

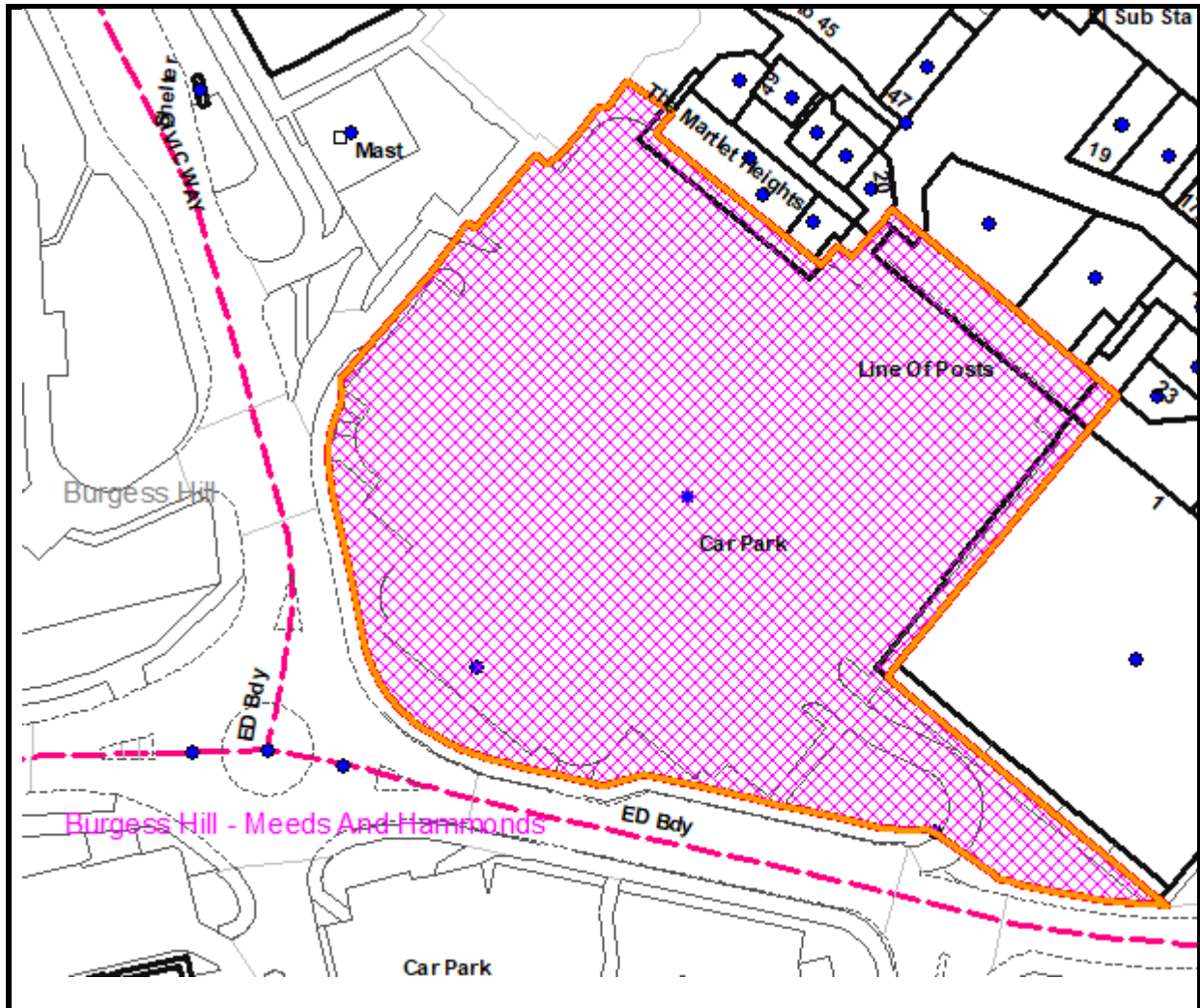
Planning Committee



Recommended for Permission

5th October 2023

DM/23/2066



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Site:	Market Place Car Park Station Road Burgess Hill West Sussex
Proposal:	3no. banner advertisements for Market Place Shopping Centre
Applicant:	C/O Agent
Category:	Advertisements
Target Date:	6th October 2023
Parish:	Burgess Hill

Ward Members:	Cllr Robert Eggleston / Cllr Tofojjul Hussain /
Case Officer:	Hamish Evans

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ2RIBKT07E00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for advertisement consent as detailed above.

2.0 Executive Summary

- 2.1 Advertisement consent is sought for three banner advertisements which are to be located on three existing freestanding poles at Market Place Car Park Station Road Burgess Hill.
- 2.2 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.
- 2.3 The site lies within the defined built-up area of the Burgess Hill. The proposed signage is to advertise local business offers and would maintain the existing retail offer of the area.
- 2.4 Taking into account the design and scale of the proposed signage they would address the character and scale of the existing site and the surrounding landscape and they are not considered to represent a hazard to public safety.
- 2.5 For the above reasons, the proposal is deemed to comply with policies DP21 and DP26 of the Mid Sussex District Plan, policy TC4 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the objectives of the National Planning Policy Framework. Advertisement consent should therefore be granted.

