

Cunninghame House,
Irvine.
10 November 2016

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 16 NOVEMBER 2016** at **10.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes (Page 5)

The accuracy of the Minutes of meetings of the Committee held on 26 October 2016 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Consultation on proposed removal of various Public Call Boxes (Page 9)

Submit report by Executive Director (Economy and Communities) on the ongoing consultation on the proposed removal of various Public Call Boxes by British Telecom (copy enclosed).

4. Control of Advertisements Policy (Page 31)

Submit report by Executive Director (Economy and Communities) on the North Ayrshire Control of Advertisements Policy (copy enclosed).

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
26 October 2016

Irvine, 26 October 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 21 September 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 16/00852/PP: Eastland, Shiskine

Margaret M Currie, Sandwood, Blackwaterfoot, Arran has applied for the Removal of condition 1 of planning permission CH/01/98/0109 relating to occupancy restriction in respect of Eastland, Shiskine.

The Committee agreed to grant the application.

4. Garnock Valley

4.1 16/00814/PPP: Site to the East of 1 Kirkland Crescent, Dalry

At its meeting on 21 September 2016, the Committee considered an application from Mr W Ahmed, 17 Ayr Road, Glasgow for planning permission in principle for a residential development to the east of 1 Kirkland Crescent, Dalry. The Committee agreed to continue the application to the next meeting to allow the Committee to visit the site and surrounding area. The site familiarisation visit was held on 17 October 2016.

Councillor Barr, seconded by Councillor Bell, moved to refuse the application on the basis of loss of open space, road and pedestrian safety issues and the visual impact on the local area.

As an amendment, Councillor Ferguson, seconded by Councillor Brown, moved that the Committee approve the application, subject to the conditions within the report.

On a division, there voted for the amendment 3 and for the motion 4 and the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the following grounds:-

1. That the proposal would be contrary to Criteria 2 and 3 of Policy ENV12 of the Adopted North Ayrshire Local Development Plan as it would have an unacceptable impact on the amenity value of the passive area of open space and would set an undesirable precedent for further incremental loss of open space.
2. That the proposal would be contrary to Criteria a) and b) of the General Policy of the Adopted North Ayrshire Local Development Plan in that the loss of the landscaped area of open space at the visually prominent location would have a detrimental impact on the character, appearance and amenity of the surrounding area.
3. That the proposal would be contrary to Criterion d) of the General Policy of the Adopted North Ayrshire Local Development Plan in that it would have an adverse impact on road safety with the potential to conflict with the existing road configuration.

4.2 16/00855/ALO: Derrilin View, Gateside

Mr and Mrs J Maitland, Burnside Cottage, Gateside, Beith have applied for the Removal of Section 75 obligation relating to occupancy restriction in relation to Derrilin View, Gateside, Beith.

The Committee agreed to grant the application.

5. Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997: 6 Perceton Gate, Irvine

Submitted report by the Executive Director (Economy & Communities) on a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission.

Planning permission was granted on 13 May 2016 (ref: 16/00228/PP) for the extension to a shed, the siting of (non-residential) static caravan with viewing platform and a retrospective part change of use from agricultural land to equine use. The permission was granted subject to several conditions including Condition 3, which states that within 6 weeks of the date of the decision the first 5 metres of the access road shall be hard surfaced in order to prevent loose material and surface water issuing from the access onto the public road, in the interest of road safety.

The Council received a complaint following the expiry of the 6 week period, that several conditions attached to the permission had not been met. Inspections in July and September 2016 revealed that conditions, including Condition 3, had not been complied with. The first 5 metres of the access had not been hard surfaced. The owner was again written to and advised that it was now the Council's intention to seek authority for the issue of a Breach of Condition Notice. There was again no response received.

The Committee agreed to approve the serving of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission 16/00228/PP.

6. Consultation On Proposed Removal of Various Public Call Boxes

Submitted report by the Executive Director (Economy & Communities) on an ongoing consultation on the proposed removal of various Public Call Boxes by British Telecom.

The Council was notified on 5 September 2016 by British Telecom of their intention to remove thirty two public payphone call boxes in the North Ayrshire Council area which they have identified as being no longer required given low numbers of calls made over the preceding 12 month period and the increasing provision of the emergency services network coverage by mobile phone network providers. BT would not remove any phone box where there is a reasonable need, including where it is the last payphone within 800m and has had at least 12 calls within the last 12 months.

A list of the affected locations was attached as an appendix to the report. The Council has the right to object to any removals, although there is no prescribed list of grounds of objection in the OFCOM regulations. The overall closing date for the 90 day consultation period is 3 December 2016 and there is no further right of objection following this date.

