



Planning Committee
Monday, 9th January, 2017 at 9.30 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

- a) Decisions on Applications (Pages 2 - 42)

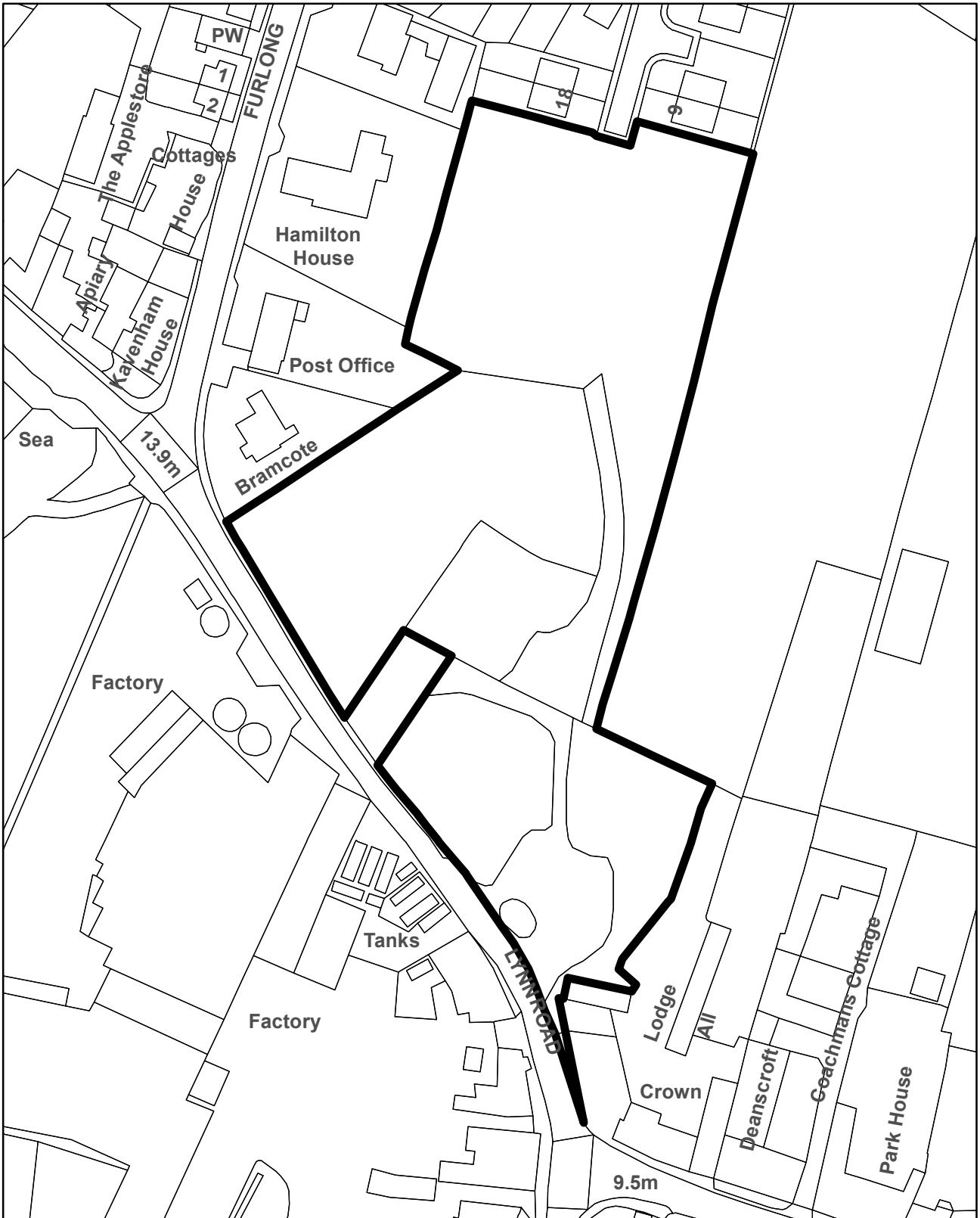
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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16/00493/FM

Land between Bramcote House and Village Hall Lynn Road Stoke Ferry



AGENDA ITEM 8/2(a)

Parish:	Stoke Ferry	
Proposal:	Proposed residential development (29 dwellings) with minor demolition of former opening in boundary wall for access to plot 24. To include parking and access to existing village hall	
Location:	Land between Bramcote House and Village Hall Lynn Road Stoke Ferry Norfolk	
Applicant:	Stoke Ferry Regeneration Ltd	
Case No:	16/00493/FM (Full Application - Major Development)	
Case Officer:	Mrs H Wood-Handy	Date for Determination: 15 June 2016 Extension of Time Expiry Date: 9 February 2017

Reason for Referral to Planning Committee – Financial contribution exceeds £60,000

Case Summary

The site is located on the north east side of Lynn Road, Stoke Ferry adjacent to Stoke Ferry Village Hall. The site is located in Stoke Ferry Conservation Area and opposite a row of Grade II Listed Buildings. The site is allocated in part for residential development (minimum of 12 dwellings) via Policy G88.3 (Stoke Ferry – Land at Indigo Road/Lynn Road) of the Site Allocations and Development Management Polies Plan (SADMP) 2016.

The proposal is for Residential development of 29 dwellings within minor demolition to the boundary wall to form access to Plot 25 and to include parking and access for the existing village hall. The site would be accessed from Lynn Road and would be a cul-de-sac culminating at the north east part of the site with a pedestrian link through to Indigo Road. The proposal encompasses the provision of open space in three locations across the site and provision would be made for a 26 space car park to serve the Village Hall. Dwellings would be mainly two storey with Plots 21 – 23 fronting Lynn Road being 2.5 storeys to reflect the more prominent Listed Building to the south of the site.

Key Issues

Principle of development
 Form and character and impact on Heritage Assets
 Highways
 Neighbour amenity
 Affordable housing
 Ecology
 S106 matters
 Another matters requiring consideration prior to the determination of the application.

Recommendation

A) APPROVE subject to conditions and the completion of a S106 Agreement within 4 months of the date of the Committee resolution.

B) In the event that the S106 is not completed within 4 months of the date of the Committee resolution, **REFUSE** on the failure to secure county contributions, open space provision and maintenance, SuDS maintenance and the village hall car park.

THE APPLICATION

The site is located on the north east side of Lynn Road, Stoke Ferry adjacent to Stoke Ferry Village Hall. The site is located in Stoke Ferry Conservation Area and opposite a row of Grade II Listed Buildings. The site is allocated in part for residential development (minimum of 12 dwellings) via Policy G88.3 (Stoke Ferry – Land at Indigo Road/Lynn Road) of the Site Allocations and Development Management Polies Plan (SADMP) 2016.

The proposal is for Residential development of 29 dwellings within minor demolition to the boundary wall to form access to Plot 25 and to include parking and access for the existing village hall. The site would be accessed from Lynn Road and would be a cul-de-sac culminating at the north east part of the site with a pedestrian link through to Indigo Road. The proposal encompasses the provision of open space in three locations across the site and provision would be made for a 26 space car park to serve the Village Hall. Dwellings would be mainly two storey with Plots 21 – 23 fronting Lynn Road being 2.5 storeys to reflect the more prominent Listed Building to the south of the site.

SUPPORTING CASE

Physical context

This site comprises approximately 1.17ha on the brownfield site of a former commercial premises between Lynn Road and Furlong Road, partially within the Conservation Area of Stoke Ferry.

The A134 by-pass takes the majority of traffic around Stoke Ferry, and Lynn Road has become a quiet approach to the village centre.

Existing buildings along Lynn Road and Furlong Road are mostly of 18th/19th century houses and cottages. Storey heights vary, but are mostly of two storeys with some 20th century infill bungalows. Materials comprise a mixture of chalk, cobble, flint and some render, with buff and red-brown brick, with red-orange pantiles and some slated roofs.

Brief

The brief is to deliver a mix of dwellings of a design which is sympathetic to the Conservation Area of Stoke Ferry, and to provide car-parking access to the Village Hall.

Planning history

Records indicate no previous planning applications for developing this site.

Evaluation

The site comprises vacant land between Lynn Road (the site of two petrol pumps) and a recent social housing development to the North.

An historic wall attached to the Village Hall comprises part of the site and is to be retained and incorporated into the proposal.

Across Lynn Road from the site is the Grampian Foods production facility (formerly Favor-Parker).

The existing Village Hall is in need of permanent off-road parking and access, and agreement has been made for the provision of a new car-park and vehicular entrance off the access road to be incorporated into the scheme.

Photographs show that the site was cleared of buildings in the early 2000's and has remained vacant since. The site contains spoil heaps from various clearances and excavations and which are understood to contain asbestos and potential hydrocarbon contamination associated with the former use as a filling station. The treatment and removal of these is considered in an accompanying soil contamination and remedial works report.

The contaminated site is in need of significant remediation costs in bringing forward this proposal, such that the applicant considers that the requirement for provision of a proportion of affordable homes would make the commercial viability of the development unreasonable. A viability statement which contains confidential financial information is submitted in support of this application and the applicant requests that the policy requirement is withdrawn on this occasion.

The previous scheme on adjoining land to the North is a wholly affordable scheme, and this scheme proposes to provide a pedestrian/cycle link from that site to the village as a shorter, safer, route to village facilities.

