



Department for Levelling Up,
Housing & Communities

AGENDA ITEM 9

Andrew Frost
Chichester District Council

By email only

Please ask for: Kevin White
Tel: 0303 444 8163
Email: Kevin.White@levellingup.gov.uk
Your ref: CC/19/00038/CONADV
Our ref: PCU/ADV/L3815/3286535
Date: 16 December 2022

Dear Mr Frost

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 Chichester District Council (“the Council”) on 30 July 2021 for a Direction that deemed consent for the display of estate agents board, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas in the Chichester Conservation Area .

2. The council carried out a 6-week consultation in relation to the proposed Direction during July to September 2021. There were 21 responses to the consultation with 3 objections to the proposed Direction.

The Proposed Areas

3. The Direction would cover the following areas in Chichester, namely:

- Chichester Conservation Area (amended to only include Primary and Secondary Shopping Frontages as defined within the Council’s Adopted Chichester Local Plan: Key Policies 2014-2029, within its Appendix F.

The areas are identified on maps provided by the Council and are identified in the plans, annexed hereto.

The Council’s reasons for making the Direction

4. The townscape of Chichester City Centre is widely acknowledged as being of national and international importance in conservation terms. The Conservation Area

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contains over 700 listed buildings. The built fabric is therefore acknowledged as being of high quality and most buildings are maintained to a very high standard. It is because the Conservation Area portrays this high visual quality that steps are taken to ensure that any development which may potentially detract from its unique character is adequately controlled. The Council states that nationally, the COVID-19 pandemic has had a financial impact on commercial and retail companies resulting in the loss of jobs, and the closure of retail units within cities across the UK. The effect of this can be seen in the retail centre of Chichester with the increase in the number of estate agents' signs and vacant shops.

Description of Proposed Areas

5. The Inspector describes the area (IR12 and 13) as 'The Chichester Conservation Area covers diverse areas containing the historic central area with numerous listed buildings, including the Cathedral. There are also considerable areas of housing dating from the 19th century and early 20th Century. Large municipal buildings and open spaces are also present. The Conservation Area includes institutional campuses including the University and various healthcare facilities.

6. The character of the conservation area varies greatly. The commercial core provides many examples of closely spaced buildings set at the edge of the pavements providing a rich variety of building styles and ages, many of them listed. This contrasts with the almost suburban housing areas, open spaces, municipal open car parking and campuses.

Appraisal

7. The Inspector reports (IR16) that during his site visit he observed 'a number of estate agents' boards within the commercial core, along the main shopping streets. A number of these were prominently displayed on the building facades. Due to the siting of the buildings immediately adjacent to the pavement, the effects of these boards were heightened and made them particularly prominent, even within an area where commercial signage is prevalent. Within the rich and high-quality townscape of the core area, the signs had a significant and detrimental effect on the character and appearance of the area. The Inspector further adds, the areas within this central part of the Conservation Area but peripheral to the shopping area, there was no observed prevalence of such signs.

8. The Inspector reported (IR17), the wider areas of the Conservation area include numerous municipal buildings, open car parks, public open spaces, education establishment and healthcare facilities. He did not observe any estate agents' boards within these areas or on these buildings, perhaps unsurprisingly. He further adds, IR18, the various residential streets which comprise the remainder of the conservation area contained some examples of estate agents' boards. A number of these were erected within front gardens and I did not observe any particular concentrations of signs or examples where multiple agents had erected more than one sign at a property.

9. The Inspector reports (IR22) that he wrote to the Council referring to the powers available to the Secretary of State under Regulation 7 Paragraph 5 of the Advertisement Regulations. This would enable the Secretary of State to reduce the area covered by the Direction after the Council and other interested parties had been given the opportunity to comment on such an amendment. The Inspectors reasoning was that justification for the Direction could only be found within the Primary and Secondary Shopping Frontages as defined within the Council's Adopted Chichester Local Plan: Key Policies 2014-2029, within its Appendix F.

10. Following the Inspectors correspondence the Council wrote to all those relevant interested parties to seek their views on the possible amendment and it was publicised on the Council's website. The consultation period was between 17 June and 8 July 2022. The Council received 10 responses, which displayed a mixture of views both in support and in opposition of the amendment. These were summarised in the document submitted by the Council with their email dated 20 July 2022 (IR23).

11. The Inspector considered (IR24) on the basis of his observations and considerations that with the amended Direction in place it will protect the character and appearance of the areas in question from the harmful effects and a proliferation of estate agents' boards.

12. In concluding (IR25), the Inspector considers that there is insufficient justification to support the Direction as applied for by the Council. However, within the central area as defined by the Primary and Secondary Shopping Frontages, the nature and quality of the townscape coupled with the presence of harmful estate agents' boards supports the confirmation of an amended Direction. The areas covered are ones where the preservation or enhancement of their character or appearance should be given substantial weight. Harm to their character and appearance has arisen in the past and to prevent recurrence of harm the amended Direction should be confirmed.

