

DURHAM COUNTY COUNCIL



Statement of Case



Submission to the Secretary of State for a Direction Under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Hearing date: 21 May 2019

Contents

1. Introduction.....	3
2. The Policy Framework.....	4
3. Actions to Control To Let Boards.....	6
4. Community and Stakeholder Consultation.....	10
5. Area of Proposed Control.....	13
6. Visual Impact of To Let Boards on the Proposed Area.....	14
7. Conclusions.....	15

1.0 INTRODUCTION

- 1.1 Durham County Council seeks a direction from the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements)(England) Regulation 2007 ('the Regulations') the effect of which will be to require express consent for the display of all To Let Boards relating to residential properties as set out in Schedule 3, Part 1, Class 3A of the Regulations, which advertise within the area identified in the plan in **Appendix 1**.
- 1.2 The reason for seeking a Direction is that the numbers of To Let boards have become excessive in parts of the City where there are high concentrations of rented accommodation and this is having a negative impact on the visual amenity of these areas which detracts from the character and appearance of Durham City Conservation Area.
- 1.3 The Council has sought to tackle the issue since 2011 with a Voluntary Lettings Board Code supported by using existing Planning Enforcement powers available under the Town and Country Planning Control of Advertisement Regulations 2007. Whilst the introduction of the voluntary code affected a limited improvement to the situation it has not been successful in addressing the issue. The Council has been working with stakeholders including those listed below, which has resulted in the proposal for all To Let boards to require express consent within the area identified;
- Relevant Durham City Residents Groups
 - Durham City Neighbourhood Planning Forum
 - City of Durham Trust
 - Durham University
 - Durham University Student Union
 - Landlords
 - Letting Agents
 - Durham City AAP
 - Durham Bid
 - Roberta Blackman Woods MP
 - Durham City Councillors
 - Environmental Health Assured Housing Scheme Members
- 1.4 These controls will be efficient, effective and simple with both residents and landlords clear on the requirements of the Direction and will allow enforcement to be undertaken quickly and fairly, where required.

2.0 THE POLICY FRAMEWORK

- 2.1 The area forms part of Durham City Centre Conservation Area within which there are also a number of listed buildings. As such Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990 are relevant. These collectively state that in considering whether to grant planning permission for development which affects a listed building or its setting or a conservation area, the Local Planning Authority shall have special regard to the desirability of preserving the building/its setting/conservation area or any features of special architectural or historic interest which it possesses.
- 2.2 The National Planning Policy Framework, February 2019 (NPPF) is also relevant and must be taken into account in the development of planning policy providing key objectives which should underpin planning decisions and policies, and form the basis of sustainable development with remains at its heart. It also provides specific advice with regard to advertisements at paragraph 132.
- 2.3 This application for all To Let Boards to require express consent is considered to comply with the Government's policies outlined in The National Planning Policy Framework for England (NPPF) and this is explored in more detail below.
- 2.4 Whilst the core principles contained in the previous NPPF are no longer stated explicitly in the latest version of the NPPF, the key aim of achieving sustainable development remains at its heart. These are described at paragraph 8 as being economic, social and environmental. The introduction of the Regulation 7 Direction to control the display of To Let Boards is considered against these key objectives below;
- ***An economic objective*** – to help build a strong, responsive and competitive economy:
 - ***An social objective*** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
 - ***An environmental objective*** – to contribute to protecting and enhancing our natural, built and historic environment.
- 2.5 In addition, paragraph 132 of the NPPF provides advice on the control of advertisements specifically stating that *'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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'*.

- 2.6 In addition the NPPF contains a number of other policies of relevance, most notably those contained at paragraphs 124 and 184 which relate to good design and heritage assets respectively.
- 2.7 Paragraph 124 provides guidance relating to good design noting that this should contribute positively to making places better for people and the latter stating that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value, advising that these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

City of Durham Local Plan

- 2.8 The City of Durham Local Plan (CofDLP) was adopted in 2004 and was intended to cover the period to 2006 and policies have been assessed against compliance with the NPPF. Saved policies E6, E22 and Q16 (**Appendix 2**) are most relevant to the consideration of this Regulation 7 Direction.
- 2.9 Policies E6 and E22 together state that the special character, appearance and setting of all conservation areas including the Durham (City Centre) Conservation Area will be preserved or enhanced and policy Q16 states that particular attention will be paid to the impact of advertisements upon the character and appearance of the conservation areas in accordance with policies E6 and E22. These policies are considered to be consistent with the NPPF so can be afforded full weight.

