

Draft Background Paper in Support of the Designation of a Regulation 7 Direction in Lancaster

This topic paper outlines the authority's reasons for pursuing the designation of a Regulation 7 Direction to control the display of To Let advertisement boards in Lancaster.

1.0 Legislative Background

1.1 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. These boards benefit from 'deemed consent'.

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

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.

- (1) 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.
- (2) 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.
- (3) The advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.
- (4) No advertisement may exceed in area –
 - a) 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;
 - b) 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.
- (5) Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.
- (6) Illumination is not permitted.
- (7) No character of symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.
- (8) 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.

1.3 Where the display of advertisements with deemed consent has a significant adverse impact upon the character and appearance of an area, an authority may seek to remove deemed consent. In order to remove deemed consent under Schedule 3, Part 1, Class 3A local planning authorities may seek a direction from the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007. If

the direction is made by the Secretary of State, it would require express consent to be gained for the display of letting boards in the area controlled.

2.0 Planning Policy and Guidance

- 2.1 The National Planning Policy Framework (NPPF) provides guidance on the control of advertisements. Paragraph 132 states:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisement should be subject to control only in the terms of amenity and public safety, taking account of cumulative impacts.”

- 2.2 The National Planning Practice Guidance refers to the process which a local authority may use to restrict deemed consent. It states:

“To do this, 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”.

- 2.3 Policy DM6 of the adopted Development Management DPD seeks to ensure,

“Advertisements should be well designed and appropriately sited in order to positively contribute to a safe and attractive environment.

The policy includes criteria for schemes, the third of which requires that advertisements should,

“Not contribute to an unsightly proliferation or clutter of signage in the vicinity”.

- 2.4 These above sections of DM6 are proposed to be carried forward into policy DM21 of the emerging Development Management Development Plan Document.

3.0 The Case for a Regulation 7

- 3.1 Areas of Lancaster contain a significant number of Houses in Multiple Occupation (HMO), the many of which are occupied by students with a yearly or biyearly turnaround of occupants. In the most concentrated area, some streets in John O’Gaunt ward have approximately 35% and 45% of the properties as HMOs and in Castle ward, some streets have approximately 20% and 25% HMOs. There are street where HMOs run concurrently. The advertisement boards associated with these HMOs cause a proliferation of signage which when viewed on mass, particularly in areas of terraced housing, adversely affect the visual amenity of the areas character and appearance.

- 3.2 In response to the concentration of HMOs in parts of Lancaster, the council is seeking to policy DM13: Residential Conversions (emerging Development Management Development Plan Document) which will restrict the number of HMOs within a 100m radius to 10% of the houses. The council is also seeking to adopt a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order which will allow the control of small HMOs (those with 3-6 occupants). To support the Article 4, the council has created a database of HMOs using Council Tax Data, Registered HMOs and information available from

Lancaster University Homes (University accredited homes). It is acknowledged that there are limitations in using Student Council Tax exemptions as not all properties will be HMOs and not all HMOs will be occupied by students. The database however, provide a good reflection of the concentrations of HMOs in Lancaster.

- 3.3 The database highlights the concentration of HMOs within wards and streets within Lancaster. The tables below illustrate the concentrations of HMOs within Lancaster.

Ward	Estimated No. of HMOs	Approx total residential units	Approx % of stock in HMO use
Bulk	386	4,200	9.2%
Castle	625	3,000	20.8%
Galgate (Ellel)	18	1,000	1.8%
John O'Gaunt	519	3,200	7.8%
Marsh	106	2,600	4%
Scotforth East	72	2,000	3.6%
Scotforth West	324	3,200	10%
Skerton East	76	3,200	2.3%
Skerton West	4	4,000	0.1%
University & Scotforth	79	2,000	4%

Table 1: Combined data sets of HMOs (November 2019) (Exempt Council Tax properties and HMO Register)

- 3.4 A survey of 'To Let' boards was carried out on 18th November 2019. The table below illustrates the number of advertisements displayed on a selection of streets in Lancaster.

