

Item for Information:		
RENEWAL OF REGULATION 7 DIRECTION, TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007)		
17th April 2024		
JS1	TEAM: PL	WARDS: Castle, Knighton, Saffron, Westcotes

1.0 Background

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Advertisement Regulations') give deemed consent for 'to let' boards up to certain sizes to be displayed at properties, providing that those properties are available for let and that the boards are removed within 14 days of a tenancy being granted. It is an offence to display an advertisement without consent and prosecution action could be taken where displays do not meet the legislation, however it is very difficult for the Council to prove that properties are not available for let, or that a letting has only recently been concluded.

After receiving many complaints about the proliferation of 'to let' boards for residential lettings, which were causing detriment to the visual amenity of areas particularly around the Leicester University, De Montfort University and Leicester Royal Infirmary sites, the Council conducted two public consultations during 2013. The outcome of the first was that a voluntary Code of Practice was trialled with letting agents. This was largely ignored and did not resolve the problem. The outcome of the second was that the majority of respondents felt it appropriate for the Council to have more formal control over these advertisements and the Planning Committee was approached for authorisation accordingly.

The application was submitted to the Secretary of State in June 2016, who made the Direction on 9th February 2018, subject to amendments and removal of some areas on the recommendation of an Inspector appointed to assess the merits of the application.

The Direction came into effect on 2nd July 2018 and lasted for five years, however, to assist landlords, a Code of Practice describing localised guidance as to what would be considered to be acceptable was run alongside it. The combined effect of these was that if landlords displayed residential 'to let' boards at the affected addresses in accordance with the Code of Practice, it would not be expedient to take prosecution action. If alternatives are required, an application must be made for advertising consent, however, only those matching the requirements of the Code of Practice would be likely to be considered acceptable. No applications have been received.

2.0 Renewal of Direction for a further 5 Years

The Direction was so successful in significantly reducing the proliferation of to let boards that its renewal was sought.

A public consultation took place in April 2023 to gauge support or otherwise for renewal of the Direction and the overriding opinion received was that it should be renewed.

An application was made to the Secretary of State for Levelling Up, Housing and Communities in June 2023 and the new Direction was confirmed as granted on 7th December 2023.

The areas of Leicester that are affected remain the same as in the original Direction, which are: Windermere, Hazel, Clarendon Park, Greenhill, West End, Ashleigh Road and West End Conservation Area. A copy of the Secretary of State's letter and Direction is attached at Appendix 1 and the Code of Practice at Appendix 2.

The anticipated timescale for notifying the commencement of the new Direction is as follows:

- Briefing to Committee Meeting (this report) on 17/04/2024 (Committee date);
- Site Notice up by 30/04/2024;
- Letter to agents by 30/04/2024;
- Notification to Councillors of affected wards by 30/04/2024;
- Press release in Leicester Mercury and London Gazette on 30/04/2024
- Deputy City Mayor press release 30/04/2024;
- Direction adopted 21/05/2024.

Recommendations

1. That the Committee note the intention to make the new Regulation 7 Direction and the intention to adopt it and the Code of Practice as described in Appendix 2 under Powers Delegated to the Director of Planning, Development and Transport.

Grant Butterworth
Head of Planning

3rd April 2024

Appendix 1: Copy Secretary of State's Letter and Direction



Department for Levelling Up,
Housing & Communities

Mrs J Skinner
Planning Enforcement Officer
Compliance and Monitoring Team
Planning, Development and Transportation
Leicester City Council
planning.enforcement@leicester.gov.uk

Please ask for: Joanne Davey
Tel: 0303 444 8137
Email: joanne.davey@levellingup.gov.uk

Our ref: PCU/ADV/W2465/3325760

Date: 7 December 2023

Dear Ms Skinner,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007: ("the Regulations")
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by Leicester City Council ("the Council") on 22 June 2023 for a Direction that deemed consent to restrict the display of To Let boards, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas of Leicester city centre.

