

Introduction

This document supersedes the existing Street Furniture Policy and HP8/4 Control of Placements on the Highway. This is one of a number of documents updating processes and guidance for managing placement of street furniture on footways in Brighton and Hove. This policy covers traders items which can include.

- Licensed Trader Items
- Shop Displays
- Tables and Chairs
- Advertisement Boards

Objective

This document sets out the principles by which Brighton & Hove City Council (BHCC) will control placements of street furniture on the public highway. This policy document covers licensed trader items as listed above.

The objective of this document is to control obstructions on footways and carriageways to ensure safe use and access for all, while permitting essential works, supporting business and encouraging a vibrant street scene which reflects local character of the area.

This policy aims to aid the transformation of streets into walkable places that are more welcoming. Pedestrian access, permeability and design are key for ensuring that people have access to various amenities, services and destinations. Footways, footpaths and other pedestrian spaces should be designed and set out in an inclusive way to allow for all users, including pedestrians, cyclists and disabled users. Various items and design features can limit pedestrian space, obstructing routes or reducing the appeal for pedestrians to visit areas. At worst, these can fully restrict access for some users. Therefore, the policy recommends that a balanced approach needs to be taken that maximises each group's needs as much as possible, while considering the benefits of each item.

What does the policy document cover?

This policy document sets out tools and processes to maintain a high-quality environment for Brighton and Hove City and best suits it's local land-uses and the wide variety of users accessing them, while maintaining each area's sense of place.

How and when should I engage with Brighton and Hove City Council?

Managers and owners of commercial properties, as well as cafés and restaurants, should consult with the Highway's Regulation Department (hereafter referred to as 'the Department') at Brighton and Hove City Council (BHCC) when there is a wish to display advertising boards or merchandise on local streets or a desire to place seating and chairs on footways or other parts of the highway. Commercial property owners or operators should seek agreement with the Department, issued in the form of a License, prior to placing anything on the street.

A License is required for new items, or if an applicant is seeking to change the locations of any existing items.

The Department should be made aware of any proposed changes and technical feasibility of these changes. The applicant should consider and set out how the designs or amendments meet wider planning criteria, guidance and best practices. Any other benefits should also be outlined.

Do I require approval?

All proposals, amendments and renewals on the highway network, which includes most footways and carriageways in the Brighton and Hove City Council (BHCC), require formal approval from the Department. If in doubt as to whether a License is required, please contact the Department. This document focuses on items to be positioned on footways by commercial properties.

How should I request approval?

Applications should be made via the councils website. The Department, on receipt of a valid application, will commence review the application within 5 working days. The decision on the License will be conveyed to the applicant within a maximum of 28 days of the application being received by the Department. The list of conditions is attached to each licence type these are available on the council website. An incomplete application or an application with incorrect information may lead to delays in the processing time of application. There may be cases when public consultation might be required, which may lead to a longer decision time.

Integration with existing policies

This policy should be read in conjunction with the other policies governing the design for highways within Brighton and Hove City, such as:

BHCC Plan for 2020 to 2023

BHCC Streetscape Design Guidelines First Edition

Overarching guidance

A footway or footpath may broadly be classified into the following zones, while considering placement of street furniture:

- Frontage Zone: space for access/exit from the building premise
- Clear Walking Zone: clear, unobstructed space required for pedestrians to walk on, taking particular care for the needs and requirements of disabled people. Width of this zone will be defined based on DfT Guidance on Inclusive Mobility¹. This zone should be free of any street furniture, providing clear sightlines. It is an offence to wilfully obstruct free passage along a highway, as per section 137 of the Highways Act 1980². Not maintaining a clear walking zone on a footway can be an offence and the person/business convicted could be liable to a fine.
- Furniture Zone: space where any street furniture might be placed including licensed trader items, Width of this zone will vary depending on existing footway width, use of the area/footway, number of pedestrians expected to use the footway.