Design

The intention of the design is to produce a variety of houses which deliver much-needed family homes whilst respecting the appearance, massing, and scale of the assortment of houses along Lynn Road in materials which 'fit in' to the locality and which are designed to modern standards of energy efficiency.

Access

The site lies partially within the Conservation Area of Stoke Ferry, and is a short walk to bus stops for bus services to Kings Lynn, Brandon, and Thetford, which have regional rail and bus links. Dedicated parking spaces are provided within the curtilage of the properties to Norfolk County Council standards.

Access to and within the building will be provided in accordance with Building Regulations standard requirements.

PLANNING HISTORY

08/02642/F: Application Permitted: 03/03/09 - Variation of Condition 11 of Planning Permission 06/02248/F to permit a scheme for the provision and implementation of contamination investigation to be undertaken in a phased manner

06/02248/F: Application Permitted: 15/12/06 - Construction of mixed housing development comprising 4x3 bed, 2x4 bed and 2x5 bed dwellings of detached, terrace and semi-detached, two and three storey construction together with associated new private road, landscaping, car ports and parking

RESPONSE TO CONSULTATION

Parish Council: SUPPORT subject to:

1. The Village Hall Car Park must be completed prior to building works commencing;
2. Could the access road to the village hall car park be tarmacked to at least the corner of the building;
3. The pedestrian gate onto the road should be fitted with a lock to ensure the safety of your children;
4. Concern was raised that the additional places needed at the Academy were being understated. The documents show only two available spaces and with 29 dwellings more space would be needed. Little Oaks Nursery is full and therefore additional accommodation may be needed there. Also, could S106 money be allotted to both facilities;
5. Could it be confirmed that there was an independent Environmental Assessment.

Highways Authority: Amended plans – **NO OBJECTION** - Whilst we accept the planning authority needs to take a balanced view in determining the application we are disappointed that the current layout does not address our earlier concerns. The proposed layout is likely to result in on-street parking in front of plots 21-24 close to a bend where forward visibility for vehicles travelling west is restricted. Such on-street parking would result in eastbound vehicles having to move out into the opposing traffic lane to pass the parked vehicles and in doing so approach the westbound traffic in the same lane around a bend where visibility is restricted. Whilst we accept some degree of on-street parking may already occur connected with the existing village hall, the likelihood is this parking will not extend so close to the bend and will not be a habitual. On-street parking associated with the development will increase the potential for vehicle conflict where forward visibility is limited and increase the propensity for future personal injury accidents, to the detriment of highway safety.

The layout also does not widen the footway as requested. Given the existence of local services (pub, shop, bus stop and playing field) to the west of the site there is a realistic expectation that residents will use the existing footway. Our recommendation remains that the footway should be widened across the whole of the site frontage and the length of narrow footway be minimised. Even if the footway in front of the wall was widened to a 1.5m this would provide a significant improvement to pedestrian provision.

Should the Planning Authority be minded to support the application in its current form we acknowledge that whilst it will not be highway an alternative pedestrian route from the development to the existing footway (west of the village hall) does exist through the village hall car park. Whilst waiting restrictions should not be used as a get out clause for inappropriate design if the current layout is supported then in this instance it will be essential that the securing of waiting restrictions on Lynn Road be conditioned to prevent the potential for vehicle conflict as described above.

Recommend conditions regarding road details, visibility splays, construction traffic management plan, traffic regulation order

NCC – Planning Obligations: NO OBJECTION subject to provision of education and library contributions and fire hydrant.

Historic England: Originally **OBJECTED** to the Scheme however following the receipt of a Heritage Statement and amended plans consider that the location of the car park provides a buffer between the new units and the industrial buildings to the south and that the simplification in design of Plots 21 – 24 and their relocation further towards the road reinforces the sense of enclosure that characterises this part of the Conservation Area. **NO OBJECTION.**

Historic Environment Service: NO OBJECTION subject to conditions regarding archaeological investigation and mitigation.

Natural England: No Comment

Internal Drainage Board: No Comment

Anglian Water: NO OBJECTION

NCC – LLFA: No Comment

Environment Agency: NO OBJECTION subject to conditions regarding contamination investigation, surface water drainage and piling

Environmental Health & Housing – Environmental Quality: Following receipt of revised information, **NO OBJECTION** subject to conditions regarding contamination investigation and remediation.

CSNN: NO OBJECTION subject to conditions regarding Noise Protection (as a result of the nearby factory), air source heat pumps and construction management plan.

Arboricultural Officer: NO OBJECTION subject to condition requiring the application to be development to be implemented in accordance with the Arboricultural Report.

Commercial Services – Green Space Officer: Provides comments regarding the location of open space, maintenance, screening and planting.

Housing Strategy Officer: At present a 20% affordable housing provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Stoke Ferry. This is then further split into 70% being made available for rent and 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. This means that ordinarily a contribution of 6 affordable dwellings, 4 for rent and 2 for shared ownership would be required.

However having assessed the information submitted by the applicant, I am satisfied that due to the abnormal decontamination costs, it is not viable to provide all the contributions required by policy. I am aware there are also contributions due towards education, play area equipment, the village hall and libraries. However, it is worth noting that Policy G88.3 of the emerging Site Allocations and Development Management Policies only includes the requirement for affordable housing and a financial contribution towards the Village Hall.

I have assessed the viability on 3 scenarios;

1. All S.106 obligations included – With all contributions included, it is not viable to provide any affordable housing and there is still a deficit of over £80k. This suggests that it is not viable to develop the site with the required contributions towards education, libraries, and play area equipment.

2. All obligations removed except Affordable Housing and contributions to the village hall - Based on this scenario, it would be viable for a reduced affordable housing contribution of 2 shared ownership dwellings (a 2 bed house and a 3 bed house) to be provided in accordance with the policy

3. Reduced S106 obligations towards Education, play area equipment, libraries - This scenario shows that it would be viable to provide contributions equating to around a sixth of the original amount including 1 shared ownership dwelling (2 bed house)

It is accepted that due to the abnormal contamination/remediation costs associated with the site that the proposed development cannot bear all of the S.106 obligations. Ultimately therefore there is a planning balance to be struck between providing a reduced amount across all S.106 obligations/requirements (subject to NCC agreement) or if it is considered more important to achieve more Affordable Housing albeit still less than policy requires at 20% and no other obligations apart from the village hall contributions (option 2 above).

Norfolk Constabulary: Overall the layout is acceptable and provides an acceptable level of natural surveillance. Provides SBD advice.

REPRESENTATIONS

THREE letters of **OBJECTION** regarding the following (to original and amended plans):

- Overlooking and loss of privacy;
- Loss of view;
- Devaluation of property;
- Increase in traffic;
- Requires screening to provide security;
- Site would be of more benefit to the village if it was turned into open space;

Stoke Ferry Village Hall Committee –

No particular objection provided that:

a) the proposed car park and access road thereto are completed to our satisfaction prior to the erection of any dwellings on the development site and all requisite rights of way, easements and similar issues are properly secured;

b) If any waste from the development site is buried beneath the proposed car park, the Village Hall and its Trustees and Committee Members must be absolved from all and any current and future liabilities attributable to such burial and/or its consequences;

c) The developers must fully comply with the undertakings already proposed to us whereby the Village Hall will receive a financial donation related to the number of residential dwellings to be built on site, such compliance to be underwritten by legal agreement.

The developers have previously failed to comply with a contract, purportedly enshrined within a S106 agreement to acquire the existing Hall and provide us with a new building.

In the light of such experience, we clearly have some reservations regarding the intentions of the developers to meet their obligations, although recent discussions between parties have been amicable and constructive. Nevertheless, we hope, and expect, that the Borough Council will do all in its power to ensure that the interests of the Village Hall and those of the local population who make use of this facility, are adequately safeguarded during consideration of the application.

Update – The Village Hall Committee have agreed a lease agreement with the developer. The Committee confirms that it has received the first tranche of the donation (£10,000) in June 2016.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Stoke Ferry Parish Plans

PLANNING CONSIDERATIONS

The main issues are:

- Principle of development
- Form and character and impact on Heritage Assets
- Highways
- Neighbour amenity
- Affordable housing
- Ecology
- S106 matters
- Another matters requiring consideration prior to the determination of the application.

Principle of development

Stoke Ferry is a Key Rural Service Centre (KRSC) as defined by Policy CS02 of the Core Strategy 2011 where residential development that is appropriate to the scale and nature of the settlement is acceptable in principle. Part of the site lies within the village development boundary and the Conservation Area (fronting onto Lynn Road) and the remaining area of the site is an allocation of the Site Allocations and Development Management Policies Plan 2016 – Policy G88.3 Stoke Ferry – Land at Indigo Road/Lynn Road. Policy G88.3 is allocated for at least 12 dwellings. Development will be subject to compliance with the following:

1. Submission of a detailed contamination assessment in accordance with the requirements of the NPPF and the Environment Agency's 'Guiding Principles for Land Contamination'
2. Safe access and visibility being achieved to the satisfaction of the local highways authority;
3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
4. Land to the west of the village hall will be allocated for a c.26 car space car park. Submission of a suitable plan for the future management and maintenance of the car park;
5. Submission of an agreed schedule for financial contributions to the village hall community facility.

6. Provision of affordable housing in line with the current standards.

7. Careful design ensuring that development conserves and enhances the conservation area.

The proposal is for 29 dwellings which incorporates the allocation as well as land fronting Lynn Road. The policy allows for an increase in numbers provided that all elements of the policy are satisfied.

