

Cheltenham Borough Council

Licensing Committee – 6th September 2023

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 Senior Licensing Officer

1. Executive Summary

- 1.1 Mr Dan Chuter based at, The Chip Shed, Cheltenham has made an application to place an advertising board at Front of shop on Montpellier Street. The proposed advertising board is 960mm x 1560mm x 610mm.
- 1.2 It is intended that the ‘A’ board be displayed;

Monday	11:30 - 22:00
Tuesday	11:30 - 22:00
Wednesday	11:30 - 22:00
Thursday	11:30 - 22:00
Friday	11:30 - 22:00
Saturday	11:30 - 22:00
Sunday	11:30 - 22:00

- 1.3 **The Committee are minded to note that the size of the advertising board does not comply 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 230cm.
- 1.6 A location plan of the proposed location is attached at **Appendix B.**
- 1.7 **The Committee can:**
- 1.7.1 **Approved 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@onelegal.org.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 844mm (32") in any one direction and a maximum height of 1100mm (43") 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 that *"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 thoroughfare / right of way."
- 3.5 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.)*
The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- f) 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.)*
- g) 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*
- h) *'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 One objection received and can be seen in **Appendix C**.

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 adopted policy, whereby all applications for A-boards which do not comply with the policy requirements are referred to the Licensing Committee for determination..
- 5.3 The application does not comply with the policy requirements in that the premises has direct street frontage on Montpellier Street. The location is in the conservation area.
- 5.4 The application does not comply with the policy requirements in that the height (1560mm) and width (960mm) of the A-board both exceed the maximum permitted dimensions set out in the adopted policy (respectively 1100mm and 844mm).
- 5.5 This application must be determined on individual merits taking into account the information received and in accordance with the Council's current adopted policy with respect to objects being placed on the highway.
- 5.6 Whilst the policy and officer recommendation should not fetter the committee's discretion, the committee should only depart from the policy where there are clear and defensible reasons for doing so.
- 5.7 Mr Chuter 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 application does not comply with the adopted policy in the following respects:

- (1) Its size exceeds the maximum permitted dimensions;
- (2) The Council's Outdoor Advertising Protocol permits the use of A-boards in the conservation area only where premises are disadvantaged due to their location, for example where they have no shop front at street level, or where they are positioned in a side alleyway or away from a public thoroughfare. In this case, the premises benefit from street-level shop frontage on Montpellier Street, and are therefore not disadvantaged by their location.

Background Papers

Service Records

Case Officer

Contact officer: Mr Phillip Bowen
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200