Clear Kerb Zone: clear space on the footway from the edge of the carriageway. This helps in preventing damage by overhangs of vehicle, keeping in mind their swept paths while

¹ DfT (2021) Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure

² https://www.google.com/search?q=section+137+highways+act+1980&rlz=1C1CHBF_en-gbGB850GB850&og=section+137+&aqs=chrome.1.69i57j0i512l9.3428j0j7&sourceid=chrome&ie=UTF-8

parking, or a bus pulling in at a bus stop, etc. These are governed by Design Manual for Roads and Bridges (DMRB)³ and Traffic Signs Manual⁴.

Positioning of these items in relation to existing permanent and temporary street furniture such as lamp posts, bollards, railings, etc.

Any item placed on the street should be tonally and colour contrasted to the environment it is placed in, making it conspicuous.

The height of these items should be such that it doesn't pose a trip hazard to any footway user.

All applications made to the department will need to adhere to the guidance stated within this document.

Tables, chairs and screens

The Department understands that restaurants, cafés, pubs and bars may wish to place furniture for their customers outside their premise on the pavement. This furniture may include:

Counters serving food or drinks,

Tables or any other form of furniture to place food and drinks on and chairs or any other form of seating for customers and

Umbrellas, heaters, barriers or screens.

While these benefits businesses, on street furniture often provides life and character to an area. However, the Department recognises that if not carefully controlled this furniture can put pedestrians, especially people with impaired vision, in wheelchairs or with prams, at a disadvantage. Hence, a License is required to place such furniture on the footways.

License Application

A License should be sought from the department to place any removable furniture on the highway and may also require consultation. The application for this license will require the submission of:

Location plan showing premises and neighbouring properties

Plans illustrating building lines, kerb lines, access into the property, proposed furniture layout with key dimensions, any existing street furniture (like lamp posts, bollards, railings, benches, telephone booths, etc.) in close proximity to the premise

Details of proposed furniture to be placed on footways. These could be notes on the plan. This should also include pictures of proposed furniture to be placed describing material and colour of the proposed furniture.

Photos of the exterior of the premise that clearly shows that area for which license is being requested for, and

Copy of your current public liability insurance certificate

³ <https://www.standardsforhighways.co.uk/dmrb/>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771873/traffic-signs-manual-chapter-1.pdf

Design Principles

Before any license application is made, the applicant should ensure that the application conforms with the overarching guidance and in particular the following principals, which will be used by the department to evaluate the license application:

The minimum clear walking zone as stated in Section 2.1 (preferred minimum – **2000mm** and absolute minimum – **1500mm**), should not be compromised when placing tables, chairs, screens and any other related item on the footway. It must be noted that this is the minimum clear width required. The actual clear footway width required may vary from street to street depending on the use of the area. For example, on a residential street these minimum widths could be adopted as standard, however, on streets in the city centre, the clear width required for walking would be greater depending on the number of pedestrians using the street during peak times. The department may assess pedestrian comfort levels as per TfL's Pedestrian Comfort Guidance Document (2019), using pedestrian count data for the footway under consideration. The Department could then decide on clear footway widths required for walking zones on different street types.

Placement of outdoor seating should be consistent on the street providing clear sight lines for the pedestrians. Depending on the character and use of the street, the street furniture zone may be adjacent to the building lines or away from it. However, it should be ensured that this remains consistent on the entire stretch of footway to aid visually impaired people.

The department will not insist on any particular design of furniture to be used; however, the quality of the material shouldn't be such that it is overly reflective or too bright. It should be such that it doesn't get blown away by the wind.

Placing of this furniture should ensure access of this furniture and the restaurants, cafés, pubs and bars premise to a disabled user, especially wheelchair users. It should be ensured that access to the premise and any emergency access is kept clear at all times. Items or fixings used to secure furniture in place should be placed such that it doesn't cause trip hazard to the wheelchair user or a visually impaired pedestrian or reduce the width of any remaining footways.

