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Date: 27-9-2019
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Mr Simon Heydecker-Dent,
Planning Casework Manager,
Planning Casework Unit,
Ministry of Housing, Communities and Local Government,
5 St Philips Place,
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Dear Mr Heydecker-Dent,

**Town and Country Planning (Control of Advertisement) Regulations 1992 S. 10
& S. 11, London Authorities Act 1995
Proposed Board Ban Area: London Borough of Camden**

I am writing on behalf of the London Borough of Camden to ask the Secretary of State to consider a request from the Council that a Borough-Wide Regulation 7 Direction be made.

Since 2014 there has been an ongoing proliferation of estate agent boards throughout the London Borough of Camden which is causing a significant harmful impact on the visual appearance of buildings, streets and spaces in the borough and impacting negatively on the amenity of residents and visitors to the borough.

The issue is so widespread that normal planning enforcement controls are inadequate to effectively tackle the problem and special measures are required.

The Council's case in favour of a Borough-Wide Regulation 7 Direction is set out in full below and in a list of appended documents.

This is a detailed submission and contains a significant amount of evidence in order to assist the Secretary of State to make this decision. A full list of the submitted documents is set out on pages 8-9 below.

This application has been informed by extensive community involvement and consultation. This demonstrated that there is a large amount of support among local residents, councillors and businesses for a Borough-Wide Regulation 7 Direction.

Full details of the consultation that has been undertaken is set out below and in the appended document JS5 with appendices a-f.

Introduction

- 1.0 This report looks to support the case for a Borough-Wide Regulation 7 Direction. We will provide an analysis of the extent of the issue, evidence to show why boards are a problem across the borough and justification for seeking a Borough-Wide Regulation 7 Direction to address this issue.

Background

- 1.1 The proliferation of estate agents boards has been one of the most pressing planning enforcement issues over recent years in the London Borough of Camden. For the past 5 years this has been the second highest category of planning enforcement complaint that the Council has received, as set out in Appendix JS2 page 3 and in tables at paragraph 2.25 below. This demonstrates that our residents see estate agents boards as a problem.
- 1.2 Residents who have made complaints about estate agents boards have raised a wide range of issues, from the visual harm caused by a number of boards being displayed on a single building to boards not being removed in a timely fashion.

- 1.3 Within the London Borough of Camden there are 41 Conservation Areas (see map at appendix JS6), over 6,000 listed buildings, and 394 entries on the local list, many of which may relate to more than one building e.g. a number of these entries relate to entire terraces of houses. Therefore the impact of boards in heritage terms alone is significant.
- 1.4 Under deemed consent regulations estate agent boards can be displayed outside properties that are for sale or let until 14 days after a sale/let has been agreed. This enables estate agent boards to be displayed for long periods of time provides estate agents with the opportunity for free advertising.
- 1.5 In order to deal with complaints about boards, in most areas of the borough enforcement investigations are progressed on a case by case basis in response to reports received from members of the public.
- 1.6 Estate agents boards are a particularly resource-intensive type of complaint to investigate. Significant amounts of officer time are required to record and investigate each complaint. A site visit needs to be carried out to every property subject to a complaint. Enforcement action may be required to resolve a breach followed by prosecution if necessary (this is discussed further in paragraph 2.27).

Existing controls

- 1.7 In a number of locations the proliferation has been so extensive and harmful that the Council has decided to take concerted action to address the issue. This has been via applications to the Secretary of State of the Department of Communities and Local Government (now MHCLG) for Regulation 7 Directions.
- 1.8 Three permanent Directions have been made. These are for:
 - Hampstead Conservation Area;
 - South Hill Park Conservation Area; and

- Swiss Cottage Conservation Area (- now known as South Hampstead Conservation Area).

1.9 Three 10-Year Directions came into force in between 2004 and 2007. These were for:

- Belsize Park Conservation Area;
- Redington & Froggnal Conservation Area; and
- Fitzjohns and Netherhall Conservation Area.

1.10 These all expired by the end of 2017.

1.11 One 10-Year Direction was made by the Secretary of State in April 2016 which came into force in June 2016. This was for:

- 124-280 West End Lane

1.12 The following map shows the existing Regulation 7 Areas in Green and the expired Regulation 7 Areas in blue:

Figure 1 Regulation 7 Directions in Camden (Green permanent, Blue expired)