The proposal has been amended since originally submitted and it is considered that the proposed development complies with Policy G88.3 outlined above.

Form and character and impact on Heritage Assets

The site is located in Stoke Ferry Conservation Area and is located to the north east of Grade II Listed Buildings (fronting Lynn Road). The site slopes from the north east to the south west with higher land being at the Indigo Road end of the site.

In this location, the area is dominated by the Favor Parker Factory to the southwest of the site which does little to enhance the character and appearance of the Conservation Area. The application site is currently vacant land bar the village hall. The proposal seeks to create a street scene emulating the existing close knit network of streets within the Conservation Area. Access to the site would be at the southern tip with an estate road leading to the north of the site. The proposed Lynn Road frontage has been amended so that the terrace of dwellings become 2 1/2 storey which are consistent with the form and scale of the Grade II Listed Buildings to the south of the site. Plot 24 adjacent to the Village Hall would be set back behind the existing historic wall (which will be repaired) with the reopening of an entrance in the existing wall. To the north of the Village Hall, the existing brick/flint/chalk wall would be retained and repaired with the proposed village hall car park set behind it.

The design of the units, incorporating detached and terraced units across the site, are simple in form utilising traditional proportions, porches and a palette of materials (timber joinery, buff brick, flint detailing, clay pantile) that is consistent with character and appearance of the Conservation Area. Flint would be used in key gable walls that are visible in the Conservation Area. The positioning of dwellings follow the estate road with courtyard areas to the centre and top end of the site. The number of dwellings is maximised without harming the form and character of the locality and the use of frontages and key walls adds interest. Play areas (compliant with Policy DM16) would be located adjacent to the village hall and to the north of the site between Indigo Road and the proposed development with an area of open space to Lynn Road which would enhance the development entrance. Whilst the comments of the Greenspace Officer are noted, the site is constrained and thus the locations of the open space subject to detail are acceptable.

On receipt of amended plans, Heritage England and the Conservation Officer raise no objection and consider that the development would make a positive contribution to the street scene and overall Conservation Area.

The proposal is considered acceptable and complies with the NPPF, Policies CS08 and CS12 of the Core Strategy 2011 and Policy DM15 and DM16 of the SADMP Plan 2016.

Highways

The access and layout have been revised in accordance with highways comments throughout the application life and overall, NCC raises no objection. However, there remain outstanding issues relating to the footpath to Lynn Road and the parking requirements of Plots 21 – 24 which require highways requirements to be balanced against the duty to preserve and enhance the Conservation Area.

NCC Highways consider that the proposed layout is likely to result in on-street parking in front of plots 21-24 close to a bend where forward visibility for vehicles travelling west is restricted.

Such on-street parking would result in eastbound vehicles having to move out into the opposing traffic lane to pass the parked vehicles and in doing so approach the westbound traffic in the same lane around a bend where visibility is restricted. Whilst it is accepted that some degree of on-street parking may already occur connected with the existing village hall, it is considered that the likelihood is this parking will not extend so close to the bend and will not be a habitual occurrence. On-street parking associated with the development will increase the potential for vehicle conflict where forward visibility is limited to the detriment of highway safety.

Further, the layout also does not widen the footway as requested. Given the existence of local services (pub, shop, bus stop and playing field) to the west of the site there is a realistic expectation that residents will use the existing footway. Thus NCC's recommendation remains that the footway should be widened across the whole of the site frontage and the length of narrow footway be minimised. Even if the footway in front of the wall was widened to a 1.5m this would provide a significant improvement to pedestrian provision.

Whilst it is appreciated that Lynn Road is narrow in this location, the nature of the Conservation Area is such that dwellings are positioned close to the road and not set back. If a layby is provided to the front of Plots 21-23 as suggested, it would result in an alien feature in the street scene. Further, given that these units are serviced from the rear (off the proposed access drive) with adequate parking, it is not considered necessary for a layby to be provided. Also this can be mitigated against by securing waiting restrictions on Lynn Road (via condition) as set down in the NCC response.

With regard to the request for footpath widening, there is no land available within the highway that could accommodate footpath widening which means that it would have to be accommodated on site. However, this would result in the loss of the historic walls bordering the proposed car park and Plot 24. Given that there is an alternative footpath route proposed within the development i.e. via the access road and proposed car park, on this occasion, NCC's request cannot be accommodated in the interests of the character and appearance of the Conservation Area.

NCC accepts that a balanced approach has had to be taken and overall, raise no objection subject to conditions. The proposal therefore accords with Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMP Plan 2016

Neighbour amenity

In terms of external relationships with neighbouring properties, the scheme has been amended to prevent loss of privacy and amenity to neighbours directly abutting the site, particularly Plot 20 to the south of the site where the south gable first floor windows have been removed in entirety to prevent overlooking.

The relationships between Plots 3, 4, 26, 28 and 29 to properties to the west are considered acceptable. Further distances between Plots 1 – 3 to the properties to the north/north-west are also considered acceptable.

Given the separation distances and existing planting between existing and proposed properties, the proposed development give rise to limited overshadowing and would not be overbearing. Finished floor levels are consistent with existing levels given that it is a sloping site.

The proposal would comply with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMP Plan 2016.

Affordable Housing

The site exceeds the threshold for affordable housing and thus 20% provision is required in accordance with Policy CS09 of the Core Strategy 2011 which equates to 6 affordable dwellings (4 for rent and 2 shared ownership).

However, the Applicant has submitted a viability report which demonstrates that due to abnormal decontamination costs, it is not viable to provide all contributions required by the policy. The viability assessment submitted was on the basis that no education contributions were required (an NCC letter submitted with the application demonstrated as such), financial contribution to the village hall and library contribution.

The Housing Strategy Officer accepts that not all policy requirements can be provided (on the basis of the viability assessment and additional education contributions (£81, 508) but sets out three options:

1. All S.106 obligations included – With all contributions included, it is not viable to provide any affordable housing and there is still a deficit of over £80k. This suggests that it is not viable to develop the site with the required contributions towards education, libraries, and play area equipment.
2. All obligations removed except Affordable Housing and contributions to the village hall - Based on this scenario, it would be viable for a reduced affordable housing contribution of 2 shared ownership dwellings (a 2 bed house and a 3 bed house) to be provided in accordance with the policy
3. Reduced S106 obligations towards Education, play area equipment, libraries - This scenario shows that it would be viable to provide contributions equating to around a sixth of the original amount including 1 shared ownership dwelling (2 bed house)

On this basis, with reduced contributions, affordable housing could be provided. However, having spoken with the Environmental Quality Team, the site is a heavily contaminated brownfield site and the contamination costs advanced are conservative at best and are likely to significantly increase. With this in mind, Officer's consider that the provision of affordable housing, on this occasion, should not be required. The Agent is revisiting costs and will be submitting a revised Viability Assessment which will be reported as Late Correspondence. The Housing Strategy Officer will provide comments accordingly.

Ecology

An Extended Phase 1 Ecology survey has been undertaken which identifies that there are bat roosts within the off-site village hall and potential for bats in trees within the site. It has been identified that additional surveys are required in the form of three static nocturnal emergence/return to roost bat surveys and three nocturnal transect surveys. Additional recommendations relate to working method statements (precautionary approaches) for bats – tree roosts, nesting birds, reptiles, badger and hedgehog.

Natural England makes no comments but advises that where protected species may be affected Standing Advice is used. In this case, the Phase 1 survey concludes that further surveys are required to determine the impact on bats present offsite in the Village Hall.

The European Habitats Directive (the Directive) prohibits activities such as the deliberate capturing, killing or disturbance of protected species, subject to derogation in specific and limited circumstances.

These requirements are enforced in England and Wales by the Conservation of Habitats and Species Amendment Regulations 2012 (the Regulations) and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

In exercising its functions, including determining planning applications, a Local Planning Authority (LPA) is required to have regard to the requirements of the Habitats Directive in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the Regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the Directive and the Regulations have all been met.

The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, an Extended Phase 1 habitat survey concluded that there was potential for impacts to bats requiring further emergence/return and transect surveys.

The LPA can therefore conclude that there is the possibility of protected species present on the site and that if development were to proceed there is the possibility of a breach of the Directive.

LPA consideration of the tests:

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. In this case, the site is allocated for development by Policy G88.3 of the Site Allocations and Development Management Policies Plan 2016 and thus contributes to the Council's deliverable supply of housing.

2. No satisfactory alternatives – this is an allocated site of the Site Allocations and Development Management Policies Plan 2016.

3. Population maintenance - it appears to be unlikely that development of this land, subject to mitigation measures specified will affect the conservation status of the protected species. In addition, the offsite village hall is to be retained.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application, that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development.

The proposal therefore complies with the NPPF and Policy CS12 of the Core Strategy 2011.

S106 matters

In accordance with Policy CS14 of the Core Strategy 2011, the County Council seeks contributions towards self-contained class space provision at All Saints Academy (£81, 508) as well as £2175 towards the mobile library service for Stoke Ferry. A fire hydrant is required which can be secured by condition.

Open space is required in accordance with Policy DM16 of the SADMP Plan 2016 which shall include play equipment as well as maintenance. Similarly, SuDS design can be conditioned but maintenance is required to be included in the S106.

The Village Hall Car Park needs to be secured in perpetuity and the surety that the community facility will be delivered early. Therefore clauses will be required within the S106.