2. The Council's request for the making of the Direction was publicly advertised in the local press on 25 July 2023. There were no objections to the proposed Direction.

The Proposed Areas

3. The Direction would cover the following areas of Leicester city centre:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

Planning Casework Unit
Department for Levelling Up, Housing & Communities
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The areas are identified on maps provided by the Council and are identified in the plans, annexed hereto (Appendix B pages 6 to 8 of the renewal application).

The Council's reasons for making the Direction

4. The aim of the application is to restrict the display of To Let boards relating to the letting of premises which are advertisements under Class 3A of Schedule 3 to the Regulations within the above areas of Leicester City Centre in order to prevent harm to the character and appearance of those areas.

5. The Deemed Consent was issued on 24 June 2016. A Direction was made under Regulation 7 on 9 February 2018 for a period of 5 years. During the period the council has seen a significant reduction of the display of To Let boards in the areas, and therefore this application seeks to renew the previous Direction under Regulation 7.

Description of Proposed Areas

6. The areas comprise mainly of linear streets of traditional Victorian terraced dwellings and semi-detached properties mostly residential however, with some alternative uses including offices, food outlets, places of worship and commercial properties. The form, detailing and overall close-knit, cohesive character of the properties contributes to the visual significance of the area, which includes Conservation Areas. A high number of the properties have been converted into flats and are being used as HMOs for student accommodation due their close proximity to the University.

7. The use of advertising boards on these types of properties is visually prominent. Therefore, a continued reduction in the number of To-Let boards within these highly populated, urban areas, which either include or are close to a number of Conservation Areas, would continue to significantly improve and maintain the appearance of the areas.

Appraisal

8. Taking into account the evidence, site visit, and representations made in response to the Council's consultation exercise in seeking to renew the Direction, the Inspector agrees with the Council that historically there has been a significant problem with the proliferation of To-Let boards in the areas and this has had a harmful effect on the visual amenity of the areas concerned. A renewed Regulation 7 Direction to remove deemed consent, therefore, is required to continue to maintain and improve visual amenity in line with government policy, as set out in paragraph 68 of the National Planning Policy Framework.

9. The Inspector notes from the evidence before him that since the Direction was first implemented, there has been a significant reduction of illegally displayed 'To-Let' signs, resulting in an improvement to the overall character and appearance of the areas.

10. The Inspector also acknowledges that although the Council had previously introduced a voluntary code for one specific area, which had been successful the Council considered that without a formal Direction in place the continued success would reduce over time.

11. The Council's consultation led to 72% of the responses in agreement to the renewal of the Direction and, 28% who disagreed with the continuation of the Direction. The Inspector therefore acknowledged that of those that responded to the consultation exercise, the majority agreed that the Direction should continue to have effect in reducing the number of To-Let boards in the areas affected.

12. During the site visit the Inspector noted there was a distinct absence of estate agents' boards, and although there were examples of 'For Sale' and 'Sold' boards along some of the streets, these were relatively few in comparison to the number of properties present. The Inspector considers that, without the Direction, it is likely that there would be a significant increase in lettings boards leading to their proliferation, and a cluttered and unsightly street scene, adversely affecting the character and historic significance of the areas. This would be particularly harmful due to the number of dwellings in the area and the likelihood of the frequency with which they would become available due to their use as student properties. In the main, the properties either sit along the back edge of the pavement or have small amenity areas to the front, which would mean a proliferation of projecting signs which would detract from the existing character of the areas.

13. The Inspector notes the comments from Propertymark that companies erecting the signs would ensure that they are to be kept clean and tidy, and in a condition that does not endanger the public, however, notwithstanding these comments the Inspector considers that it is the proliferation of 'To-Let' signs that would blight the areas involved.

14. At paragraph 18 of his report, the Inspector notes that the previous Direction has been successful in restricting the introduction of the majority of lettings boards, which would be likely to be displayed on a regular basis. He therefore considers that the renewal of the Direction is fully justified in order to preserve the character or appearance of the areas and ensure that the historic significance of the Conservation Areas is not harmed.

