

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2022/62/93080/W
Site Address:	adj, 2/4, Ramsden Street, Huddersfield, HD1 2SZ
Description:	Removal of existing BT phone box and installation of replacement BT street hub (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Refuse

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Stuart Howden

AUTHORISED OFFICER

Date: 2nd February 2023

Officer Report 2022/93080

Adj 2-4 Ramsden St, Huddersfield

Site Description

The site consists of land within the public footway on the northern side of Ramsden Street within Huddersfield Town Centre. This part of Ramsden Street exhibits a range of architectural styles, with a 1960s or 1970s shopping parade on the southern side and predominantly 19th Century development (although with modern display windows at ground floor) on its northern side. Ramsden Street consists of a single one-way lane for motor vehicles and a parallel cycle path.

The site is within Huddersfield Town Centre Conservation Area and is within close proximity to a number of Grade II listed buildings including 62/64 New Street, 71 New Street and Huddersfield Town Hall.

Description of Proposal

Planning permission is sought for the removal of an existing BT phone box and the installation of a BT Street Hub. A Street Hub is a facility that offers free encrypted Wi-fi, USB ports for device charging, free phone call and a direct dial 999 button (and would also host two digital advertising screens – which have been refused advertisement consent on 31st January 2023 (2022/93077)). The applicant's supporting documents make the following statements in support:

- Speeds will be several times faster than that of typical fixed-line broadband.
- It is designed to provide access to local council services, British Telecom's phone book, local weather information, maps and wayfinding, and national charities, without allowing open web browsing.
- The speaker volume is automatically reduced at night, except for emergency calls.
- It is proposed that the sales team would work in partnership small and medium-sized local enterprises to allow them to promote themselves via the digital display screens, which may be also used to host public awareness messaging or general advertising.
- Call-blocking technology would be used to minimise anti-social behaviour, with the possibility of taking further measures on police recommendations.
- The Hub would contain sensors to monitor air quality, noise and traffic.

The Street Hub would be a free-standing structure with an overall height of just under 3m, 1.24m wide and 350mm deep with a footprint of 0.42sqm. It would be constructed of galvanised mild steel, with a powder-coated external grade aluminium exterior, displays fronted by tempered and laminated glass.

Another feature is a video camera, which the applicant states will not, in the short term, be connected or used, but may be in the long-term after consultation with stakeholders and the public.

The proposed Hub would be placed within the public footway facing west and east, 5.0m from 71 New Street and 450mm from the carriageway boundary.

It is proposed that for all current BT Street Hub applications, one or more existing BT call-boxes would be removed. In this instance, there is a single call-box that occupies the site of the proposed development.

History of negotiations/amendments received

None.

Relevant Planning History

2022/93077 – Advertisement consent for two digital display screens. Refused on 31st January 2023.

Representations

Final publicity date expires: 25-Nov-2022 (publicity by site notice and press advertisement on the grounds that the site is within a Conservation Area and affects the setting of Listed Buildings)

No representations were made.

Consultation Responses

- Police Architectural Liaison Officer – No objections
- KC Major Projects Team (informal response) – Have concerns on the grounds of it creating unnecessary street clutter especially in an area where footfall is likely to increase once the Cultural Heart is complete.
- Conservation & Design – Recommend refusal.

In addition, Highways Development Management and Conservation & Design were consulted on the associated application for Advertisement Consent and made no objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Plan (adopted 8th December 2021)

Kirklees Local Plan

The site is within Huddersfield Town Centre Conservation Area. The development would affect the setting of a number of Grade II Listed Buildings.

The site is also within the Primary Shopping Area and a Secondary Shopping Frontage as designated on the Local Plan Proposals Map.

Most relevant Policies:

- LP 1:** Presumption in favour of sustainable development
- LP 2:** Place shaping
- LP 17:** Huddersfield Town Centre
- LP 19:** Strategic transport infrastructure
- LP 20:** Sustainable transport
- LP 21:** Highways and access
- LP 22:** Parking
- LP 24:** Design
- LP 26:** Renewable and low-carbon energy
- LP 35:** Historic environment
- LP 48:** Community facilities
- LP 52:** Protection and improvement of environment quality

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making

- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 10 – Supporting high quality communications
- Chapter 12 – Achieving well-designed places.
- Chapter 14 – Meeting the challenges of climate change, flood risk and coastal change.
- Chapter 16 – Conserving and enhancing the historic environment.

Other Legislation:

Planning (Listed Buildings and Conservations Areas) Act 1990

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development:

There is no Local Plan policy that deals primarily with telecommunications infrastructure.

Chapter 10 of the NPPF, Supporting high quality communications, is applicable, which encourages a generally positive approach to new telecommunications proposals. Paragraph 114 states that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being”.

