

Chichester District Council

Planning Committee

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Control of Estate Agent Signs within the Chichester Conservation Area

1. Contacts

Report Author

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2. Recommendation

- 2.1 That officers make an application to the Secretary of State under Regulation 7 of the Town and Country Planning (control of Advertisements) (England) Regulations 2007 for a Direction that deemed consent shall not apply for the display of Estate Agent Boards within the Chichester Conservation Area for a period of ten years.**

3. Background

- 3.1 On the 16th December 1996 a report was presented to the Area Development Control Committee (South) recommending a formal proposal to the Secretary of State for a direction to restrict estate agents' boards in the Chichester Conservation Area.
- 3.2 The Direction granted by the Secretary of State included all addresses within the Chichester Conservation Area and it expired in mid-2000.
- 3.3 The Council first sought to establish control over estate agents' boards in 1996 because of the harmful effect that the display of numerous boards was having throughout the city.
- 3.4 The City has always been at the forefront of urban conservation, being one of the four towns which were the subject of central government commissioned studies in the late 1960's. The City centre is unique in having the whole of its commercial core designated an Area of Special Control for Advertisements. Furthermore the City was one of the first to receive support from central government under the Town Scheme Grant Aid system (introduced in Chichester in 1971), and in 1990 became the first area to obtain an area-wide Article 4 Direction in respect of the installation of satellite antennae on private dwellings.
- 3.5 The townscape of Chichester City Centre is widely acknowledged as being of national and international importance in conservation terms. The Conservation Area contains over 700 buildings listed as being of Special Architectural or Historic Interest. The built fabric is therefore acknowledged as being of high quality and most buildings are maintained to a very high standard. It is because the Conservation Area portrays this high visual quality that steps are taken to ensure that any development which may potentially detract from its unique character is adequately controlled.

- 3.6 Chichester remains an important destination for tourism. As well as the historic attractions offered by the city; much of the appeal to visitors is the visual appearance of individual and groups of buildings such as the City Walls, the Cathedral and its setting, the historic core of the city and its open spaces.
- 3.7 The Chichester Conservation Area is spread over a wide area with listed buildings not being limited to the city centre and the wider area contains a significant number of both commercial and residential properties of interest. Within this protected urban landscape the repeated display of numerous advertisements on land and property, to promote their availability, is considered to have an adverse impact.
- 3.8 Nationally, the COVID-19 pandemic has had a financial impact on commercial and retail companies resulting in the loss of jobs, and the closure of retail units within cities across the UK. The effect of this can be seen in the retail centre of Chichester with the increase in the number of estate agent signs and vacant shop fronts. In addition, due to the desirability of Chichester as a place to live and work and the success of the city's university, the display of estate agent signs has become increasingly noticeable in the housing sector, principally due to the number of short term 'lets' associated with a mobile population.
- 3.9 The proliferation of estate agency signs, exacerbated by a high level of accommodation turnover, can lead to advertisements seemingly being displayed on a permanent basis. In these circumstances, the visual qualities of the street scene landscape is undermined and gives rise to visual clutter which is damaging to the character and appearance of the Conservation Area. This is principally due to the signs being prominently displayed on principal elevations; often unsightly and difficult to control where a property is in a continual cycle of rent; or they appear in duplication and so the visual impact on the Conservation Area is intensified and particularly negative.
- 3.10 The Enforcement Team receive approximately 5 complaints per year in relation to estate agent boards. The complaints include the continual display of "to let" and "let by" boards outside properties, despite their occupation; the erection of estate agent boards on amenity spaces not in connection with the availability of a property but as a means of advertising; and the number of estate agent boards offering the property's availability.

4. Outcomes to be Achieved

- 4.1 The present proliferation of estate agent boards within the Chichester Conservation Area causes material harm to its distinctive character and appearance and detracts from the historic environment. The adverse visual impact of the advertisements is experienced in the commercial centre of the city and in the adjoining residential streets of its historic core which contains a significant number of listed; with other historically important buildings over a wide area. In this setting, it is considered that a Regulation 7 Direction will afford significant protection and ensure that the appearance of this Conservation Area is preserved and enhanced.