The Applicant has made a voluntary contribution of £20,000 to the Village Hall for improvements. The Village Hall Committee has confirmed that £10,000 has already been paid with a remaining payment outstanding. These matters are separate to the S106 process and would not be included within the legal agreement.

Another matters requiring consideration prior to the determination of the application

The site is a brownfield site (former petrol station) and the submission of the Desk Study clearly identifies that several sources of contamination are present on site which have the potential to adversely affect human health. Environmental Quality raise no objection but In accordance with the NPPF, conditions regarding contamination investigation/remediation and unexpected contamination are proposed.

The site is located above a Principal/Secondary Aquifer and a protected groundwater and drinking water area. The EA raise no objection however because of the potential level of contamination on site which could impact on groundwaters, conditions are required regarding contamination investigation (similar to those outlined above) as well as surface water drainage, piling and foundation design.

The site is located in Flood Zone 1, the lowest risk flood zone. A drainage strategy has been submitted which incorporates SuDS in various locations across the site including permeable paving to private and shared driveways, soakaways, highway soakaways and rainwater harvesting. Foul water would be to the existing sewer network. The exact details foul and surface water drainage/SuDS shall be secured via condition in accordance with Policy CS08 of the Core Strategy 2011. The LLFA (statutory consultee) and IDB raise no objection.

With regard to archaeology, the proposed development sits adjacent to the site of an inhumation of unknown date. The burial was uncovered during the construction of the factory to the south in 1963, and was provisionally dated to the Neolithic, based on initial analysis by staff at King's Lynn Museum. However, the exact status of this burial (and, indeed, its exact position) is unknown, and hence the potential for further human remains and associated deposits is extremely high. A programme of trial trenching was initially required by the Historic Environment Service (HES) prior to the determination of the application.

However, the level of contamination on the site and potential risk to human health means that it could not be safely achieved prior to contamination works. Therefore HES consider that a programme of works can run concurrently with contamination remediation and thus can be adequately dealt via a suite of Archaeological investigation/mitigation conditions in accordance with Policy CS12 of the Core Strategy 2011.

The site is in close proximity to the Favor Parker factory which could give rise to noise and disturbance to occupants of proposed dwellings fronting Lynn Road as well as others within the site. As such, CSNN recommend a condition regarding noise protection. Further, conditions are recommended relating to a construction management plan and air source heat pump details in accordance with DM15 of the SADMP Plan 2016.

An Arboricultural Impact Assessment, Tree Protection Plan and Method Statement has been submitted in support of the application given the mature trees to the boundaries of the site. Such trees have potential for bat roosts as described above. All trees are to be retained by bar one goat willow near the village hall. The Arboricultural Officers raises no objection subject to the development being implemented in strict accordance with the Arboricultural report in accordance with Policy CS12 of the Core Strategy 2011.

Crime and Disorder

Norfolk Constabulary raise no objection but offer Secure by Design Advice.

CONCLUSION

The site is an allocation of the Development Plan and therefore is acceptable in principle. The design of the scheme has been amended to reflect the existing form and character of the locality which will enhance the character and appearance of the Conservation Area. The applicant proposes a car park to serve the village hall as well as providing contributions towards the hall maintenance. The site is heavily contaminated and whilst the Applicant has indicated willingness to provide planning obligations outlined above, due to underestimated decontamination costs, on this occasion, it is considered that affordable housing is not required.

Notwithstanding the above, the proposal is fully acceptable and complies with the NPPF, Policies CS01, CS02, CS06, CS08, Cs09, CS11, CS12, CS13 and CS14 of the Core Strategy 2011 and Policies DM1, DM2, DM15, DM16, DM17 and G88.3 of the SADMP Plan 2016.

RECOMMENDATION:

A) APPROVE subject to conditions and the completion of a S106 Agreement within 4 months of the date of the Committee resolution and subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Dwg 3237.04 Rev I.
 - Dwg 3237.06 Rev D
 - Dwg 3237.07 Rev B
 - Dwg 3237.08
 - Dwg 3237.09 Rev E
 - Dwg 3237.10 Rev E
 - Dwg 3237.11
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 4 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition All windows and doors shall be set back from the face of the building within the window reveals by a minimum of 60mm unless otherwise approved in writing by the Local Planning Authority.
- 5 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.

- 6 Condition Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 7 Condition The screen walls and fences shown on the approved plans shall be erected prior to the occupation of the dwelling to which they relate.
- 7 Reason In the interests of the residential amenities of the future occupants of the development in accordance with the NPPF.
- 8 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 8 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 9 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 10 Condition The development shall be implemented in complete accordance with the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement (December 2015 – finalised 05-02-2016) prepared by Rick Morrish Associates Ltd
- 10 Reason In order to protect trees on and adjacent to the site in accordance with Policy CS12 of the Core Strategy 2011.
- 11 Condition The development shall be implemented in complete accordance with the Torc Ecology Preliminary Ecological Appraisal dated March 2016.
- 11 Reason In the interests of protected species in accordance with the NPPF and Policy CS12 of the Core Strategy 2011

- 12 Condition Notwithstanding Condition 11, prior to the commencement of the development hereby permitted, including site clearance works, further surveys to identify the extent of bat populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal, which shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the survey taking place.
- 12 Reason To identify the extent of any bat populations in accordance with central government policy as expressed in the NPPF and Core Strategy Policy CS12 of the LDF.
- 13 Condition The results of the survey required under Condition 12 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation/enhancement measures appropriate to the extent of any bat populations recorded in order to minimise the impact of the development upon the newts both during construction and upon completion. A timetable for the implementation/completion/maintenance of the mitigation/enhancement works shall also be submitted with the results. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable, other than with the prior written approval of the Local Planning Authority.
- 13 Reason To identify the extent of any bat populations in accordance with central government policy as expressed in the NPPF and Core Strategy policy CS12 of the LDF.
- 14 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 14 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with the NPPF and Policy CS11 of the Core Strategy 2011.
- 15 Condition No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.
- 15 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with the NPPF and Policy CS11 of the Core Strategy 2011.
- 16 Condition Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 16 Reason To ensure satisfactory development of the site.

- 17 Condition Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 63m and 2.4m x 42m shall be provided to the north-west and south-east of the access respectively where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 17 Reason In the interests of highway safety in accordance with the NPPF and Policy CS11 of the Core Strategy 2011.
- 18 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / turning for the village hall shall be laid out, demarcated and surfaced in accordance with the approved plan and retained thereafter available for that specific use.
- 18 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Policy CS11 of the Core Strategy 2011.
- 19 Condition Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority.
- 19 Reason In the interests of maintaining highway efficiency and safety in accordance with the NPPF and Policy CS11 of the Core Strategy 2011.
- 20 Condition For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority.
- 20 Reason In the interests of maintaining highway efficiency and safety in accordance with the NPPF and Policy CS11 of the Core Strategy 2011.
- 21 Condition No works shall commence on the site until the Traffic Regulation Order for waiting restrictions on Lynn Road has been secured by the Highway Authority.
- 21 Reason In the interests of highway safety in accordance with NPPF and Policy CS11 of the Core Strategy 2011.
- 22 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

22 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

23 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

23 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

24 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

24 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 25 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 24.

- 25 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 26 Condition No development above foundation level shall take place on site until a scheme to protect the new dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 26 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 27 Condition Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the noise/power levels of the proposed air source heat pump(s) and provide details of anti-vibration mounts, or noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 27 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 28 Condition Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also provide the location of any fixed machinery, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 28 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 29 Condition No development shall commence until full details of the foul and surface water drainage arrangements (including SuDS) for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 29 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 30 Condition Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 30 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land uses in line with paragraphs 109, 120 & 121 the NPPF and the EA Groundwater Protection; Principles and Practice (GP3).

- 31 Condition No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:

1. An assessment of the significance of heritage assets present
2. The programme and methodology of site investigation and recording
3. The programme for post investigation assessment of recovered material
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 31 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

- 32 Condition No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition ****.

- 32 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

- 33 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 31 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 33 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

- 34 Condition Prior to the first occupation of the development hereby approved, details of the method of lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.
- 34 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 35 Condition The development shall not be brought into use until a scheme for the provision of 1 fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 35 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.

B) In the event that the S106 is not completed within 4 months of the date of the Committee resolution, **REFUSE** on the failure to secure county contributions, open space provision and maintenance, SuDS maintenance and the village hall car park.

Parish:	King's Lynn	
Proposal:	Removal of Public Payphones	
Location:	Public Payphones Throughout the Borough	
Applicant:	BT Plc	
Case No:	16/01838/BT (Notification of removal of BT Kiosk)	
Case Officer:	Mr M Broughton	Date for Determination: 15 January 2017

Reason for Referral to Planning Committee – Referred by the Assistant Director of Environment and Planning, as considered an issue of wider concern

Case Summary

This application is a notification issued by British Telecom for the removal of 97 x BT payphone kiosk services at various locations throughout the Borough of King's Lynn and West Norfolk – with the option for Parish Councils to adopt the relevant kiosk/s once BT services have been removed.

The application is not a Planning Application, but follows a formal notification procedure. This report is in conjunction with the 'second phase' of the application which requires a 'Final Notification' being issued within a 90 day time-scale of formal submission of the intention to remove by BT.

The relevant guidance is the OFCOM directive: 'Guidance on procedures for the removal of public call boxes' - issued 14th March 2006.

