

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2901	Case Officer:	Deborah Lynn
Application Type:	Full Application		
Proposal:	The installation of 1no. BT Street Hub and removal of associated BT payphones.		
Site:	Telephone Box, Church Walk, Burgess Hill, West Sussex, , , ,		
Validation Date	12 Nov 2025	Overall Expiry Date:	4 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Dec 2025
Target Date:	7 Jan 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	Stephen Ashdown	Date:	23 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2901

**Telephone Box, Church Walk, Burgess Hill, West Sussex, , ,
The installation of 1no. BT Street Hub and removal of associated BT payphones.
Ms Verity Cheyne**

SUMMARY OF REPRESENTATIONS

Three letters of objection received raising the following concerns:

- Proposed installation is ugly, incongruous and unnecessary advertisement hoarding
- Monolithic appearance and level of illumination detrimental to visual amenity
- By reason of siting and size will appear cramped, resulting in a cluttered streetscape, causing visual harm to public realm
- Contrary to NPPF which has aims of well-designed / beautiful places
- Church Walk should be retained as pleasant, pedestrianised area
- Proposal would not preserve or enhance character or appearance of any conservation area
- Conflicts with guidance in Streets for All: Advice for Highway and Public Realm Works in Historic Places (2018)
- Poorly site advertisements can have degrading impact on character of conservation areas and settings of listed buildings, especially if have digital screens or internally illuminated, contrary to NPPF
- Cities in Europe are taking steps to reduce visual clutter on public spaces, improving surroundings and making cities more liveable
- Applicant has not provided sufficient justification that it is necessary, irresponsible to place a supersized smart phone in public domain when adverse effects of social media and smart phones on children are in the spotlight
- Not useful when majority of public have their own mobile phones
- Proposal is not like for like replacement
- Unit is an opaque block, reducing visibility and causing obstruction, particularly for disabled people with mobility, visual and cognitive impairment, places undue risk on public safety of pedestrians
- Deliberately distracting installation will compromise road safety, blocking visibility of road users and pedestrians, will be visible to drivers on Church Road
- Will impact neighbours sleep and wellbeing / mental health, frequently changing illuminated screens are not conducive to calm, peaceful relaxation
- Digital advertising screens are associated with crime and anti-social behaviour
- Street Hubs attract graffiti, drug dealing, hoax phone calls
- Unit provides a hiding place for would be assailants, likely to make people feel unsafe
- Position of hubs make it hard to make phone calls and ability to hear / be heard
- No proposal as to how Council may use collected information, limited details as to whether Council will find data useful
- Please provide any maintenance and management plan for the hub units to ensure kept clean and in working order
- Street Hubs will bring ultrafast Wifi, 4G/5G antennas and small cell technology to streets, bringing microwave radiation even deeper into communities where people live and work
- Installation has no regard to those with conditions such as autism, epilepsy or mental health condition who may be overly stimulated by displays
- Use of LED light sources is having adverse impact on human health, huge increase in people suffering light sensitivity, symptoms include eye pain, migraines, skin rashes, insomnia and nausea from exposure to LED lighting
- Increased number of people dealing with electro-hypersensitivity (EHS) exacerbated by growing number of electric devices
- Numerous studies that blue lights on screens contribute to long term / serious eye conditions
- For some, adverse impact on daily life is so extreme they meet the test for disability under the Equality Act