5 Proposal

- 5.1 The statutory regulations in respect of planning control and the display of advertisements are contained within the Town and Country Planning (Control of

Advertisements) (England) Regulations 2007. These Regulations, in principle, provide that express consent is normally required from the Local Planning Authority for the display of any advertisement. However, like the General Permitted Development Order, the Regulations provide circumstances under which consent is deemed to have been granted (Schedule 3) without the need for consent from the Local Planning Authority. Class 3 to Schedule 3 relates to miscellaneous temporary advertisements, such as estate agent signs, and Class 3A (3) requires that the advertisement shall be removed within 14 days after completion of a sale or the grant of tenancy. It is this latter provision which gives the impression of a constant display of an estate agency sign.

- 5.2 Regulation 7 of the Advertisement Regulations enables a Local Planning Authority to propose to the Secretary of State that the display of advertisements of any class or description specified in Schedule 3 [other than Class 12 or 13] should not be undertaken in any particular area or in any particular case without express consent. If satisfied, the Secretary of State may direct that the deemed consent for that class or description shall not apply in that area or in that case, for a specified period or indefinitely without 'express consent' being obtained from the Local Planning Authority.
- 5.3 Such a direction is similar to an 'Article 4 Direction' made under the General Permitted Development Order 1995 (as amended). However, unlike the wide use of Article 4 Directions, it is noted that a direction made under Regulation 7 of the Advertisement Regulations is rare but when sought it is for the purpose of controlling the display of estate agency boards in Conservation Areas. In respect of achieving a Regulation 7, the Secretary of State will expect the Local Planning Authority to demonstrate that the level of control sought would improve visual amenity and that there is no other way of effectively controlling the display of estate agents' boards.
- 5.4 Having regard to the harm identified [paragraph 3.9 above] the proposal is therefore that an application be made to the Secretary of State to request that a Direction is issued under Regulation 7 that estate agent signs should not be displayed in the Chichester Conservation Area without express consent.

6 Alternatives Considered

- 6.1 Regulation 8 of the 1992 Regulations empowers a Local Planning Authority to serve a Notice requiring the discontinuance of the display of an advertisement if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality. However, such a Notice has to allow at least 8 weeks before it takes effect during which time there is no right of appeal.
- 6.2 It is considered that Regulation 8 powers are not the appropriate means by which to deal with the continued display of estate agents' boards for the following reasons:
1. It is only a retrospective power;
 2. The right of appeal can make proceedings become protracted; and
 3. Significant officer time is likely to be required as each case will be dealt with individually as it arises.

7 Resource and Legal Implications

- 7.1 There are no significant resource implications arising from the approval of this proposal. It would however reduce the amount of officer time spent investigating the lawfulness of the estate agent boards on display.
- 7.2 It is a legal requirement that a notice about the making of a direction must be published in a local newspaper circulating in the locality, and on the same or a subsequent date in the London Gazette; notice must also be given to any person who may be affected i.e. local estate agents. The period of notice must be no less than 21 days and interested persons may make representations to the Secretary of State in writing within such period. Where the Secretary of State makes a direction, they will send it to the local planning authority, with a statement of their reasons for making it, and a copy of that statement will be sent to every person who has made a representation.
- 7.3 Notice of the making of any direction must be served by the local planning authority on the owner and on any occupier of the land to which the direction relates. Notice of the making of any direction for a particular area shall be published by the local planning authority in at least one newspaper circulating in the locality and, unless the Secretary of State otherwise directs, on the same or a subsequent date in the London Gazette, the notice must —
- (a) contain a full statement of the effect of the direction;
 - (b) name a place or places in the locality where a copy of the direction and of a map defining the area concerned may be seen at all reasonable hours; and
 - (c) specify a date when the direction shall come into force, being at least 14 and not more than 28 days after the first publication of the notice.
- 7.4 Notice of the making of any direction an area shall come into force on the date specified in the notice published in the newspaper. A copy of the notice should also be served on any person who, to the knowledge of the authority, proposes to display on that land an advertisement of the class or description concerned.

