

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1859	Case Officer:	Deborah Lynn
Application Type:	Full Application		
Proposal:	Proposed installation of 1 no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and 1no. associated BT Phone Kiosk removal.		
Site:	Pavement Adj To, 41 London Road, East Grinstead, West Sussex, RH19 1AW, , ,		
Validation Date	28 Jul 2026	Overall Expiry Date:	21 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	28 Sep 2026
Target Date:	22 Sep 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Joanne Fisher	Date:	28 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1859

**Pavement Adj To, 41 London Road, East Grinstead, West Sussex, RH19 1AW, ,
Proposed installation of 1 no. new BT Street Hub, incorporating 2no. digital 75" LCD advert
screens, and 1no. associated BT Phone Kiosk removal.
Safia Rana-Jaswal**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways

No transport grounds to resist the proposal, subject to condition.

EAST GRINSTEAD TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This application seeks planning permission for the proposed installation of 1 no. BT Street Hub, incorporating 2 no. 75" LCD advert screens, and the removal of 1 no. associated BT phone kiosk.

RELEVANT PLANNING HISTORY

DM/26/1860 - Advertisement consent application for proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and 1no. associated BT Phone Kiosk removal.
Pending consideration.

SITE AND SURROUNDINGS

The site comprises an area of pavement located on the eastern side of London Road which falls within a primary shopping area within the town centre of East Grinstead. A BT phone kiosk is currently located on the pavement outside retail units no. 41 and 43 London Road which have residential flats above at first and second floor level. The commercial unit at no. 41 is currently occupied by Fone Tech whilst no. 43 is vacant, having been previously occupied by Shoe Zone. A bench and bin adjoin the phone box to the southeast whilst a street light lies to the northwest.

In terms of planning policy, the site lies within a primary shopping frontage within the town centre and built up area of East Grinstead as defined by the Mid Sussex District Plan.

APPLICATION DETAILS

Plans show that the existing BT payphone will be removed and replaced with a Street Hub unit that measures 1.24 metres wide 0.35 metres deep and 2.98 metres high.

It will be constructed from galvanised mild steel with a powder coated external grade stainless steel or aluminium design. The unit will include two digital 75 inch backlit LCD advertisement display screens; these will be glazed with anti-glare glass.

The Street Hub is a modern, free-standing structure providing ultrafast public Wi-Fi, free UK phone calls and digital display screens for community messaging and advertising. The hubs can also house sensors that count pedestrian, cyclist and vehicle movements as well as monitor air, sound and light. All BT Street Hubs run off 100% renewable energy and use efficient LED lighting which dim at night.

This application is accompanied by an application for advertisement consent, reference DM/26/1860.

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.

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.'*

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.'

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.

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.

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 East Grinstead 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:

- DP2 - Town Centre Development
- DP21 - Transport
- DP23 - Communication Infrastructure
- DP26 - Character and Design
- DP28 - Accessibility
- DP29 - Noise, Air and Light Pollution

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

East Grinstead Neighbourhood Plan

The Neighbourhood Plan was made on the 2nd December 2016.

Relevant policies:

EG3 Promoting Good Design

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS6 - Health and wellbeing
DPN6 - Pollution
DPN7 - Noise Impacts
DPN8 - Light Impacts and Dark Skies
DPB1 - Character and Design
DPH12 - Accessibility
DPI14 - Communications Infrastructure

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.

National Planning Policy Framework (NPPF) (August 2026)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 17 sets out the three overarching objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 2 of Appendix A advises that '*development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.*'

Section 9 concerns Supporting high quality communications with the objective of supporting the expansion and upgrading of telecommunications infrastructure, in ways which limit an unnecessary proliferation of equipment and respect important environmental safeguards.

National Planning Policy Guidance

Code of practice for wireless network development in England (March 2022)

ASSESSMENT

The main issues deemed relevant to the consideration of this application are:

- Principle of development;
- Design and impact on character of area;
- Impact on residential amenity;
- Accessibility;
- Highways impact;
- Other matters.

Principle of development

District Plan policy DP23 relates to communications infrastructure and states in part that the expansion of the electronic communication network to the towns and rural areas of the District will be supported, with regard given to minimising impact on the visual amenity, character or appearance of the surrounding area. However this policy now carries very limited weight as it is materially inconsistent with the NPPF, with more weight given to NPPF policy CO1. Policy CO1 states that substantial weight should be given to the benefits of maintaining or improving network coverage, capacity, reliability and resilience and that development proposals use existing infrastructure where possible, and are sited and designed to minimise visual impact where practical, amongst other criteria.

