Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93081/W

To: Martin Brown,
Harlequin Group
Rutland House, 5, Allen Road
Livingston
EH54 6TQ

For: James Browne, Bt Group Plc

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

REMOVAL OF EXISTING BT PHONE BOX AND INSTALLATION OF REPLACEMENT BT STREET HUB [WITHIN A CONSERVATION AREA]

At: ADJ, 1, WESTBOURNE ROAD, MARSH, HUDDERSFIELD, HD1 4LA

In accordance with the plan(s) and applications submitted to the Council on 05-Oct-2022. The reasons for the Council's decision to refuse permission for the development are:

1. The site lies within the Greenhead Park/ New North Road Conservation Area whereby the proposed Street Hub and the digital display screens it supports on both principal elevations would appear jarring and out of keeping with their surroundings. In particular it would detract from the setting of the Arts and Crafts designed Junction Inn and result in harm to visual character and appearance of the wider Conservation Area and street scape. Whilst the harm caused would be less than substantial, it is considered that the public benefits associated with the proposed development, as set out in the supporting documents, are not, in this instance, sufficient to outweigh the harm caused. The proposed development would therefore be contrary to the aims of Policy LP24(a) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, and the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The proposed Street Hub would include illuminated screens on both principal elevations. These are an integral part of the development under consideration, as set out in paragraph 2.2 of the Planning Supporting Statement. The proposed illuminated screens, by virtue of their siting close to a heavily-used traffic roundabout, their illumination, and the rotation of images displayed, would give rise to an unacceptable

degree of distraction to motorists, to the detriment of the safe use of the highway, contrary to the aims of Policy LP21 of the Kirklees Local Plan.

3. The proposed Street Hub would reduce the available width of the footway to significantly less than 2m, which is the recommended minimum set out in the Department for Transport document “Inclusive Mobility – A Guide to best Practice” (December 2021), and when being used for charging or call access this could be reduced even further by the presence of a user. This would not be in the best interests of pedestrian safety and convenience, especially for wheelchair users and for mobility-impaired or vision-impaired pedestrians. The proposed Street Hub would therefore conflict with the aim of facilitating the needs of the user hierarchy and accessibility as set out in Policy LP20 and LP24(f) of the Kirklees Local Plan and would be harmful to the safe and convenient use of the highway, contrary to the aims of Policy LP21. Furthermore, it would not result in a development that would function well or add to the overall quality of the area as required by paragraph 130(a) of the National Planning Policy Framework.

4. The footway outside the Junction Inn, including the application site, is designated for upgrade to a shared footway / cycleway under a regional transport scheme for improved walking and cycling provision between Huddersfield and Halifax. The proposed Street Hub would thereby prejudice the future development of identified highway improvements and cycling infrastructure and would not support the wider aims of promoting sustainable transport and facilitating the needs of the user hierarchy as set out in Policies LP19 and LP20 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			16-Sep-2022
Location plan, site layout as proposed	HUD-208	A	16-Sep-2022
Existing and proposed site plan	HUD-208		06-Oct-2022
Dimensioned elevations			16-Sep-2022
Covering letter	HUD-208		16-Sep-2022
Developer’s Notice (highways)	HUD-208		22-Sep-2022
ICNIRP Declaration of Conformity	HUD-208		16-Sep-2022
Noise Management Plan			16-Sep-2022
Product Statement			16-Sep-2022
Brochure			16-Sep-2022
Photomontage as proposed	HUD-208		16-Sep-2022
Supporting planning statement			16-Sep-2022
Anti-social behaviour statement		2	16-Sep-2022
FAQ			16-Sep-2022
ILP Professional Lighting Guide			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 or additional plans since the planning concerns related to the principle of the development rather than details.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at the Planning Inspectorate website**
  Further information on the Planning Appeal process can be found online at the Planning Inspectorates website
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 01-Feb-2023

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Kirklees Planning Website, by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/62/93081/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL