

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Marie Longstaff, Cabinet Member for Homes and Planning or Cllr Charles Gerrish, Cabinet Member for Finance and Efficiency	
MEETING/ DECISION DATE:	On or after 21 September 2015	EXECUTIVE FORWARD PLAN REFERENCE:  E2795
TITLE:	Renewal of the Regulation 7 Direction to prevent the display of estate agent boards within the City of Bath Conservation Area.	
WARD:	Abbey, Bathwick, Combe Down, Kingsmead, Lambridge, Lansdown, Lyncombe, Newbridge, Odd Down, Oldfield, Twerton, Walcot, Weston, Widcombe	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
1. City of Bath Conservation Area map		

### 1 THE ISSUE

1.1 A request to the Secretary of State for Communities and Local Government has been prepared to renew the Regulation 7 Direction Area to prevent the display of estate agent boards within the City of Bath Conservation Area. The Cabinet Member is required to consider whether the Regulation 7 Direction should be renewed.

### 2 RECOMMENDATION

The Cabinet Members are asked to agree that:

2.1 The Council submits to the Secretary of State for Communities and Local Government an application to renew the Regulation 7 Direction on a permanent basis or any other such period that the Secretary of State agrees to.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The advertisement of the Regulation 7 Direction and notification of businesses affected by the Direction will be met from existing Planning Services budget.

3.2 The costs associated with monitoring and enforcement of the Direction are managed within existing budgets.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out a process whereby a Local Planning Authority may apply for the removal of permitted development rights with regard to certain types of advertisements (the Direction). In the event the Direction is confirmed by the Secretary of State for Communities and Local Government it may take effect for a specified period or indefinitely.

## **5 THE REPORT**

- 5.1 The Council has controlled the display of estate agent's boards within the City of Bath Conservation Area since 1989 by way of a Direction confirmed by the Secretary of State as it was considered that the use of such advertising was detrimental to the visual amenity of the area. The current Direction expires on 15<sup>th</sup> December 2015.
- 5.2 The Council, acting as Local Planning Authority, considers that the reasons given by the Inspector for the first Direction made and confirmed in 1989 are still applicable. The Conservation Area was extended in 2002 to include Newbridge Road and the Conservation Area has remained unchanged since the Direction was last renewed in 2005. The attached plan indicates the extent of the Conservation Area. The City of Bath 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. Since the first Direction was made and confirmed in 1989 significant gains have been made in terms of improving the visual appearance of the buildings within the area. In addition, the Council has recently completed a number of public realm improvement projects for example Widcombe Parade, Grand Parade and London Road. These have positively impacted on the key entrances to the city and further enhanced the visual appearance of the Conservation Area.
- 5.3 Bath remains an important destination for tourism within the United Kingdom. In excess of four million people visited Bath in 2014 bringing over £500 million to the local economy. 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 Royal Crescent, Great Pulteney Street and The Circus. Given the significant numbers of apartments contained within such historic locations, the presence of numerous estate agent boards would significantly detract from the visual appearance of these areas.
- 5.4 The property market with the area covered by the Direction remains buoyant and the Council considers that the continued presence of the Direction has had no adverse impact upon the ability for properties to be marketed effectively given the increased reliance that estate agents have on internet marketing. As identified in paragraph 9, given the significant period of time that the Direction has already been in place for, estate agents and home owners have come to accept that estate agent boards cannot be displayed without express consent.
- 5.5 The Conservation Area covers approximately two thirds of the city and includes many of the areas surrounding the city centre. Each of these areas has distinctive qualities in terms of visual appearance and setting which contribute to the

Conservation Area as a whole. The Council consider that it is as important to continue to protect these areas as the city centre.

5.6 The Direction covering the City of Bath Conservation Area has now been in effect for a period of 26 years and has worked well to control the otherwise unchecked use of estate agency boards which have an adverse impact on the appearance of the Conservation Area. The City of Bath Conservation Area contains a significant number of listed and historically important buildings over a wide area and the Direction affords significant protection ensuring the appearance of this Conservation Area is preserved and enhanced. There has been no evidence presented to the Council that the Direction has had a detrimental impact upon the sale or letting of properties during the past 26 years and there has been wide scale compliance by estate agents of the Direction. Given the previous decisions issued by the Secretary of State in 1989, 1995 and 2005 and the significant period of time that the Direction has been in place, the Council proposes that the Secretary of State renews the Direction on a permanent basis. Notwithstanding this proposal the Council would find an alternative time period acceptable to further the Conservation area's protection should the Secretary of State consider this appropriate.

## **6 RATIONALE**

6.1 The renewal of the Regulation 7 Direction on either a temporary or permanent basis is intended to preserve the visual appearance of the City of Bath Conservation Area.

## **7 OTHER OPTIONS CONSIDERED**

7.1 It is considered that the Regulation 7 Direction is required to cover all parts of the City of Bath Conservation Area to protect the unique characteristics of individual areas within the conservation area. Enforcement of the Direction is significantly easier as it covers the whole conservation area.

## **8 CONSULTATION**

8.1 No public consultation has been undertaken. The existing Direction is still in force and the Council will notify all relevant businesses if an application is submitted to the Secretary of State for Communities and Local Government to renew the Direction.

8.2 The Monitoring officer, Section 151 officer and Strategic Director Place have been given opportunity to review this report.

## **9 RISK MANAGEMENT**

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<b>Martin Almond, Planning Officer, Planning Services, 01225 477570</b>
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<b>Background papers</b>	
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