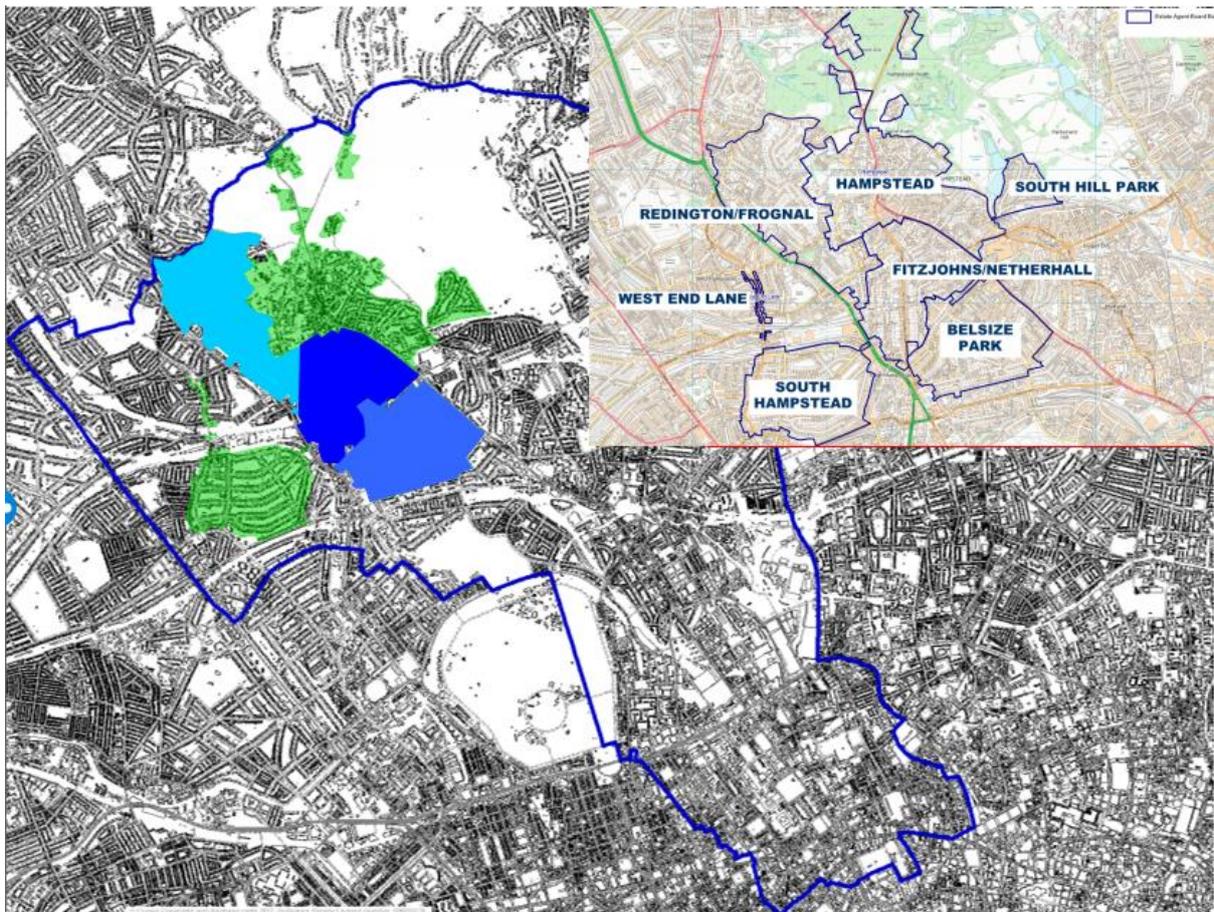
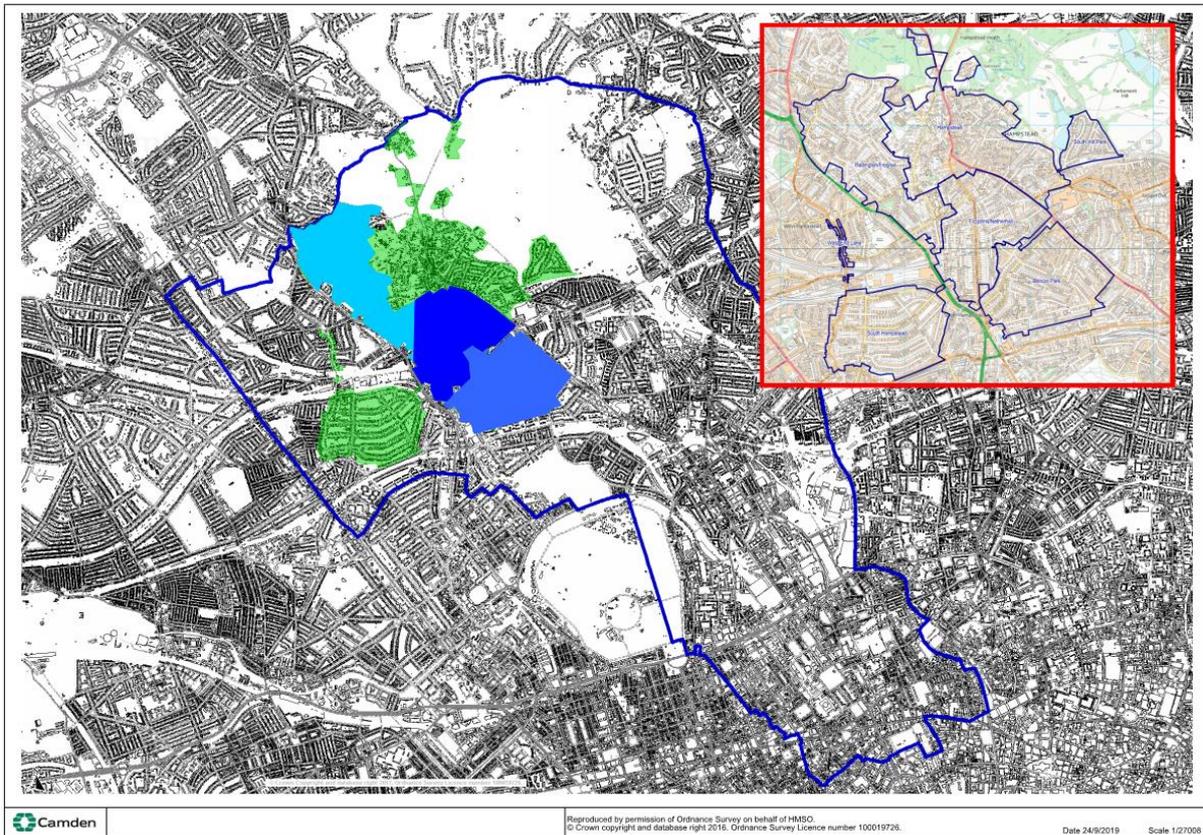


