

A Local Plan for Lancaster District

2011-2031

Background Paper on the Designation of a Regulation 7
Direction in Lancaster

September 2020



LANCASTER
CITY COUNCIL

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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 for the display of To Let boards on residential properties, 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 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 DM21 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 The Listed Building and Conservation Areas Act, the NPPF also include requirements and policies which seek to protect or enhance heritage within the city.

3.0 The Case for a Regulation 7

- 3.1 Areas of Lancaster contain a significant number of Houses in Multiple Occupation (HMO), many of which are occupied by students with a yearly or biyearly turnaround of occupants. In the most concentrated areas, some streets in John O’Gaunt ward have approximately 30% and 45% of the properties as HMOs and in Castle ward, some streets have approximately 20% and 25% HMOs. There are streets 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 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 does, 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	322	4,456	7.23%
Castle	567	3,049	18.6%
Galgate (Ellel)	23	1,000	2.3%
John O'Gaunt	424	3,188	13.3%
Marsh	79	2,616	3.02%
Scotforth East	50	2,038	2.45%
Scotforth West	290	3,343	8.67%
Skerton East	48	3,312	1.45%
Skerton West	4	3266	0.12%
University	79	2,334	3.38%

Table 1: Combined data sets of HMOs (November 2019)

- 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	Ward	No of HMOs on Street	No. of Adverts Displayed
Aberdeen Road	John O' Gaunt		8
Balmoral Road	John O' Gaunt		12
Blades Street	Castle		12
Bowerham Terrace	John O' Gaunt		6
Bradshaw Street	John O' Gaunt		3
Clarence Street	John O' Gaunt		8
Dale Street	John O' Gaunt		20
Dallas Road	Castle		7
Dumbarton Road	John O' Gaunt		4
Dundee Street	John O' Gaunt		3
Eastham Street	John O' Gaunt		4
Hope Street	John O' Gaunt		5
Lindow Square	Castle		3
Kirkes Road	John O' Gaunt		5
Perth Street	John O' Gaunt		4
Primrose Street	John O' Gaunt		7
Prospect Street	John O' Gaunt		24
Queen Street	Castle		3
South Road	Scotforth West	19	16 (4 properties had more than 1 advert)
Stirling Road	John O' Gaunt		6
St Oswald Terrace	John O' Gaunt		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 streets.
- 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 streets (this list indicates examples only and is not exhaustive):
- Albion (7 run concurrently), Green (7 run concurrently), Hinde and Ridge Street and Gladstone Terrace (Bulk ward) - approx. 51 HMOs. These streets are all parallel or at right angles to each other in a confined area.
 - Bulk Road (Bulk Ward) – 7 HMOs within a 150m length of street.
 - Dallas Road (Castle ward) - 15 HMOs within a 315m length of street (single side).
 - Blades Street (Castle ward) - 19 HMOs within a 190m length of street. Dallas Road and Blades Street run parallel to each other, creating a high concentration in this small area.
 - Regent Street (Castle ward) - 15 HMOs within a 180m length of street.
 - Portland Street (Castle ward) - 11 HMOs in 155m length of street.
 - Dale Street (John O'Gaunt ward) – 39 HMOs within a 265m length of street.
 - Prospect Street (John O'Gaunt ward) – 31 HMOs within a 240m length of street. In 2 areas, 6 HMOs run concurrently.
 - Coulston Road (John O'Gaunt ward)– 33 HMOs within a 280m length of street (both sides for 190m).
 - Golgotha Road (John O'Gaunt ward) – 25 HMOs in 135m of street, 4 and 5 HMOs run concurrently.
 - Hubert Place (Marsh ward) – 12 HMOs out of 18 houses, within in a 100m length of street (single side) (5 run concurrently).
 - West Street – 9 HMOs in a length of 165m (Marsh Ward).
 - The Northern part of Claughton Drive, Sandforth and Melling View (Scotforth East) – 9 HMOs within 260m.
 - Slaidburn (Scotforth East) – 9 HMOs within a 300m length of street.
 - Vine and Graham Roads – 17 HMOs (Scotforth West ward).
 - South Road (Scotforth West ward) – 13 HMOs along the eastern side within a 200m length of street.
 - Vine Street (Scotforth West) – 8 HMOs in a street 50m in length.
 - Graham Road (Scotforth West) – 9 HMOs.
 - Avondale Road (Scotforth West) – 17 HMOs in a street 195m in length.
- 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. The number of signs displayed in November 2019, as shown in Table 2, does however indicate that a high number of HMOs have signs displayed at any one time.

- 3.9 A walkaround was undertaken on 13 August. It was noted that the number of signs displayed are significantly less than during the survey carried out in November 2019. The numbers also appear less than anecdotal information which suggests that over previous summers, the number of signs has remained high. This may be a combination of the reduced number of students in the city during the summer and due to Covid19 impacts. A high number of signs do however remain in some streets, such as on Prospect Street and South Road. Photographs are attached at Appendix 2.
- 3.10 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. These are the areas where the highest concentration of the City’s heritage lies. The Lancaster Conservation Area covers a large proportion of Castle Ward and extends into the edges of Bulk, John O’Gaunt and Scotforth West. A map of the Conservation Areas is attached at Appendix 3.
- 3.11 It is also recognised as highlighted during the consultation that there are concentrations of student lets and signs along particular streets in Marsh ward. It is proposed that the Regulation 7 Direction is designated for the aforementioned wards and Scotforth East, to provide a consistent and comprehensive management of To Let signs across the city, south of the river. Appendix 4 indicates the areas proposed for the Regulation 7 Direction.
- 3.12 To Let Boards are displayed over a prolonged period between the student summer holiday and Christmas and in some cases beyond this period. 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 property 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 have only a short-term impact.
- 3.13 Cities including Durham, Leicester, Manchester and Nottingham have introduced Regulation 7 direction to prohibit To Let Boards. Voluntary codes were introduced in the first instance but were found to be ineffective. In the report to cabinet, Durham states, ‘the voluntary code whilst having a positive impact, in particular in the initial years following its introduction, has not alleviated the harm to amenity and the environment to the expected standard, and more formal intervention is therefore now required’ and ‘Enforcement of the Code has proved time consuming and costly for the Council.’ Leicester have had a similar experience stating, ‘After a public consultation, a Voluntary Code of Practice was introduced, however, it was largely ignored and the numbers of boards did not diminish’. Nottingham state, ‘A Voluntary Code had been in place since 2009 which did little to improve the visual appearance of streets in the area.’
- 3.14 As voluntary codes have been deemed ineffective, it is considered that a formal process is necessary to minimize the proliferation and clutter arising from To Let boards and enhance the visual amenity of the city.