It was noted that amongst the 32 call boxes proposed for removal, some appeared to have had a reasonable level of use in the last 12 months including 8 which had over 100 calls. No information was supplied giving details of locations of alternative phone boxes within an 800m radius of these, which would remain available.

The Committee agreed to continue consideration to seek further information from BT on the location of alternative call boxes within 800m of those proposed to be removed, which could absorb the volume of calls had in the last 12 months in the event of removal.

The meeting ended at 2.35 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

16 November 2016

Planning Committee

Title: Consultation on proposed removal of various Public Call Boxes

Purpose: To make the Committee aware of an ongoing consultation on the proposed removal of various Public Call Boxes by British Telecom.

Recommendation: That the committee note the contents of the report and agree to the removals in principle with the exception of Glen Road/Main Road West Kilbride, subject to any further objection or comments being received in individual cases by 31 November 2016.

1. Executive Summary

Introduction

Consideration of this application was continued at the meeting of the Planning Committee on 26th October 2016 for further information from BT relating to the siting of the retained call boxes. To date BT has supplied only partial information in this regard (see Appendix 4). Further details, if and when received, will be forwarded to Members for consideration.

The Council was notified on 5th September 2016 by British Telecom of their intention to remove thirty two public payphone call boxes in the North Ayrshire Council area which they have identified as being no longer viable given low numbers of calls made over the preceding 12 month period and the increasing provision of the emergency services network coverage by mobile phone network providers. At the same time, BT posted a public notice on each affected call box. A list of the affected locations is attached (see Appendix 1) as an appendix to the report. The Council has the right to object to any removals, although there is no prescribed list of grounds of objection in the OFCOM regulations. Any resultant appeals would be considered by the Competition Appeals Tribunal.

It is considered that the low levels of usage of the facilities reported would indicate that the call boxes could be removed with little adverse effect on the surrounding areas with the exception of the installation at the junction of Glen Road and Main Road, West Kilbride, which has received some objection.

2. Background

Planning permission is not required for removal of the call boxes but BT has a responsibility to maintain a Universal Service Provision and in cases where it is proposed to remove the last call box in an 800m radius, OFCOM regulations require that a notice is posted on the call box and the Local Authority is notified who can, following consultation with the local community, decide to use a 'local veto' to object to the plans. The reasons for or comments on the objection should be given to BT.

It is also available to the local community to 'adopt' a traditional red 'heritage' phone box for a nominal fee (£1) and to retain it as a community asset that local people can enjoy.

The BT notification begins a 90 day consultation period in which the Local Authority is required to:

- (a) consult with the local community and any other interested bodies;
- (b) consider any comments received along with any other relevant factors;
- (c) post a draft notice on the call box of the intention to agree, to object or for the community to adopt;
- (d) following a further period in which to consider any further comments received, to post a final notice of the decision on the call box; and
- (e) notify BT of the final decision whether to object or not.

The OFCOM regulations relating to removal are attached as an appendix to this report (see Appendix 2).

3. Proposals

The proposals affect locations in Irvine, Ardrossan, Saltcoats, Kilwinning, Stevenston, West Kilbride, Dalry, Largs, Beith and Community Councils for these areas and to the local Area Housing Offices on 7th September 2016. Notification of the proposals was also distributed to various community and youth groups identified by the Connected Communities service (see Appendix 3). Comments were requested by Friday 14th October.

Following the BT Notices and the stage 1 measures detailed above, two responses were received, both objecting to the removal of the box at the junction of Glen Road/Main Street, West Kilbride on the grounds that it is the only remaining public payphone in the town, that it is reasonably well used (333 calls in the previous 12 month period) and is in an area of variable or no mobile phone signal. The call numbers are taken from BT's own data, although the OFCOM website voice call coverage checker advises that this area is 'likely to have good coverage'.

Stage 2 of the consultation will involve a draft notice being posted to each payphone of Committee's decision whether to object, not object or for the community to adopt in each case. A further period will then be allowed for any comments to be received and considered, before the final decision is confirmed to BT. The overall closing date for the 90 day consultation period is 3rd December 2016 and there is no further right of objection following this date.

British Telecom's guidance on call box removals, indicates that they will not remove payphones where there is a 'reasonable social need for retention' and identifies this as including locations at known suicide or accident blackspots, areas with no mobile phone coverage or within 400m of the coast, in addition the guidance states no boxes will be removed which are the only payphone within 800 metres AND have had at least 12 calls of any type within the preceding 12 month period AND the local population is no fewer than 500 households within a 1 km radius. Following Committee on 26th October, BT were asked to provide further detail on the location of alternative payphones within each area which would cover for the proposed removals.