15. At paragraph 19 of his report, the Inspector agrees with the Council that the Direction should remain in place for a period of 5 years, as the number of rental properties is unlikely to reduce in the future, because of the characteristics of the area.

Formal Decision

16. For the reasons set out above, the Secretary of State is satisfied that a Direction should be made to restrict the display of To-Let boards within the areas of Leicester city centre identified below and on the maps submitted by the Council for a period of 5 years.

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- ▲ • Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

17. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

18. When this Direction is brought into effect, the display of boards in respect of the letting of premises may only be undertaken lawfully in the areas specified in paragraph 16 above, when the Council has granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

Right of Appeal against the Decision

19. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely,

R Beard

Rachael Beard
Senior Planning Manager
Planning Casework Unit

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

The Secretary of State for Levelling Up, Housing and Communities (‘the Secretary of State’) is satisfied, upon a proposal made to him by Leicester City Council, as the local planning authority, that the display of To-Let boards, which are advertisements under Class 3A of Schedule 3 to the Regulations the letting of premises as specified in Class 3A of Schedule 3, Part 1, of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the ‘Regulations’) should not be undertaken without express consent in parts of Leicester City Council.

The Direction would cover the following areas of the Leicester City Council local authority area, as shown on the attached maps, namely:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

The proposal has been the subject of a site visit and, having been publicly advertised.

The areas to be included in the Direction are specified in the Schedule to this Direction.

This Direction shall have effect for a period of five years from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of To-Let boards as specified under Class 3A of Part 1 of Schedule 3 to the Regulations in the following areas of Leicester city centre, namely:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

The reasons for the Secretary of State's decision are set out in his letter [of 7](#) December 2023 to the Council, a copy of which is attached.

R Beard

Rachael Beard – Decision Officer
Senior Planning Casework Manager

Department for Levelling Up, Housing & Communities
Authorised by the Secretary of State to sign on that [behalf](#)

DATE: 7 December 2023

Appendix 2: Code of Practice

Code of Practice

1. Only one residential lettings 'To Let' board per building will be permitted.
2. Each board shall have a white background and will conform to the following layout: 34cm x 48cm or 48cm x 34cm.
3. One company logo per board will be permitted providing that the logo does not exceed one third of the overall size of the advertising board.
4. Boards marked with 'Let by', 'Let', 'More Wanted' or similar wording are prohibited.
5. No more than one board shall be permitted per landlord/agent per street.
6.
 - a) Boards shall be mounted flush to the wall above/around the front door, or if that is not possible, flush to the wall on the street frontage elevation. In either instance, no part of a board shall be higher than first-floor window sill level;
 - or,
 - b) alternatively, boards shall be displayed internally in a ground floor window facing the street frontage, but not in addition to a board displayed externally.
7. Boards shall only be allowed on properties immediately available 'To Let,' unless they are for the following academic year, when they shall not be put up until 1st January of that year.
8. Letting boards shall be removed not later than 14 days after the granting of a tenancy for the room, house or flat to which it relates.
9. No 'To Let' boards shall be displayed between 1st October to 31st December inclusive.

