

Cheltenham Borough Council

Licensing Sub – Committee Miscellaneous – 8th November 2023

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

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

Case Number: 23/01370/OBJA

Report of the Licensing Officer

1. Executive Summary

1.1 Miss Nicole Morrisey based at The Strand; Cheltenham has made an application to place 2 advertising boards at the front of the premise on High Street. The proposed advertising boards are 81cm in height and 66cm in width.

1.2 It is intended that the ‘A’ boards be displayed on the following days and times:-

Monday	12:00 – 00:00
Tuesday	12:00 – 00:00
Wednesday	12:00 – 00:00
Thursday	12:00 – 00:00
Friday	12:00 – 01:00
Saturday	12:00 – 01:00
Sunday	12:00 – 01:00

1.3 **The Sub - Committee are asked to note that there a number of departures from the Council’s policy. The applicant wishes to have permission for 2 ‘A’ boards, there is less than 1.8m of footway between the object and the edge of the kerb, the premise is inside the conservation area and has shop frontage.**

1.4 A picture of the proposed structure is attached at **Appendix A.**

1.5 Width of footpath available is 1.65m

1.6 A location plan of the proposed location is attached at **Appendix B.**

1.7 **The committee may chose to:-**

1.7.1 **Approve the application because Members are satisfied that the location is suitable and that there is sufficient mitigation in place to ensure that key principles in the policy are still properly promoted, 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

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2. Introduction

2.1 A number of authorisations and matters related to the highway are administered and/ or enforced by Gloucestershire County Council. However through a transfer of responsibility for this area of work, the borough council administers and enforces the scheme for placing certain items on the highway.

3. Policy Principles, Aims and Objectives

3.1 All new applications for 'A' boards/display stands are considered by the Licensing Committee or a Sub – Committee thereof.

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 (however please note comments elsewhere in the report on the general restriction of 'A' boards in the Conservation Area in most circumstances).

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.)*
- 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 One objection was received and can be seen at **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 as permission is being sought for 2 'A' boards.

5.4 The application does not comply with policy requirements in that the premises has direct street frontage on High Street. The location is in the conservation area.

5.5 The application does not comply with policy requirements in that there is less than 1.8 metres of footway remaining between the edge of the objects and the kerb.

5.6 The 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.

5.7 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 cogent reasons for doing so.

5.8 Miss Morrissey has been sent a copy of this report and invited to attend the meeting. She has been advised that she may be represented if she 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) 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 High Street and are therefore not disadvantaged by their location.
- (2) The distance between the edge of the object and the kerb is less than the 1.8m the Council's Street Scene policy requires.

(3) Permission is being sought for 2 'A' boards, however the Council's Street Scene policy states "the Council will permit one 'A' board per premises".

Background Papers

Service Records

Case Officer

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