

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1860	Case Officer:	Deborah Lynn
Application Type:	Advertisement 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:	1
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Signed and Agreed By:	Joanne Fisher	Date:	28 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1860

**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

One letter of objection received, raising the following concerns:

- I live above shop at no. 43, screen would be directly outside my window.
- Having changing adverts and bright illuminated screen so close to my home would be intrusive, especially during evenings and winter months when it gets darkened
- Worried about light shining into flat.
- Concerned about visual impact. A large advertising screen would look completely out of place and would be far more noticeable than existing phone box.
- Would create unnecessary street clutter and commercialise area.
- Likely to create more noise and disturbance with people encouraged to stop outside.
- Proposal has not properly considered impact upon people living next to it, will not protect neighbouring amenities.

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 advertisement consent for the installation of 1 no. BT Street Hub and the removal of associated BT payphone.

RELEVANT PLANNING HISTORY

DM/26/1859 - 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 planning permission, reference DM/26/1859.

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

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.

There are no relevant policies.

East Grinstead Neighbourhood Plan

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

Relevant policy:

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:

DPB1 - Character and design

DPT1 - Placemaking and connectivity

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)

National Planning Policy 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.'

Visual Amenity

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 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. Policy CO1 requires proposals to be sited and designed to minimise visual impact of the proposals.

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.

A local resident has raised concerns that the advertisement screens would appear out of place and commercialise the area, appearing visually intrusive within the street scene and in relation to adjoining flats. They also raise concerns that the proposal would create unnecessary clutter.

The digital display screens would measure 0.95 metres wide by 1.67 metres high and would display commercial advertisements as well as council and community messaging.

Whilst local concerns are noted, it is not considered that the Street Hub would appear wholly out of keeping with the street scene. It would be sited within a primary shopping area where advertisements are generally considered in keeping. The proposed Hub would replace an existing BT payphone kiosk and consequently is not considered to create additional clutter. Nor is the proposal considered to affect any heritage assets, being sited some distance from the historic high street of East Grinstead; the proposal would not be located within a conservation area or adjacent to any listed buildings.

It is acknowledged that the Street Hub may appear more visually imposing within the street scene, being wider and taller than the existing payphone, however, the unit is of a slim, modern design that is proportionate in scale to its surroundings.

An ambient light sensor should ensure that luminance levels of the Hub respond to ambient light levels, thereby avoiding excessive brightness. 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 excessively bright and intrusive within the locality.

The Hub would be situated at a lower level to adjoining flats and would be sited so that the panels face in a north / south direction, so that they do not face onto neighbouring windows.

In view of the above and subject to condition, the proposal is deemed acceptable in that it should not detract from the character and appearance of the area, thereby complying with policies DP2 and DP26 of the District Plan, policy EG3 of the Neighbourhood Plan and NPPF policies CO1 and DP3.

Public Safety

Policy DP21 of the District Plan relates to transport and states in part that development proposals should 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 TR4 which relates to street design, access and parking. This states in part that transport considerations should be integral to the design of development and should give priority first to walking, wheeling and cycling and avoid unnecessary clutter amongst other measures. Policy TR6 concerns assessing 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 proposed Street Hub would be sited within the publicly maintained highway, on a wide section of pavement along London Road.

The Local Highways Authority (LHA) at WSCC has been consulted on the proposal and has advised that the proposal is not anticipated to result in an obstruction to pedestrians utilising the footway given that there is sufficient space for pedestrians to manoeuvre around the Street Hub. Nor would the proposal result in an obstruction to vehicles on London Road.

However, the LHA has highlighted that the proposed illuminance levels of 600 candelas/m² during hours of darkness would be excessively bright and should be conditioned so that the proposal complies with The Institute of Lighting Engineers' Professional Lighting Guide 05/23 so that maximum luminance levels do not exceed 300cd/m² in an E3 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 can be imposed in this respect.

The display of advertisements is not considered to obscure or hinder views of any traffic signs or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

In view of the above and subject to condition, the proposal is considered acceptable in terms of public safety, thereby complying with policy DP21 of the District Plan and NPPF policies TR4 and TR6.

Other matters

Whilst concerns raised by the neighbour at no. 43A London Road are noted, potential impact upon neighbouring amenities would be considered under the accompanying planning application DM/26/1859, as this application for advertisement consent can only consider impact upon visual amenity and public safety.

PLANNING BALANCE AND CONCLUSION

The proposed Street Hub is deemed acceptable in terms of siting, design, form, scale and luminance 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 be detrimental to public safety.

The proposed development therefore accords with policies DP2, DP21 and DP26 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