

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1932	Case Officer:	Tracie Axford
Application Type:	Advertisement Application		
Proposal:	Retrospective application for corporate re-branding from Shell to Esso fuel brand and change of corporate identity to forecourt shop building.		
Site:	Shell, 173 London Road, Burgess Hill, West Sussex, RH15 8LJ, , ,		
Validation Date	30 Jul 2025	Overall Expiry Date:	22 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Sep 2025
Target Date:	24 Sep 2025	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	23 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1932

**Shell, 173 London Road, Burgess Hill, West Sussex, RH15 8LJ, ,
Retrospective application for corporate re-branding from Shell to Esso fuel brand and change of
corporate identity to forecourt shop building.
Motor Fuel Group**

LETTERS OF REPRESENTATION

One letter received expressing disappointment regarding the brand of café opening on the site. (Officer response: Whilst noted, these comments are not relevant to the matters that must be assessed within an advertisement consent application).

SUMMARY OF CONSULTEES

None.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

Burgess Hill recommended approval of the application, however regretted the retrospective nature of it.

INTRODUCTION

The application seeks retrospective advertisement consent for corporate re-branding from Shell to Esso fuel brand and change of corporate identity to forecourt shop building.

RELEVANT PLANNING HISTORY

DM/25/0809 - Installation of a freestanding single-sided small format Advertising Display. Pending Consideration

DM/23/2525 - Side forecourt shop extension to accommodate a new food to go area and seating use class, improved parking, relocated jet wash and associated forecourt adjustments. Description amended 08.03.2024 to include hot food takeaway use (sui generis). Flood Risk Assessment and amended plans received 22.02.2024 showing revised siting of jet wash. Tree Report received 06.03.2024. Further details and amended plans received 08.05.2025 to include extraction system. Noise Impact Assessment received 24.05.2024. Amended elevations received 08.07.2024 showing amendments to shop front and roof of side extension, plus additional information regarding deliveries. Updated Noise Impact Assessment received 01.07.2024. Permission 16.09.2024

SITE AND SURROUNDINGS

The application site is a service station and lies within the built-up area boundary of Burgess Hill.

The site is located on the western side of London Road, at the junction with Gloucester Road, surrounded by residential dwellings and retail services. To the east of the site is a recreation ground. Within the locality, many of the retail businesses have existing illuminated signage including another service station, 200 metres to the south.

APPLICATION DETAILS

The application seeks retrospective advertisement consent for the installed signs following and change of fuel supplier and to update shop branding.

The application includes the rebranding of both illuminated and non-illuminated signs. The main branding change is from Shell, which has logos in red and yellow, to ESSO which has a predominantly red logo. Maximum lighting levels are stated not to exceed 400cd/sq.m.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Document and the Haywards Heath Neighbourhood Plan.

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

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

Relevant policies:

DP21 - Transport

DP26 - Character and Design

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 relevant policies.

Burgess Hill Neighbourhood Plan

Relevant policies:

None

Other Legislation

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

Other Material Considerations

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the 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

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.

The National Planning Policy Framework (NPPF) December 2024

Planning Practice Guidance

ASSESSMENT

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

'3.—(1) 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.*

(2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;*
- (b) factors relevant to public safety include—*
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);*
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;*
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.'*

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.'

Impact on Visual Amenity

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.'*

The application site is a service station in Burgess Hill, and this retrospective application concerns a change to the branding of the existing signage. A previous 5.35m high thin leg gantry type sign was removed and replaced with a 5m high single leg flag type sign. None of the other signs were changed in regards to their sizes or positions, the only additional signs that were added were the non-illuminated pump island displays.

The signage is considered to be appropriate and proportionate in its size, nature and design. There are a variety of external materials within the locality and existing illuminated signage. Taking into account the above, the proposal is considered to have an acceptable impact upon visual amenity of the street scene in terms of design and character. It is therefore considered to comply with policy DP26 of the Mid Sussex District Plan, and the Mid Sussex Design Guide.

Public Safety

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. The proposed signage would be illuminated, however, the proposal is replacing existing illuminated signage and there are already illuminated signs within the wider street scene. The signs are proposed to be illuminated to a maximum level of 400 cd/m², which is consistent with the surrounding properties with illuminated signage and is therefore considered to be in keeping with the character of the area. As the illumination is static, the proposal is not considered to create a public safety issue.

Overall, it is considered that the proposed signage would not result in an adverse impact in relation to public safety. The proposal therefore accords with policy DP21 of the District Plan.

CONCLUSION

The proposed signs are considered to be appropriate in terms of the design and would not detract from the appearance of the surrounding area. There would also not be an adverse impact on highways safety as a result of the development.

The proposal is therefore considered to comply with policies DP21 and DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide, the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the relevant contents of the NPPF.

Decision: Permission

Case Officer: Tracie Axford