Formal Decision

13. For the reasons set out above, the Secretary of State is satisfied that a Direction should be made to control the display of advertisements relating to Estate Agents Boards within the areas of Chichester Conservation Area, as identified below and on the attached map provided by the inspector for a period of ten Years.

- Primary and Secondary Shopping Frontages as defined within the Council's Adopted Chichester Local Plan: Key Policies 2014-2029, within its Appendix F.

14. 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.

15. 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

15 above, when the Council have granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property sales and 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.

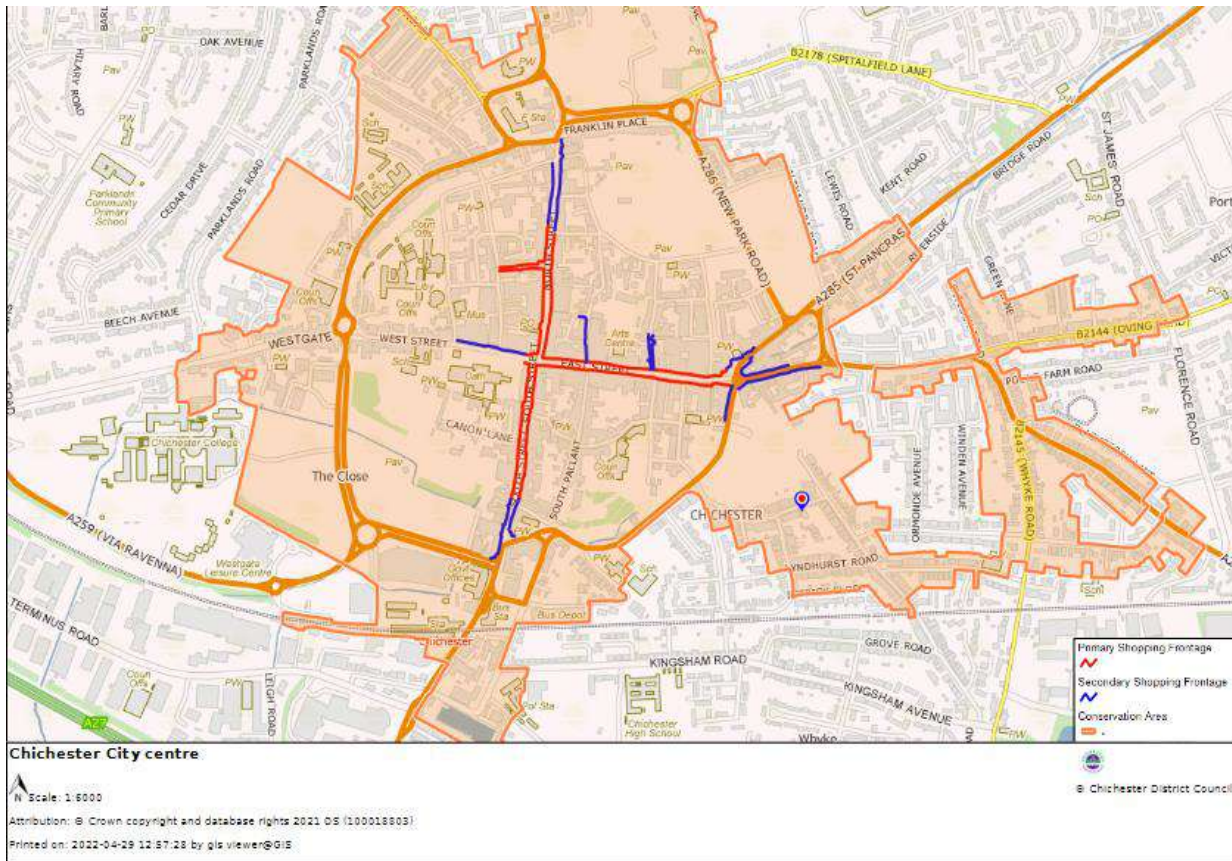
Right of Appeal against the Decision

16. 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,

Rachael Beard

Rachael Beard
Senor Planning Officer
Planning Casework Unit



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**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 Chichester District Council, as the local planning authority, that the display of advertisements relating to Estate Agents' Boards for the sale or letting of premises as specified in Class 3A of Schedule 3, Part 1,] to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') should not be undertaken without express consent in parts of the Chichester District Council.

The Direction would cover the following areas in the Chichester Conservation Area, as shown on the attached maps, namely:

- Primary and Secondary Shopping Frontages as defined within the Council's Adopted Chichester Local Plan: Key Policies 2014-2029, within its Appendix F;

The proposal has been the subject of a site visit, 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 ten years from the date on which it comes into force in accordance with the provisions of the Regulations.

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Schedule

This Direction relates to the display of advertisements relating to the Estate Agents' Boards for the sale and letting of premises as specified under Class 3A of Part 1 of Schedule 3 to the Regulations] in the following areas in the Chichester District Council, namely:

- Chichester Conservation Area, Primary and Secondary Shopping Frontages as defined within the Council's Adopted Chichester Local Plan: Key Policies 2014-2029, within its Appendix F;

The reasons for the Secretary of State's decision are set out in his letter of 16 December 2022 to the Council, a copy of which is attached.