8 Consultation

- 8.1 No public consultation has been undertaken. The application for the Direction will be formally advertised in a local newspaper [as set out above], the Council's website and the London Gazette. The Council will notify all relevant businesses if an application is submitted to the Secretary of State for Communities and Local Government.
- 8.2 As stated at paragraph 3.10 above, there is public interest surrounding that proposed.
- 8.3 Economic Development supports the approach to reduce the use of the large "A" boards by Commercial Estate Agents to market properties in the city centre. There is a particular issue when boards appear alongside or above currently occupied premises because the agent is advertising premises on the upper floors. This can often create the erroneous impression that the trading businesses are going to close and coupled with the increased number of vacant premises in the city, can have a disproportionately negative impact. As the buildings within the conservation area are such a feature of the city centre and a draw for visitors, covering facades with these boards dilutes the visual appeal.

- 8.4 Conservation and Design commented that the principle of the effect of unregulated adverts on conservation areas is well attested and has led to the routine control of other, similar forms of advert such as shop signs. These adverts have acquired a semi permanent presence due to the prevalence of short term letting arrangements.
- 8.5 Part of the appeal of the Chichester Conservation Area is its relatively uncluttered and good quality historic street scene, which encompasses a large area within the City Walls and to areas immediately adjacent. Highways, commercial and other types of signage are closely monitored and controlled due to their potential to create visual clutter. In this context it is clear that estate agent boards have the potential to be visually incongruous, particularly when displayed on or near good quality historic buildings. Cities such as Bath, Westminster and Chester with similarly dense historic centres have for this reason been granted additional controls over such adverts to great success.
- 8.6 The proposed changes to the control of estate agent advertisements would be warmly welcomed in Conservation and Design terms. The proposals have the potential to have a measurable impact on the appreciation and setting of the Chichester Conservation Area and the multiple listed buildings within its limits.
- 8.7 Planning Policy stated that it is not unexpected that there would be increased vacancies (and therefore marketing boards) in the city centre given the current pandemic and its impact on retail and the high street.
- 8.8 With regard to the Adopted Local Plan and marketing requirements set out in Appendix E. Despite the changes to the Use Classes Order in 2020, there will still be applications for changes of use to different uses within the high street. Appendix E sets out the marketing guidance requirements for planning applications for the change of use or the redevelopment of a property or land. Paragraph E.5 sets out the marketing process required as a minimum and includes as a requirement 'dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time'. By seeking this Direction it is likely this would sterilise this aspect of the marketing requirements in this area.
- 8.9 The Council's Retail Study Update 2020 highlights the challenges that the city centre is facing, and may continue to face, as a result of Covid, including vacancies in retail units. Encouraging re-use of these units will lead to a more vibrant city centre. The report also identifies the difficulties that the size of the units in the city centre face, in that there is less chance of repurposing of units into wider uses, for example, mini golf centres or gyms, so it will be important to continue to attract a more traditional retail use. Whilst it is common for property searches to be undertaken online, there may well also be instances where uptake of properties is due to having seen a physical marketing board.
- 8.10 Planning Policy is concerned by the proposed approach. Given the 20 year period since the expiry of the previous Direction, and the issues the city centre is facing as a result of the pandemic, this blanket approach does seem excessive.

9. Community Impact and Corporate Risks

- 9.1 It is considered that re-introducing a Regulation 7 Direction would not significantly impinge upon the ability of estate agents to market available properties due to the widely used and popular property marketing internet web sites which are available to all interested persons, 24hrs a day.

Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		X
Climate Change and Biodiversity		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X

10. Appendices

- 10.1 Appendix 1 – Examples of other Local Planning Authorities
- 10.2 Appendix 2 – Schedule of photographs illustrating the variety of signs displayed.
- 10.3 Appendix 3 – Chichester Conservation Area – map

11. Background Papers

- 11.1 None