



Report of the Director of City Development

Inner North West Area Committee

Date: 7th February 2008

Subject: Revision and renewal of the 'To Let' Boards Code

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| Electoral Wards Affected: ALL <input type="checkbox"/> Ward Members consulted (referred to in report) | Specific Implications For: Equality and Diversity <input type="checkbox"/> Community Cohesion <input checked="" type="checkbox"/> Narrowing the Gap <input checked="" type="checkbox"/> | |
| Council Function <input type="checkbox"/> | Delegated Executive Function available for Call In <input checked="" type="checkbox"/> | Delegated Executive Function not available for Call In Details set out in the report <input type="checkbox"/> |

Executive Summary

The purpose of this report is to seek comments from the Area Committee on the proposed revisions to the 'To Let' boards initiative and the renewal of the 'Area of special control'.

1.0 Background

- 1.1 Under the Town and Country Planning (Control of Advertisements) Regulations 1992, the City Council applied to the Office of the Deputy Prime Minister (ODPM) for a Regulation 7 Direction in order to restrict the 'deemed consent' rights for the erection of residential 'To Let' boards. Following a Public Inquiry, a Direction designating an area of special control was confirmed by the Secretary of State on 9th August 2005 (map attached at Appendix A).
- 1.2 The City Council brought the Direction into effect on 1st January 2006. As the Secretary of State limited the Direction to a period of three years, this will expire on 31st December 2008.

2.0 The 'To Let' boards Code

- 2.1 A key element of the initiative has been the development of a Code for the erection of 'To Let' boards. The removal of deemed consent rights by the Direction means that, strictly speaking, all 'To Let' boards require express consent. The Code is intended to

allow the legitimate use of 'To Let' boards, whilst improving visual amenity and lessening the environmental intrusion within the locality. Following consultation with key stakeholders, a local Code was developed and agreed. Provided that landlords/agents comply with the Code, the Council has informally agreed not to require applications or to take prosecution action.

2.2 The current Code sets out the following criteria for the display of 'To Let' boards:

1. Only one board per building will be permitted.
2. Each board will conform to the following layout: 34cm x 48cm or 48cm x 34cm.
3. The board shall be mounted flush to the wall above the front door, or if that is not possible, it shall be mounted flush to the wall on the street frontage elevation. In either instance, no part of the board shall be higher than 3.6 metres above ground level.
4. The board shall have a white background with black text. Up to 20% of the board may be occupied by a logo (which may be in colour).
5. One board shall be permitted per agent, per type of property, per street. An agent shall have no more than 3 boards in a street at any one time.
6. There shall be no 'Let By' signs.
7. 'To Let' boards shall be removed not later than 14 days of the granting of a tenancy for the room, house or flat in question.
8. All 'To Let' boards shall be removed by 1st November each year with no new boards being erected until 1st December.

2.3 The Secretary of State approved the Direction for an area of special control covering a smaller geographical area than the Council had applied for. Within the Direction area, the City Council has the power to prosecute agents/landlords who fail to comply with the Code. In order for the benefit of the Code to be felt in the wider area, it was agreed that it should also be implemented on a voluntary basis covering the area then designated as the 'Area of Student Housing Restraint' (ASHORE), as proposed under Policy H15 in the Unitary Development Plan (UDP) Review at that time. The Council has no powers of enforcement within the voluntary area.

3.0 Operation of the 'To Let' boards Code

3.1 Initially, the Council embarked upon a widespread publicity and education campaign in order to reach as many landlords/agents as possible. The last two years has allowed the Code to be 'bedded in' and for teething problems, such as interpretation of the Code, to be largely ironed out. There has been close liaison between the City Council and landlord/agent organisations through a variety of forums in order to assist the smoother operation of the Code. Additionally, a consultative stakeholder meeting took place in autumn 2006 in order to consider how the Code and guidance notes could be improved.

3.2 Some measures have already been adopted, such as inclusion of adherence to the Code in a number of accreditation schemes. Enforcement of the code within the voluntary area is now undertaken by Spencer Properties office. In addition to feedback from key stakeholders, further discussion has taken place within the Area

Committee Planning sub group and with Leeds Property Association (LPA). These discussions and suggestions have been considered in proposing revisions to the Code and guidance document.