Street	No. of Adverts Displayed
Aberdeen Road	8
Balmoral Road	12
Blades Street	12
Bowerham Terrace	6
Bradshaw Street	3
Clarence Street	8
Dale Street	20
Dumbarton Road	4
Dundee Street	3
Eastham Street	4
Hope Street	5
Perth Street	4
Primrose Street	7
Prospect Street	24
South Road	16 (4 properties had more than 1 advert)
Stirling Road	6
St Oswald Terrace	13

Table 2: Survey of To Let Boards

- 3.5 The table 2, illustrates the number of 'To Let' boards being displayed. The number displayed along Dale Street and Prospect Street are particularly high. While the numbers are lower on

some of the other streets surveyed, these streets are shorter and as they consist mainly of terraced houses, fronting directly onto the road, the visual impact arising from the clutter is harmful to the character and appearance of these street.

- 3.6 Appendix 1 includes photographs of streets in the John O'Gaunt ward. These photographs only show the impact of 'To Let' boards within a single ward. The photographs illustrate the proliferation and clustering of boards.
- 3.7 Table 1 shows the number of HMOs in wards in Lancaster. There are high concentrations of HMOs in the following terraced street (this list indicates examples only and is not exhaustive):
- Albion, Green, Hinde and Ridge Street and Gladstone Terrace - approx. 46 HMOs
 - Dallas Road - 15 HMOs or approx. 20% of dwellings.
 - Blades Street - 20 HMOs or approx. 27%. Dallas Road. Blades Street run parallel to each other, creating a high concentration in this small area.
 - Regent Street - 19 HMOs.
 - Portland Street - 11 HMOs.
 - Queen Street - 18 HMOs.
 - Greaves, Vine and Graham Roads – 29 HMOs.
 - South Road – 19 HMOs.
 - Dale Street – 28 HMOs.
 - Prospect Street – 34 HMOs
 - Coulston Road – 32 HMOs or approx. 37%.
- 3.8 Table 1 and the above list of examples streets, shows the potential number of HMOs which may display advertisement boards when they are available for rent. It is acknowledged that all the HMOs are unlikely to be available for let and display boards at the same time.
- 3.8 The greatest concentrations of HMOs and the locations of the highest concentrations of To Let Boards are the wards of Bulk, Castle, John O'Gaunt and Scotforth West. It is proposed that the Regulation 7 Direction is designated for these wards. Appendix 2 indicates the areas being considered for the Regulation 7 Direction.
- 3.9 To Let Boards are displayed over a prolonged period between the student summer holiday and Christmas. While the Advertisement Regulations require that boards are removed 14 days after a tenancy is let, enforcing this is complex. Student accommodation can be advertised for let a year prior to a new student contract, while they are occupied by the previous year's students. In some cases, rooms within a properties may be let on differing tenancies. While each property may not be advertised every year, the number and concentration of HMOs in these areas is such that a significant number of boards are displayed each year. The To Let Boards do not are have only a short term impact.

4.0 Consultation

- 4.1 In preparation for the submission of an application for a Regulation 7 Direction, the council will undertake informal consultation with the relevant stakeholders. The consultation will seek views in respect of the designation of a Regulation 7 Direction and the extent of the areas proposed to be controlled.

5.0 Conclusion

5.1 The case for a Regulation 7 Direction is considered to be justified for the wards of Bulk, Castle, John O'Gaunt and Scotforth West for the following reasons:

- The areas have a significant concentration of HMOs due to the nature of the housing stock and the proximity to the Universities in Lancaster. Due to the turnover of occupants in these areas, particularly the student population, there is a significant proliferation of To Let boards.
- The proliferation and clutter arising from the display of 'To Let' boards have a negative impact on the local character of the areas. The cumulative impact has a harmful effect upon amenity contrary to the aims of the NPPF.
- A Regulation 7 Direction will prevent the proliferation of 'To Let' boards in these area and have a positive impact on the councils ability to control advertisements and ensure that the character and appearance of areas is protected.

Appendix 1 - Photographs of Signs within John O'Gaunt Ward (Examples)



Bowerham Terrace



Clarence Street (check)



Dale Street



Dale Street



Dale Street



Dumbarton Road



Dundee Street



Kirkes Road



Primrose Street



Primrose Street



Prospect Street



Prospect Street



Prospect Street



South Road



St. Oswald Street

Appendix 2 – Map of areas considered for a Regulation 7 Direction