Paragraphs 115-117 are mainly concerned with masts rather than ground-based facilities. Under paragraph however paragraph 118 it is stated 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.”

Other parts of the NPPF that are considered to be of relevance:

- Chapter 7 – Ensuring the vitality of town centres. Local Planning Authorities should take a positive approach to their growth, management and adaptation.

- Chapter 8 – Promoting healthy and safe communities. Crime, and fear of crime, should not be allowed to undermine quality of life and well-being.
- Chapter 9 – Promoting sustainable transport. Development should not have unacceptable impacts upon highways safety.
- Chapter 12 – Achieving well-designed places. Development must function well and add to the overall quality of an area.
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change. New development should assist in reducing greenhouse gas emissions.
- Chapter 16 – Conserving and enhancing the historic environment. Development should preserve and enhance the significance of heritage assets.

Policy LP24 of the Kirklees Local Plan sets out general principles for the assessment of all new built or operational development, in particular the following clauses are relevant:

“Development should promote good design by ensuring:

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;*
- e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;*
- f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places.”*

In particular, paragraph 11.8 of the Policy Justification states that broadband provision is an important consideration throughout the district and that: *“All telecommunications infrastructure should be capable of accommodating changes in technological requirements, without having a negative impact on the streetscene”*.

Furthermore, under Policy LP17 of the Kirklees Local Plan, it is stated that new development within the designated town centre, which this site is located within, will be supported where they:

- a) “preserve and enhance the towns’ cultural and architectural heritage and open spaces, and connections to them;*
- a) provide a safe welcoming inclusive destination for people of all ages of the district to visit throughout the day from morning into the evening;*

The following transport-related policies within the Kirklees Local Plan are also deemed to be relevant in the assessment of this application:

LP19 – Proposals that may prejudice the future development of identified highway improvements, traffic management schemes or proposed public transport facilities, will not be permitted.

- LP20 – Development should be designed to encourage sustainable modes of travel and place pedestrians at the top of the user hierarchy
LP21 – Development should ensure the safe and efficient flow of traffic.

The Street Hub and the existing call-boxes could both be considered a community facility or service, which under Policy LP48 should be provided in accessible locations and meet the needs of all members of the community. Removal of existing community facilities will only be permitted if it is no longer required or that an alternative of equivalent or better quality will be provided. It is considered that the requirements of Policy LP48 are met in this instance.

LP52 states that proposals that have the potential to increase pollution (including from noise) must demonstrate that the impacts have been evaluated and methods incorporated to prevent it having an adverse impact on quality of life and well-being of people and the environment.

Finally, the site is within a Conservation Area and is deemed to potentially affect the setting of a number of Grade II Listed Buildings. Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that harm should not be permitted without a proportionate justification. This approach is also supported by Policy LP35 of the Kirklees Local Plan.

2 – Impact on visual amenity (including any heritage considerations):

The site is within Huddersfield Town Centre Conservation Area. The development is within close proximity to number of Grade II listed buildings including 62/64 New Street, 71 New Street and Huddersfield Town Hall.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework. Furthermore, Policy LP35 states that:

“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

Paragraphs 197 and 199-208 of the NPPF highlight, amongst other things, the desirability of new development making a positive contribution to local character and distinctiveness.

The siting of the proposed Street Hub is within the Huddersfield Town Centre Conservation Area and in a busy part of the town. Directly adjacent to the proposal site on the north side of the street is the Grade II listed former Prudential Assurance building at 71 New Street, a three-storey commercial building on the corner of Ramsden Street and New Street, dating to 1897-8 and constructed from red brick with terracotta moulded detailing. At ground floor level is a modern shop front which wraps around two elevations. To the south-east of the site is the charming Grade II listed Huddersfield Town Hall and beyond this the Grade II listed Queensgate Market, with the spire of the Grade II listed St Paul's Hall (former Church of St Paul) further afield in the background, whilst to the west of the site is the Grade II listed 62 New Street.

Thus, as well as being viewed as part of the setting of No.71, the hub would also be viewed in the setting of Huddersfield Town Hall, Queensgate Market and No.62 New Street. The proposed Street Hub would be a maximum height of ~3m high and would be highly visible within the street scene as it is sited in a prominent location on the footway. This prominence would be compounded by the advertising display on each side of being internally illuminated. The display of illuminated advertisements would in general would be assessed separately, under an application for consent to display an advertisement. In this instance, however, the display screens are an integral part of the development under consideration. The likely visual impact of the screens and any advertisements they are likely to carry must therefore be assessed as part of this application so that the proposal's impact on visual amenity can be fully appreciated.