Figure 2 Regulation 7 Directions in Camden



- 1.13 During the period when the 10-Year Directions at Belsize Park, Redington & Froggnal and Fitzjohns & Netherhall were in force they proved successful in controlling the display of Estate Agents Boards. Estate Agents were aware that the Directions were in place and they were also displayed on Camden's website. This made the enforcement of the Directions relatively straightforward.
- 1.14 Following their expiry, officers considered the option of applying to the MHCLG for these Directions to be made permanent. However, at this time the proliferation of boards across the Borough was continuing with high volumes of complaints and a harmful impact on the built environment. Officers therefore began to explore whether an application for a more comprehensive Direction was justified.
- 1.15 The process of taking this forward began in 2018 when officers began to carry out surveys in order to put together an evidence base. In addition, wide-ranging consultation was carried out in February 2019 involving members of the public, stakeholders such as local groups and estate agents, Councillors and other interested parties.
- 1.16 Based on the findings of the surveys, the consultation responses received and the volume of ongoing complaints, officers came to the view that there was sufficient evidence to show that the standard enforcement controls are not adequate to deal with the proliferation of boards throughout the Borough and a wider Regulation 7 Direction was justified to deal with this issue.
- 1.17 In advance of making an application for a wider Direction the London Borough of Camden sought advice from the Ministry of Housing and Local Government. Officers wrote to the MHCLG and requested guidance on whether it would be possible to make an application with various options for potential Regulation 7 Areas. The Ministry advised the Council to seek legal advice on how to proceed.
- 1.18 The legal advice that officers received was as follows:

Regulation 7(5)(c) provides that the Secretary of State

“(c) may modify the proposal of the local planning authority if—

(i) she has given to that authority and every person who has made a paragraph (3) representation, notice in writing of her intention and the reasons for it and has given them a reasonable opportunity to respond; and

(ii) the intended modification does not extend the area of land specified in the proposal”

There is no issue making a Borough-wide application – the Secretary of State is able to direct that a less extensive area be covered; what he/she can't do is to extend the area beyond that applied for.

For a Borough-wide application to be successful the Local Authority would need to show that deemed consents for advertising in the entire of the Borough have had such an adverse impact that there is no prospect of an improvement without a direction in place. It would be open to the SoS to decide that some areas within the Borough did not satisfy this test and so reduce the extent of the direction accordingly.

1.19 In accordance with this advice the London Borough of Camden hereby applies for a Borough-wide Regulation 7 Direction given that this is a problem across the borough and not restricted to specific areas.

1.20 In order to assist the Secretary of State, possible alternative/ lesser options, should the Secretary wish to consider a modified proposal in accordance with Regulation 7(5)(c) would be:

- Alternative Option One: Direction relating to all Conservation Areas and Town Centres;
 - The impact of estate agent boards in conservation areas is heightened due to the special character and quality of the built environment. Town

Centres are areas where boards, particularly commercial boards, which tend to be larger, are often more prolific and prominent. These areas/zones are clear and easily definable to ensure residents and businesses will be aware of the controls (see JS6 for maps of CAs and JS7 for Town Centre Maps and Address List).

- Alternative Option Two: Permanent Direction for the recently-expired Regulation 7 Directions to Belsize Park, Redington & Frognal and Fitzjohns & Netherhall.
 - This would at least ensure that the current problem is not made worse but would not tackle the problem experienced within the borough, nor address the concerns raised by residents.

1.21 The Council notes that the Secretary of State, in making a Direction, has discretion to make a permanent Direction or one that lasts for a duration of 10 years.

1.22 In the section below officers set out the justification for seeking a Borough-wide Regulation 7 Direction.

1.23 In addition, evidence is appended to this report to assist the Secretary of State in making a decision on this application.

1.24 This comprises an extensive and detailed set of supporting documents that describe the location and setting of the Borough, its visual appearance, its adopted planning policies and the consultation undertaken in preparing this application. These documents are as follows:

<i>Appendix</i>	<i>Description</i>
JS1	<u>Assessment of the character, geography and built form of the London Borough of Camden.</u> This lengthy document proceeds on a ward-by-ward basis and describes all 18 of Camden’s wards. These is a detailed discussion of the built and natural environment

	of each ward, dealing with townscape, architecture, heritage, open space and economic issues.
JS2	<u>A photographic survey of Camden</u> illustrating the presence of estate agents boards also on a ward-by-ward basis. Also included are the amount of complaints by ward in 2018/ 19 and statistics on the proportion of enforcement complaints related to estate agents boards.
JS3	<u>Contemporaneous officer notes of surveys of streets and spaces</u> carried out during 2018 and 2019 in order to establish evidence base for the Regulation 7 application.
JS4	<u>Copies of adopted planning policies</u> from The London Borough of Camden Local Plan relating to visual amenity and heritage.
JS5	<u>Report on the consultation exercise</u> the Council undertook, with sub-appendices a-f
JS6	<u>Map of Conservation Areas</u> in the London Borough of Camden.
JS7	<u>Map of Town Centres</u> in the London Borough of Camden.
JS8	<u>Red Line Map of Application Area</u>

2.0 Reasons for seeking a Borough-Wide Regulation 7 Direction

- 2.1 In order to demonstrate why estate agent boards are so harmful across the borough a character assessment has been undertaken as part of this project. A ward by ward profile in Appendix JS1 sets out that the London Borough of Camden is characterised by a great richness and variety in its built and natural environment, with a valuable heritage of local, national and international significance. Covering almost 22 square kilometres of North London Camden encompasses the leafy open space of Hampstead Heath in the north, fine residential districts further south and the busy commercial area south of the Euston Road
- 2.2 Camden is characterised by a very high quality built environment that has constantly evolved since the first village-type settlements appeared in the Kings

Cross Area in the first centuries AD. The Borough has particularly outstanding built heritage dating from the Georgian, Victorian and Modern periods.