The partial information supplied (see Appendix 4) covers only the eight busiest call boxes which had received over 100 calls and confirms that four of these have alternatives within 800m. The alternative boxes for the remaining four are also on the proposed list for removal and information has not been supplied in relation to those boxes which had fewer than 100 calls. BT has also made the general comment that all of the kiosks they are looking to remove incur losses and are little used, and state that even a call box with 100 calls within a 12 month period is receiving significantly less usage than would be required to make it financially viable.

4. Implications

Financial:	None
Human Resources:	None
Legal:	None
Equality:	None
Environmental & Sustainability:	None
Key Priorities:	None
Community Benefits:	None

5. Consultation

As noted above, consultation was undertaken with Members and the Community Councils for Irvine, Ardrossan, Saltcoats, Kilwinning, Stevenston, West Kilbride, Dalry, Largs, Beith and Kilbirnie and Area Housing Managers for Beith/Dalry, Irvine, Kilwinning, Kilbirnie, Largs and the Three Towns.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Neil McAteer, Planning Officer on 01294 324316

Background Papers

None

Appendix 1

North Ayrshire

Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
01294211721	CROWN HOTEL BLDGS MAIN ST DREGHORN IRVINE	KA11 4AH	109	01/08/2016		
01294211802	PERCETON VILLAGE OLD PERCETON IRVINE	KA11 2AE	0	01/08/2016		
01294211834	PCO LOCHLIBO RD GIRDLE TOLL IRVINE	KA11 2AY	143	01/08/2016		
01294222198	SOUTH VENNEL BOURTREEHILL SOUTH IRVINE	KA11 1ND	0	01/08/2016		
01294273423	PCO ROSEHOLM AVE IRVINE	KA12 0JU	0	01/08/2016		
01294278432	PCO THORNHOUSE AVE IRVINE	KA12 0LS	0	01/08/2016		
01294463058	CLYDE TERRACE/MILLGLEN RD MILLGLEN RD ARDROSSAN	KA22 7EA	0	11/08/2016		
01294463175	EGLINTON RD ARDROSSAN	KA22 8NQ	137	11/08/2016		

British Telecommunications plc
Registered office:
81 Newgate Street
London EC1A 7AJ
Registered in England No 1800000
www.bt.com

Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
01294463660	HUNTER AVE ARDROSSAN	KA22 8BD	47	11/08/2016		
01294463982	PCO DALRY RD ARDROSSAN	KA22 7LB	0	11/08/2016		
01294464436	SOUTH SIDE AILSA GARDENS ARDROSSAN	KA22 7BW	81	11/08/2016		
01294464592	JNCT KILBRANNAN AVE PIRNMILL RD SALTCOATS	KA21 6DG	3	11/08/2016		
01294552110	OPP 29/31 BRIDGEND KILWINNING	KA13 7LY	89	01/08/2016		
01294552171	JNCT FERGUSHILL RD MONTGOMERIE TERRACE KILWINNING	KA13 7NR	2	01/08/2016		
01294552231	STEVENSTON RD KILWINNING	KA13 6LG	18	01/08/2016		
01294552288	DIRRANS HOUSING SCHEME SMITH CRESCENT KILWINNING	KA13 7PG	21	01/08/2016		

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Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
01294552366	PCO ALMSWALL RD KILWINNING	KA13 6BN	163	01/08/2016		
01294552654	PCO PENNYBURN LOCAL CENTRE KILWINNING	KA13 6TA	236	01/08/2016		
01294552698	PCO BAIRD AVE KILWINNING	KA13 7AP	26	01/08/2016		
01294553345	PCO PENNYBURN RD KILWINNING	KA13 6LF	20	01/08/2016		
01294605346	PCO FULLARTON PLACE STEVENSTON	KA20 3EH	592	11/08/2016		
01294822077	HIGHTHORNE CRESCENT WEST KILBRIDE	KA23 9DN	0	08/08/2016		
01294822211	JUNCTION GLEN ROAD MAIN ST WEST KILBRIDE	KA23 9AP	333	08/08/2016		
01294832295	PCO HIGHFIELD DALRY	KA24 4HP	0	08/08/2016		