- Local authorities have legal duty to such people regarding planning decisions on lights and LED advertising boards installation
- Proposal is close to a play train, children are classed as sensitive receptors
- Where is the vital public health safeguard, does proposal show it meets the ICNIRP guidelines for telecommunications advice?
- ICNIRP certificate does not account for effects of EMF radiation on people with AIMD's or metal implants in the body - what measures / warnings will there be to such vulnerable people?
- There are no exclusion zones for hubs so how will people with AIMDs or metal implants be protected?
- ICNIRP certificate includes reference to document for workers on site but not for passers by
- Question validity of signature on ICNIRP certificate
- Display screens will distort clear imaging from CCTV came
- LED lights are likely to negatively impact insects, birds and bats contrary to BNG plan, ultra sonic frequencies can affect wildlife
- Proposal will drain power, who pays for the power to support their 24/7 running? Emissions should be considered as digital advertising screens use a great deal of energy undermining net zero ambitions
- No information provided to demonstrate how the proposal would integrate sustainable technologies to promote sustainable design and construction, contrary to sustainability goals
- An Environment Statement should consider implications of hub on extraction, processing, usage and disposal of materials and effects of radiation on public health
- Raises questions over privacy and human rights as some structures incorporate surveillance technology, what is the range of the CCTV? Will it capture and record biometric facial recognition data? Who is data shared with? What about people's residences are within line sight of the cameras? Who would monitor, regulate and control data?
- Defibrillators are easily attached to a nearby wall, no justification for defibrillator
- Provision of 5G and Wifi could be provided by simple pole installation, large advertisement screens are excessive
- Will result in overcommercialisation, a revenue source for applicant and advertisers, unlikely to benefit local businesses
- Adverts promote consumerism, fast food adverts encourage youngster to buy foods high in fat, sugar or salt
- Radio frequency radiation will reduce footfall in town and impact local commerce
- Where are the 2 BT payphones being removed?
- Public benefit is far outweighed by potential harm to humans, wildlife and environment

SUMMARY OF CONSULTEES

Not applicable.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

The Committee of 8th December would Recommend Approval subject to a suitable condition to protect residential amenity at night and notes the health concerns raised by residents and requests that these be investigated.

INTRODUCTION

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

RELEVANT PLANNING HISTORY

There are no previous applications deemed relevant.

SITE AND SURROUNDINGS

The application site comprises a pedestrianised shopping area within Burgess Hill town centre, which forms part of the publicly maintained highway boundary.

The proposed Street Hub would replace an existing BT payphone which is sited to the northeast of the commercial unit at 65-69 Church Walk, currently occupied by Peacocks. Residential flats are located above the shop and many of the surrounding commercial premises.

In terms of planning policy, the site lies within the built up area of Burgess Hill and also the Leisure and Entertainment Quarter as defined by the Neighbourhood plan.

APPLICATION DETAILS

Plans show that the Street Hub unit would measure 1.24 metres wide by 0.35 metres deep and 2.98 metres high.

It would be constructed from galvanised mild steel with a powder coated external grade stainless steel or aluminium exterior. The unit would include two digital 75 inch LCD advertisement display screens; these will be made from tempered and toughened laminated glass and will be internally illuminated.

The Street Hub is a modern, free-standing structure providing ultrafast public Wi-Fi, free UK calls, USB charging, 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/25/2671.

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, and*
- 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 Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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 to this application.

Burgess Hill Heath Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made on 28th January 2016.

Relevant policies:

TC2 The Leisure and Entertainment Quarter

Other Legislation

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 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:

DPS6 health and wellbeing
DPN7 noise impacts
DPN8 light impacts and dark skies
DPB1 character and design
DPH12 accessibility
DP14 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 state 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.'

As the site lies within Burgess Hill town centre, policy DP2 of the District Plan is also considered relevant. This states in part that:

'To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- o is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- o has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.'*

Policy TC2 of the Neighbourhood Plan is relevant as this concerns The Leisure and Entertainment Quarter:

'This Quarter is focused on Church Walk. Proposals for new leisure and entertainment activities will generally be supported. This includes restaurants and cafes and new retail outlets.'

Proposals for a new town cinema and public square will be supported in this Quarter, linking through to the Retail Quarter. This area will also be the focus for town wide activities such as street market and performance area. The public square should be pedestrian and access friendly and include landmark buildings and gateway treatment at key locations. Opportunities to widen the evening economy offer will be supported in this location.'

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."

Representations have been received querying the need for the Street Hub when most people already have access to a mobile phone. However, as noted by NPPF paragraph 123, local authorities should not question the need for an electronic communications system.

In this instance the proposed Street Hub would replace an existing BT payphone, thereby according with District Plan policy DP23 which encourages the use of existing sites for telecommunications development.

The proposed development would provide improved communications infrastructure within the locality which is to be supported. The site is not located within a sensitive area and the principle of development is not considered to conflict with the aims set out under aforementioned policies, DP2 and TC4.

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 states in part that:

'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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*

o 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 DP29);
o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;...'

Neighbourhood Plan policy TC2 requires development proposals to be appropriate in scale and function to their location including the character and amenities of the surrounding area.

Representations have been received raising concerns regarding potential impact upon the appearance and character of the conservation area and setting of a listed building. The application site does not fall within a conservation area, nor does it fall within the setting of a listed building.

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, and consequently is not considered to create a cluttered or cramped appearance within the street scene, particularly as this pedestrianised part of Church Walk is 22.5 metres wide.

Proposed plans show the Street Hub unit to be taller and wider than the existing payphone, with a more solid appearance. As such, it is considered that the Street Hub would appear more visually imposing within the locality than the existing payphone. However, the unit is considered to be proportionate in scale to its surroundings and is of a slim, modern design, such that it should not appear visually dominant as to detract from the appearance and character of the street scene.

Specification details provided with the application state that the digital display screens will have a maximum nighttime brightness of 600 cd/m². As background ambient lighting levels are generally considered higher during the day, 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. A maximum daytime brightness of 5000 cd/m² is proposed. Current guidance on luminance levels as set out under The Institute of Lighting Engineers' Professional Lighting Guide 05/23 "The Brightness of Illuminated Advertisements including Digital Displays" (2023) advises that maximum luminance levels during the hours of darkness should not exceed 300 cd/m² in an E3 environmental zone. The applicant has advised that they would be willing to accept a condition in this respect and as such, it is not considered that the Street Hub would appear so visually bright and intense as to have a detrimental impact upon the visual amenity of the area.

The proposal is therefore considered to accord with policies DP2, DP23 and DP26 of the District Plan.

Impact on residential amenity

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'.

Policy DP29 of the District Plan 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 by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;...

Light pollution:

o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;

The Street Hub would be sited within a pedestrianised area which is enclosed on either side by commercial units with flats 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, particularly as there is an existing BT payphone in this location. 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.

Representations have also been received raising concerns that the proposal would lead to an increase in vandalism and anti-social behaviour and that Street Hubs are associated with crime. Such matters are not necessarily considered to fall within the remit of planning and given the town centre location, it is not envisaged that the proposal would lead to a significant increase in noise and disturbance from anti-social behaviour as to cause significant harm to neighbouring residential amenities. Notwithstanding this, supporting documentation entitled 'Street Hubs Beyond Connection' sets out measures to combat anti-social behaviour which include:

- Automatic anti-social call blocking to prevent misuse for illegal activities
- Collaboration with local police and councils to implement temporary restrictions if required.
- 24/7 remote monitoring
- Inspections every 2 weeks for cleaning by hand with pressure washers
- Quality inspections every other 2 weeks to check for damage / graffiti and functionality checks
- Emergency visits as and when if reported by internal sensors
- Community reporting channels via e-mail / phone helpline.

As previously noted, the applicant is willing to accept a condition 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) and does not appear excessively bright when viewed from neighbouring flats.

It is not envisaged that the Street Hub, which includes a video camera above each screen, would cause significant harm to nearby residential amenities in terms of impacting privacy, considering the orientation and lower height of the Street Hub in relation to neighbouring 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 significant harm to residential amenities in terms of impacting privacy or create unacceptable levels of noise and light pollution.

The proposal therefore accords with policies DP26 and DP29 of the District 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.'

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

Policy TC2 of the Neighbourhood Plan advises that the public square within the Entertainment and Leisure Quarter should be pedestrian and access friendly.

Plans show that the Street Hub unit would be sited 7.13 metres from the adjoining commercial unit at Peacocks and within a pedestrianised area that measures 22.5 metres wide. As the unit is only 1.24 metres wide and 0.35 metres deep, it is not considered to take up a significant proportion of the pavement as to hinder access for pedestrians, particularly those with mobility issues or visual impairment. The unit should be accessible to all.

The proposal therefore accords with policy DP28 of the District Plan.

Other matters

Health

A number of representations have been received raising concerns on health grounds, for example that the proposed installation has no regard to those with conditions such as autism, epilepsy or mental health condition who may be overly stimulated by displays.

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.