- 2.3 As a dense economically vibrant inner-London borough Camden has significant employment opportunities and demographic pressures. The Borough has six town centres (Camden Town, Hampstead, Kentish Town, Kilburn High Road, Swiss Cottage and West Hampstead) which are characterised by concentrations of residential and employment uses with a range of services from shopping and financial services to offices and healthcare. A map of the Camden's town centres and a list of addresses are appended at JS7. In addition to this a large part of the south of the borough is located in the Central Activity Zone and there are numerous neighbourhood centres serving local populations.
- 2.4 Between the centres residential use forms the majority of the land use. However, in addition to residential use there are also large areas of open space between centres such as Regents Park, Primrose Hill and Hampstead Heath. The borough also contains large industry areas like the Regis Road area. The town centres contain a mix of commercial and residential uses at generally high densities that attract a large transient population, which results in frequent letting and sale of properties.
- 2.5 Because of the richness and distinctiveness of the built and natural environment in Camden, estate agents boards which clutter street frontages and introduce incongruous colours and materials have a particularly harmful impact on the character and appearance of large areas of the Borough.

Extent of proliferation of estate agents boards

- 2.6 In order to assess the conditions in the borough with regard to the proliferation of estate agents boards in advance of preparing this report the Council carried out surveys of a sample of streets and squares throughout the borough.
- 2.7 The results of surveys forms important evidence in the Council's case justifying the making of a Borough-Wide Regulation 7 Direction and significant weight should be given to it. Further evidential material which should be given

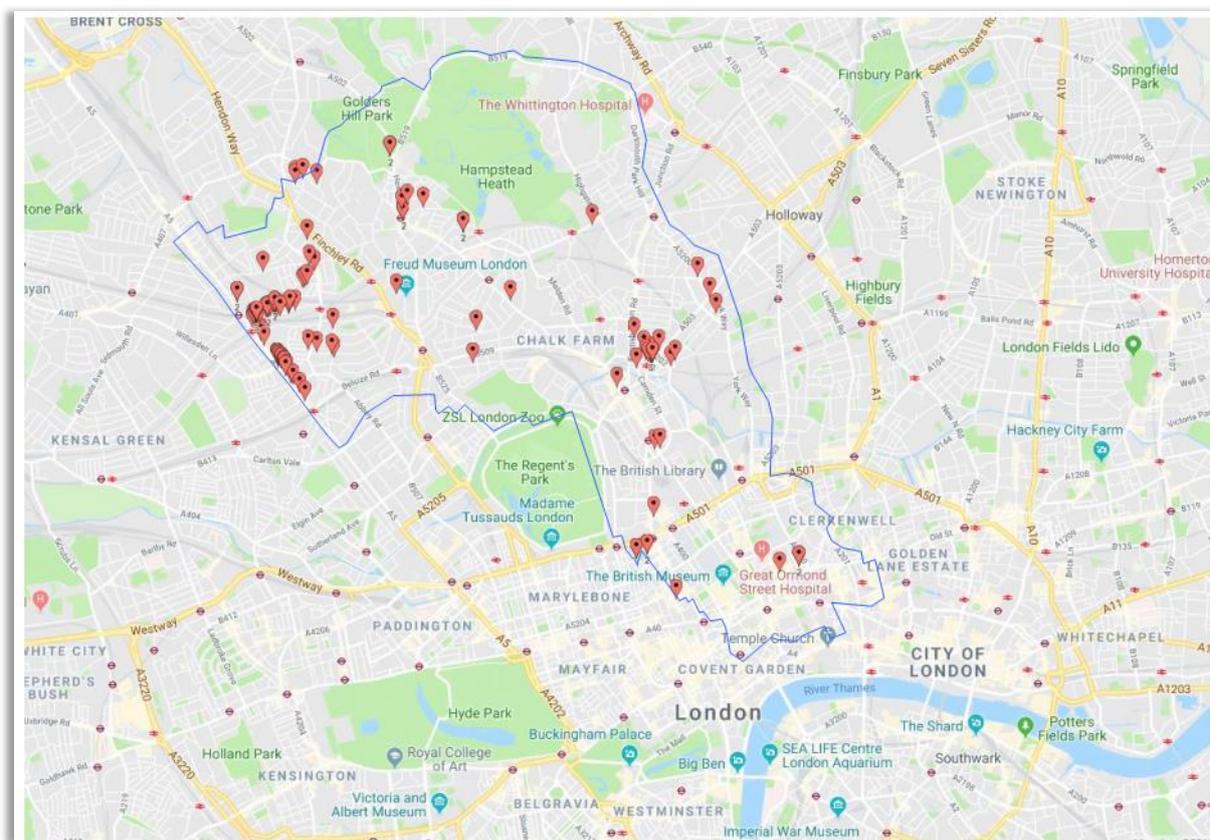
significant weight are the ward by ward photographic survey appended at JS2 and statistics regarding the number of enforcement complaints over the past 5 years set out both in JS2 and at paragraph 2.23 below.

- 2.8 As noted above, a Regulation 7 Direction was made at West End Lane in April 2016 following an application made by the Council. This came into force in June 2016. A discussion of the effectiveness of this Direction set out in paragraphs 2.46 – 2.53 below.
- 2.9 As noted above, complaints to the Council’s Planning Enforcement Team about estate agent boards represent the second highest category of complaint in the last 5 years.
- 2.10 The tables below set out the complaints were made by members of the public about estate agents over the period 01/04/2014 to 31/03/2019. These show that one thousand one hundred and twelve complaints were made in that time. This represents an average of 222 complaints per year over the period.

