

# Cheltenham Borough Council

## Licensing Committee – 4 March 2016

### Highways Act 1980 Part VIIa Local Government (Miscellaneous Provisions) Act 1982

#### Application for permission to place an object on the Highway – ‘A’ Board

#### Report of the Licensing Officer

##### 1. Executive Summary

- 1.1 Mr Roman Wroath, of Ella and Fleur Hot Yoga, Cheltenham, has made an application to place an advertising board outside 23A Pittville Street, Cheltenham, GL52 2LN. The proposed advertising board is 110cm x 60cm.
- 1.2 It is intended that the ‘A’ board be displayed:

Monday	1000-2000
Tuesday	0900-2000
Wednesday	0900-2000
Thursday	0900-2000
Friday	0900-1900
Saturday	0830-1400
Sunday	0830-1400

- 1.3 The Committee will note that the size of the advertising board complies with the standard sizes recommended in the council's policy.
- 1.4 A picture of the proposed structure is attached at **Appendix A**.
- 1.5 Width of footpath available is 4.2m.
- 1.6 A plan of the proposed location is attached at **Appendix B** and a photograph of the front of the premises is attached at **Appendix C**.
- 1.7 **The Committee can:**
- 1.7.1 **Approve the application because Members are satisfied that the location is suitable, or**
- 1.7.2 **Refuse the application because it does not comply with the provision of the Street Scene policy.**
- 1.8 **Summary of implications**

Legal

No right of appeal.

Contact officer: One Legal  
E-mail: [legalservices@teWKesbury.gov.uk](mailto:legalservices@teWKesbury.gov.uk)  
Tel no: 01684 272693

## 2. Introduction

- 2.1 Following the loss of the highways agency and the associated transfer of responsibility for this aspect of highways enforcement to the borough council.

## 3. Policy Principles, Aims & Objectives

- 3.1 All new applications for 'A' boards/display stands are considered by the Licensing Committee.
- 3.2 Such objects are subject to a maximum width of 60cm in any one direction and a height of 1 metre and must be of a colour, design, finish and materials which are of a high standard appropriate to the conservation area.
- 3.3 The Town Centre Policy for Street Trading and Objects on the Highway in relation to Advertising 'A' boards, states:

*"It is accepted that some businesses operate from premises which are not in a prominent location and yet rely in large part on passing trade, and it is appropriate to assist in the promotion and success of those businesses to allow the use of 'A' boards or similar advertising displays. The Council does not however, want to see a proliferation of such items and will restrict to one per business with a clear need. It is not intended that every business in the town centre will be permitted to display an 'A' board".*

- 3.4 Cheltenham Borough Council's Outdoor Advertising Protocol states:

*"No 'A' board will be approved within Conservation Areas except in the following circumstances, having regard to the position and location of the premises:*

- a) where those premises are located at basement or first floor level i.e. the premises has no shop-front at street level;*
- b) the premises are situated along a side alleyway and / or on private land which is not a public thorough fare / right of way."*

## 4. Consultee Comments

- 4.1 During the consultation process one objection was received from Highways Enforcement Officers at Gloucestershire County Council, who said: "A-Boards are a nuisance to pedestrians and disabled using footway. Unless the premises cannot be seen at ground level we would not allow the A Boards"

## 5. Licensing Comments

- 5.1 The committee must determine the application with a view to promoting the Council's adopted policy.
- 5.2 This report has been brought to Members' attention as prescribed in the scheme of delegation set out in the Street Scene Policy (page 6) adopted on 1<sup>st</sup> April 2013, whereby all new applications are referred to the Licensing Committee.
- 5.3 Members will note that the policy refers to looking favourably at applications for A-boards for premises which are not in a prominent location and therefore have a clear need to promote the business to passing trade through the use of advertising displays. The Council's Advertising Protocol goes on to give an example of such a business: "where those premises are located at first floor level, i.e. the premises has no shop front at street level".

- 5.4 In this case the premises operate on the 1<sup>st</sup> floor, but they also benefit from a shop front at street level – please refer to the photograph at **appendix C**. The question for Members is whether the location of the business, being on the 1<sup>st</sup> floor, disadvantages them and means they have a clear need for additional advertising to promote the business. Alternatively Members may be satisfied that the presence of a street level shop frontage – small though it may be – is sufficient advertising to mean they do not need to obstruct the highway with further advertising.
- 5.5 Members will note that there are a small number of premises in the town centre that have been granted permission for an A-board in similar circumstances – i.e. that they operate on the 1<sup>st</sup> floor but have a small street-level shop frontage. These were either granted historically under old policies since reviewed and replaced (example: Love Salon, High Street) or the licensing committee made a decision in an individual case that there were sufficient reasons to permit the A-board in those circumstances (example: Slaters, Promenade). Those decisions do not in themselves form a precedent as each case is determined entirely on its own merits.
- 5.6 Mr Wroath has been sent a copy of this report and invited to attend the meeting and advised that he may be represented if he so chooses.

## **6. Officer recommendation**

- 6.1 The officer recommendation is that this application be refused.

**Reason(s):** The Council's Outdoor Advertising Protocol permits the use of A-boards where premises are disadvantaged due to their location, for example where they are on first floor level and have no shop front at street level. In this case, although the operational part of the premises is on the first floor, the photograph provided clearly shows a shop front at street level, albeit smaller than some others.

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### **Background Papers**

### **Service Records**

#### **Case Officer**

**Contact officer: Mr Phil Cooper**  
**E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)**  
**Tel no: 01242 775200**