3.0 Recommendation

- 3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

- 4.1 No third-party letters of representation have been received in respect of this application.

5.0 Summary of Consultees

5.1 None received.

6.0 Town/Parish Council Observations

6.1 Burgess Hill Town Council – Recommend approval.

7.0 Introduction

7.1 The application seeks advertisement consent for three banner advertisements which are to be located on three existing freestanding poles at Market Place Car Park Station Road Burgess Hill. The application has been referred to Committee because the land is owned by the District Council.

8.0 Relevant Planning History

8.1 13/01935/ADV – 3x Banner for visibility. PERMISSION.

9.0 Site and Surroundings

9.1 The application site is located within the Burgess Hill built up area boundary and the Retail Quarter as designated by the Burgess Hill Neighbourhood Plan. The existing site is a public car park. There are three existing freestanding poles at the site which the proposed banners will be located on, they are located to the south of the car park. The car park is located to the north and east of the proposed signage, Station Road is located to the south of the site and Civic Way is located to the west of the site.

10.0 Application Details

10.1 The proposed signage consists of three rectangular hanging non-illuminated banner signs. They are to be constructed of PVC, aluminium eyelets, stainless steel brackets, rubber supports and stainless-steel banding. The proposed signage would measure some 3.0 metres in height, 0.8 metres in width and a total depth of 0.01 metres. They would measure some 3.4 metres from the ground to the base of the signage. The proposed writing would measure some 0.2 metres in height and would be white and green in colour on a purple background.

11.0 Legal Framework and List of Policies

11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

“In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.”*

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 11.4 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.5 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Burgess Hill Neighbourhood Plan and the Site Allocation DPD.
- 11.6 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

- 11.7 The District Plan was adopted at Full Council on the 28th March 2018. Relevant policies;

DP21 Transport

DP26 Character and Design

Site Allocation DPD

- 11.8 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. No policies are considered relevant to this application.

The Burgess Hill Neighbourhood Plan

- 11.9 The Hurstpierpoint and Sayers Common Neighbourhood Plan was adopted in January 2016. Relevant policies include:

Policy TC4 The Retail Quarter

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.10 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period ran to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the review process.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.11 11.12 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and

determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (September 2023)

- 11.12 The NPPF is a material consideration with specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

12.0 Assessment

Principal of Development

- 12.1 Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that:

'A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account: (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors.'

- 12.2 Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others).

- 12.3 Paragraph 136 of the National Planning Policy Framework states:

'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisement, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

- 12.4 Policy TC4 of the Burgess Hill Neighbourhood Plan in part states:

"The existing retail offer will be maintained and enhanced in this area together with maintaining the level of car parking and improving the quality of the provision."

- 12.5 The application site is located within the Burgess Hill built up area boundary, the Burgess Hill Town Centre and the Retail Quarter as designated by the Burgess Hill Neighbourhood Plan.

- 12.6 The proposed signage is to advertise local business offers which is considered appropriate within a Town Centre location and due to the proposal's nature, it would maintain the existing retail offer of the area. The proposed signage would be located on existing metal frames and as such would not have an impact on the amenities of the surrounding area. The proposal's impact on the character and visual amenity of the area and public safety are to be assessed in a subsequent section of this report.

Impact on Visual Amenity

12.7 Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

12.8 A similar ethos for high quality design and character is found within the Mid Sussex Design Guide SPD.

12.9 The proposed signage is relatively modest in its nature and there is a variety of signage used within the surrounding area. The proposed signage is also similar in scale and design to the signage which was previously at the site. The site is located within an area which is used for commercial uses and as such signage advertising the business in the local area is considered to be appropriate. There are a number advertisements within the locality advertising commercial premises. Taking into account the above, the proposal is considered to address the character and scale of

the existing site and the surrounding landscape. As such it is considered to comply with the Mid Sussex Design Guide and policy DP26 of the Mid Sussex District Plan.

Public Safety

- 12.10 Policy DP21 of the Mid Sussex District Plan relates to transport and states that development proposals should protect the safety of road users and pedestrians.
- 12.11 The proposed signage is set back from the highway and it is not illuminated. As such the proposed works are not considered to represent a hazard to public safety. Therefore, the proposal complies DP21 of the Mid Sussex District Plan.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.
- 13.2 The site lies within the defined built-up area of Burgess Hill. The proposed signage is to advertise local business offers and would maintain the existing retail offer of the area.
- 13.3 Taking into account the design and scale of the proposed signage they would address the character and scale of the existing site and the surrounding landscape and they are not considered to represent a hazard to public safety.
- 13.4 For the above reasons, the proposal is deemed to comply with policies DP21 and DP26 of the Mid Sussex District Plan, policy TC4 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the objectives of the National Planning Policy Framework. Advertisement consent should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

- 1. The advertisement consent hereby granted expires at the end of the period of five years from the date of this notice.

Reason: To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning

3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to—
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Floor and Elevations Plan	EX-01	-	08.08.2023
Location Plan	LOC-01	-	08.08.2023
Block Plan	LOC-02	-	08.08.2023
Proposed Floor and Elevations Plan	P-01	-	08.08.2023

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Approval