Number of enforcement complaints by year					
Type of complaint	2014/15	2015/16	2016/17	2017/18	2018/19
Breach of condition	120	84	118	135	211
Estate Agent boards	212	214	354	218	114
Change of use	128	84	78	68	89
Advertisements/Hoarding	83	72	79	56	51
Untidy site	24	22	20	23	19
Works to commercial	125	133	129	96	107
Works to listed building	102	111	127	110	92
Works to residential	401	402	425	317	296
Works to trees	6	18	15	12	6
Other	0	0	54	0	0
CMP	0	0	6	23	46
STL	12	28	35	123	102

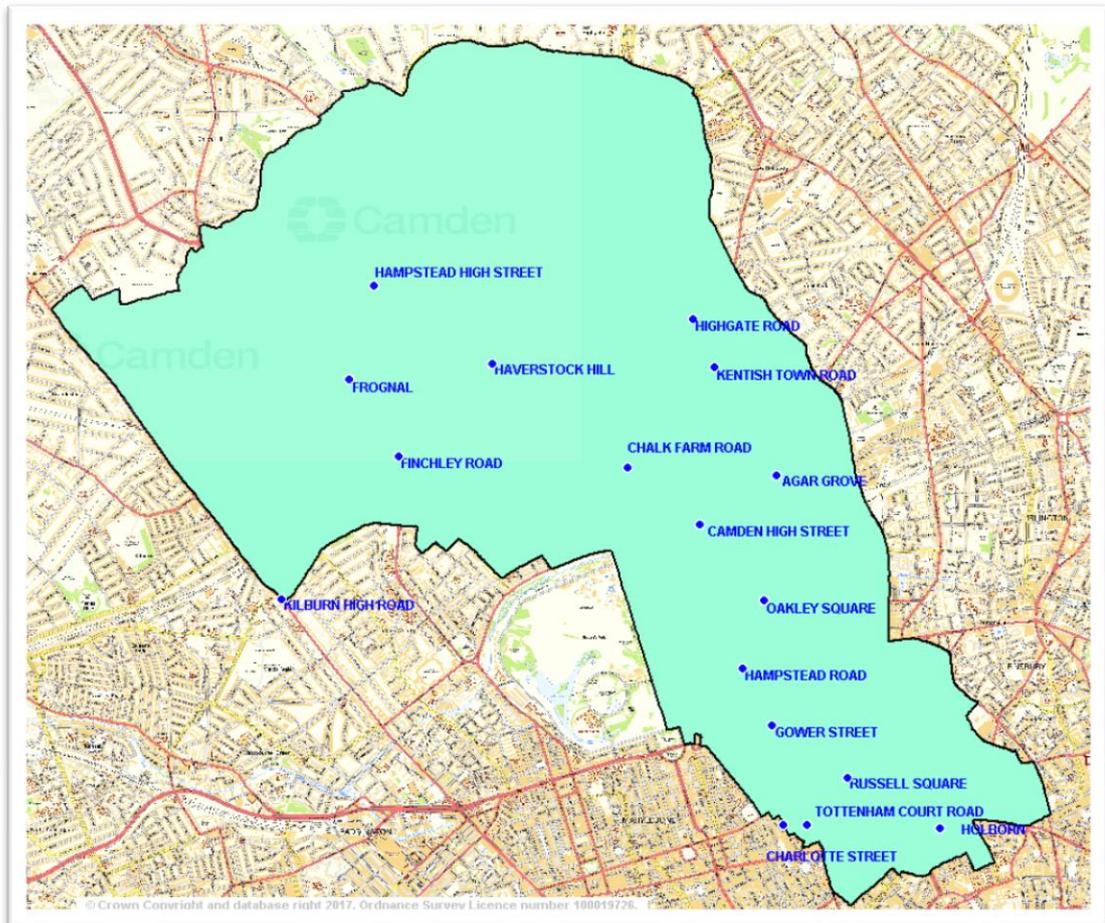
Number of enforcement complaints by year and rank										
Type of complaint	2014 /15	Rank 14/15	2015 /16	Rank 15/16	2016 /17	Rank 16/17	2017/ 18	Rank 17/8	2018 /19	Rank 18/19
Breach of condition	120	5	84	5	118	5	135	3	211	2
Estate Agent boards	212	2	214	2	354	2	218	2	114	3
Change of use	128	3	84	5	78	7	68	7	89	7
Advertisements/Hoarding	83	7	72	7	79	6	56	8	51	8
Untidy site	24	8	22	9	20	10	23	9	19	10
Works to commercial	125	4	133	3	129	3	96	6	107	4
Works to listed building	102	6	111	4	127	4	110	5	92	6
Works to residential	401	1	402	1	425	1	317	1	296	1
Works to trees	6	10	18	10	15	11	12	11	6	11
Other	0	11	0	11	54	8	0	12	0	12
CMP	0	11	0	11	6	12	23	9	46	9
Short term lets*	12	9	28	8	35	9	123	4	102	5

2.11 As a sample of the geographic spread of complaints the following map shows the location of estate agent boards complaints in 2018/19 (maps for other years are contained in appendix JS2 part 1):