Key Issues

Procedure / community consultations / community response.
Removal of telephone kiosks in the Borough: History.
Reasons to support removal or retention.

Recommendation

Split-decision

The Planning Committee are invited to review the list of 97 payphone kiosks, listed for removal and which BT has advised are no longer viable, and consider if all, or part of, that number of kiosks should be removed.

Officers recommend that the Committee responds to BT as follows:

- 1) No objection to the complete removal of 77 kiosks, where the Parish Council has raised no objection or has not responded

- 2) No objection to the removal of a further 11 payphone services, with the proviso that the kiosks remain in situ at the request of the Parish Council for adoption
- 3) Object to the removal of 9 payphone service kiosks as requested by Parish Councils, who provided reasons for retention

THE APPLICATION

This application is a notification issued by British Telecom for the removal of 97 x BT payphone kiosk services at various locations throughout the Borough – with the option open to Parish Councils to adopt the relevant kiosk/s for a nominal fee of £1.00 once BT services have been removed. Thereafter the Parish could use the kiosk for whatever is desired by the Community, but remain responsible for any upkeep costs.

The kiosks are mixed in age and style but generally fall into two categories:

- * the 1935 original K6 style (traditional red kiosks) or
- * those of the modern era – the 1968 K8 and the 1980 KX100 constructed from aluminium with large glazed panels, the latter often found with one side being 'open'.

This application does not specify the type of kiosk at each location. The coin facility in the majority of the kiosks has long since been removed, some kiosks have no identifiable receiver tone and those that are still operative advertise 'Card' use only. BT analysis identified the range of use in a 12 month period:

- * 87 kiosks between nil and 14 calls
- * 8 kiosks registered use between 31 and 86 calls
- * 2 kiosks registered over 100 calls: Hansa Road, Hardwick, King's Lynn (101) calls and Newlands Avenue, North Lynn (334)

The use and condition varies. For example, the two kiosks based in Runcton Holme (Parish object to removal) are noted as being maintained locally and are in immaculate condition, but the total combined usage was just 7 recorded calls within the last 12 months. Kiosks have always been the subject of anti-social behaviour (graffiti and vandalism) both to the exterior and interior, but more recently fall into the category of 'neglect' - through lack of use and repair or simply damaged beyond viable repair.

Prior to the submission of this application, BT displayed a notice in each kiosk between 4/10/16 and 7/10/16 advertising the 'proposal of closure'. Thereafter follows a regulatory 42 day period, inviting a public response to this Authority. Simultaneously all Parish Councils were advised of the application, inviting response within the same time frame.

Parish Councils responses number 51, the results of which were collated (and subsequently updated with late correspondence) and form an addendum to this report identifying:

- * 9 x objections
- * 11 x adoptions requested
- * 31 x agreements to removal

This application was considered and a 'First Notification' schedule presented on 2nd December 2016 under section 49(4) of the Communications Act 2003. That notice will be advertised in the local press to 3/01/17 and allow for a one month (minimum) consultation period, during which further submissions are invited for issue of the 'Final Notification'.

The listing (as per the addendum) comprises all 97 kiosks affected by this application and the response issued so far by the relevant Parish Councils.

BT has advised that the majority of the 97 telephone kiosks are deemed to be no longer required. The call boxes are simply unused or underused and there is no longer deemed to be a 'social need' for them.

It is believed by BT that the proposal for adoption of a telephone box is the most practical solution to ensure that red telephone K6 kiosks are protected from any future removal programmes, hence the low cost of transfer @ £1.00.

The Borough Council is now required to make a final decision regarding each of the phone kiosks. The aim of the reporting process culminates with the issue of the 'Final Notification' with a schedule relative to the decision made by the Planning Committee

The relevant guidance is the OFCOM directive: 'Guidance on procedures for the removal of public call boxes' - issued 14th March 2006.

SUPPORTING CASE

Due to the lack of consumer use and high cost of replacement / repair, it is considered non-economical to replace / repair / upkeep various kiosks. Over £7 million a year is spent on cleaning, removing graffiti and repairing vandalised boxes

BT has carried out an assessment of each site, taking into account where there is a social need for retention. The number of telephone calls made by consumers from the kiosks over the past 12 months provided either a 'nil' or minimal usage return, with few identifying a greater usage.

Due to the level of use, BT prefer to dispense with the service as there is no sound reason to retain it. This has been the case with over 1,500 UK kiosks either removed, or adopted by Parish Councils (who wish to retain kiosks as 'icons' in the villages – with examples of diversity of use being medical units containing defibrillators, book exchange, sandbag storage, art gallery etc.)

Over the past 7-10 years there has been a decline of 93% in payphone usage – the result of significant changes in communication in the UK. It is estimated that 94% of UK adults now own or have regular access to use of a mobile phone and that 85% of all UK adults have access to a landline and 96% of those who don't have a fixed line, do have a mobile phone

Previous BT advice given is that there are over 58,000 remaining public payphones in Great Britain, of which approximately 70% do not cover costs. Approximately 99.7% of homes have a 'phone at home' service and over 85% of homes also have mobile phone facilities. BT face the challenge of reviewing 'payphone usage' and on occasion look to re-align the public payphone provision more closely to the reducing demand that still exists. Over 40,000 kiosks from an original 92,000 have either been removed or retained on adoption for a whole range of purposes. Approximately 2400 red kiosks are Listed Grade 11

The payphone services in kiosks BT are looking to remove are little used, albeit in quite widely varying degrees. Some kiosks may seem to be relatively well used when compared with others, but usage in general has dipped dramatically to the extent that it is now common for a kiosk to receive no usage at all in a 12 month period, receiving insufficient usage to cover their costs.

The main reason for the inclusion of the kiosks with higher usage figures will have been that they incurred high maintenance costs, specifically areas BT identify with high vandalism rates.

Detailed data on the nature of calls made is not available. The calls do break down to standard chargeable, free calls and return calls – with approximate usage examples as follows:

- * Newlands Avenue North Lynn – over 200 standard - 53 free
- * Hansa Road, King's Lynn - 73 standard - 28 free
- * Princess Drive Hunstanton - 85 standard - 1 free
- * Downham Road, Watlington - 58 standard - 20 free

PLANNING HISTORY

16/01985/BT: Ongoing January 2017 likely to be approved: Removal of payphone service and adoption by the Parish Council - Church Road, Barton Bendish (already Listed Grade 11 – K6 type Kiosk)

16/01211/BT: Permitted 9/7/14: Removal of payphone service - Methwold

16/00883/BT: Permitted 3/08/16: Removal of payphone service and adoption of kiosk by Parish Council - Main Road Pentney

15/01691/BT: Permitted 18/01/16: Removal of Telephone Services from Kiosk prior to adoption by Parish Council - Church Road Wereham

15/01171/BT: Permitted 16/10/15: Removal of payphone service and adoption of kiosk by Parish Council - Gayton Road East Winch

15/00686/BT: Permitted 21/07/15: Removal of Telephone Services from Kiosk prior to adoption by Parish Council - High Street Nordelph

14/01340/BT: Split decision 3/12/14: Removal of 34 public pay phone services at various locations in the Borough:

- * 24 Approved for removal
- * 6 Objections submitted by Parish Councils
- * 4 Adoptions by the relevant Parish Council

14/00584/BT: Permitted 20/09/16: Removal of payphone service – Smeeth Road, Marshland St James

14/00379/BT: Permitted 30/05/14: Remove pay phone service (2 kiosks) and adoption by Parish Council - Church Road /Station Road, West Dereham

13/01388/BT: Permitted 12/12/13: Removal of public pay phone - Church Lane Roydon

13/01373/BT: Permitted 12/12/13: Removal of telephone kiosk - BT Public Payphone Main Road Brookville

13/00532/BT: Permitted 12/06/13: Removal of payphone service and adoption of payphone kiosk - Chapel Road Boughton

12/01715/BT: Permitted 17/01/13: Removal of Telephone Kiosk - Lynn Road Downham Market

12/01447/BT: Permitted: 28/11/12 - Removal of telephone kiosk - St Andrews Lane Congham

12/01066/BT: Permitted 24/09/12 - Removal of Public Payphone - Cottons Head Outwell

12/00812/BT: Withdrawn 21/05/12: Removal of Public Telephone Kiosk - Hill Estate Wormegay

12/00539/BT: Permitted 22/06/12: Adoption of 2 x telephone kiosks by Parish Council - Wiggshall St Mary Magdalen

12/00390/BT: Permitted 31/05/12: Removal of Public Payphone - Public Payphone Ely Road Hilgay

12/00034/BT: Permitted 05/04/12: Removal of Public Payphone - Leziate Drove Pott Row

11/00466/BT: Permitted 03/08/11: Recover wreckage of telephone kiosk and permanently cease service - Lynn Road East Winch

11/00465/BT: Permitted 03/08/11: Removal of public payphone - Low Road West Acre

09/01933/BT: Objection – Planning Committee 9/02/10: Removal of public telephone services (K6 red kiosks) at various locations within the Borough

08/01138/BT: Objection – Planning Committee 8/09/08: Removal of 98 public telephones

05/02027/LB: Refused – 24/11/05: Removal of payphone service - Harpley

RESPONSE TO CONSULTATION

Parish Councils: Responses received for a total of 51 kiosks considered by various Parish Councils:

* 11 x adoptions requested by Parish Councils (following removal of the telephone equipment)