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Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
01475672033	BARRFIELDS BRISBANE RD LARGS	KA30 8NN	102	08/08/2016		
01475672111	AT LINN AVE HOLEHOUSE RD LARGS	KA30 9EL	41	08/08/2016		
01475673631	AT IRVINE RD LOVAT ST LARGS	KA30 9NE	14	08/08/2016		
01505502243	AT BYE PASS ROEBANK RD BEITH	KA15 2DX	5	02/08/2016		
01505502292	PCO MAINS ROAD BEITH	KA15 2AF	86	02/08/2016		
01505502317	AT AULDLEA RD MAPLE DRIVE BEITH	KA15 2DD	0	02/08/2016		
01505681295	OPP LADYBANK DR HIGH ST KILBIRNIE	KA25 7EX	0	02/08/2016		
01505683345	PCO BRIDGE ST KILBIRNIE	KA25 7BL	1	02/08/2016		

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Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
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Signature:

Area: North Ayrshire

British Telecommunications plc
Registered office:
81 Newgate Street
London EC1A 7AJ
Registered in England No 1800000
www.bt.com

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Introduction

There are many people who rely on the UK's 67,000 public call boxes (known as 'call boxes' or 'phone boxes').

For some people, who don't have any kind of phone of their own, phone boxes are a lifeline. For others, they're useful if they find that their mobile phone isn't working. Most phone boxes – around 64,500 – are owned by BT.

Our research shows that over 33% of adults use phone boxes from time to time, while 7% use them regularly. They're most popular with:

- young people;
- people on low incomes;
- people with mobiles but no home phone; and
- people who have no phone at all.

They're especially important in areas where mobiles don't work, and in any community where there are disadvantaged people.

Even so, people aren't using phone boxes like they used to. The money that BT received from phone boxes went down by nearly half between 2000 and 2006. In fact, BT say that six out of 10 of their phone boxes are losing them money. This is why they've launched a programme to reduce the number of phone boxes.

However, unlike a normal business, BT can't just take away services for reasons linked to money. They have a duty, known as the Universal Service Obligation (USO), to provide a reasonable number of working phone boxes where they're most needed.

In 2005, we carried out a study of phone boxes. We wanted to be able to strike the right balance between the number of call boxes that the public actually needs, and BT's wish to remove phone boxes that lose them money. This booklet explains the rules that BT must now follow if they want to remove the only phone box in a local area, and the important role that local authorities play in that process. (In the Hull area, these same rules apply to Kingston Communications, which owns the phone boxes there.)

This booklet gives you a simple summary of those rules. If you need to know the fuller details, or want to ask for a new box in your area, please turn to the end of this booklet.

Removing Public Call Boxes: a guide to the rules

Removing a phone box - what BT have to do first

Our rules come into play when BT want to remove the one and only call box from a site. By 'site', we mean a 400-metre walking distance surrounding a call box. This means that if there are two phone boxes within 400 metres' walk of each other, BT can take one away without following our rules. However, if they want to take away the last one as well, they have to follow an agreed process.

BT have to display a notice on the call box, to tell the public:

- that they are planning to remove this particular phone box;
- the name of the local authority where people can object (within 42 days); and
- a freephone number people can call to find out the next nearest phone box.

As well as letting the public know, BT must tell certain organisations about their plans to remove the call box. These organisations include, in England:

- district councils;
- metropolitan councils;
- London boroughs;
- unitary councils;
- the Corporation of London; and
- the Council of the Isles of Scilly.

In Scotland, these organisations include:

- unitary councils.

In Wales, these organisations include:

- county councils and county borough councils.

In Northern Ireland, these organisations include:

- unitary districts.

BT must tell them:

- details of the call box they want to remove;
- why this is reasonable, with any information to back up their view;
- the date BT posted the notice on the call box;

Removing Public Call Boxes: a guide to the rules

- that there is a web link to our guidance on procedures; and
- how the local organisation can make any objections to BT.

If the local organisation then writes to BT within 90 days to object, setting out their reasons, BT cannot remove the call box. This is known as the 'local veto'.

What does the local public organisation do?

When BT announces plans to remove a phone box, it is the local organisation's job to decide whether to use its local veto to object. To do this, they must first ask the views of the local community by carrying out a consultation process. The notice posted by BT on the call box may also invite local comments. The local organisation will then announce their first decision, and ask for people's opinions on it, before arriving at their final decision a month or so later.

We don't lay down rules on how local organisations should go about testing the true feelings of their local area. However, we would normally expect their consultations to involve other public organisations, such as the parish or community council or, in Northern Ireland, local community groups.

This makes for an open and fair process, with all the local councils fully involved in the decision-making process. Also, local organisations usually have systems in place to make sure that the voices of the local communities and neighbourhoods are heard. The local organisation must also work within the terms of the Communications Act 2003. This means that they must be able to justify their decisions, as well as encourage competition and look after the interests of us all as citizens.

Below, we look at how they go about reaching their decision.

What to consider

Once the local organisation has heard back from their various consultations, we recommend they look at the area that surrounds the phone box and the people who live locally and consider the following.