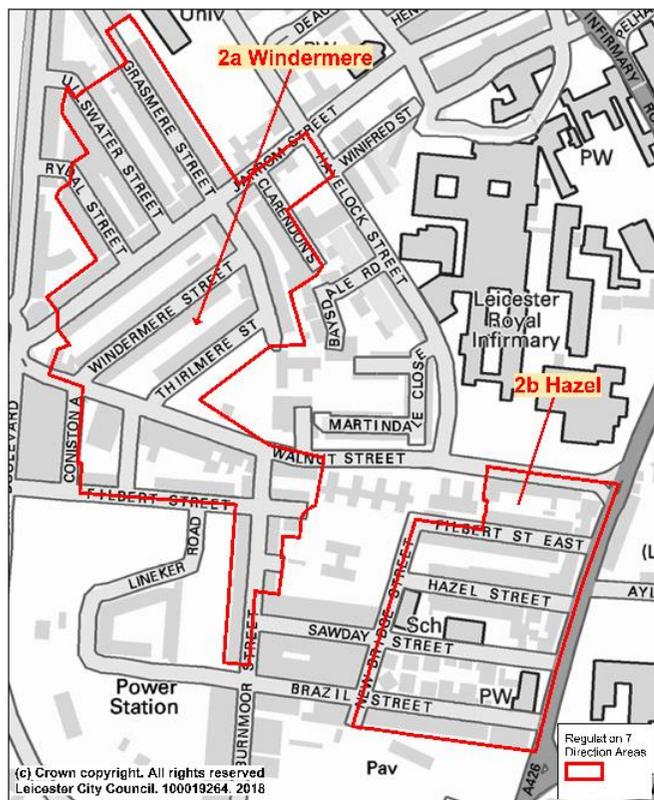
Revised May 2018

Appendix 3: Affected Streets

A-Z (with area numbers)									
Adderley Road	3b	Cambridge Street	4b	Harrow Road	4b	Noel Street	4b	Stuart Street	4b
Ashleigh Gardens	4c	Cecilia Road	3b	Hartopp Road	3b	Norman Street	4b	Sykefield Avenue	4b 4d
Ashleigh Road	4c	Celt Street	4b	Hazel Street	2b	Oakland Road	3b	Thirlmere Street	2a
Avenue Road Ext	3b	Clarendon Park Road	3b	Hinckley Road	4b	Orlando Road	3b	Thurlow Road	3b
Aylestone Road	2b	Clarendon Street	2a	Howard Road	3b	Oxford Road	3b	Tyndale Street	4b
Barclay Street	4b	Cradock Road	3b	Ivy Road	4b	Paton Street	4b	Ullswater Street	2a
Beaconsfield Road	4b	Cranmer Street	4b	Knighton Park Road	3b	Queens Road	3b 3c	Upperton Road	4b
Bisley Street	4b	Eastleigh Road	4b	Jarrom Street	2a	Raeburn Road	3c	Victoria Park Road	3b
Blue Fox Close	4b	Edward Road	3b	Landseer Road	3b	Ridley Street	4b	Walnut Street	2a 2b
Bonnington Road	3c	Equity Road	4b	Latimer Street	4b	Roman Street	4b	Walton Street	4b
Braunstone Gate	4b	Filbert Street	2a	Leopold Road	3b	Ruding Road	4b	Welford Road	3b 3c
Brazil Street	2b	Filbert Street East	2b	Livingstone Street	4b 4d	Ruding Terrace	4b	Westcotes Drive	4b 4d
Briton Street	4b	Fleetwood Court	3b	Lorne Road	3b	Rydal Street	2a	West Avenue	3b
Browning Street	4b	Fleetwood Road	3b	Luther Street	4b	Sawday Street	2b	Westbury Road	3b
Bruce Street	4b	Fosse Road South	4b 4c 4d	Lytham Road	3b	Saxon Street	4b	Western Road	4b
Brookland Road	3b	Gainsborough Road	3c	Lytton Road	3b	Seymour Road	3b	Westleigh Road	4c
Bulwer Road	3b	Gaul Street	4b	Montague Road	3b	Shaftesbury Road	4b 4d	Wilberforce Road	4b
Burnmoor Street	2a	Grasmere Street	2a	Narborough Road	4b 4c	Sheffield Street	4b	Windermere Street	2a
Buttermere Street	2a	Greenhill Road	3c	New Bridge Street	2b	St Leonards Road	3b		

