Expiry Date - 30/10/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1138/24 Recommendation – APPROVAL

Site: 331 Brighton Road Worthing West Sussex BN11 2HP

Proposal: Proposed free-standing internally illuminated D6 Small Format Advertisement Display

Date of site visit: 15.10.24

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a petrol filling station and associated shop on the north side of Brighton Road (the seafront), with Brooklands car park and park to the east and residential development to the north and west.

The sales building is situated at the eastern end of the site, with a car wash building beyond this. The petrol pumps and canopy are located towards the western part of the site, with customer car parking on either side of this, including 5 spaces on the western side of the site close to the main vehicular entrance.

The site is a 6 pump / 12 bay petrol filling station. In addition to fuelling facilities the site includes a shop facility which includes a sales area, coffee shop and customer toilet. There is currently an automatic “drive through” car wash located to the east of the sales building as well as an air/water facility in a dedicated bay in the west part of the site.

The west boundary with Seamill Park Avenue is marked with a brick wall, with shrubs planted on the inside of the wall.

Large acoustic timber fences bound the north and east boundaries of the petrol station, with the northern fence separating the existing site from the residential properties to the north.

Proposal

Advertisement Consent is sought for:

A single-sided freestanding small format advertising display which will exhibit static advertisements on rotation.

The proposed advertisement would measure 1.23m(w) x 2.4m(h) x 0.22m(d).

Illuminated level 300cd/m static

The sign would be sited to the west of the entrance from Brighton Road.

The advertisements will comprise local and national campaigns as well as goods and services sold on site.

Relevant Planning History:

Redevelopment of the site was permitted in 2003 (reference 03/00817/FULL - *Demolition of existing structures / buildings and removal of existing underground tanks. Redevelopment to provide new forecourt, (canopy, pumps, underground tanks), Class A1 sales building, ATM, car-wash, car care facilities, car parking, landscaping and revised access. (Re-submission of previously refused application WB/02/01304/Full).*

The '*installation of various internally illuminated signs'* was permitted in 2003 (03/01297/ADV refers).

Permission was granted in January 2019 for *'Relocation of ATM to west elevation of building for Brooklands Service Station and installation of full-height glazing to south and west elevations to facilitate new internal cafe area with seating'* (AWDM/1758/18).

Permission was granted in May 2019 for *'Installation of replacement of 4 no. internally illuminated fascia signs, 1 no. updated internally illuminated Totem sign'* (AWDM/0515/19).

An application was submitted in November 2020 for *'Installation of 8no. new electric vehicle chargers with canopy and associated infrastructure. New 2.4m high timber compound to be installed'*. This application was withdrawn in March 2021 (AWDM/1825/20) due to concerns regarding the proposed location of the development on undeveloped land to the north of the petrol station compound and its impact on the residential amenity of nearby houses.

AWDM/1342/20- Installation of 2No. Jet Wash Machines and associated works- Approved

AWDM/0678/21-Installation of 8no. new electric vehicle chargers with canopy and associated infrastructure. New 2.4m high timber compound to be installed- Refused:
The proposed development on land to the rear of properties in Seamill Park Avenue would constitute an unneighbourly form of development and result in a loss of residential amenity. In particular, the commercial use of this undeveloped land by virtue of vehicle movements, lighting and general activity would be detrimental to the amenities of residents of Nos. 2-6 Seamill Park Avenue. As such, the proposal is contrary to Saved Local Plan Policies H18 and RES7, National Planning Policy Framework paragraph 127, and Submission Draft Worthing Local Plan Policy DM5.

AWDM/1586/23- Extension of existing sales building to accommodate a new 'food-to-go' including drive-thru, removal of car wash, provision of two jet washes

and relocated car care bay, reconfiguration of car parking, new bin store and associated works- APPROVED

Consultations:

West Sussex County Council as LHA: I managed to undertake a site visit this morning along with a colleague of mine. We are of the view that as long as the advertisement board incorporates the usual advert conditions (Brightness levels, adverts should not change less than every 10 seconds, no moving images, etc), we would not raise any highways objections to the proposals.

Representations

A representation has been received from a resident of 2 Seamill Park Avenue.