- 2.12 During the course of 2018 officers visited a range of streets and spaces in the borough to assess the extent of the proliferation of estate agents boards. Surveys of two further streets, Highgate Road and Kilburn High Road were carried out in Summer 2019.
- 2.13 Appendix JS3 sets out the results of these surveys in the form of contemporaneous officer notes.
- 2.14 The surveys were carried out by a single officer or in some cases a pair of officers who walked the length of the street and took written notes and photographs of every estate agents board seen. Many of the photographs included at JS2 were taken during the surveys.
- 2.15 A wide range of streets and spaces were surveyed in order to represent the diverse conditions across the borough. These are located in a range of areas, from the dense central activities zone with large numbers of heritage assets to established residential areas in the north of the borough to centrally-located socially disadvantaged areas. It is a comprehensive but not an exhaustive survey and is intended to be read alongside the ward-by-ward photographic report appended JS2 and other evidence about complaints over a substantial period of time.
- 2.16 The following is a map indicating the location of the streets and squares that were surveyed:

Figure 3 Location of surveyed streets and squares



- 2.17 Visits in 2018 and 2019 revealed results ranging from 76 boards in Finchley Road to 0 boards in Gower Street, Russell Square and Hampstead High Street, the latter being in an area with a permanent Regulation 7 Direction.
- 2.18 In all there were 210 boards in the 17 surveyed areas or an average of 12.35 boards per area.
- 2.19 This is set out in the following table:

Street	Number of boards
Agar Grove <i>Cantelowes Ward</i>	10
Camden High Street <i>Regents Park/ Camden Town and Primrose Hill Wards</i>	23
Chalk Farm Road <i>Haverstock/ Camden Town and Primrose Hill Wards</i>	4
Charlotte Street <i>Bloomsbury Ward</i>	3
Finchley Road <i>Swiss Cottage/ West Hampstead/ Frognal and Fitzjohns/ Fortune Green Wards</i>	76
Frognal* <i>Frognal and Fitzjohns Ward</i>	1
Gower Street <i>Bloomsbury Ward</i>	0
Hampstead High St** <i>Hampstead Town Ward</i>	0
Hampstead Road <i>Regent's Park/ St Pancras and Somers Town Wards</i>	4
Haverstock Hill <i>Haverstock/ Camden Town and Primrose Hill/ Belsize Wards</i>	3
High Holborn <i>Holborn & Covent Garden Ward</i>	6
Highgate Road^ <i>Kentish Town/ Highgate Wards</i>	18
Kentish Town Road <i>Camden Town and Primrose Hill/ Kentish Town Wards</i>	28
Kilburn High Road^ <i>Fortune Green/ West Hampstead Wards</i>	22
Oakley Square <i>Regent's Park/ St Pancras and Somers Town Wards</i>	1
Russell Square <i>Bloomsbury Ward</i>	0
Tottenham Court Road <i>Bloomsbury Ward</i>	11
*Located in an area with an expired Regulation 7 Direction	
** Located in an area with permanent Regulation 7 Direction	
^ Survey carried out Summer 2019	

2.20 The notes taken during the surveys have been appended at JS3. These indicate that many properties had multiple boards, in flagrant breach of the regulations. It was apparent that many of the boards were displayed at properties that were not actually for sale or to let. Subsequent site visits to Finchley Road, Kentish Town Road and Kilburn High Road indicated that

boards stayed in place long after the property in question had been sold or let. Oversized boards were also an issue in some areas such as in Camden High Street.

2.21 While some of the boards have been removed in the meantime, recent visits confirm that the problem persists and other properties have had boards installed. In many cases where the boards have been removed, the frame is still in place, causing clutter and harm to visual amenity.

2.22 Particular black spots for proliferation of boards are the west side of Finchley Road, Kentish Town Road and Camden High Street. Within these areas, proliferation of boards and multiple boards are widespread.

2.23 It is noted from the survey results that a number of streets and spaces have a small numbers of boards or no boards. The main factors that account for this are as follows:

- Frogna – this was subject to a 10-Year Regulation 7 Direction, now expired. The numbers of boards on display has not returned to previous levels;
- Gower Street – this street has a number of institutions such as University College London, University College Hospital, The Wellcome Trust, The Royal Academy of Dramatic Arts and The London School of Hygiene and Tropical Medicine. In addition, there are long terraces of listed buildings (15-49, 51-85 and 87-131);
- Hampstead High Street – this street is within a permanent board ban area;
- Oakley Square – the terrace on the north side of this square is listed (nos. 52-70). The other buildings surrounding the square, Mayford and Godwin House are Council-owned blocks where the display of estate agents boards is not permitted;
- Russell Square – the buildings surrounding the space are occupied by academic institutions such as University of London and the Institute of Education as well as large hotels such as the Hotel Russell and The

Imperial Hotel. In addition, the majority of the buildings surrounding the Square are listed.

- 2.24 It is noted that some of the streets with limited proliferation of boards are located in Central London. However, the survey results indicate that other streets within the central area have a significant presence of boards. Tottenham Court Road for example had 11 boards. This compares to other busy commercial streets elsewhere in the borough like Camden High Street (23 boards), Kilburn High Road (22) or Kentish Town Road (28).
- 2.25 The survey and the photographic evidence presented at JS2 indicates that the proliferation of Estate Agents boards is not a phenomenon that affects any particular area or areas in Camden but that it is widespread across the Borough and is only limited by circumstances like existing Regulation 7 Directions, Statutory Listing or ownership of buildings by Institutions or the Council who do not permit the display of boards.