* 31 x agreements to removal by Parish Councils

* 9 x objections submitted by Parish Councils with comments relative to: Burnham Overy Staithe (1), Runcton Holme / South Runcton (2), Docking(1), West Walton / Walton Highway (2), Walpole St Peter (1), Sedgeford (1), Old Hunstanton (1):

Burnham Overy Staithe:

Poor mobile phone coverage

400m from the coast – only kiosk for 5 miles

Used 37 times in 12 months

Availability for Emergency calls

Runcton Holme:

Poor mobile phone coverage on all networks

One kiosk is near accident black spot on A10 or those travelling

One kiosk is at village centre and available to all – including the school and users of the railway crossing

The Parish maintain the 2 kiosks (combined use in 12 months 7 calls)

Docking:

Retain one village kiosk adjacent to Ripper Hall – provides emergency point for hall users (used 14 times in 12 months)
Poor mobile phone coverage
Site is adjacent to an Exchange box attended to by BT frequently

West Walton:

Poor mobile phone coverage
Elderly persons may not have use of mobile technology
Use for emergency calls
Lynn Road kiosk used frequently and sited on busy road (37 calls – village kiosk used once)

Walpole St Peter:

No objection to removing 2 village kiosks but retain the third on Walnut Road – one kiosk should remain available for emergency use
Poor signals in village (nil use in past 12 months)

Sedgeford:

Pre-school on Ringstead Road uses kiosk as part of their emergency evacuation procedures (used once in 12 months)
Emergency calls

Old Hunstanton:

Defibrillator is located adjacent to kiosk – thus possible need for emergency calls (nil use in past 12 months)
Mobile network is patchy in the village
Many senior residents do not have mobile phones

King's Lynn Area Consultative Committee - KLACC:

The KLACC meeting 5/01/17 will consider the proposal for the removal of the 10 kiosks in King's Lynn and West Lynn. Any comments will be forwarded as late correspondence for consideration by the Planning Committee

REPRESENTATIONS Responses from two members of the public:

One public objection to removal - comments:

Relevant to the kiosk in Burnham Road, Stanhoe PE31 8QD (used 5 times in 12 months - Parish response was in agreement to removal):

* Due to poor mobile phone signals in the locality, the payphone service is likely to be the only means of informing BT of a fault or calling the emergency services

One public request for adoption - comments:

Relevant to the kiosk in West Head, Shouldham Thorpe PE33 0DP (nil use in last 12 months - no formal Parish response had been submitted):

* Members of the Parish Council did not recognise the need for the box to remain and so have not responded.

* Residents wish to retain / adopt the telephone box which can be used by all residents in the village as a loan facility for magazines and books.

* The village lacks any community shop or building and any facilities we can provide for use by an ageing population would help.

OTHER GUIDANCE:

OFCOM procedure - 14th March 2006: Guidance on procedures for the removal of public call boxes

PLANNING CONSIDERATIONS

The key issues:

- * Procedure / community consultations / community response
- * Removal of telephone kiosks in the Borough - History
- * Reasons to support removal or retention

Procedure / community consultations / community response:

British Telecom (BT) has advised the KLWNBC of their intention to remove and cease use of the payphone telephone kiosk services at 97 locations in the Borough. As part of the regulated process published by Ofcom 14/03/2006, BT are required to consult with the Local Planning Authority (LPA). Following such advice from BT, the LPA are invited to liaise with the local community, including the Parish Council, to enable a 'First Notification' to be issued as to whether removal of a phone box service is supported or an objection is raised.

There are Ofcom guidelines to be followed by BT and the Council, including a rigid '90 day consultation period', within which a conclusion must be reached. Initial Parish Council responses collated were:

- * 8 formal objections
- * 11 requests for 'adoption' and
- * 27 agreements to removal in the initial BT consultation period.

The Council are required to make a preliminary decision (a draft response detailed as a 'first notification') regarding the future of the phone boxes and subsequently advertise such notification by the Press 'inviting' further response for a minimum one (1) month period before a final notification is required to be issued. The latter period of consultation elapsed on 3/01/17.

Since the 'first notification' was issued the following Parish Council submissions have been made for consideration in the 'final notification' procedures:

- * Wiggshall St Germans: Amend adoption to agreement for removal
- * West Winch: Agree to the removal of two village kiosks
- * Northwold: Agree to removal of Whittington kiosk
- * Northwold: Request to adopt Northwold kiosk
- * Old Hunstanton: Object to removal of kiosk

Thus at the time of this report the collation of response reads:

- * 9 Objections to removal made by Parish Councils
- * 11 Adoption requests by the Parish Council (following removal of payphone equipment)
- * 31 Agreements to removal made by Parish Councils

There was no response received in relation to the other 46 kiosks.

There are also two (2) comments from the public for consideration by the Planning Committee, as set out above in 'representations':

Within the unparished areas of King's Lynn and West Lynn the kiosks to be removed have been referred to the King's Lynn Area Consultative Committee (KLACC). Any response from KLACC will be presented in late correspondence.

This report is presented to the Planning Committee for consideration of the issue of a 'Final Notification' being issued in accordance with Ofcom procedure.

Given the usage figures, the case for BT is that telephone kiosk services at the locations identified in the schedule would not raise significant concern that warrants objection.

Should KLWNBC object to the removal of the payphone kiosk services, it imposes a local veto. A nominated telephone box cannot then be removed until an Appeal process is undertaken by BT.

History: Removal of telephone kiosk services in the Borough:

In 2008 BT sought the removal of 98 phone boxes in the Borough and consulted the Council accordingly. Information from BT was that the payphones were little used and therefore no longer covering their costs.

The Planning Committee adopted a preliminary view to object to the removal of service to these kiosks due to insufficient information, and that it was considered very important to retain this service in rural areas, and that there is an intermittent and an unreliable mobile phone reception.

The Council's ultimate decision was that of objection, based on the insufficient information being submitted. Observations in consultations included:

- * Not all residents have mobile phones
- * Where there is a risk of accidents, access to a phone service is important

In 2009, based on feedback to the 2008 consultation, which identified red kiosks as an 'icon' in some communities, BT sought to have 63 'red kiosk' phone boxes 'adopted' by Parish Councils in the Borough and accordingly consulted the Council. A scheme had been created by BT to allow consideration to local communities to adopt the red kiosks within the Parish before any further requests were made for the complete removal of public call boxes in the future.

The regulatory procedures were followed. The fact that virtually all rural based phone boxes are little used was acknowledged and the BT case was that a balance needed to be struck taking into account the commercial needs of the company along with the strong wishes of the local communities affected.

The Council's Planning Committee's ultimate decision, however, was that of 'objection', based on the following grounds:

- * insufficient information being submitted
- * important to retain service in rural area
- * intermittent and unreliable mobile phone reception

Since 2011 at least 18 individual applications for the removal or adoption of BT kiosks have been approved. A further application in 2014 approved the removal of 24 kiosks, with 6 objections and 4 adoptions. These applications were determined in accordance with the scheme of delegation, where, under delegated powers, the Executive Director of Planning has the power to do so. Parish Council were consulted in these cases and no objection raised.

Reasons to support the removal or retention of a Payphone service:

Notwithstanding previous Planning Committee decisions in 2008 and 2009 in relation to applications for the 'removal' of a number of kiosks in the Borough, this current multi-application should be viewed on its own merits, taking into account the views of the Parish Councils, the overall technological advance since 2008/2009 and with the following general points considered appropriate to the BT request for removal:

- * The site is of no specific interest
- * The kiosk is not a 'Listed' structure
- * The Parish Council raised no objection
- * Nil or low usage of the kiosk in the past 12 months
- * No other objections have been made
- * Emergency calls can be made from mobile phones even when there is no credit available / change of network coverage is necessary
- * Kiosks subject to theft, anti-social behaviour and high repair costs

BT has deemed the 97 payphone kiosks are no longer required. Part of BT criteria for removal is to consider where there is a 'social need' for a payphone service to be retained:

- * in suicide or accident blackspots
- * where there is no mobile coverage or
- * if within 400m of the coast.

BT also advise that payphone services will not be removed where there is 'reasonable need'. In assessing the latter BT take into account criteria in all three reasons as follows:

- * It is the only payphone within 800m and
- * At least 12 calls were made in the last 12 months and
- * The local population is not lower than 500 households within 1km of the payphone

According to figures provided by BT, as in previous applications, payphones are used very little, specifically in rural areas. Consumers either use home phones or mobile phones. Many payphones no longer accept cash and the cost of calls by 'card' or reverse charge is relatively high.

That said, it is a fact that villages in the Borough are often remote from the Emergency and other Services - where there are potential personal safety issues. Mobile networks are not always available in some areas and it is important to consider that even a small amount of calls can mean that a 'useful public service' is being provided.

On balance, it is recognised that as a commercial organisation BT is mindful of the costs of maintaining payphone kiosk services which are being used less and less, especially as mobile phone coverage has improved and their use has become more common place.

Many of the kiosks have not been used for at least 12 months. The coin boxes had previously been removed from most, if not all, of the kiosks due to criminal interference – leaving a call back / card facility use only – and then only if the kiosk remains in working

order. There is no information from BT which indicates if call boxes have been out of order during any period in the previous two years

However, it is a consideration that the presence of a working call box 'provides insurance' that there is a 'last resort' form of communication available if needed, particularly in remote rural areas where mobile reception can vary.