Who lives there?

The type of local housing around a phone box may say how important it is to the area. If it's surrounded by people who own their homes, there's a fair chance they have home phones or mobiles as well. However, if the neighbourhood has

Removing Public Call Boxes: a guide to the rules

mainly rented properties, social housing or residential-care homes, it could be that there are people on low incomes who need that phone box.

Emergency calls

Many people feel reassured that phone boxes are available if there's an emergency. This can range from 999 calls to being able to call for help if your car breaks down. The local organisation needs to think about whether a particular phone box is more likely to be used for emergency calls than another. If, for example, the call box is near a known accident hotspot, it may strengthen the argument for it to be kept.

What are the takings?

Whether it's a shop, a pub or a phone box, the amount of money people spend on a local service is a sign of whether it's important to them. BT may be able to show how much business a particular phone box is getting. If it's a very low figure, this may support their case to remove it.

The procedure for publishing a notice

After the local organisation has weighed up the views they received from the first consultation, they must follow a special procedure. This happens in two stages.

In stage one, the organisation publishes their first notice. This notice will say whether they agree or object to BT's plan to remove the phone box, and their reasons why. We recommend that the local organisation waits at least 42 days after BT first announced their plans before they publish this notice.

The local organisation then allows at least one month to receive comments back on their decision, and to consider those comments. They must then publish their second notice (known as the 'final notice'), which sets out their final decision and the reasons behind it.

The local organisation must make sure that these notices reach all the local people who are affected by them. Like the consultations, we'd expect other local public organisations to be involved, such as the parish or community council or, in Northern Ireland, local community groups. BT and the Department of Trade and Industry must also receive these notices.

Appeals

If a local organisation objects to a phone box being removed, there is an appeals system. The case would then be considered by the Competition Appeals Tribunal.

The option to pay with cash

Many people prefer to use cash for the calls they make in phone boxes, instead of credit or phone cards. For this reason, at least seven out of ten boxes must offer cash payment facilities.

When BT does take away the option to pay by cash, we expect them to make sure that people can always make emergency, freephone and reverse-charge calls. We would also expect, unless there's a very good reason, that these phone boxes accept debit and credit cards.

We expect BT to 'sound out' local organisations before they take away cash facilities.

Asking for a new public phone box

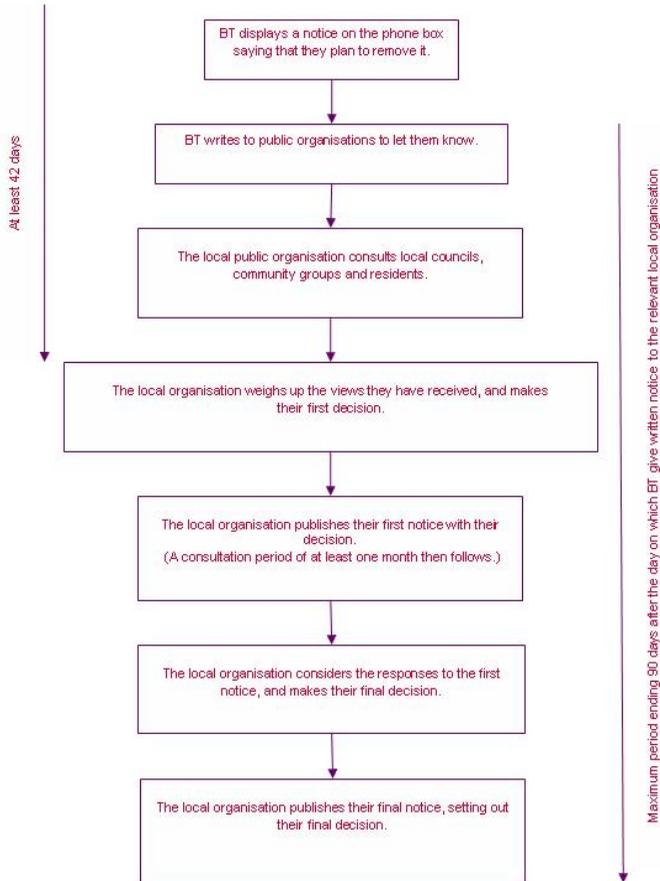
You can also ask BT to install a call box on a new site. They weigh up each request by looking at:

- the number of people the new call box would serve;
- the type of housing in that community; and
- the distance between a call box already there and the possible new site.

To reach a decision, BT uses a scoring system under rules we have set. They give the higher scores to large local communities with a high percentage of social housing, and where there's no phone box nearby. You can find full details of this scoring system on our website.

