

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 50
Brighton & Hove City Council

Subject:	Estate Agents Boards in Historic Areas		
Date of Meeting:	11 September 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Roger Dowty	Tel: 29-2103
	E-mail:	roger.dowty@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Central Hove, Brunswick & Adelaide, Regency, St Peters & North Laine, Queens Park, East Brighton.		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Approval is sought to make a proposal to the Government's South East Regional Office (GOSE); the effect of this proposal would be to bring under planning control the erection of residential for sale or to let boards within the city's central conservation areas.
- 1.2 Public consultation has taken place, as requested by the former Environment Committee; the responses were mostly strongly in favour of such a proposal.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves that a proposal is made to the Government Office for the South East for a Regulation 7 Direction on residential properties within those conservation areas described in paragraph 7.2 and as illustrated in appendices 1 and 2.
- 2.2 That the Cabinet Member notes that the proposal should have the effect of removing from the categories of deemed consent in the Town and Country Planning (Control of Advertisements) Regulations 1992, advertisements relating to the sale or letting of residential premises.
- 2.3 That the Cabinet Member authorises the Director of Environment to carry out all further consultation required by statute and at the times prescribed.
- 2.4 That the Cabinet Member approves that, in the remaining conservation areas, the existing voluntary agreement between the council and the Brighton & Hove Estate Agents Association (BHEAA) be reconfirmed; the effect of which will be to restrict the number of advertisement boards to one per property.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In 2004, at the request of the council, GOSE approved a direction which brought under planning control the erection of residential 'for sale / to let' boards in front of historic buildings that make up the city's finest architectural set pieces. The removal of these boards has hugely improved the appearance and enjoyment of these squares and terraces; an action that has been well received by residents and estate agents alike. So much so that residents in neighbouring streets have called for similar controls.
- 3.2 At its meeting on 8 November 2007 the Environment Committee asked that a proposal, to extend the controls to other historic areas, be brought forward for decision after further consultation.
- 3.3 Wide consultation has been undertaken through the council's community newspaper 'City News', and every estate and letting agent within the city has been consulted by letter. Discussions have been held with the BHEAA and with the council's Conservation Advisory Group (CAG), and all responses are reported in section 4 below.
- 3.4 Regulation 7 Directions enable the Secretary of State to bring under planning control a specific class or description of advertisement that would ordinarily not require consent. Such directions can be made for a specified period or indefinitely. The case for such legal action may be in the interests of amenity including impact on areas of historic or architectural importance, or public safety.
- 3.5 Government guidance is that a resident's right to erect a board under the 'deemed consent' provision should not be withdrawn without clear justification, and that the designation of a conservation area does not automatically justify the making of a regulation 7 direction.

4. CONSULTATION

- 4.1 There has been consultation on 3 options; (i) retain the existing status quo, ie continue the voluntary agreement to restrict boards to one per property, (ii) ban boards in all conservation areas and (iii) restrict the additional controls to particular streets or neighbourhoods. All agents within the city were consulted by letter. An article inviting public comment was included in the council's City News January 2008 edition. A period of 6 weeks was allowed for responses.
- 4.2 The BHEAA has advised that not all agents working in the city are members of the association and not therefore bound by the voluntary agreement. Enforcement of this agreement is therefore patchy. The BHEAA favours additional control but only in selected conservation areas. It would be content with a direction covering those conservation areas within the area indicated in appendix 1, but its preference would be to exclude from this central area those areas immediately north of Eaton Road, Hove ie the Hove Station, Denmark Villas, Willett Estate (part) and The Drive Conservation Areas and to exclude the area around and north of Brighton College, ie the College Conservation Area.

- 4.3 CAG strongly support additional controls; most certainly within those central conservation areas indicated in paragraph 7.2 and in appendix 1. The group agreed that the impact was less in the suburban conservation areas, yet the majority view was that the controls should nevertheless be extended to apply to all conservation areas.
- 4.4 Responses were received from 11 individual agents. The majority (9no) supported some additional control; of these 5 felt it would be sufficient to restrict control to the more densely populated residential and seafront locations.
- 4.5 Many respondents to the City News consultation cut out and completed a brief questionnaire. The City News article and questionnaire are in appendix 3. Many others replied in more detail by letter. An overwhelming majority of the 135 responses thought boards inappropriate in all conservation areas. Of these 34 suggested boards were unacceptable throughout the city. Particular areas mentioned as meriting additional control were for the most part within the higher density central areas of Brighton and Hove where houses in multi occupation predominate. A few respondents, including the Friends of Brunswick Square and Terrace, consider that the controls should extend to adverts displayed on the inside of windows. Letters of support for additional controls were also received from the Lansdowne Area Residents Association, the Montpelier and Clifton Hill Association, and the East Brunswick Residents Association, and from councillors representing the Queens Park ward.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The cost of presenting the proposal to the government office and any consequential publicity and statutory notifications will amount to some £4,000. This will be borne by the planning strategy and project's revenue budget. The recommendations may lead to a small increase in the number of planning applications but these can be managed within existing staffing resources.

Finance Officer Consulted: Patrick Rice *Date: 05/08/08*

Legal Implications:

The ultimate decision on making a regulation 7 direction rests with the Secretary of State for Communities and Local Government, after further consultation. She may modify the council's proposals in the light of any objections received, by reducing but not extending the area of land specified in the proposal. No implications under the Human Rights Act have been identified.

Lawyer Consulted: Ann Wilkinson *Date: 05/08/08*

Equalities Implications:

None identified.

Sustainability Implications:

None identified.

Crime & Disorder Implications:

None identified.

Risk and Opportunity Management Implications:

There is a strong expectation that a proposal should come forward. A balanced view needs to be taken that draws support from both residents and agents.

Corporate / Citywide Implications:

The proposal will accord with the priority to protect and enhance the city's historic built environment.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Option of no change. After consultation this option has been rejected. Estate agents, who potentially have most to lose from the additional controls, agree that within those higher density central area where streets comprise housing converted to flats, the voluntary agreement is not successful. Enforcing the complex advert regulations is resource intensive and very few boards are found to be in breach. The harmful visual impact from the boards that are legally erected outweighs any benefits to estate agency businesses.
- 6.2 Extension of controls to all conservation areas. After consultation, this option has been rejected. In the suburban and outlying conservation areas, the boards are fewer in number and have much less impact on the character and appearance of the streets. They are not an ever-present feature of the street scene. In these areas agents give greater value to the boards. The impact on estate agency businesses is likely to outweigh the environmental benefits.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 A strong case can be made to bring under planning control the erection of boards within those central conservation areas, where the impact on the setting of groups of historic buildings is greatest, where the case for on site advertising is weak, and where boards create significant harmful visual impact on areas that draw visitors to the city. In other conservation areas the impact of such boards is much less harmful and in these areas the existing voluntary agreement appears to be working satisfactorily.
- 7.2 In order to publicise, monitor and enforce any proposal in an efficient manner, it is recommended that the proposal is applied to those conservation areas, where there is a significant number of flats: namely The Avenues, Brunswick Town, Cliftonville, College, Denmark Villas, The Drive, East Cliff, Hove Station, Kemp Town, Montpelier & Clifton Hill, North Laine, Old Hove, Old Town, Regency Square, Valley Gardens, West Hill, and the Willett Estate.

SUPPORTING DOCUMENTATION

Appendices:

1. Extent of proposed Regulation 7 Direction (map)
2. Areas affected by the proposed direction(s).
3. Estate Agent Boards – have your say

Documents In Members' Rooms

None.

Background Documents

1. Responses to the consultation and associated correspondence.