Screens must be placed, temporarily forming an enclosure and outlining the extent of street furniture placed by the restaurants, cafés, pubs and bars. This would ensure that there is no over spill of the customers on clear footway zones and would give a clear warning, especially to people with visual impairments. These screens should be appropriate material and colour, such that they are conspicuous, visible to partially sighted and are not blown away by the wind.

Use of any umbrellas will have to be specified within the license application detailing location, material, colour and size. The umbrellas must be positioned such that there is no overhang outside the furniture zone.

The condition of any street furniture placed including tables, chairs, umbrellas, screens, etc. must be maintained by the owner, to ensure the character and the aesthetics of the area is maintained.

Advertisement Consent will also be required to be sought separately if any signage displaying anything other than the name of a café or restaurant is placed on any proposed screens, tables, chairs and umbrellas.

License applications are not required for placing of tables and chairs on private forecourt land.

Granting license

The department may impose reasonable conditions while granting any license. These conditions may include but not limited to:

- Maximum number of tables/chairs allowed,
- type of furniture,
- time and days of operation,
- use of limited music system within the external licensed area,
- keeping the licensed area and the surrounding litter free,
- removal of the temporary street furniture to allow street maintenance work or other highway works, etc.

These conditions will help ensure that appropriate actions can be taken by BHCC should the applicants not comply with the licence. This is particularly important as these objects are not fixed to a point and will need careful management by shop owners or their staff.

A license application may be rejected, or further information may be sought in some cases, depending on the completeness of the information submitted at the time of application and the Departments' assessment of the application based on various design principles. Planning consent might be required for certain applications in case of change of use of premises from A1 to A3 use as specified in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020⁵.

If there is any increase in licensed area, a new application would be required to be submitted to the Department.

Timescales

The Department, on receipt of a valid application, will commence reviewing the application within 5 working days. The decision on the license will be conveyed to the applicant within a maximum of 28 days of the application being received by the department. An incomplete application or an application with incorrect information may lead to delays in the processing time of application. There may be cases when public consultation might be required to be undertaken, which may lead to a longer decision time. When the application is approved, the License will be issued once the license fees is received by the Department. The license will be reviewed on an annual basis by the Department. It must be noted that granting of license doesn't imply automatic renewal in future years. The decision to renew license will depend on continued compliance with any new rules or conditions.

Advertisement Boards

Advertisement boards, or 'A boards' are defined as any free-standing advertisement, directional or information signage placed within the highway. A licence should be sought from the Department to position 'A-boards' on the highway by businesses for commercial purposes. The process for placing 'A boards' used for directional or informational purposes shall be covered in policy document 3 covering council-led items.

Generally, boards positioned on private forecourts do not require planning permission, however, the amount of clutter along the highway should be minimised and comply with design standards to ensure they are not hazardous. BHCC as the authority will be responsible for determining whether they will be permitted. Planning authorities are

⁵ <https://www.legislation.gov.uk/uksi/2020/757/made>

responsible for regulating and approving advertising in the public highway as detailed in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

While these free-standing items are beneficial in promoting local businesses and their services, they can create hazards or obstructions for pedestrians and other users. Therefore, the positioning of these items needs to consider a range of factors and relevant design principles.

License Application

A License should be sought from the department to place any advertisement boards (A-boards) on the highway (footway) by submitting an application to the councils website. The application should be for a single A-board only. The application for this license will require submission of:

Location plan showing the premises and the proposed location of A-board

Details of proposed A-board sign – dimensions of the board, colours to be used. These could be notes on the plan.