Removing Public Call Boxes: a guide to the rules

The process for removing – or keeping – a public call box (phone box)



Would you like to know more?

If you'd like to see the full rules about removing a call box, please log on to:

<http://stakeholders.ofcom.org.uk/binaries/consultations/uso/statement/callboxdirection.pdf>

Local organisations carrying out the consultation process should look at the rules and guidance on our website. Here there are examples of notices, and letters to be sent to the Department of Trade and Industry.

<http://stakeholders.ofcom.org.uk/binaries/consultations/uso/statement/removals.pdf>

You can see the process for new phone boxes and the scoring system for requests at:

<http://stakeholders.ofcom.org.uk/binaries/consultations/uso/statement/requestcallbox.pdf>

ECONOMIC GROWTH

Head of Service: Caitriona McAuley
Cunninghame House, Irvine KA12 8EE
Tel: 0845 603 0594 Fax: 01294 324144
www.north-ayrshire.gov.uk



NORTH AYRSHIRE
COUNCIL

If telephoning please call: **Mr Neil McAteer, telephone 01294 324316**
e-mail: nmcateer@north-ayrshire.gov.uk

8 September 2016

Hello Councillor,

Proposed removal of public call boxes by British Telecom

The Council has been notified by British Telecom of their intention to remove a number of public payphones in the North Ayrshire Council area which they have identified as being no longer required given the low numbers of calls made over the preceding 12 month period.

BT's justification makes reference to the declining use of call boxes in the UK generally, the increasing incidence of mobile phone ownership and improvements in the mobile network to provide access to the emergency network even where there is no network coverage from the users' own coverage provider. They also confirm that some locations are not considered for removal, including those (a) in suicide hotspots, (b) in accident blackspots, (c) in areas with no mobile coverage or (d) within 400m of the coast.

In addition, BT have applied three criteria and have not considered locations to which all three apply:

- the only payphone within an 800m radius;
- has had at least 12 calls of any type within the preceding 12 month period; and
- the local population is not fewer than 500 households within 1Km of the payphone.

This exercise resulted in a list of thirty two locations in the North Ayrshire Council area proposed for removal.

Planning permission is not required for removal of the call-boxes but OFCOM rules require BT to notify the Local Authority who can decide to use a 'local veto' to object to the plans. It is also available to the local community to 'adopt' a traditional red 'heritage' phone box for a nominal fee (£1) and to retain it as a community asset that local people can enjoy.

The BT notification begins a 90 day consultation period in which the Local Authority is required to:

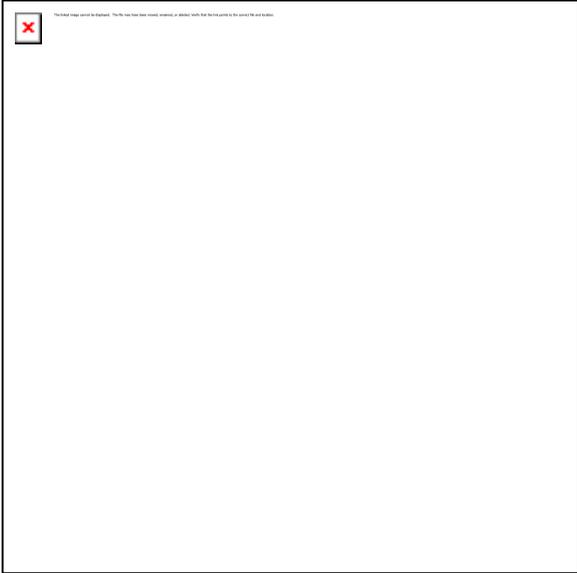
- (a) consult with the local community and any other interested bodies;
- (b) consider any comments received along with any other relevant factors;
- (c) post a first notice on the call-box of the intention to agree, object or for the community to adopt;
- (d) following a further month in which to consider any further comments, to post a final notice of the decision on the call-box;
- (e) notify BT of the final decision whether to object or not.

A link to the OFCOM regulations is contained in the attached BT letter.

As part of stage (a) of this consultation, I would ask that you please forward any objections you may have to Neil McAteer in Planning Services who will co-ordinate any responses received.

