

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2811	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	The installation of 1no. BT Street Hub		
Site:	Pavement Adj 25 Church Road, Burgess Hill, West Sussex, RH15 9BB, , , ,		
Validation Date	4 Nov 2025	Overall Expiry Date:	3 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Dec 2025
Target Date:	30 Dec 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	16 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2811

**Pavement Adj 25 Church Road, Burgess Hill, West Sussex, RH15 9BB, , ,
The installation of 1no. BT Street Hub
Ms Verity Cheyne**

SUMMARY OF REPRESENTATIONS

One letter of objection was received. This raised concerns regarding:

- Siting
- Appearance
- Visual pollution
- Light pollution
- Road safety and distracting for drivers
- Unnecessary Advertising
- Unnecessary functions
- Inclusion of 4G and 5G antennae and impacts of radiation
- Impact of LEDs on human health
- Addictiveness
- CCTV/ video cameras and privacy
- Sustainability
- Lack of information regarding energy efficiency
- Power drain
- Antisocial behaviour
- Over commercialisation

SUMMARY OF CONSULTEES

TOWN COUNCIL OBSERVATIONS

RESOLVED: The Committee of 17th November Recommend Approval subject to a suitable condition on the lighting hours so neighbours adjacent are not disrupted by light levels at night.

INTRODUCTION

Planning permission is sought for the installation of 1 no. BT Street Hub.

RELEVANT PLANNING HISTORY

No relevant planning history

SITE AND SURROUNDINGS

The application site forms part of the public footpath on the south side of Church Road, outside 25 Church Road.

The application site lies within the Retail Quarter as defined in the Burgess Hill Neighbourhood Plan and within the built-up area boundary of Burgess Hill.

APPLICATION DETAILS

The application seeks full planning permission for the installation of a BT Street Hub.

The proposed Street Hub would be located within the publicly maintained highway.

The proposed Street Hub would measure some 1.2 metres in width, some 0.3 metres in depth and would have a maximum height of some 2.9 metres. The proposed Street Hub will provide two digital 75" internally illuminated LCD advert screens. 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.

An application for advertisement consent is being considered under DM/25/2672.

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:

- 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.

Relevant policies:

No relevant policies.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan has been formally 'made' as of 28th January 2016.

Relevant policies:

TC4- The Retail Quarter

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:

DPB1 - Character and Design

DPN7 - Noise Impacts

DPN8 - Light Impacts to Dark Skies

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 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 indicate otherwise.

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;

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

Principle

The National Planning Policy Framework advises advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next-generation mobile technology (such as 5G) and full fibre broadband (para 119).

DP23 of the District Plan relates to Communication Infrastructure and states:

'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:

- 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;

- 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;

- 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.

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. As such, subject to other policy considerations set out below, the principle of development is deemed acceptable.

Design and Impact on the character and appearance of the 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.'

DP26 of the District Plan states:

'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 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'*

Policy TC4 of the Burgess Hill Neighbourhood Plan relates to the Retail Quarter and states that:

'Development will be brought forward through private sector investment. The Retail Quarter is centred on the existing outdoor and indoor shopping area - linked between Church Walk and the Martlets Shopping Centre as well as the retail units in Church Road. New developments supported for this area include food retail and other new retail opportunities, a new square and employment. This Quarter links with the Leisure and Entertainment Quarter and supports a new cinema for the town, The existing retail offer will be maintained and enhanced in this area together with maintaining the level of car parking and improving the quality of the provision.

The application site lies within the Retail Quarter, as defined by the Burgess Hill Neighbourhood Plan.

This part of Church Road is predominantly commercial in nature, with a parade of commercial units with flats above located on both sides of the road. The proposed Street Hub would be sited on a relatively wide expanse of pavement, minimising obstruction and visual intrusion. The Street Hub is of a slim, modern design and is considered proportionate in scale to its surroundings. It is not considered that the street hub would appear visually obtrusive or dominant as to detract from the appearance and character of the street scene.

The Highways Authority at West Sussex County Council has been consulted on the accompanying application for advertisement consent, DM/25/2672, and has raised concerns that the applicant's proposal to reduce the maximum luminance level to 600cd/m² during the hours of darkness would exceed the maximum luminance level of 300cd/m² for an advertisement within 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.

As such the proposal would comply with the requirements of Policy DP26 of the District Plan and policy TC4 of the Burgess Hill Neighbourhood Plan.

Impact on Residential Amenity

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'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 DP29);'*

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 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 submitted Planning Statement elaborates that the Street Hub average volume settings are 65db average at 3m distance from each Street Hub. The statement outlines that the Street Hub would generate a 'reasonable conversational volume in proximity to the Street Hub'. It adds that '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 nighttime, 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.

The concerns of the Town Council regarding lights levels at night are noted. The applicant is willing to accept a condition that the two digital displays shall not exceed 300 cd/m² 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; the proposal includes an integrated ambient light sensor that adapts the luminance of the display to the environmental lighting conditions. A condition can be imposed to ensure that light levels are managed in accordance with the details set out above.

The proposed hub raises no concern relating to impacts to residential occupiers. As such the proposal would comply with the requirements of Policy DP26 and DP29 of the District Plan.

Highways impact

Potential impact upon highway safety is being considered under the accompanying application for advertisement consent under DM/25/2672. The Highways Authority at West Sussex County Council has been consulted on the proposal as part of that application and has raised no objection to the proposal on transport grounds, subject to condition.

Policy DP28 of the Mid Sussex Plan relates to Accessibility and states 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.'

Plans show that the Street Hub unit would be sited on a relatively wide expanse of pavement that is shown to measure 3.9 metres wide. As the unit would measure 1.2 metres wide and 0.3 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. Therefore, the unit should be accessible to all.

As previously stated, The Highways Authority have advised that conditions should be applied which restrict the illuminance levels during daylight hours and during darkness in the interests of road safety. The daylight illuminance condition has been agreed by the applicant, and the darkness hours condition is in accordance with the details set out in the submitted Planning Statement.

Other matters

It should be noted that the Local Planning Authority is required to determine each application it receives, based on its own merits and against relevant policies and material planning considerations.

During the course of the application the description of development was amended as the proposal does not include the removal of associated BT payphones.

Concern has been raised with regards to vandalism and anti-social behaviour that could result from the installation of the hub. Measures to mitigate this have been included within the application documents and will be secured via condition, measures include:

- Automatic call-blocking technology to prevent misuse for illegal activities.
- Collaboration with local police and councils to implement temporary restrictions if required.
- 24/7 monitoring and weekly inspections, with emergency response for damage or misuse.
- Community reporting channels via email and helpline for technical issues or anti-social behaviour.
- Durable materials (galvanised steel, anti-glare glass) and regular cleaning to maintain appearance.
- Noise management controls and bespoke adjustments if complaints arise.

Concerns regarding sustainability have been raised. The submitted Product Statement states that Street Hubs are powered by 100% renewable carbon-free energy and include energy efficient screens and components. In addition, the concerns regarding road safety are noted. The illuminance condition relating to nighttime hours would ensure that the proposal would not distract drivers and that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

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 is comprises development below the de-minimis threshold meaning that this 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 Burgess Hill Neighbourhood Plan.

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

The proposal is considered to be appropriate in terms of design, size and scale to the building and locality, and would not cause harm to the surrounding area or to the amenities of neighbouring properties.

In conclusion, the proposal would accord with the requirements of policies DP21, DP23, DP26, DP28 and DP29 of the Mid Sussex District Plan, policy TC4 of the Burgess Hill Neighbourhood Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin