

**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: | 2026/62/90537/W |
| Site Address: | adj Nando's, John William Street, New Street, Huddersfield, HD1 1BR |
| Description: | Installation of 1BT Street Hub, incorporating 2 digital 75inch LCD advert screen and associated BT Phone Kiosk removal (within a Conservation Area) |
| Recommending Officer: | John Holmes |

DECISION - Refused

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 20-APR-2026

Officer Report 2026/90537

Site Description

This application relates to an existing BT call box which is located within land which forms part of the footpath at the Junction of John William Street and Kirkgate in Huddersfield Town Centre.

The part of the street the application relates is 7.2m wide and partially enclosed with railings at the corner of the Junction. The Junction is signalled with a number of movements of pedestrians and traffic take place within the vicinity.

There are listed buildings immediately adjacent to the site (to the west) with other listed buildings in proximity to the south east.

Description of Proposal

The proposal is 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 calls, a direct dial emergency service button, and would also host two digital advertising screens. 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 north to south. It is proposed that for all current BT Street Hub applications, one or more existing BT call-boxes would be removed. In this instance one call-box would be removed.

An ICNIRP certificate of conformity stating that the equipment is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) has been submitted with the application.

History of negotiations/amendments received

None.

Relevant Planning History

Within the red line boundary of the application site the following applications constitute the planning history of the site that is considered to be of relevance:

2000/90037 – Telecommunications development for prior approval of erection of 1.no telephone kiosk – Details approved 29th January 2000.

The aforementioned planning history is a material consideration which must be afforded weight in the consideration of this application and is taken into account in the assessment of this proposal.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter by site notice and press advertisement. A precautionary approach to publicity was undertaken with the site notice setting out the development 'would affect the setting of a Listed Building and is either within a Conservation Area or affects its setting'. Whether the development does affect these setting(s) is discussed in more depth in the 'Assessment' section of this report.

Objections have been received from a local ward member, Councillor Sue Lee-Richards and also the Huddersfield Civic Society, with the summarised concerns raised as follows:

- Will make the area a more cluttered and less inviting place for visitors to the town centre.
- Proposals will have a negative impact

- The blueprint for the town centre intended to make the pedestrian areas a less cluttered and more pleasant area for visitors to the town centre
- Permitting the addition of extra digital advertising will have a cumulative impact detrimental to the council's stated aims
- Contrary to paragraph 141 of the NPPF.
- There are already quite a few large digital structures adding more will only reduce the attractiveness of the town centre further
- Even outside a Conservation Area, they are unsightly, and allow for driver distraction.
- Surely it is possible to provide both Wifi and emergency phones without these ugly additions.

Consultation Responses

During the consideration of this application KC Transport provided comments, specifically setting out that whilst they support removal of the existing BT Telephone Booths they object to the installation of a new BT Street Hub. They consider that the BT Street Hub would create a new obstruction to the safe and free flow of pedestrian movements along the footway and would create a distraction for drivers near a junction.

Policy

The site is within the Primary Shopping Area within Huddersfield Town Centre on the Local Plan. The site lies within the Huddersfield Town Centre Conservation Area. A Grade II listed buildings is located to the immediate west of the site (ref: HUD 1/685) this being 1 – 9 John William Street, with the listing entry stating the following:

1-9 John William Street is a high quality example of a mid-C19 purpose-built commercial building designed in an elegant neoclassical style. It was constructed as part of the Ramsden Estate's New Town development, and designed by architect William Wallen. It has strong group value with the adjacent 11-15 and 17-37 John William Street (both Grade II listed) and with other nearby listed buildings designed in the neoclassical style within the New Town.

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).

The following policies are considered to be of relevance in this case:

Kirklees Local Plan

- 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
- Climate Change Guidance for Planning Applications

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 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

- Chapter 2 – Achieving sustainable development
- Chapter 7 – Ensuring the Vitality of town centre
- Chapter 8 – Promoting healthy and safe communities
- Chapter 10 – Supporting high quality communications
- Chapter 12 – Requiring good design
- 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

Legislation

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

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)

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'.

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.

Assessment

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 119 states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being". Paragraphs 120-123 are mainly concerned with masts rather than ground-based facilities. However, under paragraph 123 it is set out 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 chapters of the NPPF that are considered to be of relevance are:

- 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 12 – Requiring good design. Development must function well and add to the overall quality of an area.

Policy LP24 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”.

Under Policy LP17, all development within Huddersfield Town Centre must provide a safe, welcoming and inclusive destination, create opportunities for the economic development and expansion of the town, and retain and regenerate historic features.

The following transport-related policies are deemed to be relevant:

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-box could both be considered a community facility or service, which under Policy LP48 is relevant insofar as it sets out such development 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 on balance that the aims of LP48 would be fulfilled in this case.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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. Section 66 places a similar obligation upon Local Planning Authorities with respect to the setting of Listed Buildings. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. In this case it is considered listed buildings are sufficient distance from the site that the development would not affect their setting.

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 Local Plan.

2 – Impact on visual amenity:

One of the functions of the proposed Street Hub would be to display illuminated advertisements, which 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 images 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.

The site is within Huddersfield Town Centre Conservation Area. Listed buildings are in close proximity to the site to the west. The listing details of the Grade II Listed Buildings to the west are set out earlier in this report.

The locality benefits from a historic setting, and the call box is in a prominent part of the street being at the junction of a number of streets which form a crossroads.

The sign would be viewed in this context with a backdrop of historic buildings and their setting within the wider Conservation Area. There is currently a number of structures and other street furniture in this part of the street, the proposal would see a reorientation of the site with the footprint of the existing call box altered such that it takes up more of the width of the pavement. The proposal would result in a structure of increased size and prominence which would be further exacerbated by the intention to incorporate illuminated signage upon the structure.

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 a further 3m high structure featuring a pair of 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 to the conservation Area and also the setting of nearby listed buildings. It would thereby conflict with both Huddersfield Blueprint initiatives mentioned above and the aims of Policies LP17(a), LP24(a) and LP35, and also those of Chapter 16 of the NPPF, and the Council's duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990,

It would also be contrary to Planning Practice Guidance on advertisements which sets out the 'amenity' issues includes the local characteristics of the neighbourhood and historic features.

Paragraphs within Chapter 16 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification. Paragraphs within Chapter 16 further set out 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 including, where appropriate, securing its optimum viable use. It is considered that the harm caused to the Conservation Area would in this instance be less than substantial. Several public benefits are described in the application documents, including the provision of free phone and Wi-Fi access for the public, public awareness messaging and environmental monitoring. Whilst these may bring some benefits to the public, they are not considered to outweigh the harm caused in this instance.

3 – Impact on residential amenity: The submitted documents include a Noise Management Plan which proposes different volume settings for different times of day. The Street Hub would in any case be placed within a mainly commercial setting and 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 Street Hub 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 some locations, BT Street Hubs may give rise to increased interference with pedestrian flow and vehicle-pedestrian intervisibility, being wider and less visually permeable than the existing telephone kiosks they would replace. In this instance, the Hub replaces a single call box in a location with existing street clutter which restricts pedestrian flows. The proposal would be wider than the existing call-box.

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.

The PPG 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.

It is inevitable that the introduction of internally illuminated LED advertisement screen displays with changing of static images would draw the attention of road users and pedestrians to a significantly greater degree than the existing non-illuminated static signs displayed on the call box. These would draw the eye of road users at moments which require care and attention to safely negotiate a sharp bend which, whilst signalled, may cause confusion or distraction for drivers in relation to changing of the lights.

Whilst the further constriction of space for pedestrians to navigate the street would occur, it is considered that the further impact of the Street Hub in replacement of the existing Call Box would be such that there would be no material increase in impact to pedestrian using this part of the highway in relation to the space between the existing buildings and the Street Hub and refusal on such grounds could not be substantiated in this case.

It is therefore considered that the proposed Street Hub would give rise to a material and unacceptable risk to the safety of highway users, which would be contrary to the aims of Policy LP21 of the Kirklees Local Plan.

5 – 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.

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 measures set out in the Anti-Social Behaviour Statement, it is expected, would prevent or severely limit criminal misuse (such as the Street Hub being used to conduct drug deals). The Police Architectural Liaison Officer did not express any concerns over other similar such proposals within the locality of Huddersfield Town Centres and it is

therefore considered that increased crime, or fear of crime, would not provide a reason to refuse this application either.

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.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

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 and Policy LP26 of the Local Plan.

6 – Representations:

The representations received are copied below here again for completeness and a response to each provided in italics.

- Will make the area a more cluttered and less inviting place for visitors to the town centre.
- Proposals will have a negative impact
- The blueprint for the town centre intended to make the pedestrian areas a less cluttered and more pleasant area for visitors to the town centre
- Permitting the addition of extra digital advertising will have a cumulative impact detrimental to the council's stated aims
- Contrary to paragraph 141 of the NPPF.
- There are already quite a few large digital structures adding more will only reduce the attractiveness of the town centre further

Officer comment: *These are addressed in sections 2 and 4 of this report.*

- Even outside Conservation Areas, they are unsightly, and allow for driver distraction.

Officer comment: *This matter is addressed in section 4 of this report.*

- Surely it is possible to provide both Wifi and emergency phones without these ugly additions.

Officer comment: *This application is assessed on the basis of its own merits and the development proposal as applied for.*

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 - 2026/90537

Officer Recommendation - Refuse permission

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. The proposed Street Hub and digital display screens, owing to their scale, prominent siting, and means of illumination, would be a visually incongruous and intrusive feature that would cause harm to the significance of the Huddersfield Town Centre Conservation Area, in which there are several listed buildings close by. The public benefits

associated with the proposed development would not outweigh the less than substantial harm caused to the significance of the Conservation Area. In addition, 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 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 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1. The proposed Street Hub would include illuminated screens on both sides. These are an integral part of the development under consideration. The proposed illuminated screens, by virtue of their siting, illumination and the orientation of advertisements displayed, and by reason of conflicting with the clarity and effectiveness of a signalised junction, would create an unnecessary distraction to road users and pedestrians along a well-used vehicular and pedestrian route in Huddersfield town centre. This would be to the detriment of public and highway safety and the local highway network adjacent to the site, and thus contrary to Policy LP21 of the Kirklees Local Plan.

Plans and specifications schedule:-

| Plan Type | Reference | Date Received |
|---|------------------|--------------------------------|
| Site Location Maps | 001RevA | 24 th February 2026 |
| Proposed Site Plan | 002RevA | 24 th February 2026 |
| Proposed BT Streethub Elevations | 003RevA | 24 th February 2026 |
| Existing and Proposed Elevations | 003RevA | 24 th February 2026 |
| BT Street Hubs Beyond Connection document | | 24 th February 2026 |
| ICNIRP Declaration of Conformity | HUD-03 | 24 th February 2026 |
| Screen Testing for Glare document | BT SH 3.0 | 24 th February 2026 |
| ILP Lighting guide 05/23 | | 24 th February 2026 |
| Anti-social Behaviour Management Plan | Version 3 | 24 th February 2026 |
| Planning Statement dated 20th February 2026 | HUD-03 | 24 th February 2026 |
| Application Form | | 24 th February 2026 |

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.