In order to comply with the consultation period above, **any comments should be received by Friday 14th October 2016.**

Yours faithfully,



J Miller
Senior Planning Services Manager

Appendix 4

Tel No	Address	Post Code	Calls	Nearest Alternative
01294605346	PCO FULLARTON PLACE STEVENSTON	KA20 3EH	592	Side by side kiosk with 01294462651 FULLARTON PLACE
01294822211	JUNCTION GLEN ROAD MAIN STREET WEST KILBRIDE	KA23 9AP	333	595m from 01294822077 also on list
01294552654	PCO PENNYBURN LOCAL CENTRE KILWINNING	KA13 6TA	236	437m from 01294553345 also on list
01294552366	PCO ALMSWALL ROAD KILWINNING	KA13 6BN	163	387m from 01294542860 O/S Post Office Main Street Kilwinning. KA13 6EG
01294211834	PCO LOCHLIBO ROAD GIRDLE TOLL IRVINE	KA11 2AY	143	
01294463175	EGLINTON ROAD ARDROSSAN	KA22 8NQ	137	465m from 01294464436 also on list
01294211721	CROWN HOTEL BLDGS MAIN STREET DREGHORN IRVINE	KA11 4AH	109	663m from 01294211379 Campbell Place Dreghorn Irvine. KA11 4HD
01475672033	BARRFIELDS BRISBANE ROAD LARGS	KA30 8NN	102	583m from 01475673730 At Nelson St George Street. KA30 9AJ
01294552110	OPP 29/31 BRIDGEND KILWINNING	KA13 7LY	89	
01505502292	PCO MAINS ROAD BEITH	KA15 2AF	86	
01294464436	SOUTH SIDE AILSA GARDENS ARDROSSAN	KA22 7BW	81	
01294463660	HUNTER AVENUE ARDROSSAN	KA22 8BD	47	
01475672111	AT LINN AVE HOLEHOUSE ROAD LARGS	KA30 9EL	41	
01294552698	PCO BAIRD AVENUE KILWINNING	KA13 7AP	26	
01294552288	DIRRANS HOUSING SCHEME SMITH CRESCENT KILWINNING	KA13 7PG	21	
01294553345	PCO PENNYBURN ROAD KILWINNING	KA13 6LF	20	
01294552231	STEVENSTON ROAD KILWINNING	KA13 6LG	18	
01475673631	AT IRVINE RD LOVAT STREET LARGS	KA30 9NE	14	
01505502243	AT BYE PASS ROEBANK ROAD BEITH	KA15 2DX	5	
01294464592	JNCT KILBRANNAN AVE PIRNMILL ROAD SALTCOATS	KA21 6DG	3	
01294552171	JNCT FERGUSHILL RD MONTGOMERIE TERRACE KILWINNING	KA13 7NR	2	
01505683345	PCO BRIDGE STREET KILBIRNIE	KA25 7BL	1	
01294211802	PERCETON VILLAGE OLD PERCETON IRVINE	KA11 2AE	0	

01294222198	SOUTH VENNEL BOURTREEHILL SOUTH IRVINE	KA11 1ND	0
01294273423	PCO ROSEHOLM AVENUE IRVINE	KA12 0JU	0
01294278432	PCO THORNHOUSE AVENUE IRVINE	KA12 0LS	0
01294463058	CLYDE TERRACE/MILLGLEN RD MILLGLEN ROAD ARDROSSAN	KA22 7EA	0
01294463982	PCO DALRY ROAD ARDROSSAN	KA22 7LB	0
01294822077	HIGHTHORNE CRESCENT WEST KILBRIDE	KA23 9DN	0
01294832295	PCO HIGHFIELD DALRY	KA24 4HP	0
01505502317	AT AULDLEA RD MAPLE DRIVE BEITH	KA15 2DD	0
01505681295	OPP LADYBANK DR HIGH STREET KILBIRNIE	KA25 7EX	0

NORTH AYRSHIRE COUNCIL

Agenda Item 4

16 November 2016

Planning Committee

Title: Control of Advertisements Policy

Purpose: To approve the North Ayrshire Control of Advertisements Policy.

Recommendation: Agree to (i) adopt the North Ayrshire Control of Advertisements Policy (see Appendix 1); and (ii) delegate authority to Executive Director (Economy and Communities) to make non-significant editorial changes to the guidance from time to time.

1. Executive Summary

1.1 The Planning Acts control the erection of advertisement displays in the interests of amenity and public safety. The North Ayrshire Shopfront Design Guidance, approved by Committee on 27th April 2016, amended the design guidance to improve the quality of the retailing environment across North Ayrshire. The Guidance partially superseded the Council's approved Control of Advertisements Policy, requiring this revision of the Policy on the control of advertisements (see Appendix 1).

2. Background

2.1 The purpose of advertising is to provide information to the public, whether by advice, direction or announcement of goods and services provided. When used in moderation, there should not be any conflict with public safety or amenity. However in certain circumstances controls have to be exercised.

2.2 The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 states that the powers available to the planning authority are restricted to the consideration of amenity and public safety.