4.0 Revision of the 'To Let' boards Code

- 4.1 Given experience, with respect to the existing Code, a number of issues and suggestions for improvement have been raised, as follows:
- 4.2 Clause 3 – Concern that the current wording is unnecessarily inflexible. Landlords/agents have said that the restriction on height is, in practice, unnecessary and impractical as there are concerns about the health and safety implications of employees working at heights. Additionally, there are instances where the front door of a property is elevated to the extent that a board may be erected above the 3.6m specified. Landlords/agents consider that provided the board is flat to the wall, above or around the front door, in an appropriate position, this ensures that the visual amenity objective of the Code is fulfilled. It is suggested that Members may consider an option where the clause could be varied and amended to prevent the siting of boards above first-floor window sill level, whilst allowing a little more flexibility in positioning.
- 4.3 Clause 4 – Landlords/agents consider that the re-sited and smaller boards are the primary factors in improving the visual amenity of the locality. Some consider that the restrictions on text and logo size are unnecessarily restrictive. It is the view of officers that the requirements and production of the boards are well established and it would now be a retrograde step to allow greater use of colour and/or personalisation. It is therefore suggested that this request to vary the Code be resisted.
- 4.4 Clause 5 - The criteria for limiting the numbers of boards was introduced in response to representations made by Area Committee and local residents at consultation stage. In practice, it has proved problematic for Compliance Officers to assess the numbers of bedrooms at particular properties. It has further been suggested that numbers are limited on the basis of physical type of property, i.e. terraced, semi-detached etc. However, this is an equally problematic approach for the employees of landlords/agents who work on the basis of bedspaces. With the benefit of experience, it is now considered that a simple restriction of a maximum number of boards per agent per street would achieve the same visual amenity outcome as at present. This approach is easier for the Council to enforce and easier for landlords/agents to adhere to. The suggestion has also been made that the restriction on numbers be relaxed somewhat on certain longer roads in the area. It has been suggested that a greater number of boards per agent be permitted on Burley Road, Cardigan Road, Headingley Lane, Hyde Park Road, Kirkstall Lane, Kirkstall Road, Otley Road and Woodsley Road. Overall, it is suggested to re-word and vary the Code accordingly. However, comments are requested from Members on the numbers that may be permitted - three boards per agent on shorter streets and six boards per agent on longer roads, or other alternative numbers.
- 4.5 Clause 8 – The criteria for the 'firewall' period in the month of November was also introduced in response to representations made by Area Committee and local residents at consultation stage. Whilst there has been broad compliance with this aspect of the Code over the last two years, it is the experience of Compliance Officers that it is difficult to enforce against those who take boards down late and/or put them up early, due to the time needed to follow enforcement procedures. Landlords/agents consider that this was a useful element to have in the Code for the first year or so. However, they now feel that the housing and rental market within inner north west has

changed significantly and will continue to do so. They note that a significant number of first year students are living in purpose built accommodation and that returning students are searching for properties earlier. Furthermore, the traditional housing stock is increasingly being occupied by 'young professionals' and others who have different timescale needs to returning students. To this end, landlords/agents, feel that this element of the Code is now superfluous and impedes them from renting property to non-students. It is therefore proposed to now remove this criterion from the Code.

4.6 Given the issues raised above, the following revised Code is proposed:

1. Only one board per building will be permitted.
2. Each board will conform to the following layout: 34cm x 48cm or 48cm x 34cm.
3. The board shall be mounted flush to the wall above or around the front door, or if that is not possible, it shall be mounted flush to the wall on the street frontage elevation. No boards shall be erected above first-floor window sill level.
4. The board shall have a white background with black text. Up to 20% of the board may be occupied by a logo (which may be in colour).
5. An agent shall have no more than **X** boards in a street at any one time. For properties on Burley Road, Cardigan Road, Headingley Lane, Hyde Park Road, Kirkstall Lane, Kirkstall Road, Otley Road and Woodsley Road, an agent shall have no more than **X** boards in a road at any one time.
6. There shall be no 'Let By' signs.
7. 'To Let' boards shall be removed not later than 14 days of the granting of a tenancy for the room, house or flat in question.

