

SOUTH NORTHAMPTONSHIRE COUNCIL – DELEGATED REPORT

Application No.	S/2019/1892/TR	Case Officer:	Stuart Ryall
Statutory Expiry Date:	17 December 2019	Consultation Expiry Date:	Consults date:
Site:	JNC Watling St PCO1 Towcester Road Old Stratford MK19 6AH (01908 562414)		
Proposal:	Removal of public payphone		

RECOMMENDATION

No objection

APPLICATION SITE

The payphone is a modern BT telephone kiosk located on the grass verge of Towcester Road (a main through-road) between the junction with Mounthill Avenue and the crossroads.

CONSTRAINTS

- The telephone box lies within Old Stratford village
- The telephone box affects the setting of the Conservation area

PROPOSAL

It is proposed to permanently remove the telephony service from the kiosk. South Northamptonshire Council are a consultee in this process and not the determining authority.

RELEVANT PLANNING HISTORY

- S/2008/0569/FR – Removal of public payphone – OBJECTIONS RAISED
The Council previously objected to the removal of the public payphone for the following reasons:
 - The payphone currently remains a moderate level of use. *(785 calls in last 12 months)*.
 - The payphone should be retained due to its close proximity to the A5 and A422 in the interests of highway safety in the case of emergency.

KEY ISSUES

- Whether it can be demonstrated that the payphone is no longer required in the long term.

RELEVANT PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

SOUTH NORTHAMPTONSHIRE LOCAL PLAN (SNLP): G3

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY (JCS): Policies SA

COMMUNICATIONS ACT 2003

Part 2 of the schedule to a Direction published by Ofcom on 14 March 2006.

The JCS was adopted on 15 December 2014 and so full weight can be afforded to the policies in the JCS, which is now part of the Development Plan.

Material Considerations

NATIONAL PLANNING POLICY FRAMEWORK (NPPF): Core Principles; Section 5 (Supporting high quality communications infrastructure), Section 12 (Conserving and enhancing the historic environment).

COUNCIL CORPORATE PRIORITIES: The Council's 2017/18 Business Plan sets out the council's three strategic priorities which form our overarching five-year business strategy. Below these are the key actions for the year 2017–18. This is a plan which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The corporate priority of most significance to the determination of planning applications and appeals is to "Protect the District". It seeks to do this via the key objectives of; (1) ensuring the character of the district is preserved; (2) protect the built heritage; (3) preserve the environmental quality of the District; (4) mitigate the effects of High Speed 2 construction; (5) deliver affordable housing.

The remaining corporate priorities are of significance to the determination of planning applications and appeals via the key objectives of delivering the Brackley, Towcester and Silverstone Masterplans, increasing tourism and employment in the District, providing enhanced leisure facilities, safeguarding the vulnerable, increasing a return on assets and delivering a high quality service.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

CONSULTATION RESPONSES

OLD STRATFORD PARISH COUNCIL: No objection

SNC CONSERVATION OFFICER: No objection

REPRESENTATIONS

None received

APPRAISAL

The proposal is to remove the telephone equipment from the existing modern telephone kiosk. The matter under consideration is therefore the loss of the telephony service.

The modern kiosk affects the setting of the conservation area that is located on the opposite side of Towcester Road and regarding its removal there were no objections raised by the conservation officer.

The payphone has received very low use within the past 12 months and BT has supplied data indicating 11 calls were made in the last year.

BT have provided a copy of the requisite site notice and the Council have received no objections to the proposal from members of the public.

Inspection of Ofcom's online mobile phone coverage checker shows good outdoor voice, 3G and 4G coverage on EE, O2, Vodafone and Three networks.

For persons without a mobile phone or home phone, in the event of an emergency there should be ample opportunity to make an emergency call from either of the local business premises or residential properties in the area.

Given the availability of good mobile phone coverage across all networks, the absence of objections from members of the public, South Northamptonshire Council raise no objection to the proposal.

CONCLUSION

The Council raise no objection to the removal of the telephony service.

HUMAN RIGHTS ACT

The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR") In making any decisions, South Northamptonshire Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

Officers consider that the applicant has been given the right to a fair and public hearing under its established planning process, and, therefore, has not acted outside of Article 6. The Council recognises that there are others whose rights to a fair trial (such as third party objectors) might be affected.

Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of a site notice posted by BT giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case there have been no objections raised. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

DUTY UNDER THE EQUALITIES ACT 2010

S149 of the Equality Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, among other things, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

Case Officer Signature	Stuart Ryall
Date	13/12/2019

Authorising Officer signature	David Morren
Date	13.12.2019