Planning Officers and the Conservation Officer consider that the introduction of a Street Hub with digital display screens would be a visually intrusive and unattractive feature that would not harmonise well with the character of this part of the Conservation Area, and would neither preserve or enhance its significance. It is also considered that the signage would be discordant to the setting of the Grade II listed buildings of 71 New Street, Huddersfield Town Hall, Queensgate Market and 62 New Street and would therefore cause harm to their significance.

The visual impact of the Street Hub and display screens upon the visual quality of the Town Centre more generally must be given consideration, having regard to the cumulative impact of similar installations already in existence.

An existing advertising unit, illuminated on the west side, is situated around 8m away on the opposite side of Ramsden Street, albeit outside the Conservation Area. In addition to this, on High Street to the west are three more digital advertisement display units around 80m away (again, outside the Conservation Area), along a further one on New Street. Given this, the Council's Conservation Officer and Officers hold the view that the proposal would add further illuminated street clutter which would detract from the character of the area and cause cumulative harm. It is pertinent to note that New Street is one of the focus areas of The Huddersfield Blueprint, a ten-year regeneration initiative to rejuvenate the town centre and enhance public spaces, which includes the reduction and improvement of street furniture. The Piazza is located to the east of the proposed hub and is another major regeneration area included in the Huddersfield Blueprint, known as The Cultural Heart, which incorporates Queensgate Market and the area of public realm to the north which is directly in context with Ramsden Street. This major project includes substantial public realm improvements, and it is important that these initiatives can be achieved successfully.

The removal of a single phone box would be a modest enhancement to the Conservation Area and the wider Town Centre. However, the introduction of the proposed Street Hub and its display panels would add further illuminated street clutter which would, especially in the context of already existing digital display screens, detract from the character of the area and cause cumulative harm. It would thereby conflict with both Huddersfield Blueprint initiatives mentioned above.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that the harm caused to the Conservation Area, and to the setting of the nearby Listed Buildings, would in this instance be less than substantial. It is considered however that the purported public benefits arising from the development, briefly listed earlier in this report, would not outweigh the harm caused in this instance.

In conclusion, the proposed development would be detrimental to the visual amenities of the locality and result in less than substantial harm to the significance of nearby Grade II listed buildings and the Huddersfield Town Centre Conservation Area. The proposal is therefore contrary to the aims of Policies LP24(a), LP17(a) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF, and the Council's duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area, and the setting of any Listed Building.

3 – Impact on residential amenity:

The submitted documents include a Noise Management Plan which proposes different volume settings for different times of day. The character of the area is strongly commercial, and it is expected that at this location there would be significant noise and activity late into the evenings. It is therefore anticipated that any noise associated with the proposed Street Hub would not materially affect residential amenity compared to the existing situation, thereby according with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF.

4 – Impact on highway safety:

The proposed Street Hub would host digital illuminated advertisements which are, in general, assessed under the Advertisement Regulations, but in this instance are an integral part of the development under consideration and are essential to its viability, as set out in paragraph 2.2 of the Planning Supporting Statement. It would therefore be unreasonable to determine this application without regard to the impact of the proposed digital advertisements.

Planning Practice Guidance on advertisements (2014, amended 2019) is mainly intended as a guide to determining applications for consent to display an advertisement. Since the two criteria to be taken into account in the determination of advertisement consent applications – amenity and public safety – are also material considerations in assessing applications for planning permission, the PPG can be deemed relevant and any advice it contains, other than that relating to purely procedural matters, can be deemed relevant. Planning Practice Guidance on advertisements lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which would because of their size or siting, obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road, and which are subject to frequent changes of display.

By their very nature all signs are a distraction to drivers. The severity of the distraction, the number of drivers that can be distracted and the location of the site can impact on the level of severity of the outcome of any distractions.

In this instance, the proposed Street Hub and its display screens would be adjacent to a one-way street that is also designated for buses and taxis only between 10am and 4pm. It is considered that in the proposed location, the risk of driver distraction is minimal. The proposed hubs would not affect visibility splays or interfere with the interpretation of any traffic sign or signal.

The Department for Transport document "Inclusive Mobility – A Guide to best Practice" dated December 2021 suggests that the width for a footway to allow two wheelchair users to pass would be 2m with an absolute minimum of 1.5m.

A lower width of 1m can be accepted providing that the narrowing is no longer than 6m in length. However, in the case of higher-than-average pedestrian flows, such as those found in town centres and along certain desire lines, or areas adjacent to shops and services where browsing or waiting may occur, then wider footway distances may be required. The northern side of Ramsden Street is likely to experience high pedestrian flows at most times of the day. In this instance, the existing footway width is approximately 7.1m. The proposal would therefore leave a footway width of 5.0m available for passage. Whilst this might at times be reduced further by the presence of a Hub user, it would still leave a footway of considerably more than the recommended minimum width.