4.7 Leeds Property Association (LPA) has emphasised the fact that the sole consideration in reviewing the Code and Direction is the impact upon visual amenity. It is against this issue that the above proposals must be judged. It is hoped that if the above proposed Code is implemented, the current visual improvements will continue to exist.

4.8 In addition to revisions to the Code, suggestions have also been made in relation to improving the guidance document. Officers have suggested that the extent of the voluntary area should be increased to cover the Area of Housing Mix (AoHM) designation in Policy H15 of the UDP Review, rather than the now superseded ASHORE area. A map of the Area of Housing Mix is attached at Appendix B. Whilst some landlords/agents consider that these boundaries are too wide, the LPA accepts this proposal in the spirit of working with the Council, provided that the revisions to the Code are acceptable to them.

4.9 The revised draft guidance document also makes reference to the new Town and Country Planning (Control of Advertisements) (England) Regulations 2007, which now supersede the previous 1992 Regulations.

4.10 The revised draft guidance document also tries to emphasise the importance of compliance within the voluntary area and provides contact details so that breaches may be reported.

- 4.11 Concern has been raised about the quality of the ASHORE map in the existing guidance document. However, the Direction map and AoHM map are clearer and users can 'zoom in' on the electronic versions. A gazetteer of streets has also been prepared for inclusion in a revised document.

5.0 Renewal of the Regulation 7 Direction

- 5.1 We are now in the third and final year of the Direction and need to consider re-applying to the Department for Communities and Local Government (DCLG). DCLG have now taken on the role of dealing with such matters from the former ODPM.
- 5.2 The Council will need to submit a proposal to DCLG in the near future. The proposal will then be forwarded to the Planning Inspectorate who will advise on what procedure should be used in order to determine the Council's application.
- 5.3 Previously, there was significant objection to the Council's proposals, hence the need for a Public Inquiry/Hearing in January 2005. However, on this occasion, following dialogue with the LPA, there is broad support, in principle, to applying for a further Direction to replace the current one. This support is on the basis of an extension of the designation within the currently defined statutory designated area, for a time limited period, so long as there is an acceptable Code.
- 5.4 The LPA and other landlord/agent accreditation organisations have stated that they are finding it increasingly difficult to 'sell' the Code and keep their existing members on board. As such, they feel that appropriate revisions to the Code and guidance note offer an opportunity to keep their members within their organisations and adhere to the Code. Without the support of individual landlords/agents, it is possible that members of groups such as the LPA will vote to object to the re-application of a Direction. If no consensus is achieved and there is widespread opposition to the Council's proposal, it is possible that the Planning Inspectorate will feel the need to open a fresh Public Inquiry. However, if consensus can be achieved on the Code and support can be gained for re-applying for a Direction, it is possible that such a matter could be dealt with via a more simple written procedure.
- 5.5 Notwithstanding the desire of the LPA to continue the Direction within its current geographical area only, comments are requested from Members on which additional areas they feel ought to be included within the Direction area. A map of the existing Direction Area is included at Appendix A. There has previously been a suggestion that it should be extended to the south-east, to include the area bounded by Brudenell Road, Alexandra Road and Hyde Park Road, although the Secretary of State discounted this area previously. There has also been a suggestion that the Turnways, Laurel Bank Court, Greyshiels Avenue and Greyshiels Close be included for completeness. However, some cognisance must be given to the Secretary of State's reasoning on the first decision with regard to identifying areas where the level of visual intrusion and impact on amenity is harmful. Planning Policy Guidance Note 19 (PPG19) sets out national planning policy with regard to the consideration of amenity and the Secretary of State's Direction making powers.

6.0 Recommendations

- 6.1 The Area Committee is asked to note the contents of the report and comment on:-
- a) The proposed revisions to the 'To Let' Boards Code; and
 - b) The re-application to DCLG for a further Direction to continue the current initiative.