



Report to the Secretary of State for Communities and Local Government

by Kenneth Stone BSC Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Date 7 January 2020

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations')

Proposal for a direction under Regulation 7 removing deemed consent for the display of advertisement boards relating to the letting of residential premises in the following areas of Manchester: Moss Side; Fallowfield Central; Moseley Road/Ladybarn Lane; Wimslow Road/Wellington Road; Wimslow Road/Egerton Road; and Yew Tree Road/Mauldeth Road West.

Application by Manchester City Council

Site visit made on 17 December 2019

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File Ref: APP/ADCPO/19/4

The terms of the Direction sought

1. The proposed Direction under Regulation 7 would remove deemed consent for the display of advertisement boards relating to the letting of residential premises falling within Schedule 3, Part 1, Class 3A of the Regulations in six distinct areas of the city: Moss Side; Fallowfield Central; Moseley Road/Ladybarn Lane; Wimslow Road/Wellington Road; Wimslow Road/Egerton Road; and Yew Tree Road/Mauldeth Road West. The Direction would mean that express consent, sought through submission of an application, would be required for such advertisements. The Council has not suggested a time limit for the Direction.

The Council's reasons for making the proposal

2. The Council is concerned that there is a proliferation of to let boards in certain areas of the city. In particular the areas identified are characterised by a high concentration of rented accommodation with significant student occupation. The number of to let boards have become excessive and this is affecting the visual amenity of these residential areas.
3. A meeting of the Council in January 2017 called on Manchester City Council to investigate the implementation of a pilot scheme to get voluntary removal of to let boards by estate/ letting agents, prioritise areas where private rented accommodation was highest, enforce a ban on unauthorised boards and if unsuccessful to investigate using a Direction to make a ban enforceable.
4. In February 2019 the Council carried out consultation with local residents, letting agents and community groups in relation to the impact of letting boards. There were no responses opposing the introduction of a Direction, high positive responses supporting the principle of the introduction of such a Direction with lower support for a voluntary code. No responses were received from letting agencies in the proposed areas demonstrating that there is unlikely to be high take up of a voluntary code.
5. The issues raised in relation to the effect of the boards included the unsightly appearance in the street scene, adding to an impression of a transient rather than settled community, adding to antisocial behaviour and increased burglary of properties as Houses in Multiple Occupation (HMOs) are more easily identified.
6. The Council believe that the removal of deemed consent rights would provide an efficient and effective way of enabling control of the display of such advertisements. The current deemed consent makes these difficult to control and investigate breaches and many are in place all year round with students vacating premises every academic year. The Direction would enable effective control of the display of these advertisements with a reduction in the number of boards inappropriately displayed and consequent improvement in the visual amenity of the areas.

Representations received regarding the proposed Direction

7. Prior to seeking the proposed Direction, the Council undertook local consultation by way of advertisement in a local newspaper, the Manchester Evening News, and the *London Gazette*, confirming that the proposal has been made, identifying the areas in question and explaining where maps defining these areas can be inspected, and inviting views on the proposed Direction.

8. 16 representations were received, from various parties, including local residents, community groups and local Councillors, all in support of the proposed Direction and to the introduction of a ban on to let boards in the areas. A number suggested that the areas should be greater than the areas delineated on the specified plans.

Policy background

9. Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed, and explains that the consent process for advertisements should be operated in a way that is simple, efficient and effective.
10. Paragraph 42 of the Government's Planning Practice Guidance (PPG) explains what is required for a Direction under Regulation 7 to be made. It states that '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 the advertising in a locality, unless the local planning authority are given the power to control that particular type of advertisement.'¹
11. The Council also point to support from The Core Strategy Development Plan Document 2012 -2027 such that the Direction would support its vision to create 'a city with neighbourhoods....an attractive environment where locally distinctive character is conserved and enhanced', and 'a city defined by excellence in urban design and environmental quality'. Furthermore, the Council point to a city wide Article 4 direction in relation to changes of use from C3 to C4 as the wards that the proposed areas of control in the Regulation 7 Direction are in are in wards that have some of the highest concentrations of HMOs and student households. The Regulation 7 Direction would support the aims of the Article 4 Direction by improving visual amenity in these areas as the proliferation of to let boards is a direct consequence of a high concentration of HMOs.

The areas covered by the proposed Direction

12. The areas covered by the direction are all located in the south of the city, they are identified on the map entitled 'Regulation 7 – Area map', which identifies the 6 areas on one plan. Each of the areas, 1-6, are then separately identified on individual maps, at smaller scales, to ensure clarity of the areas covered.

Area 1 - Moss Side

13. This is a predominantly residential area, although a number of properties along Great Western Street have ground floor commercial premises with flats above. The area is focused on three main north-south streets Kippax Street, Acomb Street and Crofton Street and is bounded to the east by Upper Lloyd Street and to the west by Deramore Street. There are a number of east west streets creating a grid pattern. The area is predominantly characterised by closely spaced two storey terraced properties, either fronting directly onto the pavement or having shallow front defensible spaces bounded by low walls and railings. There is limited soft landscaping evident in the streets, which results in straight

¹ Paragraph: 042 Reference ID: 18b-042-20140306 'How can a local planning authority restrict deemed consent?'

uninterrupted views along most streets. At the time of my visit there were a number of to let boards visible on poles or affixed directly to the frontages of properties, including some at high level on Great Western Street. In the Council's survey data they identified some 24 boards at the time of its survey.

