

Statement in Support of Leeds City Council application for the Renal of a Regulation 7 Direction in Inner North West Leeds

22nd December 2014

1.0 Introduction

1.1 This statement serves to outline the authority's reasons for making an application for the renewal of a Regulation 7 Direction in inner north west Leeds.

2.0 Legislative Background

2.1 To Let boards are classed as a type of advertisement and are regulated by the Local Planning Authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The boards do not require express consent where they comply with the conditions and limitations of Schedule 3, Part 1, Class 3A.

2.2 Schedule 3, Part 1, Class 3A states:

4.2.2. An advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use, of the land or premises on which it is displayed.

- a) Not more than one advertisement, consisting of a single board or two joined boards, is permitted; and where more than one advertisement is displayed, the first to be displayed shall be taken to be the one permitted.
- b) No advertisement may be displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.
- c) The advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.
- d) No advertisement may exceed in area—
 - (i) where the advertisement relates to residential use or development, 0.5 square metres or, in the case of two joined boards, 0.6 square metres in aggregate;
 - (ii) where the advertisement relates to any other use or development, 2 square metres or, in the case of two joined boards, 2.3 square metres in aggregate.
- e) Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.

- f) Illumination is not permitted.
- g) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.
- h) No part of the advertisement may be higher above ground level than 4.6 metres, or 3.6 metres in an area of special control or, in the case of a sale or letting of part only of a building, the lowest level of that part of the building on which display is reasonably practicable.

2.3 In order to remove deemed consent for the display of advertisements under Schedule 3, Part 1, Class 3A local planning authorities are able to seek a direction from the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007. If made by the Secretary of State, the direction would require express consent to be gained to display letting boards in the area of control.

3.0 National Policy and Guidance

3.1 The National Planning Policy Framework (NPPF) sets out guidance for the control over outdoor advertisements and the use of Area of Special Control Orders.

3.2 Paragraph 67 states:

Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

3.3 Paragraph 68 states:

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.

4.0 Local Context and History of the Regulation 7 Direction Area

4.1 In 2005 the Council made its first application to the Secretary of State for a Regulation 7 Direction to remove deemed consent for the display of letting boards in part of inner north west Leeds. The application was made in response to a growing instance of high concentrations of letting boards being erected in the area, mainly on privately rented properties. The proliferation of such letting boards created considerable amounts of excess street clutter which in turn had a harmful impact upon the visual amenity and character of

local streetscenes. The Secretary of State confirmed the direction which came into effect for a period of 3 years on 1st January 2006.

- 4.2 On confirmation of the Regulation 7 Direction in January 2006 the Council confirmed a 'Letting Board Code' (hereafter "The Code") which included a set of rules which determine how and where letting boards could be displayed on residential properties in the direction area. The Code also operated on a voluntary basis outside the area of control in a much wider area; the Area of Housing Mix (Appendix 1) as outlined in (now deleted) policy H15 of the Leeds Unitary Development Plan (Review) 2006. The Code was produced in consultation with key stakeholders including representatives from the local community, landlord/agent groups, and the city's universities. The Code aimed to control the visual impact of 'To Let' boards, whilst allowing landlords to legitimately advertise their properties.
- 4.3 Following the success of the first Regulation 7 Direction the Council re-applied to the Secretary of State for the renewal of the Direction in 2009. The application included the proposed expansion of the area of control into two peripheral areas. The Secretary of State agreed to expand the area to include one of the two areas and confirmed the direction, which came into effect for a period of 5 years, on 1st February 2010. The Letting Board Code was revised in December 2009 following further discussions with the aforementioned stakeholders as part of the wider consultation carried out by the Council for the application for the renewal of the Direction.
- 4.4 The Letting Board Code was further updated and revised in January 2013 (Appendix 2). This is the version of the Code which is currently in operation. This latest version of the Code addresses an area where the Code was previously silent. This is in relation to the display of 'To Let' Boards internally in windows of properties. Since 2011 the area of control had witnessed a growing instance of poster-style advertisements and similar marketing materials being displayed in windows of properties. These advertisements were often much larger than 'To Let' boards allowed by the Code. The display of such adverts was considered to undermine the spirit of the Code. This type of advert can cause considerable harm to the visual amenity and character of local streetscenes where such posters or similar marketing materials are displayed in significant numbers. Although the internal display of adverts is not restricted by the Regulation 7 Direction, the Council does have other planning enforcement powers to prevent the display of such adverts. In order to allow a flexible approach to the display of 'To Let' boards in response to this emerging issue the Council made amendments to the Code and accompanying guidance notes. These amendments were made in consultation with key stakeholders and were subject to public consultation in September and October 2012.

