

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0884	Case Officer:	Deborah Lynn
Application Type:	Full Application		
Proposal:	The installation of 1no. BT Street Hub and removal of associated BT payphones.		
Site:	Pavement Opposite, East Grinstead Library, 40 West Street, East Grinstead, West Sussex, RH19 4SR, ,		
Validation Date	28 Apr 2026	Overall Expiry Date:	26 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	22 Jun 2026
Target Date:	23 Jun 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	23 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0884

Pavement Opposite, East Grinstead Library, 40 West Street, East Grinstead, West Sussex, RH19 4SR,
The installation of 1no. BT Street Hub and removal of associated BT payphones.
Safia Rana-Jaswal

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Not applicable.

EAST GRINSTEAD TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This application seeks planning permission for the installation of 1 no. BT Street Hub and the removal of associated BT payphone.

RELEVANT PLANNING HISTORY

There are no previous applications deemed relevant.

SITE AND SURROUNDINGS

The application site concerns an area of pavement located to the southeast corner of Queensway public car park which is owned by Mid Sussex District Council. A BT payphone currently occupies the site. The site is enclosed by railings to the north and south and adjoins Iceland supermarket to the east, at no. 5 Queens Walk. West Street lies to the south, with East Grinstead Library located on the opposite side of the road.

In terms of planning policy, the site lies within the built up area boundary of East Grinstead. The site also lies within East Grinstead Town Centre as defined by the District Plan and Neighbourhood 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 aluminium exterior. The unit will include two digital 75 inch LCD advertisement display screens; these will be made from tempered and toughened laminated anti-glare glass and will be internally illuminated.

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.

This application is accompanied by an application for advertisement consent, reference DM/26/0885.

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 November 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 (Regulation 19) is currently at Examination and hearings were

concluded on the 19th March 2026. 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

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) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations states otherwise.

Section 10 of the NPPF refers to Supporting high quality communications.

National Planning Policy Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

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

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Principle of development
- Design and Impact on the character and appearance of the area
- Impact on Residential Amenity
- Other matters
- Biodiversity Net Gain
- Planning Balance and Conclusion.

Principle of Development

District Plan policy DP23 relates to communication infrastructure and states that:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.

The expansion of the electronic communication network to the towns and rural areas of the District will be supported.

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- o The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- o New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*
- o Preference will be for use to be made of existing sites rather than the provision of new sites.*

When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'

Paragraph 119 of the NPPF states that:

'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).'

Paragraph 123 advises that:

'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'

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 emergency services."

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

Design and impact on character of area

As previously noted, policy DP23 of the District Plan states in part that:

'The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area.'

Policy DP26 of the District Plan relates to character and design and requires all proposals, including alterations and extensions, to be well designed and reflect the distinctive character of the towns and villages. Proposals should make a positive contribution to the public realm whilst creating a sense of place and a pedestrian friendly layout.

In addition, policy DP2 of the District Plan relates to town centre development and requires proposals so be *'appropriate in scale and function to its location including the character and amenities 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.

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 expanse of pavement that adjoins the public car park and should appear subservient in relation to the brick flank wall of Iceland supermarket, which serves as a backdrop to the Hub.

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 and policy EG3 of the Neighbourhood Plan.

Impact on amenity

The proposed Street Hub would be sited adjacent to the commercial unit, Iceland, and the public car park at Queensway. East Grinstead Library lies opposite the site to the south, with The Sussex Arms public house located to the southeast. A first floor flat is located above the pub and is the closest residential property to the proposed Street Hub and mainly faces onto the commercial unit at Iceland.

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 relates to noise, air and light pollution and states in part that the quality of people's life will be protected from unacceptable levels of noise, light and air pollution.

Policy EG3 of the Neighbourhood Plan states in part that proposals should not harm adjoining amenity.

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. As the District Plan was adopted at a later date to the Neighbourhood Plan, policy DP26 of the District Plan is considered to take precedence and therefore the test in this instance is whether the development would cause significant harm to neighbouring amenities as outlined above.

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. 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.

In view of the above and having regard to the relationship with nearby residential properties, it is not considered that the proposal would cause significant 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 and policy EG3 of the Neighbourhood Plan.

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.'

Plans show that the Street Hub unit would be sited on a relatively wide expanse of pavement that is shown to measure 5.56 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 unit should be accessible to all.

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

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.

The proposed Street Hub would be sited on a wide section of pavement that falls outside of the adopted Highways boundary, on land owned by Mid Sussex District Council.

As noted above, the proposal is not considered to hinder access for pedestrians or people with mobility issues using the pavement.

Subject to a condition being imposed in respect of nighttime illuminance levels, it is not considered that the proposal would represent a highway safety issue, thereby complying with policy DP21 of the District Plan.

Other matters

Health

As previously set out, paragraph 123 of the NPPF states in part that local planning authorities must determine applications on planning grounds only. They should not set health safeguards different from the International Commission guidelines for public exposure.

Paragraph 122 of the NPPF states in part that:

'Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.'

A declaration of conformity with public RF exposure guidelines of the International Commission on Non-Ionising Radiation Protection is included with the application, thereby complying with paragraph 122 of the NPPF.

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 the development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed Street Hub unit would provide improved telecommunications infrastructure within the District which is supported in principle. 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 significant harm to nearby residential amenities in terms of creating unacceptable levels of 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 paragraphs of the NPPF.

Decision: Permission

Case Officer: Deborah Lynn