Emerging County Durham Plan

- 2.10 Paragraph 213 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.
- 2.11 Nevertheless, policy 30 of the plan (**Appendix 3**) is considered relevant and relates to Sustainable Design stating that proposals should ensure that adverts and signage are not detrimental to visual amenity or highway safety and sited in inappropriate locations.
- 2.12 The removal of high concentrations of To Let Boards which are presently detrimental to visual amenity would accord with the aims of this emerging policy.

3.0 ACTIONS TO CONTROL LETTING BOARDS

Voluntary Code of Practice (2011- 2018)

- 3.1 A Voluntary Code of Practice for To Let Boards was first introduced by the Council in 2011 following consultation with stakeholders. The code was applied to all To Let residential boards within the identified area (listed in paragraph 3.3 of this statement). The code set out rules for letting agents on the size, location and lengths of time boards could be displayed. Whilst initially the code applied to a limited area towards the centre of Durham City it was subsequently extended in 2013 to follow a similar boundary as that of Durham City Centre Conservation Area and has been re-issued yearly since 2013 with some minor amendments. Copies of all of the issued Voluntary Codes are included as **Appendix 4**.
- 3.2 The Code followed closely Class 3A of Schedule 3 of the Control of Advertisement Regulations 2007 and was monitored throughout this period. This included liaison with landlords, local councillors and stakeholders and resulted in minor modifications to the scheme to improve take up and practical delivery.
- 3.3 In 2011 the following streets were subject to the Voluntary Code.
- Viaduct area** to include; Sutton Street, Mowbray Street, Waddington Street, Ainsley Street, Flass Street, Bridge Street, Atherton Street, East Atherton Street, Mitchell Street, Parkside.
- Byland Lodge area** this would include; Hawthorn Terrace, Laburnum Avenue, Lawson Terrace, Mistletoe Street, Holly Street, John Street, Alexandria Terrace, May Street and The Avenue.
- Crossgate area** this would include; Allergate, Crossgate, Neville Street, Summerville, Palatine View, Nevilledale Terrace, Briarville.
- Gilesgate area** this would include; Ravensworth Terrace, The Chains, Kepier Terrace, Gilesgate, Kepier Villas, Mayorswell Street, Mayorswell Field, Renny Street, Ellis Leazes, Douglas Villas, Magdalene Heights, Station Lane, The Sidings, West View, Magdalene Street.
- Central area** this would include; Claypath, Providence Row, Finney Terrace, Wanless Terrace and The Sands. Elvet Waterside, Church Street, Hallgarth Street, Mavin Street, Church Lane, Whinney Hill, Mountjoy Crescent, Back Mountjoy, The Hallgarth, Boyd Street, Gladstone Villas, Highwood View, Highwood Terrace, Anchorage Terrace.
- 3.4 The geographical area was later extended to cover the following streets and these are what are included in the latest iteration in 2018 – additions are identified in bold.

Viaduct area to include; Sutton Street, Mowbray Street, Waddington Street, Ainsley Street, Flass Street, Bridge Street, Atherton Street, East Atherton Street, Mitchell Street, **Lambton Street, Redhills Lane**, Parkside., **Tenter Terrace, Highgate**

Byland Lodge area to include; Hawthorn Terrace, Laburnum Avenue, Lawson Terrace, Mistletoe Street, Holly Street, John Street, Alexandria Terrace, May Street and The Avenue.