5.0 Renewal of the Regulation 7 Direction in Inner North West Leeds

- 5.1 The Council has submitted, alongside this report, an application to renew the Regulation 7 Direction for the same area of control as that which is currently in effect. A map showing this area is attached at Appendix 3.

5.2 Before submitting the application to the Secretary of State the Council carried out consultation with stakeholders including local ward members, community and resident groups, local landlord associations, and individual landlords and letting agents operating in the area. A list of consultees can be found at Appendix 4. The responses to this consultation can be found at Appendix 5.

6.0 The Case for Renewal

6.1 The Council's first submission to the Secretary of State in 2005 set out a detailed case for the making of a Regulation 7 Direction in inner north west Leeds (Copy attached in Appendix 6). A supplementary statement was provided at the time of renewing the Direction in 2009 (Appendix 7). This statement will not look to revisit these issues in full, other than noting that many of these issues are still wholly relevant, but will instead look to provide an update as to whether the case still exists for the Regulation 7 Direction to be renewed in this part of the city for a second time.

The Regulation 7 Direction Boundary

6.2 The existing Regulation 7 Direction Area boundary, on which the current application to the Secretary of State is also made, includes parts of the Council wards of 'Headingley' and 'Hyde Park and Woodhouse'. The boundary includes areas of high density housing and includes a large transient population consisting predominantly of students but also including a growing number of young professionals for whom shared housing is increasingly becoming a more affordable form of housing. The appeal of this area to both students and young professionals is due to the proximity to local educational institutions (including 2 major university campuses at the University of Leeds and Leeds Beckett's University), the city centre and its associated employment opportunities, and a local economy and services/amenities which have evolved in response to this.

6.4 The significant growth in areas of student housing in Headingley and Hyde Park is recognised in the Council's Local Development Framework Core Strategy (November 2014) which notes that "according to figures published by UNIPOL, Leeds had 43,500 students in 2010/11 of which approximately 30,500 sought accommodation through the private rented sector". The Leeds Strategic Housing Market Assessment (SMHA) (2010) suggests a levelling off in growth in student numbers in the early years of the Core Strategy period. However the Core Strategy notes that demand is expected to continue for many students wanting to live in houses in multiple occupation (HMOs). Indeed, in addition to this the SMHA anticipates growth in the need for HMOs in the early years of the Core Strategy period to accommodate young people reliant on housing benefit and because of strong demand for private rented accommodation from working people unable to buy. The Core Strategy notes that "this could affect all areas of Leeds, but is likely to be focussed on the inner areas popular for rented property".

6.5 In response to a significant growth in HMO numbers in certain parts of Leeds the Council adopted an Article 4 Direction in February 2012. In doing so the

Council recognised that Headingley and Hyde Park and Woodhouse wards were suffering from some, if not all of the impacts of high concentrations of HMOs in a particular locality as outlined in the National Government Report “Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report’ in September 2008”. One of these impacts is listed as “negative impacts on the physical environment and streetscape.”

Effectiveness of the Regulation 7 Direction in Inner North West Leeds

6.6 The Council considers that the presence of a Regulation 7 Direction in Leeds since 2006 has been a considerable success in meeting its original aim of enhancing the character and appearance of the area.

6.7 An “Area Analysis” was carried out in 2005 which divided the area into a number of character areas. Photographic evidence supported the original submission which is included in the Council’s first submission to the Secretary of State (Appendix 6). The Council has looked to reproduce similar photographic evidence to demonstrate the effectiveness of the Regulation 7 Direction. The below photographs, based on the originally designated character areas, were taken on 30th October 2014.

6.8 Brudenell Avenue



6.9 Brudenell Road



6.10 Cardigan Road



6.11 Estcourt Avenue



6.12 Harold View



6.13 Manor Grove



6.14 Newport View



6.15 Queens Road



- 6.16 As is demonstrated in the above photographs the existence of the Regulation 7 Direction has resulted in a marked improvement across the area in terms of a reduction in non-code compliant letting boards. The area is the subject of regular surveys by the Council's Planning Enforcement Team and this has been important in continuing to enforce the Letting Board Code with significant numbers of breaches still occurring, particularly during the student arrival and departure times. The Council has had success in taking further action against those landlords and letting agents who have flaunted the Code and this has acted as a significant deterrent.
- 6.17 The Council has also had a degree of success, working alongside local landlord associations, in enforcing the Code in the wider Area of Housing Mix (the voluntary code area). Whilst the Council has no powers to take action against letting boards which do not comply with the Code in the voluntary area local landlord associations have looked to police this amongst themselves with a good degree of success. It has been noted by landlords and letting agents alike that it has not made financial or practical sense for landlords and letting agents to produce code compliant boards in the Regulation 7 Direction and produce non-compliant boards outside in the voluntary code area as these are often produced at the same time by the same printing companies. Those landlords or agents who have flaunted the Code in the voluntary area have come under considerable pressure from their respective associations to change their practices.