The Planning Statement submitted with the application advises that *"the BT Street Hubs provide a network service to the immediate area without the requirement for harsh, utilitarian street additions (e.g. Telecommunication Masts) while simultaneously acting as an advertisement, interactive tourist information hub, air quality monitoring hub with an ability to connect with emergency services."*

The proposed development would provide improved communications infrastructure within the locality which is to be supported and would replace an existing BT payphone which appears outdated. The site is not located within a sensitive area and should not impact the setting of a heritage asset. As such, subject to other policy considerations set out below, the principle of development is deemed acceptable.

Design and impact on character of area

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and make a positive contribution to the public realm whilst creating a sense of place and a pedestrian friendly layout whilst policy DP23 requires proposals to minimise impact on visual amenity and the character and appearance of the surrounding area.

Policy EG3 of the Neighbourhood Plan requires proposals to be proportionate and in keeping with the scale, height and materials of the surrounding area amongst other criteria

However, the above policies carry very limited weight being materially inconsistent with the NPPF.

More weight is therefore given to NPPF policies CO1 and DP3, the latter of which requires proposals to respond to their context so that they integrate with and enhance their surroundings but should not preclude innovation or change where appropriate. Public spaces should be safe, secure, inclusive, and accessible for all ages and abilities.

In addition, policy DP2 of the District Plan relates to town centre development and requires proposals to be *'appropriate in scale and function to its location including the character and amenities of the surrounding area.'* Full weight can be given to this policy which is considered consistent with the NPPF.

The proposed Street Hub would replace an existing BT payphone which is of limited visual merit. The Street Hub would have a smaller footprint than the existing payphone, being more slender in depth, however, may appear more visually imposing within the street scene, being wider and taller than the existing payphone kiosk. Despite this, it is not considered that the proposal would detract from the appearance and character of the area. The Street Hub is of a slim, modern design and is considered proportionate in scale to its surroundings. It will be sited on a wider section of pavement where there is an existing bench and refuse bin and should not appear out of keeping when viewed against surrounding commercial units.

The Product Statement submitted with the application advises that the advertisement panels will have a maximum daytime brightness of 5000 candelas per square metre and a maximum nighttime brightness of 600 candelas per square metre. The proposed nighttime luminance levels would exceed the maximum luminance level of 300cd/m² for an advertisement within an E3 environmental zone such as East Grinstead. A condition shall therefore be imposed stating that nighttime luminance levels should not exceed 300 candelas, thereby ensuring that the Hub does not appear so visually bright and intense as to detract from the visual amenity of the area.

In view of the above, the proposal is considered to accord with policies DP2, DP23 and DP26 of the District Plan, policy EG3 of the Neighbourhood Plan and policies CO1 and DP3 of the NPPF.

Impact on amenity

The proposed Street Hub would be sited within a primary shopping area whereby residential flats and maisonettes are located above the commercial units at first and second floor level.

A local resident living above the retail unit at no. 43 London Road has raised concerns under the accompanying application for advertisement consent (DM/26/1860) that the proposal would fail to protect neighbouring amenities and would appear intrusive, creating additional noise and disturbance.

Policy DP26 of the District Plan refers to amenity and states that development proposals should *'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'*. District Plan policy DP29 states in part that the quality of people's life will be protected from unacceptable levels of noise, air and light pollution.

Neighbourhood Plan policy EG3 states in part that proposals should not harm adjoining amenity.

Very limited weight however can be given to these policies which are considered materially inconsistent with the NPPF. More weight is given to NPPF policy P3 which states in part that development proposals should not give rise to or contribute to unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site and should mitigate and reduce to a minimum potential adverse impacts resulting from noise.

The Planning Statement states that one of the features of the Street Hub is to provide free phone calls via a speaker and microphone system. The Statement elaborates that the Street Hub unit has been designed to "create a 'sound cloud' for the person making a call with noise levels sufficient to make calls with background noise for the surroundings. Whilst this generates a reasonable conversational volume in proximity to the Street Hub, it is intended to result in minimal to no noise being noticeable further away. The average volume settings are 65dB average at 3m distance from each Street Hub. Users may also choose to use headphones when making calls or using the tablet, which deactivates the speaker for the duration of their use.

The Statement sets out that during the day, volume levels will start at a default setting of 50% at the start of any user activity, and can then be increased or decreased by the user. At night time, between the

hours of 21:00 to 07:00, the Street Hub will be governed so that the volume cannot increase to greater than 60% of the maximum volume.