Crossgate area to include; Allergate, Crossgate, Neville Street, Summerville, Palatine View, Nevilledale Terrace, Briarville. , **St Margarets Court**

Gilesgate area to include; Ravensworth Terrace, The Chains, Kepier Terrace, Gilesgate, Kepier Villas, Mayorswell Street, Mayorswell Field, Renny Street, Ellis Leazes, Douglas Villas, Magdalene Heights, Station Lane, The Sidings, West View, Magdalene Street., **Wynyard Grove, Young Street**,

Central area to include; Claypath, Providence Row, Finney Terrace, Wanless Terrace and The Sands. Elvet Waterside, Church Street, Hallgarth Street, Mavin Street, Church Lane, Whinney Hill, Mountjoy Crescent, Back Mountjoy, The Hallgarth, Boyd Street, Gladstone Villas, Highwood View, Highwood Terrace, Anchorage Terrace, **Union Place, Old Elvet**

- 3.5 Whilst some of the letting agents operating in the area initially adhered to the Voluntary Code, several failed to accept and accord with its requirements. As such, many of the letting agents and landlords which originally adhered to the code failed to do so over time and the proliferation of To Let Boards with the City remains a serious issue affecting visual amenity. Consequently, the Council consider that the Voluntary Code has not been successful. In particular, agents are failing to remove boards after letting properties or retaining boards on display to let the property for the following university academic year. In addition multiple boards were also displayed on properties and this remained a frequent reason for complaint to the Council as identified in photographic evidence taken in November 2015 and 2018 and attached at **Appendix 5**.
- 3.6 This has led to an increasing number of complaints received by the Local Planning Authorities Enforcement Officers which requires significant resource to investigate and resolve.
- 3.7 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 which are as follows;
- a) 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

- b) 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
- c) No advertisement may be displayed indicating that the land or premises have been sold or let, other than by the addition to an existing advertisement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.
- d) The advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.
- e) No advertisement may exceed in area-
 - i. Where the advertisement relates to a 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.
- f) Where the advertisement is displayed on a building, the maximum projection permitted from the face of a building is 1 metre.
- g) Illumination is not permitted.
- h) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3m in an area of special control.
- i) 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.

3.8 The majority of To Let boards displayed comply with the regulations at least in terms of their size and location and therefore benefit from deemed consent for their initial display. However, many boards are left in place for extended periods of time. Boards should be removed within 14 days after the grant of a tenancy, but this can be problematic and difficult to enforce as information is not freely available as to when tenancies are granted. Furthermore, there are no timescales within the regulations that would provide control for the redisplay of boards. Therefore, a board can be removed in accordance with the regulations and then redisplayed the following day for a future tenancy.

3.9 Enforcement Action can be taken to remove boards that do not comply with the regulations, but the Local Planning Authority would have to consider whether it was expedient to pursue enforcement action given the lack of restriction on re display of boards. Given the nature of the area and the popularity of rented accommodation landlords can easily seek to secure tenancies a year, if not longer, in advance.

3.10 To give this context in 2015, the Council's Planning Enforcement Section received 43 complaints in relation the display of To Let Boards. In 2016 this figure was 34 and rose to 73 in 2017, before falling to 36 in 2018. Clearly, the

Council has received a considerable volume of complaints in relation to To Let Boards in the last 3 years.

- 3.11 During the periods that officers have been monitoring the proliferation of To Let boards, marked attempts have been noted where agents have fragmented into new companies, or subsidiaries of other agencies and thus have effectively increased their capacity for the display of boards under the Voluntary Code.
- 3.12 With regard to the number of complaints received in 2018 it should be noted that the Council began to publicise its intention to make application for a Regulation 7 Direction during this time and during the preceding year, and that this appears to have translated to a reduction in the number of complaints received during 2018 as it is likely that residents understood that the Regulation 7 Direction would follow ultimately resolving the issue and as such were less likely to report complaints. It is also understood that residents have, over the years, began to understand the limitations of operating under a Voluntary Code and thus reduced the occurrences of complaints where there would be no enforcement recourse.

4.0 COMMUNITY AND STAKEHOLDER CONSULTATION

- 4.1 The Council has engaged with stakeholders and interested parties throughout the introduction of the voluntary code and application for Regulation 7 Direction. With regard to the latter it undertook a period of consultation in 2017 in which it sought to obtain views from relevant stakeholders. The agreed consultation approach presented three options upon which respondents were asked to comment. These being;

Option 1 - Continue with the current Voluntary Code

There would be no changes to the way that letting agents and landlords use To Let boards and it would require them to voluntarily follow the code. There would be no ability to use formal enforcement action if boards are displayed in breach of the code.