RECOMMENDATION: Split decision:

The Planning Committee are invited to review the list of 97 payphone kiosks, listed for removal and which BT has advised are no longer viable, and consider if all, or part of, that number of kiosks should be removed.

Officers recommend that the Committee responds to BT as follows:

- 1) No objection to the complete removal of 77 kiosks, where the Parish Council has raised no objection or has not responded
- 2) No objection to the removal of a further 11 payphone services, with the proviso that the kiosks remain in situ at the request of the Parish Council for adoption
- 3) Object to the removal of 9 payphone service kiosks as requested by Parish Councils, who provided reasons for retention

King's Lynn and West Norfolk District

Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
01328738400	TOWER ROAD BURNHAM OVERY STAITHE	PE31 8JB	37	05/10/16	Parish OBJECT	
01328738401	WALSINGHAM ROAD BURNHAM THORPE	PE31 8HN	1	05/10/16	Parish AGREE	
01328823219	BURNHAM ROAD SOUTH CREAK	NR21 9JE	3	05/10/16		
01366347221	STRADSETT KINGS LYNN	PE33 9HH	0	04/10/16		
01366347251	HIGH STREET FINCHAM	PE33 9EH	3	04/10/16	Parish AGREE	
01366347385	WEST ROAD SHOULDHAM THORPE	PE33 ODP	0	04/11/16		Resident comment: Request adoption of kiosk (P/C did not respond)
01366377259	UPGATE STREET SOUTHERY	PE38 ONA	0	04/10/16	Parish AGREE	
01366387733	CHURCHFIELDS CRIMPLESHAM	PE33 9EA	0	04/10/16	Parish AGREE	
01366387736	ELY ROAD FORDHAM	PE38 OHJ	0	04/10/16		
01366387737	SLUICE ROAD DENVER	PE38 ODY	0	04/10/16		
01366387740	BARDOLPH PLACE STOW BRIDGE	PE34 3PL	1	04/10/16	Parish AGREE	
01366387745	LYNN ROAD STOW BARDOLPH	PE34 3HT	1	04/10/16	Parish AGREE	
01366500361	NORMANS DRIVE WHITTINGTON	PE33 9TQ	5	04/10/16	Parish AGREE	

01366728271	METHWOLD ROAD NORTHWOLD	IP26 5LJ	2	04/10/16	Parish ADOPT	
01366728273	MILLGATE STREET METHWOLD	IP26 4NY	0	04/10/16		
01366728303	OLD SEVERALLS ROAD METHWOLD HYTHER	IP26 4QR	0	04/10/16		
01485210220	MAIN ROAD BRANCASTER	PE31 SAP	1	05/10/16	Parish ADOPT	
01485518231	HIGH STREET DOCKING	PE31 SNH	14	05/10/16	Parish OBJECT	
01485518288	FAKENHAM ROAD DOCKING	PE31 SNW	10	05/10/16	Parish AGREE	
01485518306	BURNHAM ROAD STANHOE	PE31 SQD	5	05/11/26	Parish AGREE	Resident requested retention of payphone
01485518359	STATION ROAD DOCKING	PE31 SLY	3	05/10/16	Parish AGREE	
01485525213	BEACH ROAD HOLME NEXT THE SEA	PE36 6LG	0	05/10/16	Parish AGREE	
01485525281	HIGH STREET RINGSTEAD	PE365JU	6	05/10/16		
01485528202	THE GREEN EAST RUDHAM	PE31 SRD	3	05/11/16	Parish ADOPT	
01485528231	LYNN ROAD WEST RUDHAM	PE31 8RW	0	05/10/16		
01485532559	CHILTERN CRESCENT HUNSTANTON	PE36 5DB	0	05/10/16		
01485532693	OLD HUNSTANTON ROAD HUNSTANTON	PE36 6HS	0	05/10/16	Parish OBJECT	
01485535748	PRINCESS DRIVE HUNSTANTON	PE36 5JG	86	05/10/16		
01485540268	BULLSEYE TERRACE WOLFERTON	PE31 6HA	3	06/11/16	Parish ADOPT	
01485540283	WEST NEWTON HOUSE WEST NEWTON	PE31 6AX	1	06/10/16	Parish ADOPT	
01485540343	MANOR ROAD DERSINGHAM	PE316LN	79	05/10/16	Parish AGREE	

014855405	INGOLDSBY A VENUE INGOLDISTHORPE	PE31 6NH	0	05/10/16	Parish AGREE
01485541249	LYNN ROAD SNETTISHAM	PE31 7LR	57	05/10/16	Parish ADOPT
01485541265	STATION ROAD SNETTISHAM	PE31 7QL	0	05/10/16	Parish ADOPT
01485541342	BEACH ROAD SNETTISHAM	PE31 7RA	0	05/10/16	Parish AGREE
0148554144	THE DRIFT INGOLDISTHORPE	PE31 6NW	8	05/10/16	Parish AGREE
01485541807	PARKSIDE SNETTISHAM	PE31 7QF	0	05/10/16	Parish AGREE
01485570289	STATION ROAD HEACHAM	PE31 7AB	1	05/10/16	Parish AGREE
01485570995	HEACHAM ROAD SEDGEFORD	PE36 5LU	1	05/10/16	Parish OBJECT
01485600307	LYNN ROAD HILLINGTON	PE31 6BJ	0	06/10/16	Parish AGREE
01485600309	LYNN ROAD ROYDON	PE32 1AQ	0	06/10/16	
01485600311	ST. ANDREWS LANE CONGHAM	PE32 IDU	0	06/10/16	
01485600371	GAYTON ROAD GRIMSTON	PE32 IBG	4	06/10/16	Parish ADOPT
01485600895	ANMER KINGS LYNN	PE316RN	1	05/10/16	Parish ADOPT
01553617211	COMMON ROAD WIGGENHALL ST. MARY VIRGIN	PE34 3EN	0	07/10/16	Parish ADOPT
01553617342	LYNN ROAD WIGGENHALL ST. GERMAN'S	PE34 3AT	1	07/10/16	Parish AGREE
01553617351	HIGH ROAD TILNEY CUM ISLINGTON	PE34 3BN	0	07/10/16	
01553630006	GAYTON ROAD BAWSEY	PE32 1EP	4	06/10/16	
01553630216	GAYTON ROAD ASHWICKEN	PE32 ILS	0	06/10/16	Parish AGREE

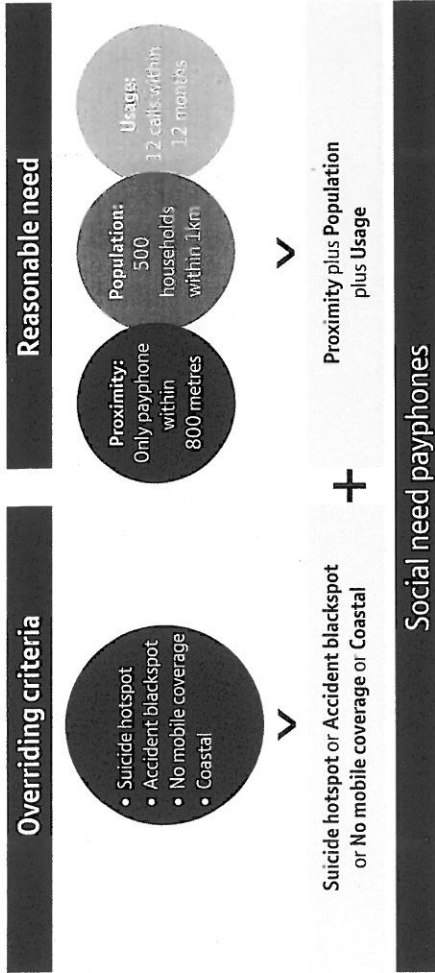
01553630242	STATION ROAD LEZIATE	PE32 IEJ	0	06/10/16	Parish AGREE
01553631350	THE GREEN NORTH WOOTTON KINGS LYNN	PE30 3RD	0	06/10/16	
01553636261	GAYTON THORPE KINGS LYNN	PE32 IPN	0	06/10/16	
01553671070	CALAMINT RD/ACONITE RD SPRING SEDGE KINGS LYNN	PE30 3PP	II	06/10/16	
01553671075	GRIMSTON ROAD SOUTH WOOTTON KINGS LYNN	PE30 3HU	7	06/10/16	Parish AGREE
01553671475	SUFFIELD WAY KINGS LYNN	PE30 3DE	0	06/10/16	
01553762038	VICTORY INN MAIN ROAD CLENCHWARTON	PE34 4AQ	0	07/10/16	Parish ADOPT
01553762049	TENNYSON AVENUE KINGS LYNN	PE30 2QG	43	06/10/16	
01553765136	LOKE ROAD KINGS LYNN	PE30 2BG	53	06/11/16	
01553773950	NEWLANDS AVENUE KINGS LYNN	PE30 2NJ	334	06/10/16	
01553773957	FERRY SQUARE WEST LYNN	PE34 3JQ	11	07/10/16	
01553774037	GAYTON ROAD KINGS LYNN	PE30 4DY	31	06/10/16	
01553774510	BERGEN WAY KINGS LYNN	PE30 2JJ	0	06/10/16	
01553774824	THURLIN ROAD GAYWOOD KING'S LYNN	PE30 4PG	8	06/10/16	
01553774890	HANSA ROAD KINGS LYNN	PE304HX	101	06/10/16	
01553774943	PULLOVER ROAD TILNEY ALL SAINTS	PE344SG	2	07/10/16	Parish AGREE
01553810211	DOWNHAM ROAD WATLINGTON	PE33 OHS	78	04/10/16	
01553810308	SCHOOL ROAD SOUTH RUNCTON	PE33 OEN	4	04/10/16	Parish OBJECT