Area 2 – Fallowfield Central

14. This is a relatively contained location between Wimslow Road in the east and Albion Road in the west and Langely Road to the north and Landcross Road to the south. Again, there is a grid pattern of closely spaced two storey terraced housing presenting to the back edge of the pavement or with shallow front spaces delineated by low brick walls. Views along the streets are relatively unimpeded and there is limited landscaping. At the time of my visit there were a significant number of to let boards visible in this relatively small area. This is consistent with the Council's survey results which identified some 112 boards at the time of its survey.

Area 3 – Moseley Road/ Ladybarn Lane

15. The area is characterised by predominantly two storey terraced housing built to the back edge of the pavement or with shallow front spaces delineated by low walls, railings or hedges. It is bounded to the North by Moseley Road a main arterial route. There are some street trees within the area and an off-road pedestrian, cycle and horse-riding route, the Fallowfield Loop, cuts through the middle of the area providing some visual interest and relief and softening with trees and landscaping. The residential streets however provide clear views along their length and to let boards were wide spread throughout the area at the time of my visit. According to the Council's survey data there were some 77 boards at the time of its survey.

Area 4 – Wimslow Road/ Wellington Road

16. This is an area contained between Wimslow Road and Wellington Road, to the east and west respectively and by Victoria Road to the South and properties in Granville Road to the North. The area contains a variety of properties in style, design and scale. There are two/ three storey terraced properties, semi detached houses, with rooms in the roof, lit by dormer windows of brick or wood. As well as areas of recreational uses (bowling Club), and purpose built flat blocks. There is variation in colour and materials for the facades, and the front amenity spaces are greater in depth than those previously and contain a greater degree of soft landscaping including gardens, hedging and trees. There were numerous to let boards visible in the area in the front gardens and clearly visible in the street scene at the time of my visit. The Council's survey indicated that there were some 39 boards at the time of its survey.

Area 5 – Wimslow Road/ Egerton Road

17. This area is on the opposite side of Wimslow Road to area 4 and is contained by Wimslow Road, Egerton Road and Derby Road. The area is characterised by large semi-detached properties with properties set well back from the frontages and having large front gardens bounded by hedges, walls and railings. There is a significant degree of green infrastructure with street trees, landscaped front gardens, hedges and garden trees creating a softer and more suburban appearance. There were a number of to let boards visible on the main thorough

fares, in front gardens and on properties visible at the time of my visit. The Council's survey indicated there were some 49 boards at the time of its survey.

Area 6 – Yew Tree Road/ Mauldeth Road West

18. This is an irregularly shaped area contained by parts of Yew Tree Road, Mauldeth Road West, Hill Street, Wellington Road, Davenport Avenue, Copson Street and Patten Street. It is characterised by terraced housing, some with shallow defensible front spaces or others built directly abutting the back edge of the footway. There is some variety in architectural detailing with bay windows, arched doorways and brick detailing and there is some limited landscaping/hedging. There were numerous to let boards visible in the streets at the time of my visit. The Council's survey indicated that there were some 55 boards displayed at the time of its survey.

Reasons

19. Based upon my inspection of these six areas and the evidence submitted it is clear to me that the proliferation of letting boards causes significant harm to the visual amenity of the areas.
20. The position of housing within these areas, for the most part set close to or on the back edge of pavements has created enclosed urban environments. As a result, the bold projecting boards attached directly to the front of the houses or on poles in the shallow frontages, are particularly prominent. In views along these, which are in many cases, straight streets, the advertisements are viewed together and accumulate to form prominent visual masses. This effect amplifies the extent to which the signs, which are often present for extended periods of time, detract from the front elevations of the houses and harm the street scene. In areas where there are deeper frontages and soft landscaping the proliferation of signs, their positioning above hedges and boundary treatments and at the back edge of highways ensures they are still visually prominent elements in those streets. The signs are designed as temporary features and when they are in place for substantial periods of time, which they are in most of these areas, the uncharacteristic form, nature and materials of the signs are seen as visual clutter, being alien and intrusive additions which detract markedly from the appearance of the street scene.
21. Given that all the areas are either densely populated, in prominent locations or include through routes, the harm caused to the visual amenity of the areas is experienced by large numbers of people.
22. It is clear from the evidence provided that the local planning authority has endeavoured to address the complaints it has received using its enforcement powers and by informal means. However, there are practical difficulties regarding monitoring the length of time boards have been erected which limits the effectiveness of enforcement. In relation to the informal approach, the evidence in responses to earlier consultation suggests this would have a limited effect, and the Council's use of enforcement powers has similarly had limited effect. As a consequence, I find that there is no prospect of a sustained improvement in the quality of advertising in these areas unless deemed consent is removed. A reduction in the number of signs in the areas concerned would significantly improve the appearance of these areas.

23. The survey work carried out by the Council demonstrates clear support for restrictions on the use of 'To Let' boards with a significant majority favouring preventing their use. In my view, the adverse effects of the Direction on the operation of letting agents and landlords would be limited. This is because it is easy, convenient and commonplace to search for rental accommodation on-line and with the high levels of concentration of such signs in these areas their effectiveness is likely to be reduced.

Conclusion

24. For the reasons given above, I conclude that the Direction applied for is necessary and would safeguard and improve the visual amenity of the areas concerned. In reaching this conclusion, I have taken into account that there is variation between the areas, in the character of the areas, the number and proportion of houses displaying boards, and that because many are rented by students the number of boards will vary over the course of the year.

Recommendation

25. I recommend that the proposed Direction is made covering the areas applied for. The Council has not suggested a time limit. In my view, the Direction should apply initially for a period of 5 years. This would provide sufficient time for the Council to pursue compliance with the Direction, and monitor and review its effectiveness.

Kenneth Stone

INSPECTOR