Option 2 - Apply for a Regulation 7 with some restriction on Letting Boards

We would allow the display of some boards but the number and time of display would be restricted. The details of the restrictions would need to be agreed but it would be likely that they would broadly follow the principles of the current Voluntary Code.

This option would allow some proportionate advertising and would enable formal enforcement control where boards were displayed in breach of the Regulation. It is likely that this option would prove difficult to enforce in terms of the number and times of display and whilst offering some improvements to the visual appearance of the city, it would still allow a significant number of boards at peak times of the year.

Option 3 - Apply for a Regulation 7 with a complete ban

We would not permit the display of any To Let board within the defined area, at any time, unless express consent was granted under an application made to the Council . Any unlawful display of To let Boards could result in formal enforcement proceedings. A complete ban would be relatively easy to enforce and would result in a consistent approach to all affected agents and landlords. Zero boards would have the most positive impact on the character and appearance of the Historic City. There may be some knock on impacts in terms of ease of letting properties and landlords and agents may look to other forms of advertising (such as window advertisements?) that are excluded from control.

4.2 This took place between 9th January 2017 and 17th February 2017 and included the following;

- A drop in event with planning and enforcement officers at the Town Hall.
- The issuing of a press release
- Consultation advertised on the Council’s website which included an online survey which allowed people to comment on the proposed options.
- Direct mailing issued to key stakeholders including those listed in paragraph 2.3 of this statement.

A copy of the information sheet, questionnaire and Consultation results are included as **Appendix 6**.

4.3 In response the publicity and consultation a total of 104 responses were received and the key comments of all the responses received are summarised in the Table 1 below. The table also indicates the frequency in which each comment was mentioned within the responses.

Table 1.

Comments	Frequency
The letting boards are visually harmful and detract from the historic City, the Conservation Area and the World Heritage Site	49
Letting boards are no longer required as modern technology (emails, websites, internet etc) is likely the preferred method of finding accommodation	37
Option 3 for the implementation of a Regulation 7 Direction and complete ban of letting boards is the preferred option	21
The current voluntary code for the letting boards has not worked and some estate agents and landlords are ignoring the code	18

Requests that the Regulation 7 Order be extended to cover the area of the existing Article 4 Direction which restricts conversions of C3 dwelling house properties in to C4 houses of multiple occupation	5
Option 3 for the implementation of a Regulation 7 Direction and complete ban of letting boards is an unreasonable course of action	4
It is noted that other local authorities have taken similar action and introduced a Regulation 7 Direction	3
Internal window letting boards is a better option than external boards	2
Letting boards do not always relate to the property the board is attached to	1
Some boards cause an obstruction on the footpaths	1
The letting boards do not create an adverse impact on the visual amenity of the area	1
Letting boards are considered to be a safety issue	1
Option 2 to continue with the current voluntary code is the preferred option	1

- 4.4 Included with the above, comments were received from Durham City Councillors Freeman and Ormerod (**Appendix 7**). These Councillors stated they were in support of option 3 and the implementation of a Regulation 7 Direction. Support for this course of action has also been provided by the Member of Parliament for Durham City (**Appendix 8**)
- 4.5 Of those people who responded to the consultation questionnaire 90% considered To Let Boards to be a significant problem within the City with only 2% considering there to be no issue at all. 87% of those people who responded also considered option 3 (introduction of the Regulation & Direction) to be the preferred solution with only 3% considering that the continuation of the current Voluntary Code as being an effective solution.
- 4.6 The results of the consultation clearly shows strong support for the introduction of deemed consent and that this was have the greatest impact on the visual amenity of the area, including the WHS and Durham City Centre Conservation Area.