As the noise level of a conversational speech is between 60 to 70 dB, it is not envisaged that the Street Hub would generate an unacceptable level of noise within the locality. Therefore, whilst concerns from a neighbouring resident are noted, it is not considered that the proposed Street Hub would be likely create additional noise and disturbance to an unacceptable degree. A condition can be imposed to ensure that the noise levels of the unit are managed in accordance with details set out in the Planning Statement.

As previously noted, a condition shall be imposed that the two digital displays shall not exceed 300 candelas per square metre during nighttime hours, thereby ensuring that the development complies with The Institute of Lighting Engineers' Professional Lighting Guide 05/23 "The Brightness of Illuminated Advertisements including Digital Displays" (2023). During the day, as background ambient lighting levels are generally considered higher, luminance levels will need to be increased; suitable lighting controls will be incorporated within the unit to monitor ambient lighting levels and adjust the displays' luminance accordingly. As the Street Hub is located at a lower level to adjoining flats and orientated so that the advertisement screens do not face onto the flats, it is not envisaged that the proposal would appear intrusive from adjoining flats.

In view of the above and having regard to the relationship with nearby residential properties, it is not considered that the proposal would cause unacceptable harm to residential amenities or create unacceptable levels of noise and light pollution.

The proposal therefore accords with policies DP26 and DP29 of the District Plan, policy EG3 of the Neighbourhood Plan and policy P3 of the NPPF.

Accessibility

Policy DP28 of the District Plan relates to accessibility and states in part that:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.' This policy is given full weight being materially consistent with the NPPF, in particular policy TR4, which relates to street design, access and parking. This states in part that development proposals should *'ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users' and 'avoid unnecessary clutter.'*

Plans show that the Street Hub unit would be sited on a wider section of pavement that is shown to measure 5.5 metres wide. As the unit would measure 1.24 metres wide and 0.35 metres deep, it is not considered that it would take up a significant proportion of the pavement as to hinder access for pedestrians or people in wheelchairs, mobility scooters or those with prams and pushchairs. The Local Highways Authority (LHA) at WSCC has been consulted on the proposal and advised that sufficient space should remain for pedestrians to manoeuvre around the Street Hub.

The proposal is therefore considered to comply with policy DP28 of the District Plan and NPPF policy TR4.

Highways Impact

Policy DP21 of the District Plan relates to transport and requires proposals to protect the safety of road users and pedestrians amongst other criteria. Very limited weight is given to this policy which is inconsistent with the NPPF, so more weight is given to policy NPPF policy TR6 which concerns transport impacts and states in part that *'development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety.'*

The LHA has reviewed the proposal and advised that whilst they *"would not raise any highway safety concerns to the principle of the proposed BT Street Hub, we would request that the applicant reduce the proposed luminance level within the hours of darkness to accord with the maximum luminance level for the location's environmental zone. The proposed advertisements should also not contain moving images*

and changes between the advertisements should be instantaneous with no animated transitions." A condition shall be imposed under this application to restrict luminance levels, however the condition in respect of moving images is considered more pertinent to the application for advertisement consent and shall be imposed under the accompanying application for advertisement consent, reference DM/26/1860.

In view of these comments and subject to condition, the proposal is not considered to be detrimental to highway safety issue, thereby complying with policy DP21 of the District Plan and NPPF policy TR6.

Other matters

NPPF policy CO2: 1.c. states that development proposals for electronic telecommunications infrastructure should provide evidence demonstrating compliance with CO1(1)(c) and (d) including a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection.

Policy CO1(1)(c) and (d) state that proposals should:

*'c. Not result in cumulative exposure to non-ionising radiation exceeding International Commission guidelines when the development is operational; and
d. Not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.'*

A declaration of conformity with public RF exposure guidelines of the International Commission on Non-Ionising Radiation Protection has been submitted with the application.

The planning agent has also confirmed that due to the low power nature of the technology within the Street Hub unit, designed to be placed at street level, there is no risk to other electrical equipment, air traffic services or instrumentation operated in the national interest.

The proposal is therefore considered to comply with NPPF policies in this respect.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed Street Hub would replace an existing BT payphone and provide improved telecommunications infrastructure and coverage within the locality, which should be given substantial weight. The unit is deemed acceptable in terms of design, form and scale, such that it should not have a detrimental impact upon the street scene and visual amenity of the area. Nor is the proposal considered to cause unacceptable harm to nearby residential amenities in terms of creating noise or light pollution. The proposed unit would be accessible to all and should not impede use of the pavement, nor pose a risk to highway safety. The proposed development therefore accords with policies DP2, DP21, DP23, DP26, DP28 and DP29 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and relevant policies of the NPPF.

Decision: Permission

Case Officer: Deborah Lynn