

# Cheltenham Borough Council

## Licensing Committee – 6 June 2018

### 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 An application has been made to place an advertising board (A-board) on the highway outside S.Rouse & Co, 99 Gloucester Road, Cheltenham GL51 8NG. The proposed A-board is 1.3m high x 0.76m wide.
- 1.2 It is intended that the A-board will be placed on the highway on the following days and at the following times:

Monday	09:00-17:00
Tuesday	09:00-17:00
Wednesday	09:00-17:00
Thursday	09:00-17:00
Friday	09:00-17:00
Saturday	09:00-17:00
Sunday	None

- 1.3 A location plan is attached at **Appendix A**.
- 1.4 A photo of the location is attached at **Appendix B** and a photo of the A-board is at **Appendix C**.
- 1.5 The sub-committee can:**
- 1.5.1 Approve the application because Members are satisfied that the location is suitable, or**
- 1.5.2 Refuse the application because it does not comply with the provisions of the adopted Street Scene policy.**
- 1.6 **Summary of implications**

Legal

The decision of the sub-committee does not carry a right of appeal.

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## 2. Introduction

- 2.1 Responsibility for this aspect of highways enforcement has transferred from the highways agency to the borough council.

## 3. Policy Principles, Aims & Objectives

- 3.1 Under the council's current adopted policy, A-boards are subject to maximum dimensions of 1100mm (43") in height and 844mm (32") in width.
- 3.2 The policy states the following in relation to A-boards: "In setting the policy principles relating to 'A' boards, the Council seeks to strike a balanced approach between promoting the Council's priorities, in particular strengthening the borough's economy by assisting and promoting local businesses, but at the same time ensuring free passage along footpaths and maintaining the visual street environment by the controlled use of 'A' boards in the streets."
- 3.3 Within the conservation area, the policy allows A-boards only where premises have no ground-level street frontage because they are in a basement, on an upper floor, or in an alleyway. This restriction does not apply outside the conservation area. [This application relates to a location that is outside the conservation area].
- 3.4 Permission to place an A-board on the highway is subject to the following standard conditions:

### Conditions of Consent

- (a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
- (b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 metres (either way) between 'A' boards.
- (c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.
- (d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.
- (e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*
- (f) The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- (g) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*
- (h) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the 'A' board has been sufficiently weighed down and the Council reserves the right to inspect the 'A' board prior to issuing a consent.)*
- (i) The 'A' board must relate to the trade of the premises.

(j) The 'A' board must be constructed in such a way that it does not have any moving parts (*i.e. rotating or swinging 'A' boards*).

(k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

#### **4. Consultee Comments**

4.1 The following objection was received from Cheltenham Borough Council's Planning Enforcement team:

I object to this application on the grounds that it does not comply with policy and is not reasonably required having regard to their privately owned large forecourt.

Not only does the A board exceed the size dimensions but it also conflicts with -

(d) The A board must be placed directly outside the premises, immediately adjacent to the front of the premises.

The A board will not in accordance with this policy as it has a large forecourt as I have said and there is plenty of room for the A board to be legitimately displayed on this forecourt which is directly outside the premises.

#### **5. Licensing Comments**

5.1 This report has been brought to members' attention as prescribed in the scheme of delegation set out in the adopted policy, whereby all applications for A-boards which do not comply with the policy requirements are referred to the Licensing Committee for determination.

5.2 The application does not comply with the policy requirements in that the height of the A-board (1.3m) exceeds the maximum permitted height set out in the adopted policy (1.1m).

5.3 Members should also consider the planning enforcement officer's comments relating to the policy requirement that "The A board must be placed directly outside the premises, immediately adjacent to the front of the premises." Members will note from the attached photograph that the shop has a forecourt between the shop frontage and the highway where it is proposed to locate the A-board.

5.4 This application must be determined on individual merits.

5.5 Whilst the policy and officer recommendation should not fetter the sub-committee's discretion, the sub-committee should only depart from the policy where there are clear and defensible reasons for doing so.

#### **6. Officer recommendation**

6.1 The officer recommendation is that this application be refused.

Reason(s): The application does not comply with the adopted policy due to its size exceeding the maximum permitted dimensions.

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**Background Papers**

Service Records

**Case Officer**

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