In summary the concerns relate to:

- The applicants do not take into account the local context and environment.
- Incorrect assertions in Carter Jonas's supporting letter of application
- The nearest property is immediately adjacent to the site
- No details of rationalisation as suggested
- The constantly changing illumination would be a distraction to drivers on the A259.
- There are no other commercial buildings in the area, it is primarily residential
- The additional signage is in excess of the 4.6sqm of forecourt advertisements as set out in the T&C (control of Advertisements) England Regs 2007 and is illuminated.
- This form of advertising will have an unacceptable impact on amenity and public safety as set out in the NPPF.
- The petrol filling station does not operate 24 hours a day as stated.
- The signage would be unusual distraction and would create public concern
- The supporting material is not representative of the location or signage proposed.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM6,DM15
National Planning Policy Framework (MHCLG 2023)
National Planning Practice Guidance

Planning Assessment

The NPPF states (in paragraph 141) that: *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.

A local planning authority shall exercise its powers in the interests of amenity and public safety.

Policy DM6 states that “express consent will only be granted for advertisements which respect the character and appearance of the surrounding area, and do not create a danger or hazard to public safety”.

Visual Amenity

The building sits in a prominent position on the seafront, clearly visible from public vantage points to the west, south and east (including from the beach).

The site is an established business on a busy road, there is residential to the north and west of the site.

The site currently includes a partly illuminated totem sign near to the corner of Brighton Road and Seamill Park Avenue. There is also signage and some illuminated elements to the forecourt and shop/kiosk.

The proposed sign would be situated close to the entrance to the east of the totem and south of the parking spaces some of which are associated with air and water. There is landscaping to the western boundary and partly to the north where there is an acoustic fence. The signage is proposed at 2.4m in height and would include illuminated rotational signage which will provide details of services on the site and across the group.

The signage will be prominent and will introduce a further sign on this corner at the entrance to the garage. It is appreciated that the garage site is primarily on the edge of residential development and with a park to the east and coastline to the south. However in this case it is considered that the signage would be within the site and relate to the existing commercial development. It would be close to an existing sign, and although providing additional signage on site, in its context it would not have an impact on the amenity of the site or the surrounding environment.

The type, design and size of adverts is acceptable in context with its purpose and the proposal would not have any adverse impact on the visual amenities of the locality.

Residential Amenity

The nearest properties are the residential dwellings to the north and west.

No.2 Seamill Park Avenue sits to the north of the site, adjacent to the forecourt and petrol filling canopy. The concerns raised by the occupier of this property are understandable, given the proximity of this property to the site.

This is an established site with illuminated signage to the totem and illuminated elements to other signage on the site. The level of illumination on this corner entrance to the site is not significantly increased and although rotational due to its height and location would not have a direct impact on the visual amenities of adjacent residential occupiers. It is however considered that a condition should be included to require that the illumination is switched off at night in order to protect their amenities, a previous application AWDM/0515/24 for illuminated signage on the site was subject to a condition switching off the lights between 11pm and 6am, to accord with the opening hours of the premises, this is also considered appropriate for this signage.

With regard to the comments stating that business premises should not have illuminated signage (unless for medical reasons) and that adverts should not exceed 4.5 square metres for each forecourt, this is a reference to the Town and Country Planning (Control of Advertisements (England) Regulations 2007 which set out which type of advertisements have 'deemed consent' (and therefore do not require an application for consent). The current adverts do not benefit from 'deemed consent' which is why the current application has been submitted.

Given the size and level of illumination it is not considered that the proposed advertisements would be harmful to the visual or residential amenities of the area, subject to a condition to restrict the hours of illumination

Highway safety

The factors relevant to public safety include such matters as the safety of Persons using any highway, and/or whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign.

WSCC highways have not raised any objections subject to standard conditions on brightness levels, adverts should not change less than every 10 seconds, no moving images, etc). As such, no harm to public safety is anticipated as a result of the new signage.

A local resident has raised concerns that the signage would impact on drivers using the highway and would be a distraction. It is appreciated that this sign would be rotational and therefore provide more movement than a conventional static sign however, in view of existing signage and commercial nature of the site and the different uses taking place a reason for refusal on this basis could not be sustained on this site. Conditions recommended by WSCC to ensure the sign doesn't change more than every 10 seconds will be included.

Recommendation

APPROVE subject to Standard Conditions 1-6:-
7. Approved plans
8. Hours of illumination limited to 6am until 11pm

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9. Illumination levels as stated
10. Frequency of moving images
11. Changes to panels

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Jackie Fox Date: 27.11.24

Authorised by: Louise Prew Date: 27/11/2024