Resource implications

- 2.26 As discussed in paragraph 2.18 the surveys appended at JS3 indicate that the proliferation of estate agent board is under more control in areas of the borough where a Regulation 7 Direction has been made. However, as evidenced in JS2 and JS3 there is a persistent problem of proliferation across the Borough which only additional controls will enable the Council to address.
- 2.27 As each enforcement complaint relates to a specific property, the cases need to be recorded and investigated individually. In order to investigate a case, officers have to carry out thorough checks to individual properties. When complaints are received the enforcement team must establish whether a property is still available and when the sale/let was agreed so that the 14 day limit can be established before action can be taken to secure the removal of the board. This involves referring to the planning history, establishing whether it is located in a Regulation 7 area, carrying out a site visit to the property, and writing to the owners to negotiate rectification if there is a breach. Further visits

are then required to check the board has been removed. Whilst prosecution action can be taken, this involves further resources and initially informal action is taken.

- 2.28 This is a time and resource intensive category of breach to resolve and a significant amount of officer time is needed to investigate and resolve each alleged breach of advertisement regulations. Furthermore the number of reported cases demonstrates that enforcement action alone has not been sufficient to resolve the problem. The enforcement team deals with approximately 1,200 cases a year; by proactively tackling this issue it is hoped that the number of breaches will significantly decrease.

Impact on visual amenity

- 2.29 The Council is proposing the Regulation 7 Direction in order to protect the visual amenity of the Borough and to prevent clutter which is harmful to the character and appearance of streets and spaces of the Borough, including Conservation Areas. The widespread harm is evidenced in Appendix JS2 which provides a sample of photos of estate agents boards in the Borough dating from 2019.
- 2.30 Policy D1 “Design” of the London Borough of Camden Local Plan states that the Council seeks to secure high quality design in development.
- 2.31 Criterion (a) of Policy D1 requires all development to consider its ‘character, setting and context...’. As set out in JS1 the architectural character of Camden is varied and there is particularly notable and valuable built heritage from the Georgian, Victorian and Modern periods.
- 2.32 In densely built areas and in Central London estate agents boards detract from the established character by projecting from the front building line, cluttering the streetscape, obscuring fine façade features and introducing incongruous colours and materials.
- 2.33 In areas of the Borough where properties have front gardens and buffer spaces, estate agents boards tend to be placed on lollipop signs on the front boundary. These add clutter and rupture continuous boundary wall frontages. Or where

flats exist, numerous boards can be displayed in the front garden or on front elevations.

- 2.34 Criterion (b) of Policy D1 requires all development to “preserve or enhance the historic environment and heritage assets”.
- 2.35 Criterion (e) of Policy D1 requires development to comprise details and materials that are of high quality and complement the local character.
- 2.36 The proliferation of estate agents boards causes harm to the character and appearance of many areas of the borough, failing to preserve or enhance the historic environment and introducing unsightly signage made of low quality materials and with poor details into the built environment.
- 2.37 Policy D2 ‘Heritage’ states that the Council “will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation area, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets”.
- 2.38 Policy D4 Advertisements states that “The Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”
- 2.39 In context of the impact of estate agents boards on visual amenity the following criteria are important:

“We will support advertisements that:

- a. preserve the character and amenity of the area; and
- b. preserve or enhance heritage assets and conservation areas.

We will resist advertisements that:

- c. contribute to an unsightly proliferation of signage in the area;
- d. contribute to street clutter in the public realm”

- 2.40 Policy D4 also states that “The Council will resist advertisements on shopfronts that are above fascia level or ground floor level, except in exceptional circumstances”. This is relevant given that in Camden estate agents boards are often displayed above fascia level of buildings.
- 2.41 Camden Planning Guidance Advertisement paragraphs 1.30-1.33 specifically addresses estate agents boards. This sets out the concerns the Council has about this type of advertisement and provides a link to the page on our website dealing specifically with estate agents boards. This Guidance is appended at JS4.
- 2.42 The proliferation of incongruous estate agents boards is detrimental to the character and appearance of the numerous areas of high architectural quality that are located in the Borough. This proliferation is contrary to the aims of policies D1, D2 and D4 and the only way that the Council can exert control over this wide scale issue is by means of a Borough-Wide Regulation 7 Direction.

Impact of Regulation 7 Designations in the Borough

- 2.43 As noted in paragraphs 1.8 and 1.9 above, Regulation 7 Designations have been made to several Conservation Areas in the London Borough of Camden.
- 2.44 The permanent Regulation 7 areas have operated successfully since their adoption. The streetscape in these areas is free of estate agents boards and the Council can control the introduction of new boards. When complaints are received about boards in these areas, officers can immediately warn of prosecution action. This not only serves as a deterrent but assists in ensuring their timely removal. In this way the threat of prosecution acts as a disincentive to the illegal display of boards.
- 2.45 In the areas where the Regulation 7 Directions have expired survey evidence indicates that while some boards are displayed, the numbers have not yet returned to previous levels. The evidence contained in the ward-by-ward photographic report appended at JS2 also demonstrates this. It does not however indicate an absence of boards or of complaints, which continue to be received by the Council about properties in these areas.

West End Lane Regulation 7 Designation

- 2.46 West End Lane is a mixed-use high street located in the north-western part of the Borough part of which is in Fortune Green Conservation Area, the remainder being outside of a CA. It is also the principal commercial street of the West Hampstead Town Centre. In March 2015 the London Borough of Camden applied to the Ministry of Housing and Local Government for a Regulation 7 Direction to remove deemed advertising consent for estate agents boards to properties on the street.
- 2.47 This application was made due to the proliferation of estate agent boards which was harming the visual appearance of West End Lane. On both sides of this street the buildings are built up to the pavement with commercial uses at ground floor. The estate agents boards tended to be attached to the front of the properties on upper floors. Most of the boards were two-sided and v-shaped. As a result the boards were prominent features within the visual character of the street.
- 2.48 In the years preceding the application significant numbers of complaints about estate agents boards were received every year and a survey carried out in 2013 identified 70 boards on display.
- 2.49 As part of the application the Council provided evidence that demonstrated that the proliferation was so widespread and the enforcement action that was required to exert control was so resource-intensive that normal planning enforcement controls were inadequate to deal with the matter and special measures were required.
- 2.50 On 18th of April 2016 the Secretary of State for the Ministry of Housing and Local Government resolved that a Regulation 7 Direction be made for the street. A 6-week appeal period was advertised in the local press, no appeal was received and the Direction came into effect in June 2016.