Rachael Beard

Rachael Beard
Senior Planning Casework Manager

Department for Levelling Up, Housing & Communities
Authorised by the Secretary of State to sign on that behalf

DATE: 16 December 2022

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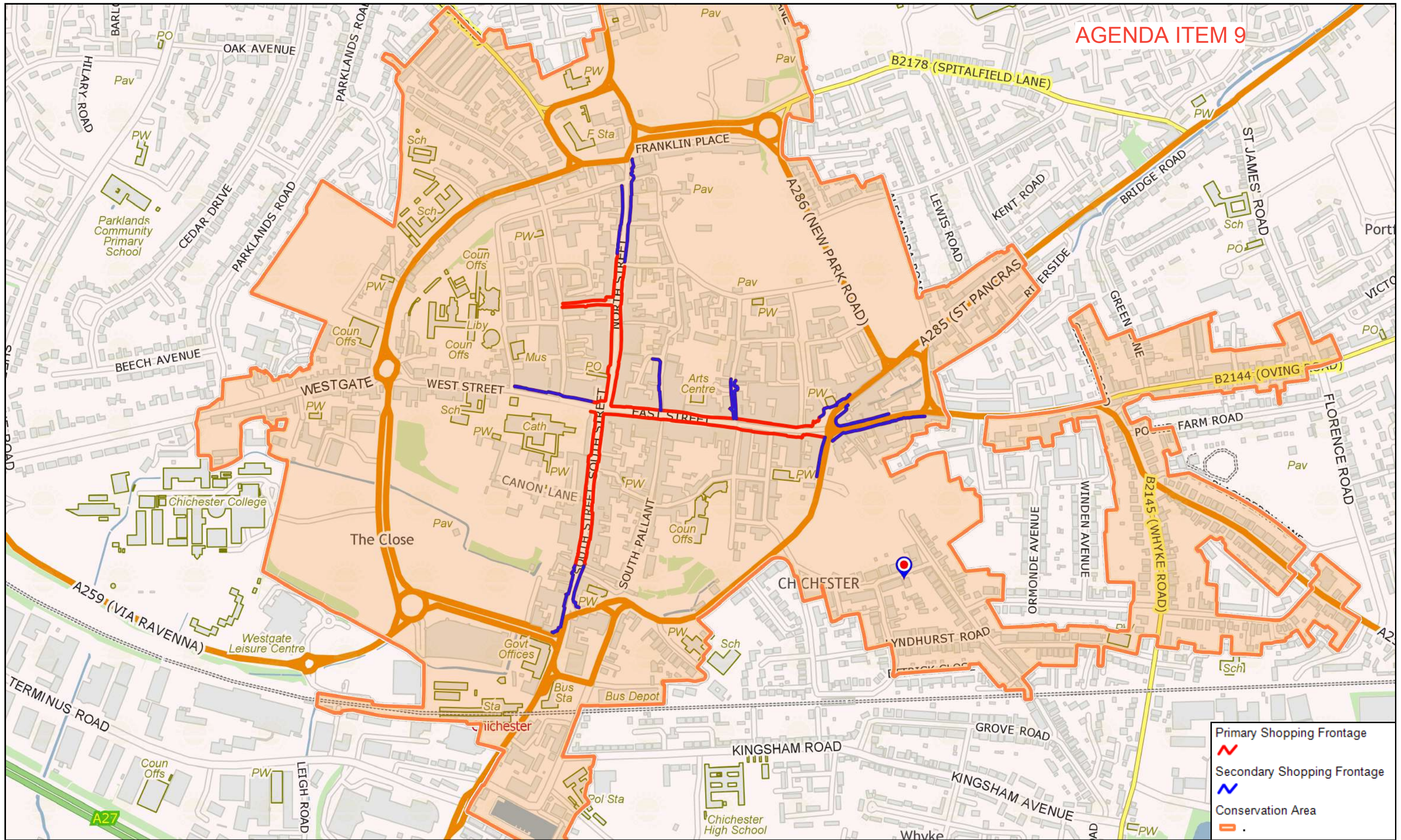
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The Direction will cover the Primary and Secondary Shopping Frontages as defined within the Council's Adopted Chichester Local Plan: Key Policies 2014-2029, Appendix F.

Information regarding this direction can be obtained from the Council Offices at East Pallant House, Chichester, PO19 1TY. The Council offices are open 9am-4pm Monday to Friday.

This Direction shall have effect for a period of ten years from 10th February 2023. This being the date on which the direction comes into force in accordance with the provisions of S7(c) of the Regulations (Town and Country Planning (Control of Advertisements) (England) Regulations 2007).



Chichester City centre

Scale: 1:6000

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- Primary Shopping Frontage
- Secondary Shopping Frontage
- Conservation Area