- 4.7 The Council considered the consultation responses to the proposed Regulation 7 Direction at Cabinet on 7 February 2018. Cabinet formally resolved to seek a Direction from the Secretary of State that deemed consent for the display of To Let Boards shall not apply and consequently all To Let Boards will be affected and shall require express consent. A copy of the report and minutes are included as **Appendix 9**.
- 4.8 One letting agent did raise concerns that letting agents would simply put up For Sale Boards in place of To Let Boards (email attached at Appendix 2) and that everyone would know that the properties were not for sale but let, but there would be little that the Council could do in response, citing the example of Loughbrough Council, suggesting that a prohibition should include all boards as it does in Westminster as a consequence.
- 4.9 Whilst the concerns raised are noted, at present it remains the case that the evidence collected by the Council identifies only the proliferation of To Let Boards as being an issue within the City Centre which causes harm to visual amenity and the special character and setting of the Conservation Area. Should it be the case that the use of For Sale Boards becomes prevalent in the manner suggested, then the Council could review the parameters of the Direction or seek the making of a second Direction to include other forms of advertisement should this occur. Any pre-emptive measures in this context are not considered by the Council to be appropriate at this time.
- 4.10 Whilst the overall response from letting agents has been relatively limited with only 9% of respondents identifying as a Landlord or Letting Agent consideration has been given to the impact on local economy and business, specifically the impact to Landlords and Letting Agents themselves.
- 4.11 The submission of the application to the Secretary of State for a Regulation 7 Direction has been the subject of a Public Consultation exercise. Whilst representations may have been sent direct to the secretary of State, some representations were sent into the LPA (and forwarded on), these can be summarised as:
- 4.12 1 letter of support which went on to suggest the application did not go far enough in that full prohibition of ALL boards was necessary to prevent a subsequent abuse of 'For Sale' boards.
- 4.13 This issue was considered when originally considering the scope of the proposal but it was our conclusion that there was insufficient evidence that 'For Sale' boards presented a problem at present. It was considered that if the sought Regulation 7 Direction is granted and subsequently For Sale boards become an issue, it would be appropriate to seek further restraint at that point.
- 4.14 The consultation also resulted in a single objection which considered that actually there were very few boards on display and the restrictions would create

a disadvantage for individual landlords. The objection went on to reference other forms of advertising eg parking signs and adverts on vehicles.

- 4.15 It should be noted that the 3 week observations referred to in the objection were carried out around July 2018. The LPA accept that the display of To let boards is a very seasonal activity and as identified elsewhere in our Statement, the most significant display take place through the Months of October, November and December once the students have returned to the City following the Summer. Whilst the Students are absent during the Summer there is a notable absence of boards.
- 4.16 It is not considered that there would be a significant disadvantage to individual landlords. The other mediums for advertising accommodations are freely available, in particular online advertising. It is noted that Rightmove is restricted to estate agents or lettings agents, however other resources such as Sturents (www.sturents.com) Gumtree (www.gumtree.com) Student.com (www.student.com) to name a few, offer no such restrictions.
- 4.17 Issues around other forms of advertising are not a matter for consideration in relation to the Regulation 7 Direction as requested.
- 4.18 A further representation was received which neither supported nor objected to the proposal. This criticised the Councils approach to other forms of advertising.

5.0 AREA OF PROPOSED CONTROL

- 5.1 The area of proposed control covers an area of the city where the greatest number of rented properties are concentrated and therefore where the issue with To Let Boards is most prominent. It is estimated that there are around 350 HMOs that fall under mandatory HMO licensing and that there are an additional 1,200-1,400 two-storey or smaller HMOs in Durham City. In Durham City, HMOs are overwhelmingly occupied by students.
- 5.2 As already noted after consultation with those stakeholders listed in paragraph 1.3 of this statement a Voluntary Code for the display of To Let Boards was introduced in 2011 and subsequently extended to follow that of the Durham (City Centre) Conservation Area which was originally designated in 1968 and subsequently extended in 1980 and includes Durham Cathedral which is a World Heritage Site.
- 5.3 The area identified in the Direction hosts high concentrations of private rented properties towards the centre of the city set within predominantly terraced streets but also includes areas of former local authority housing across the north eastern part of the city at Gilesgate. Whilst the area services key rental market sectors, such as professional, local housing allowance and also students, it is largely dominated by the student housing market.