- 2.51 In September 2016 officers visited the street to verify that the Direction had been complied with. Following correspondence with landowners the last estate agents boards were removed in late 2016.
- 2.52 During compliance visits officers noted significant improvements in the appearance of the streetscape. Following the removal of the final boards in late 2016 it was easier to read the street and to appreciate the slopes and curves of what was once a country road between fields. The majority of buildings along West End Lane date from the Victorian period. The architecture is of this period is of a stimulating and decorative nature with a strong Italian influence and is based on fine craft skills such as brick making, timber joinery, metalwork in cast iron, plasterwork and sculpture. With the removal of the estate agents boards the quality of the townscape and its distinctive architectural character can be appreciated fully.
- 2.53 In terms of complaints to the planning enforcement team these have reduced from seventeen in 2016 (calendar year) and eleven in 2017 to one in 2018 and two so far in 2019, representing a significant reduction in workload since the Direction came into force. It is our hope that a similar direction across the entire of the borough will ensure that the proliferation of boards is tackled.

Consultation

- 2.54 In order to gather residents' and stakeholders' views about estate agents boards an extensive consultation exercise was undertaken by the Council in 2019. As part of the exercise consultees were asked whether they would support an application for a Regulation 7 Direction and, if so, for what area. The consultation exercise is subject to a detailed report which is appended at JS5 with appendices a-f. For a full account the Secretary of State is directed there. The main features of the consultation and the principal findings are summarised in the paragraphs below.
- 2.55 The consultation exercise ran for a 21-day period from 5th of February to 26th of February 2019 and involved making contact with a wide range of parties to encourage them to participate in an online survey and to provide their views on

estate agent boards including on a number of proposed options to control their display. A part of this officers:

- Sent out 856 emails
- Contacted all ward councillors
- Contacted 17 Conservation Area Advisory Committees
- Contacted 12 Neighbourhood Forums
- Published articles on the Camden homepage
- Published content on social media (Twitter and Facebook)
- Sent letters to 182 estate agents to ask their opinions on our proposals.

2.56 In terms of the reach of the consultation undertaken and the number of stakeholders contacted, it was comparable to exercises for significant policy documents adopted recently by the Council such as the Statement of Community Involvement (adopted July 2016) and the Local Area Requirements (adopted July 2018).

2.57 In their comments, online respondents expressed significant concerns about the negative and unnecessary impacts of estate agent boards in Camden (see JS5b). They also expressed reservations about whether boards were necessary nowadays in searching for properties to buy or rent.

2.58 In the online questionnaire respondents were asked to comment on 3 options for additional controls (Appendix JS5a):

- Option 1: Extend the Direction so we can regulate estate agents boards across the whole borough as the problem is borough-wide.
- Option 2: Extend the Direction to all conservation areas and all town centres as these are where the problem mostly occurs.
- Option 3: Extend the Direction to all town centres..

- Option 4: Renew the Directions in the following areas – Belsize Park, Redington & Frogna, Fitzjohns & Netherhall conservation areas.

2.59 Of the proposed options 89% supported borough wide control.

2.60 Of the other options proposed, the response was as follows:

- 59% of people support a ban in conservation areas alone;
- 85% of people support a ban in highstreets;
- 73% of people support the need for renewals.

2.61 This wide-ranging and thorough consultation exercise illustrates the proliferation of estate agents boards in the Borough is perceived to be harmful by residents and stakeholders. In addition it shows that there is strong support for a wide-ranging Regulation 7 Direction, with particularly strong support for a Borough-Wide Regulation 7 Direction.

Implications of direction

2.62 On some occasions where the Council require marketing evidence to justify change of use, we often seek evidence of a signboard on the premises in order to comply with planning policy. The removal of deemed consent via a Regulation 7 Direction would mean that land owners would need to apply for express consent for the display of such signage. Applications would be assessed against the Council's adopted policies and if the proposal was acceptable permission would be granted. As a result, this should not be a constraint on the Secretary of State's decision on this matter. In order to assist land owners, the Council has an Estate Agent Board page on the planning section of our website which we will update if a new Regulation 7 Direction is made in order to provide clear guidance on when boards may be appropriate. The address of this page is:

<https://www.camden.gov.uk/estate-agent-boards-planning-permission?inheritRedirect=true>

Conclusion and recommendation

- 2.62 The evidence presented by the Council as part of this application indicates that the proliferation of Estate Agents boards is a wide-ranging phenomenon that affects every ward and Conservation Area of the Borough. This proliferation harms the appearance and character of the high quality built environment the Borough possesses and significantly detracts from the visual amenity of residents and visitors to the Borough.
- 2.63 The planning enforcement service of the Borough is required to allocate significant officer resources to respond to the high volume of complaints that it receives about the illegal display of boards. A thorough consultation exercise demonstrated that there is significant support among residents and stakeholders within the Borough for a wide-ranging Regulation 7 Direction, with particularly strong support for a Borough-wide direction. Such a Direction would be in line with the Camden's Local Plan which seek to secure high quality design in development.
- 2.63 Based on the above, the Secretary of State is respectfully requested to find that the case in favour of the making of a Borough-Wide Regulation 7 Direction has been established.