risk No:	Risk Description: Risk, cause, and consequence	Risk Owner Job title or initials	Risk Appetite 1. Hungry; 2.Creative & aware; 3.Cautious; 4.Averse	Controls/Actions Actions that have or can be taken to reduce the likelihood and/or impact		Current Risk Score	Target Risk Score at end of January 2018	Assurance – status (tool 9) (Full, Substantial, Limited, Inadequate)	Assurance – Direction of Travel (Improving, Static, Declining)
				Current/Already in Place	Required Mitigation (inc timescales)				
1	Refusal of application to Secretary of State	DM	2	1. Comprehensive board surveys 2. Evidence of success of current Direction					
2	Negative publicity for the Council	DM	2	1. Previous Consultation with stakeholders 2. Evidence of success of current Direction		