

**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:	<b>2025/62/93136/W</b>
Site Address:	opp, 36, New Street, Huddersfield, HD1 2BU
Description:	Installation of 1 black digital communications kiosk with defibrillator (within a Conservation Area)
Recommending Officer:	Joanna Rednall

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 06 January 2026

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## **Officer Report 2025/93136 opp, 36, New Street, Huddersfield, HD1 2BU**

### **Site Description**

The site of the application is within the pedestrianised part of New Street, approximately 55m south of the junction with King Street and 30m from the entrance to Lockwood Yard, a narrow passageway leading to Victoria Lane. The site is located within Huddersfield Town Centre Conservation Area and is adjacent to a row of Grade II Listed Buildings (34, 36 and 40 New Street).

### **Description of Proposal**

The proposal is for the installation of 1 black digital communications kiosk with defibrillator and advertisement screen.

The kiosk is of a telephone box appearance, of a black finish with windows to either side, and one elevation comprising a defibrillator and interactive display screen with the other almost wholly taken up by an internally illuminated digital display screen.

The total measurements of the kiosk are:

- 2.4m in height
- 0.8m in depth
- 1.1m in width.

### **History of negotiations/amendments received**

None.

### **Relevant Planning History**

None.

### **Representations**

**Final publicity date expires:** 28<sup>th</sup> December 2025 (publicity by site notice and press advertisement in addition to neighbour letter as the site is within a Conservation Area and would affect its setting)

### **Consultation Responses**

- KC Highways Development – No comments received within timeframe.
- KC Conservation & Design – The proposal would result in less than substantial harm to the character and setting of the Conservation Area.

## **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 27<sup>th</sup> February 2019).

### Kirklees Local Plan

The site is located within the Primary Shopping Area of Huddersfield Town Centre on the Local Plan Proposals Map.

Most relevant Policies:

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

### **Supplementary Planning Documents:**

- KC Highways Design Guide 2019

### **Other Guidance**

- The Huddersfield Blueprint

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 8 – Promoting healthy and safe communities
- Chapter 10 – Supporting high quality communications
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Planning for climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

### **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:**

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on visual amenity:**

The application site is located within Huddersfield Town Centre Conservation Area. Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 214 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

The land subject to this application is located within a prominent position inside the Huddersfield Town Centre Conservation Area, meaning that any development has the potential to affect its setting. While the application has not been formally advertised as affecting the setting of a listed building, there are several Grade II listed buildings nearby at 34, 36 and 40 New Street, and it is therefore necessary to fully assess the likely impact on their setting in determining the application.

A telephone box is located approximately 30 m south of the application site; however, the proposal does not include its removal. As a result, the introduction of the communications kiosk would add to, rather than reduce, existing street clutter. Although the kiosk would have a smaller footprint than the existing phone box, it would stand at a height of approximately 2.4 m and occupy a prominent position within the pedestrianised footway. This

prominence would be further emphasised by the 1.6 m high internally illuminated digital screens on the sides of the structure, resulting in a visually intrusive feature that is out of keeping with the historic character of the surrounding streetscape.

For these reasons, officers consider that the proposal would result in less-than-substantial harm to the setting of the Conservation Area and would detract from visual amenity by introducing additional clutter within a pedestrianised environment.

### Public Benefits

Paragraph 215 of the NPPF states that where less than substantial harm is identified, it must be weighed against public benefits.

The applicant has identified a number of potential public benefits associated with the proposal, including: a public telephone system, a portrait-format interactive touchscreen providing wayfinding and public information, equipment for public Wi-Fi and/or small-cell mobile connectivity, an integrated defibrillator, and a digital display for advertising and public messaging. However, these benefits are considered limited in weight and do not outweigh the harm to the Huddersfield Town Centre Conservation Area.

There are already existing public telephones and defibrillators within the town centre, with the nearest defibrillator located at Packhorse Shopping Centre and 14 High Street, and several others inside the Huddersfield Ring Road. Consequently, the additional provision offered by the kiosk are unlikely to deliver a significant public benefit. Moreover, alternative forms of provision, such as wall-mounted equipment, could deliver the same public services without requiring a freestanding structure in a prominent location on the footway.