One representation received has queried the validity of the declaration as the signature is not legible, being comprised of symbols and characters, and the operator's name is mis-spelt. An updated declaration has been provided by the applicant, with the operator's name corrected and a signature provided, however the signature has been redacted from the public planning register for data protection reasons. The local planning authority is satisfied in respect of the validity of the declaration.

Concerns have also been raised that the ICNIRP certificate does not account for the effects of EMF radiation on people with active implantable medical devices (AIMD's) or metal implants in the body and that there are no exclusion zones for Street Hubs to protect such people.

Whilst these concerns are noted, having regard to the scope of the Guidelines, the representations are not considered to provide the weight of evidence to suggest that the proposal would have adverse effects on health, including to local users of AIMD's such as pacemakers and similar devices. It is acknowledged that the guidelines do not deal with the specific risk of harm which may potentially be

caused by EMFs unintentionally interfering with AIMD's. Part of the consultation process is an attempt to elicit what may not yet be known to the Council about the potential impact of the proposed equipment on local people with disabilities and people who may not be disabled but have health issues being managed by pacemakers and other similar AIMD's. In this respect, regard has been had to the Council's public sector equality duty as a thorough advertisement process has been undertaken by the LPA in respect of this application. The representations received regarding AIMD's give limited indication of the numbers and location of local people who might be affected or that they are currently affected by existing telecommunications equipment which might be exacerbated. Thus, careful consideration has been given to this issue and in light of the limited evidence that has been provided relating to this issue, it has been given little weight.

Highways Impact

Potential impact upon highway safety has been considered under the accompanying application for advertisement consent, reference DM/25/2671. Concerns have been raised that the Street Hub would compromise road safety, restricting visibility for road users and pedestrians. The proposed Hub would be sited over 50 metres from vehicular traffic in Church Road and over 130 metres from vehicular traffic on Lower Church Road. As such, it is not considered that the unit would be detrimental to highway safety, thereby according with policy DP21 of the District Plan.

Sustainability

District Plan policy DP39 relates to sustainable design and construction and encourages development proposals to improve the sustainability of development by exploring opportunities for efficient energy use of resources, including minimising waste.

The submitted Product Statement states that Street Hubs are powered by 100% renewable carbon-free energy and include energy efficient screens and components and components designed to function at high temperatures lowering the need for cooling.

Given the modest scale of the proposal, the local planning authority is satisfied that measures have been taken to maximise sustainability.

Representations have raised concerns that an Environmental Statement has not been provided with the application, however this would not be required for this type of application.

Impact on wildlife

Representations have raised concerns that LED lights are likely to negatively impact insects, birds and bats contrary to BNG plan and that ultra sonic frequencies can affect wildlife.

Whilst these concerns are noted, given the proposed Street Hub's location in a pedestrianised shopping area, it is not considered that the proposal would be likely to have a detrimental impact upon wildlife.

Impact on privacy and cctv

Representations have been received that the proposal raises questions over privacy and human rights as some structures incorporate surveillance technology and will facial recognition data be used and shared?

Such matters are not considered to be a planning consideration and would fall to be considered against other relevant legislation.

Concerns have also been raised that the display screens will distort cctv images. As the applicant is willing to accept a condition lowering the maximum luminance levels to 300 cd/m² during the hours of darkness, it is not considered that the proposal should represent an issue in this respect due to excessive glare or brightness.

Impact on town centre

It is not considered that the Street Hub would deter people from visiting the town centre or adversely impact local businesses.

The Product Statement submitted with the application states that there will be discounted advertising for local business groups and that advertising rates are paid for each location when requested by the Council, thereby ensuring that the units make an ongoing financial contribution to the local area.

Advertisements displayed

Concerns have been raised that the digital display screens would advertise products that promote an unhealthy lifestyle. The Council can only consider the visual impacts that the proposal would have upon the appearance and character of the area and cannot assess the content of the advertisements displayed.

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

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

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 impacting privacy or 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 problem to highway safety.

The proposed development therefore accords with policies DP2, DP21, DP23, DP26, DP28 and DP29 of the Mid Sussex District Plan, policy TC2 of the Burgess Hill Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Deborah Lynn