Support for Renewal of Regulation 7 Direction amongst Stakeholders

- 6.17 In preparation for the application to renew the Regulation 7 Direction the Council undertook informal consultation with relevant stakeholders. The Council asked for views in response to the following questions:
1. Do you consider the Area of Special Advertisement Control (Regulation 7 Direction) area has been successful in meeting the wider aims of improving the visual amenity of the area?
 2. Do you support the renewal of the Regulation 7 Direction for a further period of five years?

3. Would you support the renewal of the Regulation 7 Direction for a longer period or in perpetuity?
4. Would you support an expansion of the Area of Special Advertisement Control in the future if Council resources allow?
5. Do you have any further comments?

6.18 The Council received a total of seven responses to the consultation as follows:

Commentator	Comments
Cllr Jonathan Bentley	Support for renewal of the Direction. Support for extension of Regulation 7 Direction area into Weetwood Ward.
Cllr John Illingworth	Support for extension of for extension of Regulation 7 Direction area into neighbouring wards.
Weetwood Residents Association	Support for renewal of the Direction. Support for renewal for 5 years and for a longer period if possible. Support for extension of Regulation 7 Direction area into surrounding areas where appropriate.
Local Resident – Becketts Park	Support for extension of Regulation 7 Direction area into Becketts Park Area (Weetwood Ward).
Local Resident – Becketts Park	Support for extension of Regulation 7 Direction area into Becketts Park Area (Weetwood Ward).
Leeds Residential Property Forum	Support for renewal of the Direction on the basis of the status quo including the current Letting Board Code. Support for the continuation of the Voluntary Code area.
Leeds HMO Lobby	Support for renewal of the Direction. Support for renewal for 5 years and for a longer period if possible. Support for extension of Regulation 7 Direction area into the Becketts Park Area (Weetwood Ward)

6.19 Further to the above the renewal of the Direction was supported by the Inner North West Community Committee Planning Sub Group at their meeting of 12th November 2014. The Planning Sub Group is made up of local ward members and community representatives from the four Council wards of Headingley, Hyde Park and Woodhouse, Kirkstall and Weetwood, part of all of which are included in either the Regulation 7 Direction area or the voluntary code area.

6.20 Although the level of response has only been limited, it is noted that a similar response was received to the public consultation carried out by the Council in 2012 in relation to revisions to the Letting Board Code. At that time only six responses were received and again all six responses were positive responses to the changes put forward at the time. It is considered that this is a result of proactive engagement with relevant stakeholders in relation to this matter over the past 10 years. It is noted that the response which has been received has been wholly positive to the renewal of the Direction, although with considerable disappointment noted from local ward members, community

groups and residents that the application for the renewal of the Regulation 7 Direction area will not include extensions to the area. Whilst the Council may look to pursue this in the future, the resources do not exist at present within the Council to extend and regulate the area.

Conclusions

6.21 In summary the Council's case for the renewal of the Regulation 7 Direction is considered to be justified by the following factors.

- The area continues to experience significant pressures due to the nature of the housing stock in the area and the highly transient population which leads to a high turnover of the local population particularly during student changeover periods.
- It is clear that the Regulation 7 Direction has been effective in improving the visual amenity and character of the area since 2006.
- The Regulation 7 Direction has continued to require regular enforcement by the Council, with further action being taken against breaches where appropriate.
- It is clear that the presence of the Regulation 7 Direction has had a positive impact on the ability of the Council and local landlord associations in applying the voluntary code in a wider area.
- There is a high level of support for the renewal of the Direction amongst stakeholders.

7.0 Application for Renewal

7.1 On the basis of the above statement the Council believes that the renewal of the Regulation 7 Direction is justified and meets the necessary tests of the relevant legislation, planning policy and guidance. Therefore the Council requests that the Secretary of State make a Regulation 7 Direction in the area shown in appendix 3.

8.0 Appendices

8.1 Appendix 1 – Map of the Area of Housing Mix (the Voluntary Code Area)

Appendix 2 – Letting Board Code (January 2013)

Appendix 3 – Map of the Proposed Regulation 7 Direction Area

Appendix 4 – List of consultees to the Council's public consultation carried out November – December 2014

Appendix 5 – Responses to the Council's public consultation carried out November – December 2014

Appendix 6 – Copy of the report outlining the case for a Regulation 7 Direction from 2005.

Appendix 7 – Copy of the report outlining the case for the renewal of the Regulation 7 Direction from 2009.