It should be noted that KC Highways Development Management raised no objections to the accompanying advertisement consent proposal, subject to conditions in relation to no moving images, the control of the transition of images and cycle time of image, the luminance level, a fail-safe mechanism and a lighting sensor.

For the reasons set out above, it is considered that the proposed Street Hub and its display screens would not be harmful to the safe and convenient use of the highway or interfere with the aims of sustainable transport or accessibility, as set out in Policies LP20, LP21 and LP24(f) of the Local Plan or Chapter 9 of the NPPF.

6 – Other matters:

Supporting high quality communications:

Chapter 10 of the NPPF, as previously stated, encourages a positive approach to new telecommunication development and requires that Local planning authorities must determine applications on planning grounds only. This approach has been followed here. Whilst it is acknowledged there may be public benefits in the development, it is considered that these are in this instance not sufficient to outweigh the highway safety and other planning concerns set out above.

The applicant has submitted an ICNIRP certificate of conformity. This is the appropriate health safeguard in respect of planning considerations and is as set out in Chapter 10 of the NPPF.

Crime and disorder:

The applicant has submitted an Anti-Social Behaviour Statement which states that they will encourage feedback from the Police and local stakeholders, and sets out possible measures designed to limit the chances of crime or anti-social behaviour occurring, including blocking calls to specific numbers (only when agreed with the police, in addition to those captured under automatic anti-social call restriction) and disabling the USB port to discourage loitering. Furthermore, each Street Hub will be remotely monitored for service compliance 24 hours a day and will be physically inspected and cleaned at least every two weeks.

The applicant has taken steps to minimise the risk of crime or anti-social behaviour associated with the proposed Street Hub, as required by policy LP24(e), and in line with the aims of Chapter 8 of the NPPF. It is considered on balance that it would not be possible to substantiate a refusal on the basis of crime and disorder in this instance. Of note, the Council's Crime Prevention Officer has raised no objections to the proposal.

Biodiversity:

The site is in an urban area lacking significant green infrastructure. It is considered that the proposed development has no biodiversity implications and there would be little, if any, opportunity for ecological enhancement, if officers were minded to approve.

Drainage and flood risk:

The site is not in an area known to be at risk of flooding and the proposal does not create additional hardstanding. It is therefore considered to have no drainage implications.

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

According to the applicant's supporting statement, the Street Hub would be powered by 100% renewable energy. Further details of this could be sought if officers were minded to approve. The proposal is in principle deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations:

No representations have been made.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably

outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation

Refuse permission

Decision Authorisation - Delegated Powers

Application Number: 2022/93080

Officer Recommendation: Refusal

Reason for refusal

- 1) The proposed Street Hub would include illuminated screens on both sides. These are an integral part of the development under consideration, as set out in paragraph 2.2 of the Planning Supporting Statement. The proposed Street Hub and digital display screens, owing to their scale, prominent siting, means of illumination and the presence of other similar installations in the immediate vicinity, would be a visually intrusive feature that would cause harm to the visual amenities of the locality and less than substantial harm to the significance of the Huddersfield Town Centre Conservation Area as well as the nearby Grade II listed buildings of 71 New Street, Huddersfield Town Hall, Queensgate Market and 62 New Street and their setting. Having regard to the cumulative impact of similar installations already in existence, including on Ramsden Street, High Street and New Street, the proposal would add further illuminated street clutter which would detract from the character of the wider Town Centre, and would prejudice the aims of the Huddersfield Blueprint, a ten-year regeneration initiative to rejuvenate the town centre and enhance public spaces. The harm caused to designated heritage assets would be less than substantial and the public benefits associated with the proposed development would not outweigh the harm caused. The proposal is therefore contrary to Policies LP17 (a), LP24(a), and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	16-Sep-2022
Location plan, site layout as proposed	HUD-225	A	16-Sep-2022
Dimensioned elevations	-	-	16-Sep-2022
Covering letter by Harlequin Group	HUD-225	-	16-Sep-2022
Developer's Notice (highways) by Harlequin Group dated 30 th August 2022	HUD-225	-	16-Sep-2022
ICNIRP Declaration of Conformity	HUD-225		16-Sep-2022

Plan Type	Reference	Version	Date Received
Noise Management Plan	-	-	16-Sep-2022
Product Statement by BT	-	-	16-Sep-2022
Brochure by BT	-	-	16-Sep-2022
Photomontage as proposed	HUD-225	-	16-Sep-2022
Supporting planning statement by BT	-	-	16-Sep-2022
ILP Professional Lighting Guide	-	-	16-Sep-2022
Anti-social behaviour statement by BT	-	2	16-Sep-2022
FAQ by BT	-	-	16-Sep-2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not request amended plans or additional information since the planning concerns related to the principle of the development rather than details.

Report Dated: 01-Feb-2023