- 5.4 The area also hosts a number of Listed Buildings across a range of designations include Grade I and II* structures which make a positive contribution to the special character of the conservation area.

Council's case for the Direction

6.0 ADVERSE VISUAL IMPACT OF TO LET BOARDS ON THE PROPOSED AREA

6.1 The following section outlines the assessment of the impact To Let Boards are having on the visual impact of the proposed control area taking into account the consideration under paragraph 132 of the NPPF. The assessment included two basic surveys of To Let Boards in November 2018 which recorded photographic evidence of the location and positioning of To Let Boards. During this period of monitoring, shortly after the Voluntary Code took effect for the 18/19 season a total number of 325 boards were on display. Photographic evidence of boards during this period and the corresponding period in 2015 is included at **Appendix 5**.

6.2 The NPPF requires the local planning authority to demonstrate that the direction would improve visual amenity of the area. This is fundamental to the determination as to whether the removal of deemed consent is justified and the level of impact that the new control will have on the areas. As detailed in section 4 of this Statement the consultation clearly shows that stakeholders believe To Let Boards have a negative impact on the visual amenity of the proposed area. The introduction of a Regulation 7 Direction can be considered against the key objectives of the NPPF as follows:

- ***An economic objective – to help build a strong, responsive and competitive economy:*** The impact of the Direction is not considered to have any significant detrimental impact upon the local economy or businesses and it is noted that it has received support from some letting agents as evidenced in the consultation responses attached at Appendix 2.
- ***An social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.*** The Direction would not unacceptably restrict the publicity of the availability of the units offered for let and the considerable shift away from more traditional methods of letting properties is widely accepted such as the use of online advertisement in particular.
- ***An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.*** The over proliferation of To Let Boards within a locality can adversely affect the visual amenity of specific neighbourhoods and whole swathes of city centre areas. In this case that area identified which would be subject of the Direction is also a Conservation Area

and, in part, a UNESCO World Heritage Site (WHS). The introduction of the Direction would preserve the special historic character of both the WHS and Durham City Centre Conservation Area.

6.3 In accordance with Paragraph 124 of the NPPF The removal of a large number and concentrations of To Let Boards will improve the visual amenity of the area and the surrounding Conservation Area and the setting of those Listed Buildings situated within it. The area will be better for local people, improving the overall quality of the area without impacting on the function of the housing market. It will also improve the streetscapes within Durham City Conservation Area creating a more attractive place to live, work and visit and contribute positively towards making Durham City a better place for people.

6.4 Paragraph 132 of the NPPF has been taken into account in the application for the Regulation 7 Direction and it is considered that the requirement for all To Let Boards to require express consent in the identified area would be unambiguous, effective and efficient to enforce, being introduced as a result of the failure of the previous voluntary code to control the cumulative visual impact To Let Boards

6.5 The impact that current excessive levels of letting boards have on the visual amenity within certain areas of the Durham City area is considered to be significant. Letting boards are generally large, protrude outwards from the front face of the walls into the street, and are instantly noticeable being prominently displayed on principal elevations, where they have an adverse visual impact. They are regularly attached to facades of listed buildings and non-designated heritage asset where they visual detract from their historic and architectural qualities. There are also instances where single historic properties host more than one letting board which is particularly unpleasing aesthetically. In wider terms where there are large numbers of letting boards on display in close proximity they have a particular detrimental impact on the general visual amenity of the area, and the quality, character and appearance of historic street scenes, that by default impacts negatively on Durham City Centre Conservation Area.

6.6 These issues are acknowledged in the Councils adopted conservation area character appraisal where there is an identified threat to historic streetscenes resulting from the cluttering of elevations. The collective extent of visual clutter can cause significant visual intrusion, interrupt important views, and be very harmful to the overall character and quality of the locale. One of the reoccurring themes of the objectives of the management proposals within the appraisal throughout the different character areas of the CA are to seek the removal of building and streetscape clutter, particularly unnecessary repetitive elements, and to promote sensitive siting of new additions via the planning process and through a co-ordinated approach.

6.7 As already stated the removal of a large number and concentrations of To Let Boards is considered to improve the visual amenity of the area and would be

considered to preserve or even enhance the setting of the Conservation Area in compliance with policies E6 and E22 of the City of Durham Local Plan.

7.0 CONCLUSION

- 7.1 The evidence collected by Officers shows that the over proliferation of To Let Boards within the city centre has, despite steps taken by the Council such as the introduction of the Voluntary Code, continued to have a detrimental impact upon the visual amenity of the area and the special character of the Durham City Conservation Area. The high number of boards located in concentrated areas, predominantly within long straight streets with little or no street furniture or greenery to break up sightlines, results in the boards being a prominent and dominating feature. The removal of To Let boards would clearly improve the visual amenity of the area and also result in enhancement to the Character or Appearance of the Conservation Area.
- 7.2 The proposed Regulation 7 Direction to remove deemed consent for the display of To Let boards, and therefore bring them into the scope of requiring express consent, would be efficient, effective and simple to operate. Residents, Landlords, Lettings Agents and other interested parties would have a clear understanding of the Regulations and as a result breaches would be easier to identify and enforcement would be quicker and simpler to progress. The removal of advertisements in breach of the Regulations would build confidence in the community and consequently it is believed would result in an increase in the reporting of breaches. In addition, where offences are dealt with effectively and efficiently it is considered that there would be increased compliance from agents and landlords. It is not envisaged that the LPA would be likely to receive high numbers of applications for Advertisement Consent for the Display of To Let Boards given that there are a range of alternative means of publicity which have come to the fore such as internet based advertisements.
- 7.3 The Council has worked with Stakeholders in attempts to tackle the impact of high numbers of To Let boards in the geographically constrained area of Durham City with the introduction of a Voluntary Code which has been in operation continuously since 2011. Unfortunately, the action taken to resolve the concerns through voluntary means has had limited impact and the view is that the only viable option available to the LPA is the introduction of a Regulation 7 Direction.
- 7.4 Stakeholders have been involved in the development of the existing voluntary controls and also consulted on the options for how To Let Boards are controlled in the future. In particular, Local Councillors, the Member of Parliament for Durham City and Durham City Trust raised serious concerns during this process that the unchecked proliferation of To Let Boards across the City was having an adverse and detrimental impact upon visual amenity and continued

correspondence from a number of parties has expressed dissatisfaction with the current situation.

- 7.5 Extensive consultation was undertaken on 3 options to consider with overwhelming agreement that To Let Boards were a significant problem (90.8%) and the majority (87.5%) supported the removal of deemed consent through the introduction of a Regulation 7 Direction. Only 3.3% felt that the existing voluntary arrangement should be continued. Therefore it is clear that the Local Community supports the view that the visual impact of To Let Boards harms the Character of the Historic City and support the removal of deemed consent rights.
- 7.6 The impact and views of Landlords, Agents and other related businesses that could be affected by the proposal were considered. Landlords and Agents were targeted in the Consultation period by direct mailing via email/post with 9% of all respondents being landlords or a letting agent. Impact on businesses as a result of Regulation 7 Direction would be expected to be limited due to modern marketing methods, online and using specialist websites/applications for property searches. There are also a wide range of options available for smaller landlords to access tenants through existing agents, online resources, university links and the private rented sector. Whilst the introduction of a Regulation 7 Direction would require some amendments to existing practices for some agents/landlords, for the most part the alternative technological marketing is already undertaken by those agents and it is not considered that there would be a direct impact on Business Viability.
- 7.7 The proposed Regulation 7 Direction is sought within the Concentrated Conservation Area of Durham City. This is the area where there the majority of the estimated 1750 HMO properties within the city are located and provides a convenient boundary for consideration of where the worst impacts exist. The proposal in this area would be easy to understand, has the support of the local community and will improve both the visual amenity and character and appearance of the Conservation Area. The proposal would not be considered to significantly impact of the viability of business linked to the lettings sector.
- 7.8 Taking all of the above into consideration the Secretary of State is respectfully requested to issue a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to withdraw deemed consent for the display of advertisements under Schedule 3 Part 1 Class 3A relating to the letting for residential uses in the Durham City Conservation Area.