4.0 Consultation

- 4.1 Informal consultation took place between the 21 February and the 3 April 2020. The proposed Regulation 7 Direction received a significant positive response. A Consultation Statement has been provided as a background paper. A statutory consultation will take place on submission of the Regulation 7 Direction to the Secretary of State.

5.0 Conclusion

- 5.1 The case for a Regulation 7 Direction is justified for the wards of Bulk, Castle, John O’Gaunt, Marsh, Scotforth East 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 areas and have a positive impact on the council’s 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)

(18 November 2019)



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: Photographs of Signs within John O’Gaunt Ward

(Examples)

(13 August 2020)

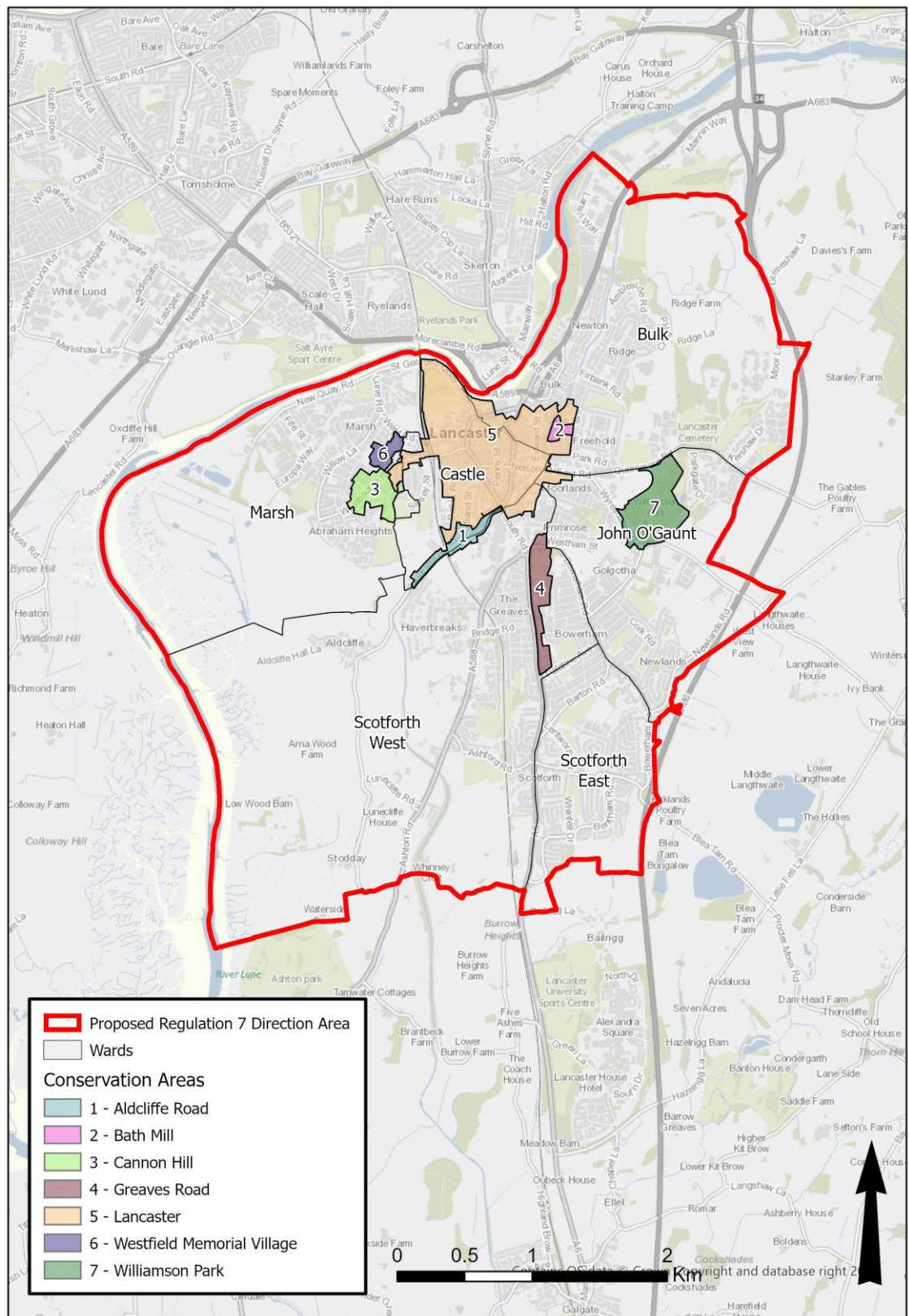


Prospect Road – 8 signs displayed during the summer period



South Road – 4 signs along a short stretch displayed during the summer period

Appendix 3: Map showing Lancaster Conservation Areas



Appendix 4: Map of wards considered for a Regulation 7 Direction