Officers consider that there are less intrusive and more contextually appropriate ways to provide the proposed public functions, including defibrillators and digital information displays, that would not harm the streetscape or the setting of adjacent listed buildings. The current proposal, by contrast, introduces a highly visible and incongruous structure that would have a significant adverse visual impact on the Conservation Area. On balance, the limited public benefits of the scheme do not justify the harm caused to the heritage assets, and therefore the proposal fails to preserve or enhance the character of the area.

To allow this proposal would therefore be contrary to the aims of Chapter 16 of the NPPF, Policies LP17, 24 and 35 of the Local Plan, and the Council's duty under Sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

The kiosk would in any case be placed within a mainly commercial setting within an area where there are no residential properties within close proximity to the site. The kiosk is proposed in a location in which there would normally be significant noise and activity on the street at all times of day. It is therefore anticipated that any noise associated with the proposed kiosk would not significantly affect residential amenity, thereby according with the aims of LP24(b) and LP52.

#### **4 – Impact on highway safety:**

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. Where there are 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, wider footway distances may be required.

In this instance, the unobstructed width of the pavement remaining after the installation of the kiosk would be approximately 7m to the east of the kiosk and 9m to the west, both far in excess of the recommended minimum. In this instance, the proposed kiosk is in a pedestrianised zone and therefore the potential for driver distraction is minimal. Since it would not be located on or near a junction of roads used by vehicular traffic, nor a signalised pedestrian crossing, it would neither affect sight lines nor interfere with signal interpretation. In conclusion, it is considered that the proposed development would not cause harm to the safe or convenient use of the highway, given its existing layout, and would thereby accord with the aims of policy LP21 of the Local Plan.

#### **5 – Other matters:**

##### *Crime and disorder:*

The applicant has submitted a statement outlining the Anti-Social Behaviour (ASB) response process, which details the measures implemented following the identification of ASB incidents. The statement specifies a range of actions aimed at reducing the likelihood of crime or anti-social behaviour, including blocking calls from specific numbers (subject to agreement with the police and in addition to numbers already restricted through the automatic anti-social call prevention system) and disabling the USB port to discourage loitering. The kiosk is designed to operate with only a handset, with no external speakers proposed, and provides partial weather protection without being fully enclosed. The new kiosk will undergo inspections, cleaning, and maintenance at least bi-weekly to ensure it remains in good working order. Given the management plan proposed by the applicant, officers consider that the

measures in place are sufficient to mitigate crime and fear of crime and, therefore, do not provide grounds to refuse the application.

*Biodiversity:*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the 'De-Minimis' exemption category within the application forms. A Therefore, in light of the submitted detail it is considered the application is exempt from a BNG uplift.

*Climate Change:*

On 12<sup>th</sup> 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 'Overview and Specification' document, the kiosk would be powered by 100% renewable energy. The proposal is in principle deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14 and Policy LP26 of the Local Plan.

6 – Representations: No representations were received.

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 and other material considerations.

**Recommendation**

**Refusal**

## Decision Authorisation - Delegated Powers

**Application Number: 2025/93136**

**Officer Recommendation:** Refuse

### Reason for refusal

The proposed digital communications kiosk and defibrillator, due to its scale, prominent location, and illuminated displays, would constitute a visually incongruous and intrusive feature. It would harm the significance of the Huddersfield Town Centre Conservation Area, which includes several nearby listed buildings. The limited public benefits associated with the development do not outweigh the less-than-substantial harm to the heritage assets. Furthermore, the proposal would introduce additional illuminated street furniture, contributing to visual clutter and detracting from the character and appearance of the wider Town Centre. 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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	4906-001-004A	-	11/11/2025
Site Plan	4906-001-004B	-	11/11/2025
Elevations	NWP-KIOSK/001	-	11/11/2025
New Communication Kiosk Management Plan – October 2025	-	-	11/11/2025
New Communications Kiosk – Overview and Specification. Dated August 2024	-	-	11/11/2025
Planning, Design & Heritage Statement. Dated November 2025	-	-	11/11/2025
Application form	-	-	11/11/2025
Community Infrastructure Levy (CIL) – Form 1: Additional Information			11/11/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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 20224 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not request amended or additional plans, as addressing the issues identified would require significant changes beyond the scope of the current application to make the proposal acceptable.