01553810338	PLOUGH LANE WATLINGTON	PE33 OHQ	5	07/10/16	
01553810380	HILL ESTATE WORMEGA Y	PE33 OSD	0	07/10/16	
01553810533	THE GREEN TOTTENHILL	PE33 ORZ	0	07/10/16	
01553810544	COMMON ROAD RUNCTON HOLME	PE33 OAA	3	04/10/16	Parish OBJECT
01553828277	HAY GREEN ROAD SOUTH TERRINGTON ST. CLEMENT	PE34 4PU	0	07/10/16	
01553828347	SCHOOL ROAD TILNEY ALL SAINTS	PE34 4RS	0	07/10/16	Parish AGREE
01553828451	STATION ROAD NORTH WALPOLE CROSS KEYS	PE344HB	9	07/10/16	Parish AGREE
01553828483	ALMA CHASE TERRINGTON ST. CLEMENT	PE34 4LJ	1	07/10/16	
01553840211	STATION ROAD MIDDLETON	PE32 IRA	0	06/10/16	Parish AGREE
01553840281	THE GREEN NORTH RUNCTON	PE33 ORB	0	06/10/16	
01553840309	ARCHDALE CLOSE WEST WINCH	PE33 OLE	3	06/10/16	Parish AGREE
01553840591	BARDOLPH WAY WORMEGAY	PE33 OSF	0	04/11/16	
01553841377	BIRCH GROVE WEST WINCH	PE33 OPQ	8	06/10/16	Parish AGREE
01760337215	FEN ROAD UPPER MARHAM	PE33 9LJ	5	04/10/16	
01760337254	THE STREET MARHAM	PE33 9JP	2	04/10/16	
01842828276	WILTON ROAD FELTWELL	IP26 4AY	0	04/10/16	
01842828346	MUNSONS PLACE FELTWELL	IP26 4DF	0	04/10/16	
01945582385	SCHOOL ROAD WEST WALTON	PE14 7ES	1	07/10/16	Parish OBJECT

								Parish OBJECT
01945582420	LYNN ROAD WALTON HIGHWAY	PE14 7DA	13	07/10/16				
01945772440	TOINTONS ROAD UPWELL	PE14 9HL	0	04/10/16				
01945772478	MAIN ROAD THREE HOLES	PE14 9JR	2	04/10/16				
01945773483	CHURCH DROVE OUTWELL	PE14 8RL	0	04/10/16				
01945773991	WISBECH ROAD OUTWELL	PE14 8PF	0	04/10/16				
01945780211	CHALK ROAD WALPOLE ST. PETER	PE14 7PH	0	07/10/16			Parish AGREE	
01945780292	WALNUT ROAD WALPOLE ST. PETER	PE14 7NP	0	07/10/16			Parish OBJECT	
01945780312	WISBECH ROAD WALPOLE ST. ANDREW	PE14 7LH	2	07/10/16			Parish AGREE	
01945780441	HANKINSONS ESTATE WALPOLE ST ANDREW	PE14 7NA	0	07/10/16			Parish AGREE	
01945880250	MAIN ROAD TERRINGTON ST. JOHN	PE14 7RR	13	07/10/16				
01945880301	GAMBLES ROW ST. JOHNS FEN END	PE14 7SL	1	07/10/16				
01945 880530	MILL LANE WALPOLE HIGHWAY	PE14 7RD	7	07/10/16				

Uses made of phone boxes already adopted include a grocery shop, a wildlife information centre and the Community Heartbeat Trust charity has even installed defibrillators in some boxes. You can find out more about our Adopt a Kiosk scheme in the enclosed brochure.

The criteria for determining social need



As the model above shows, we're not consulting to remove any public payphones where there is a social need for retention. These have been identified as being located:

- in suicide hotspots
- in accident blackspots
- in an area without any mobile coverage
- within 400 metres of the coast

In addition to these payphones, we will not

remove payphones where there's a reasonable need. For this assessment we have used the following criteria, retaining payphones for which all three apply:

- is the only payphone within 800 metres
- had at least 12 calls of any type within a 12 month period
- the local population is not fewer than 500 households within 1 kilometre of the payphone.



Offices worldwide

The services described in this publication are subject to availability and may be modified from time to time. Services and equipment are provided subject to British Telecommunications plc's respective standard conditions of contract. Nothing in this publication forms part of any contract.

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Payphone removals consultation

Background information

On the 14th March 2006 the Office of Communications (Ofcom) published a statement following their 2005 review of universal service in the Telecommunications market, which includes a requirement for payphone provision to meet reasonable needs. Part of that statement amended BT's obligations with regard to the removal of payphone service¹. Ofcom placed the responsibility for assessing any requests by BT to remove public payphones upon each local authority, including the initiation of a consultation process to canvas the views of the local community, generally involving other public organisations such as the parish or community councils. Any objections to the removal of individual payphones need to be objectively justified in terms of meeting the reasonable needs of end-users. The formal notification letter will include links to the guidance that can help you with this process.

BT has a regulatory obligation to ensure the adequate provision of public payphones throughout the UK² in order to meet the reasonable needs of end-users. However, much has changed in the UK communications sector, and continues to evolve, since this requirement was put in place well over a decade ago. The take up of mobiles, allowing people to make calls away from their home or office has changed the communications behaviour of most people in the UK and continues to do so - figure 1 shows the very low percentage of people that now use Payphones and how this is continuing to decline.

Figure 1 - Use of Public Payphones

Proportion (%) of all respondents

	Jan 2015	Oct 2015
Total UK (2,045/2,136)	4%	3%
England (1,706/1,782)	3%	1%
Scotland (180/180)	6%	5%
Wales (99/106)	4%	1%
Northern Ireland* (60/68)	14%	8%
16 - 34 (601/664)	5%	3%
35 - 64 (895/891)	4%	3%
65+ (549/581)	2%	2%
AB (372/363)	3%	2%
C1C2 (940/1,016)	3%	2%
DE (733/757)	5%	4%

Source: Kantar Media Omnibus, January and October 2015

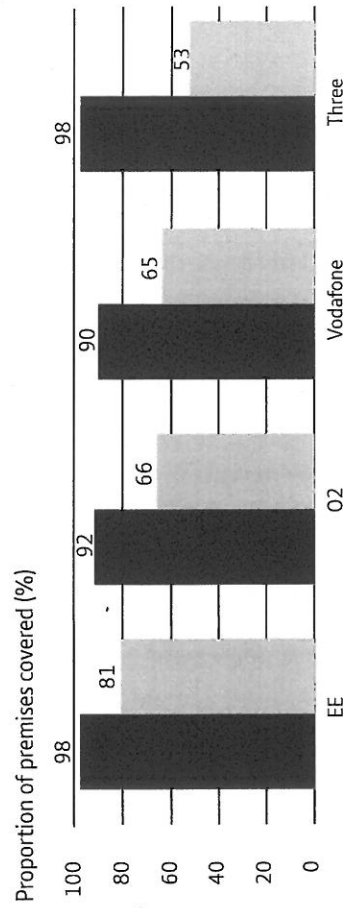
Base All UK adults aged 16+; January 2015: 2,045, October 2015: 2,136. * Caution: low base sizes in Northern Ireland. Q.12 Which, if any, of the following communications services have you used in the last 12 months?.

¹ http://stakeholders.ofcom.org.uk/consultations/uso/uso_statement/

² excluding the Hull Area

93% of adults owned a personal mobile phone in 2015, of which 71% have a smartphone, a 5% increase on the figure for 2014, with 89.9m mobile phone subscriptions active in 2014³. Ofcom also reported in April 2015 that 98% of UK premises had either 3G or 4G mobile coverage in their direct proximity (see figures 2) with the majority (94%) having indoor coverage. This is significant because, so long as there is network coverage from a mobile provider, it's also now possible to call the emergency services, even when there is no credit or no coverage from your own mobile provider.

**Figure 2
Estimated 3G and 4G premises coverage, by mobile network operator**



Source: Ofcom, based on predicted coverage data supplied by operators

Vastly improved coverage and access to cheap mobile calls means that many public payphones within BT's national estate are no longer necessary for the community they were originally intended to benefit. The overhead of ongoing maintenance and repair for fraudulent claims of lost money, cashbox theft, repeated vandalism and the overall significant decline in any genuine use or customer need, has led to some payphones falling below the quality standards we wish to maintain for the future. However, repairing and maintaining payphones that will continue to be of little or no community benefit is not a solution. Instead, we propose to remove payphones identified as unnecessary whilst retaining public payphones that are used, as well as those we have categorised as providing a social need. In this way we believe we can fulfil our regulatory obligations, improve the quality of the payphone estate overall and continue to meet the needs of your community.

Through our Adopt a Kiosk scheme, communities will also have the opportunity to adopt any phone box for just £1⁴. The traditional, red phone boxes are part of our heritage and by opening them up for adoption, your community can keep these iconic landmarks and put them to great use.

³ <http://media.ofcom.org.uk/facts/>

⁴ The telephone equipment will be removed by BT