Copy of your current public liability insurance certificate

Design Principles

Before any License application is made, the applicant should ensure that the application conforms with the overarching guidance and in particular the following principals, which will be used by the department to evaluate the license application:

The minimum clear walking zone as stated in Section 2.1 above (preferred minimum – **2000mm** and absolute minimum – **1500mm**), should not be compromised when placing any A-boards on the footway. It must be noted that this is the minimum clear width required. The actual clear footway width required may vary from street to street depending on the use of the area. For example, on a residential street these minimum widths could adopted as standard, however, on fully pedestrianised streets in the city centre, the clear width required for walking would be much more depending on the number of pedestrians using the street during peak times. The department may assess pedestrian comfort levels as per TfL's Pedestrian Comfort Guidance Document (2019), if data is available for pedestrian counts on the footway under consideration and decide on clear footway width required for walking zone on different street types. A-boards might not be permitted on streets with high numbers of pedestrians and/or where pedestrian safety might be impacted, such as placing an A-board on a narrow footway.

Placement of such items should not obstruct site access or any emergency access. No part of the A-board should encroach on to the neighbour's property frontage. These must not be placed adjacent to dropped kerbs or a pedestrian crossing point. These should not obstruct visibility at junctions. No A-boards should be placed on highway (footway) land, if a private forecourt land is available and could be used to accommodate them.

These should not compromise clear sight lines for pedestrians or prove to be a distraction for drivers of vehicular traffic.

The A-board should not be bigger than 0.6m wide and 1.2m high and should not have sharp edges.

Vibrant colours might be appropriate in city centre or commercial streets, however, may not be allowed if the location is in more sensitive area, such as close to Listed Buildings or in

conservation areas. The border of the advertisement board should be appropriate colour, such that it is conspicuous to a visually impaired pedestrian.

These should be temporary in nature and will not be allowed to be fixed on highway land. These must be removed when the business is closed or during extreme weather conditions such as storms, high winds.

A-boards will not permitted to be positioned on the highway where they:

Are fixed to street furniture, trees or the public highway

Leaning against walls.

Placed partially on the public highway and partially on a private forecourt.

Placed on grass verges as this can create a road safety hazard.

Granting License

The department may impose reasonable conditions while granting any License. These conditions may include but not limited to:

time during which the A-board can be placed on street

dimensions and colours of the board that can be placed

maintenance of these A-boards

These will help ensure that appropriate actions can be taken by BHCC should the owners not comply with these conditions of the licence.

A license application may be rejected, or further information may be sought in some cases, depending on the completeness of the information submitted at the time of application, departments' assessment of the application based on various design principles.

Shop Displays

fruit and vegetable stalls,

pots, plants and planters

window displays projecting over the footways

mannequins, cut-outs, novelty displays or other similar items.

License Application

A License should be sought from the department to place any removable shop displays on the highway (footway) by submitting an application to the councils website The application for this License will require submission of:

Location plan showing premises and neighbouring properties

Plans illustrating building lines, kerb lines, access into the property, proposed shop display layout with key dimensions, any existing street furniture (like lamp posts, bollards, railings, benches, telephone booths, etc.) in close proximity to the premise

Details of proposed shop displays to be placed on footways. These could be notes on the plan. This should also include pictures of proposed displays to be placed describing material and colour of the proposed furniture.

Photos of the exterior of the premise that clearly shows that area for which license is being requested for, and

Copy of your current public liability insurance certificate

Granting License

The department will generally grant license if all the Standard rules above are being adhered to. The department may impose reasonable conditions while granting any license. These conditions may include but not limited to:

Removal of shop displays to allow street maintenance work or other highway works, etc.

Any conditions specified by the department within the license must be obeyed at all times. Failure to do so can lead to a fine or in some cases termination of the license.

Timescales

The department, on receipt of a valid application, will commence reviewing the application within 5 working days. The decision on the license will be conveyed to the applicant within a maximum of 28 days of the application being received by the department. An incomplete application or an application with incorrect information may lead to delays in the processing time of application. There may be cases when public consultation might be required to be undertaken, which may lead to a longer decision time. When the application is approved, the License will be issued once the License fee is received by the Department. The License will be reviewed on an annual basis by the department. It must be noted that granting of a License doesn't imply automatic renewal in future years. The decision to renew a License will depend on continued compliance with any new rules or conditions.