

Planning Committee



Recommended for Permission

20th February 2025

DM/24/2861



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Site:	KFC 27 - 28 Market Place Burgess Hill West Sussex RH15 9NP
Proposal:	New Fascia's, new vinyl to existing box signs, new KFC letters.
Applicant:	Clokken Ltd
Category:	Advertisements
Target Date:	25th February 2025
Parish:	Burgess Hill
Ward Members:	Cllr Robert Eggleston / Cllr Tofojjul Hussain /
Case Officer:	Peter Davies

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNI5Y4KT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 The application seeks advert consent for new facias, new vinyl to existing box signs and new KFC letters to replace the existing signage.
- 2.2 The application is being reported to committee as the Council is the landowner.
- 2.3 The proposed signage is considered to be appropriate in terms of design and would not detract from the amenity of the surrounding area. There would also not be an adverse impact on the highway safety as a result of the development.
- 2.4 The proposal is therefore considered to comply with policies DP21 and DP26 of the Mid Sussex District Plan, Policy TC4 of the Burgess Hill Neighbourhood Plan, the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the relevant paragraphs of the NPPF

3.0 Recommendation

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

4.0 Summary of Representations

- 4.1 No representations have been received in response to this application.

5.0 Summary of Consultees

- 5.1 Full responses from consultees are included at the end of the report in Appendix B.

WSCC Highways

Standing advice for advertisement consent applications unless there is a special case where standing advice cannot be followed.

6.0 Burgess Hill Town Council Observations

- 6.1 Recommend approval.

7.0 Introduction

- 7.1 This application seeks advertisement consent for new facias, new vinyl to existing box signs and new KFC letters to replace the existing.

8.0 Relevant Planning History

- 8.1 BH/149/98 - Amalgamation and change of use of units 27 and 28 to a fast food/restaurant and amendments to external glazed canopy. Permission
- 8.2 BH/185/98 - 2 no. internally illuminated fascia signs and 1 no. internally illuminated dormer sign. Permission
- 8.3 14/03499/ADV - To provide a remote pylon sign at entrance to car park and upgrade signage, including a proposed projecting sign at shopping mall entrance. Permission
- 8.4 DM/15/1672 - Retention and continued display of 1 no. internally illuminated remote pylon sign at entrance to car park (amendment to position of sign as approved under planning application reference 14/03499/ADV). Permission

9.0 Site and Surroundings

- 9.1 The application relates to an existing commercial unit located within the Market Place shopping centre with entrances with existing facias both within the centre and outside facing the car park to the south. Externally the walls have brick finish with regularly spaced large windows that have dark frames.
- 9.2 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.

10.0 Application Details

- 10.1 The northern side entrance, located within the Market Place shopping centre, is to have a replacement fascia made from durasid rebate 167 in a grey colour, RAL 7016. On the fascia will be white internally illuminated aluminium letters saying 'KFC' with a brightness of 200cd/m². The existing shop front frames are to be powder coated in a darker grey, RAL 9004. New vinyl hello and vinyl feather graphic to be on the inside of the existing glazed windows. Replacement projecting signs using the existing brackets will protrude 0.80 metres and hang down 0.80 metres. The bottom of the hanging signs will be 2.70 metres above the footway. The entrance doors are to be finished in red, RAL 3020.
- 10.2 The Southern side entrance facing the car park is to have a replacement fascia made from durasid rebate 167 in a grey colour RAL 7016. On the fascia will be a signage panel to replace the existing with updated design. The KFC signage on the glass canopy is to be finished in black vinyl, RAL 9005 with internally illuminated 'KFC' letters with a brightness of 200cd/m². The existing shop front frames are to be powder coated to a dark grey RAL 9004. New welcome sign to be installed internally with vinyl feather graphic to on the inside of existing glazed windows. The entrance doors are to be finished in red, RAL 3020.

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) Any 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 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 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Burgess Hill Neighbourhood Plan.
- 11.7 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.
- 11.8 **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP21 - Transport
DP26 - Character and Design
- 11.9 **Site Allocations DPD**

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.

11.10 **Burgess Hill Neighbourhood Plan**

The Burgess Hill Neighbourhood Plan was made on January 2016.

Relevant policies:

Policy TC4 – The retail Quarter

11.11 **Mid Sussex District Plan 2021-2039 Consultation Draft**

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPB1 – Character and Design

11.12 **Mid Sussex Design Guide Supplementary Planning Document (SPD)**

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.

11.13 **National Policy**

11.14 The National Planning Policy Framework (NPPF December 2024)

11.15 Planning Practice Guidance

11.16 Town and Country Planning (Control of Advertisements) (England) Regulations 2007

12.0 Assessment

- 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 141 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 advertisements, 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 proposed signage is to advertise the presence of KFC within the shopping centre which is considered appropriate within a town centre location. The proposed signage is to replace existing signage of a similar design. The proposed signage would be located on the existing shop front, and as such would not have an adverse impact on the amenities of the surrounding area. The proposals impact on the visual amenity and public safety are to be assessed in a subsequent section of this report.

Impact on Visual Amenity

- 12.6 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.'*

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

12.8 The proposed signage is considered to be appropriate and proportionate in its size, nature and design. There are a variety of existing signage within the locality, with differing designs, scales and illumination levels. Taking into account the above, and the fact that the proposal would replace the existing signage to the unit that are of similar dimensions and positions, the proposal is considered to have an acceptable impact upon visual amenity of the street scene and in terms of design and character it is considered to comply with policy DP26 of the Mid Sussex District Plan.

Public Safety

12.9 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.

12.10 The proposed signage is located within the shopping centre and set back from the car park. The illuminated signage will have a brightness of 200cd/m². The WSCC highways standing advice requires illuminated signage in Zone E4 to be up to 1000cd/m². The hanging signs will be 2.70 metres above footway level. As such the proposed works are not considered to represent a hazard to public safety.

12.11 Therefore, the proposal complies with policy DP21 of the Mid Sussex District Plan.

13.0 Planning Balance and Conclusion

13.1 The proposed signage is considered to be appropriate in terms of design and would not detract from the amenity of the surrounding area. There would also not be an adverse impact on the highway safety as a result of the development.

13.2 The proposal is therefore considered to comply with policies DP21 and DP26 of the Mid Sussex District Plan, Policy TC4 of the Burgess Hill Neighbourhood Plan, the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the relevant paragraphs of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

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.

Biodiversity Net Gain

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:
 - o 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.
 - o Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - o 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 and Proposed Elevations	3579/G210	C	22.10.2024
Existing Floor and Elevations Plan	2579/G210	C	22.10.2024

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Approval

WSCC Highways

WSCC do not provide highways comments for signage/ advertisement consents as you have standing advice to follow. If this is a special case and the standing advice cannot be followed then the reasons why need to be given along with the application.