2a – Windermere

2b – Hazel



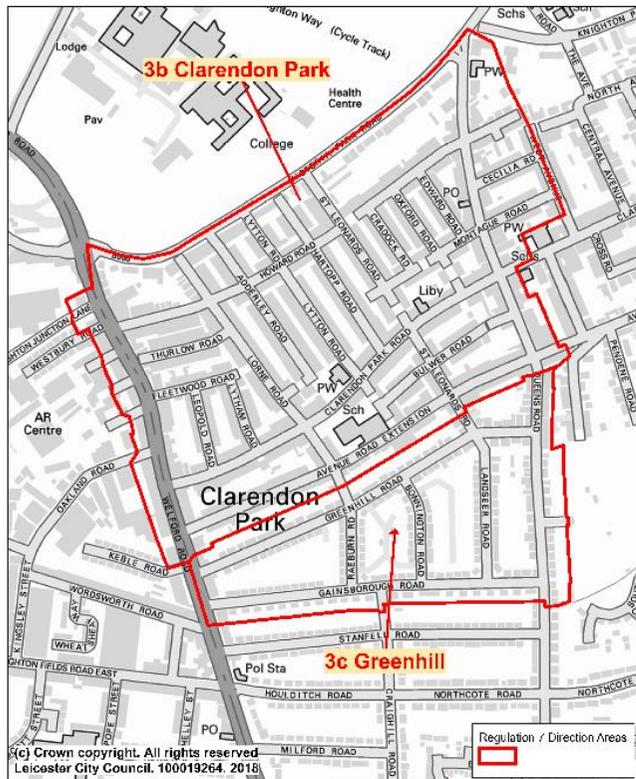
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2a - Windermere		
Street	Even Numbers	Odd Numbers
Burnmoor Street	10-36	1-87
Buttermere Street	-	17 only
Clarendon Street	94-134	-
Filbert Street	104-112	103-181
Grasmere Street	28-158	41-137
Jarrom Street	102-214	93-167
Rydal Street	2-38	3-35
Thirlmere Street	-	1-45
Ullswater Street	2-58	1-67
Walnut Street	110-170	177-217
Windermere Street	2-62	1-83

2b - Hazel		
Street	Even Numbers	Odd Numbers
Aylestone Road	-	65-115
Brazil Street	12-56	9-33
Filbert Street East	2-54	1-31
Hazel Street	2-38	1-43
New Bridge Street	48-64	-
Sawday Street	2-28	1 only
Walnut Street	2-36	-

