

<u>APPLICATION NO:</u>	22/00524/ADV	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Roby	<u>PARISH:</u>	
<u>LOCATION:</u>	1 Cavendish Walk , Derby Road, Huyton		
<u>PROPOSAL:</u>	DISPLAY OF SIGNAGE COMPRISING; INSTALLATION OF 2 NO. INTERNALLY ILLUMINATED FASCIA SIGNS TO FRONT AND SIDE ELEVATIONS		

Site Description

The application relates to the use of a vacant shop, which forms part of a purpose-built commercial building in Huyton village centre and was formerly in use and operated by Ladbrokes bookmakers. The shop is dual fronted with the main frontage and entrance on Derby Road / Cavendish Walk with Cavendish Walk partly being an extension of Derby Road. The unit has another frontage on the side adjacent a footpath into Huyton village centre from the town centre car park and facing the side of a block of three purpose-built retail / business units. This frontage is which is visible when using the footpath and is also highly visible walking from Derby Road through to Cavendish Walk. The unit is in a prominent location, forming a key part of the retail frontage when walking to and from Cavendish Walk which itself is a key pedestrian route through to the Asda Superstore.

Proposal

The proposal is to install two fascia signs, one to each frontage, with internal illumination. The main frontage with the unit entrance from Cavendish Walk / Derby Road would have a fascia sign of 5.4m wide and a height of 1.2m with a distance from ground level to the bottom of the sign of 3.5m. The fascia sign to be installed on the secondary frontage on the side adjacent the footpath would be 5.3m wide with a height of 1.2m and a distance from ground level to the bottom of the sign of 3.5m. The lettering would have maximum heights of 0.3m. The signs would have company name lettering with a company sun logo all on a black background. The lettering and logo of both sign would be illuminated by static internal illumination of 250 cd/m2.

The signage application is linked with a change of use of the unit to an adult gaming centre (22/00523/COU). The change of use application of the unit to an adult gaming centre was refused recently for the following reasons: -

1. The proposed development would result in an inactive frontage on a dual fronted premises in an important and prominent location in Huyton Village Town Centre, this would have an unacceptable impact on the vitality and viability of Huyton Village Centre with regard to its character and appearance and would be contrary to Saved Policy S2, the objectives and Policy CS6 of the Core Strategy, The Town Centre Uses SPD and the Huyton Village Masterplan SPD. It would also dilute and be contrary to the aims of the recently approved Delivery Plan for the village centre.
2. The proposal would result in more than 5% of units in Huyton Village Town Centre in use for the purpose of gambling, pay day loan shops and/or pawn and would lead to an unacceptable grouping of such uses which would have an unacceptable

negative impact on the character of Huyton Village Town Centre. This is contrary to Saved Policy S2, the objectives and Policy CS6 of the Core Strategy, The Town Centre Uses SPD and the Huyton Village Masterplan SPD. It would also dilute and be contrary to the aims of the recently approved Delivery Plan for the village centre.

Whilst the proposed change of use was unacceptable and was not supported the signage application is a separate application. As such the application for the signage must be considered in its singularity and in accordance with the Advertisements Regulations 2007 and planning policy rather than linked with the proposed adult gaming centre use refused planning permission for the stated reasons.

Consultations

None Required

Representations

This application has been publicised by letters sent to 13 neighbours. It has also been advertised by Site Notice.

One objection has been received, however the objection is based on the proposed use (and is noted in the report for 22/00523/COU) to an adult gaming centre rather than the signs per se.

Planning History

06/00518/COU - CHANGE OF USE OF RETAIL UNIT FROM USE CLASS A1 (SHOPS) TO USE CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES).
Granted: 29.08.2006.

06/00737/ADV - DISPLAY OF 2NO. ILLUMINATED SIGNS TO BUILDING FACIA AND 1NO ILLUMINATED PROJECTING SIGN. Granted: 18.10.2006.

22/00523/COU - CHANGE OF USE OF BETTING SHOP (USE SUI GENERIS) TO FORM AN ADULT GAMING CENTRE (SUI GENERIS). Refused: 20.10.2022.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be

followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

This application not a planning application and is instead an application to display an advertisement which is considered under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The 'Advertisement Regulations' specify that only the impact of advertisements on amenity and safety can be taken into account. Planning practice guidance clarifies that "unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals."

As set out earlier in this report planning permission was recently refused to change the use of the unit to an adult gaming centre which these advertisements would promote. However, as clarified in planning practice guidance it would not be reasonable for the local planning authority to refuse advertisement consent because the signs are now unnecessary. The application for advertisement consent must instead be considered on the basis of whether or not the signs have an acceptable impact on amenity and public safety.

Amenity

The scale and proportion of the signs is acceptable and in keeping with the existing character of the site and the town centre. The signs are not too large or out of proportion to the size of the building and of a type typically found on retail units in town centres.

The signage is noted to have proposed illuminance levels of 250 cd/m² and are not close to any residential properties. Environmental Health have previously noted with other signage applications that 300 cd/m² can be the brightness of a laptop screen so therefore 250 cd/m² will not cause any loss of amenity particularly given the town centre context of the site.

Safety

The proposal would not harm public safety. The Highways Engineer has previously noted with signage applications that 300 cd/m² is the standard for lighting which Highways would apply. Given that the site is within the pedestrianised area of Huyton town centre it can be concluded that the proposed signage would not cause any safety issues, particularly given the illuminance levels proposed.

Conclusion

The proposed signage for the unit is acceptable in relation to amenity and public safety, and complies with the Advertisement Regulations and planning policies and as such this application is recommended for approval. However whilst the application for the signage is recommended for approval this is because the signage is of a type found within town centres on retail units and such and it does not have an unacceptable impact on amenity or public safety. The approval of this application to display the proposed signage **does not** mean that the proposed change of use by the same applicant to an adult gaming centre is supported and which was in itself refused planning permission recently (22/00523/COU).

Recommendation

That Advertisement Consent be granted: -

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/08/2022	999-PL-11	-	PROPOSED GROUND FLOOR
25/08/2022	-	-	BLOCK PLAN
25/08/2022	-	-	SITE LOCATION PLAN

Signed Case Officer: **Lee Osborne**

Signed Authorising
Officer: Alan Kilroe

Date: 25/10/22