3b – Clarendon Park

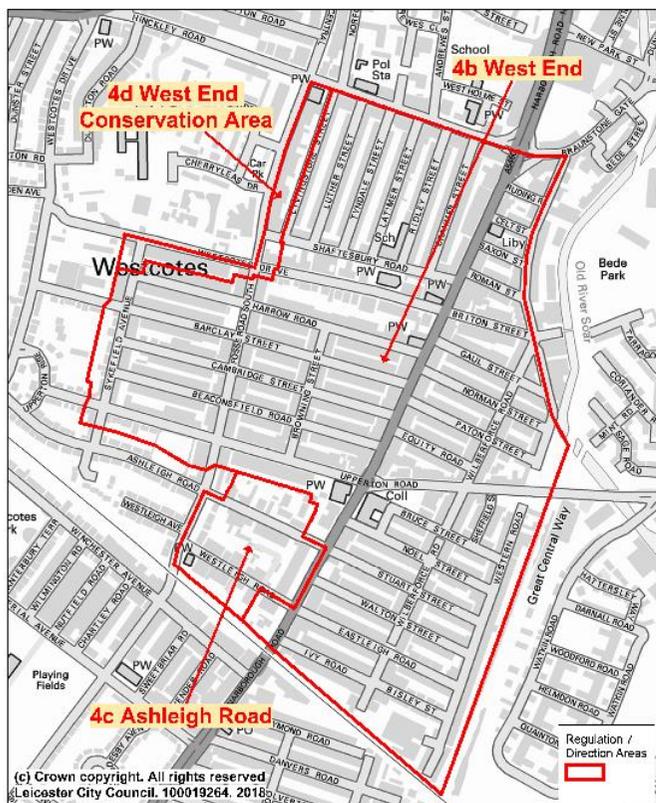
3c – Greenhill



3b – Clarendon Park					
Street	Even Numbers	Odd Numbers	Street	Even Numbers	Odd Numbers
Adderley Road	4-102	1-87	Lorne Road	2-138	1-117
Avenue Road Ext	94-274	3-315	Lytham Road	2-28	1-39
Brookland Road	2-6	-	Lytton Road	2-142	1-83
Bulwer Road	2-74	1-75	Montague Road	2-98	1-101
Cecilia Road	2-36	1-31	Oakland Road	2 only	-
Clarendon Park Road	78-296	107-325	Orlando Road	2-6	1-13
Cradock Road	2-42	1-45	Oxford Road	4-38	1-43
Edward Road	2-40	1-41	Queens Road	16-252	43-217
Fleetwood Court	2-18	1-17	Seymour Road	2-14	1-11
Fleetwood Road	2-18	1-49	St Leonards Road	52-156 & Park House	23-157
Hartopp Road	34-122	1-121	Thurlow Road	2-50	1-41
Howard Road	26-192	1-175	Victoria Park Road	128-366	-
Knighton Park Road	26 only		Welford Road	170-334	201-351
Landseer Road	4-58	9-63	West Avenue	all of Clarendon Court	7-61
Leopold Road	2-38	1-51	Westbury Road	2, 2A & 2B only	-

3c – Greenhill		
Street	Even Numbers	Odd Numbers
Bonnington Road	2-36	1-33
Gainsborough Road	4-102	3-93
Greenhill Road	2-110	1-121
Queens Road	134-252	153-217
Raeburn Road	2-28	1-29
Welford Road	316	334

**4b – West End
4c – Ashleigh Road
4d – West End Conservation Area**



4b - West End

Street	Even Numbers	Odd Numbers	Street	Even Numbers	Odd Numbers
Barclay Street	2-148	3-163	Luther Street	2-102	1-103
Beaconsfield Road	2-132	1-131	Narborough Road	2-210	1-203
Bisley Street	2-36	1-33	Noel Street	2-68	1-85
Blue Fox Close	2-24	1-23	Norman Street	4-84	1-71
Braunstone Gate	58-68	-	Paton Street	2-72	3-71
Briton Street	14-38	3-43	Ridley Street	2-106	1-63
Browning Street	2-52	1-55	Roman Street	4-24	1-29
Bruce Street	30-66	1-69	Ruding Road	-	1-17
Cambridge Street	4-138	5-133	Ruding Terrace	2 only	1 only
Celt Street	4-22	1-17	Saxon Street	2-20	1-23
Cranmer Street	2-102	3-99	Shaftesbury Road	2-34	1-55
Eastleigh Road	2-86	1-115	Sheffield Street	10-34	1-23
Equity Road	2-40	1-41	Stuart Street	2-96	1-109
Fosse Road South	106-202	101-191	Sykefield Avenue	6-46	1-55
Gaul Street	2-48	1-73	Tyndale Street	4-96	1-97
Harrow Road	2-170	1-183	Upperton Road	6-106	1-173
Hinckley Road	2-86	-	Walton Street	10-92	1-99
Ivy Road	2-62	1-59	Westcotes Drive	2-52	1-49
Latimer Street	2-60	1-93	Western Road	118-378	1-251
Livingstone Street	2-104	-	Wilberforce Road	2-190	1-139

4c – Ashleigh Road

Street	Even Numbers	Odd Numbers
Ashleigh Gardens	All properties	All properties
Ashleigh Road	2-28	15-27
Fosse Road South	220-228	-
Narborough Road	-	171-195
Westleigh Road	6-40	1-35

4d - West End Conservation Area

Fosse Road South	2-90	-
Livingstone Street	-	33-51
Shaftesbury Road	60-66	-
Sykefield Avenue	2-4	-
Westcotes Drive	52-136	-