2.3 In terms of amenity, the local planning authority is required to take account of the general characteristics of the area, particularly any feature of architectural, historic, cultural or civic interest. In terms of public safety, the local planning authority must have regard to the potential effect of the proposed advertisement on road traffic signs, railway signals or any aid to navigation by water or air.

2.4 This revision to the Policy seeks to ensure the continued provision of appropriate guidance on specific types of advertisements which require express consent, including hoardings (both panels and free-standing), advance signs, and free-standing illuminated signs.

3. Proposals

3.1 The purpose of this revised Policy is to control the display of advertisements. The Policy addresses the key issues of siting, scale, location and type of advertisements for both rural and urban areas.

3.2 If approved, it is proposed that the Policy would be a material consideration in the determination of all applications for the display of advertisements within North Ayrshire.

3.3 It is recommended that the Committee agrees to the adoption of the Policy, and delegates authority to the Executive Director (Economy and Communities) to make minor changes to the Policy from time to time.

4. Implications

Financial:	None
Human Resources:	None
Legal:	The draft guidance would be a material consideration in the determination of applications for the display of advertisements.
Equality:	None
Environmental & Sustainability:	The draft guidance would encourage good quality advertisements and the perception of our rural and urban areas as places to visit, live, work and invest.
Key Priorities:	The draft guidance aligns with the Council Plan priority of 'growing our economy, increasing employment and regenerating towns'
Community Benefits:	None

5. Consultation

None



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Ross Middleton, Senior Planning Officer, Planning Services on 01294 324379

Background Papers

None.

Appendix 1

Control of Advertisements Policy

1. Introduction

There is a need to provide guidance for applications for the display of advertisements in terms of safeguarding amenity and public safety.

The purpose of advertising is to provide information to the public, whether by advice, direction or announcement of goods and services provided. When used in moderation this function is adequately served and there should be no conflict with public safety or amenity. However when a multiplicity of signs is used or when an advertiser seeks a larger or brighter sign than competitors the original purpose of the sign is lost due to the visual confusion which results.

The policy selected must be broad in its approach and flexible enough to cater for different circumstances, within the terms of the Regulations, as a proposal which might be deemed unsuitable in one location might well be acceptable in another. The overriding consideration in each individual case must be public safety and amenity. The following policy, therefore, has been adopted by North Ayrshire Council as a basis for the control of advertisements.

This document aims to provide advice on advertisements requiring express consent. This policy does not apply to shopfront signage, which can be found within the Councils approved Shopfront Design Guidance.
(<http://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/Planning/shopfront-design.pdf>)

2. Scope of Powers

The legislation dealing with the control of advertisements is the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, a summary of which is attached as Appendix 1.

The powers available under this legislation are only exercisable in two respects, amenity and public safety. In terms of amenity, the local planning authority are obliged to take account of the general characteristics of the area, particularly any feature of architectural, historic, cultural or civic interest. In terms of public safety, the local planning authority must have regard to the potential effect of the proposed advertisement on road traffic signs, railway signals or any aid to navigation by water or air.

Certain categories of advertisements can be displayed without express consent. The main categories are functional advertisements such as a) road signs b) advertisements relating to business premises, with restrictions on size and height, and c) certain advertisements of a temporary nature, eg on building sites.

Generally illuminated or projecting signs are not included in these categories.

3. Areas of Special Control

Subject to the approval of Scottish Ministers, the legislation permits the local planning authority to designate any part of its areas as an area of special control,

which would generally protect areas of high landscape or townscape value. North Ayrshire Council has not designated any areas of special control but there are 13 Conservation Areas in which similar controls over advertisements are in operation.

4. Application of Policy

The types of advertisements which require express consent can be considered under the following headings:

a) Hoardings (panels and free-standing) b) Advance signs c) Free-standing illuminated signs

The Councils policy on each of these categories is set out in detail below.

a) Hoardings

In certain circumstances hoardings can provide environmental benefits in their locality where they mask visibility into derelict or vacant land. However, given the size and visual impact of many hoardings, careful consideration should be given to such proposals.

b) Advance Signs

Advance signs will only be permitted in rural areas in relation to isolated businesses which satisfy the following criteria:

- They are substantially dependant on passing trade from outwith the immediate vicinity

The premises and associated signs which could be erected without express permission are not readily visible from an A Class road, and

- The local directional signposting is inadequate for identification purposes.

Where permitted, advance signs should conform to a standard design, agreed by North Ayrshire Council and should identify the premises, its location and principal function using a combination of words and standard symbols. A maximum of one double-sided or two single-sided signs shall be permitted at the nearest A Class road junction to the establishment advertised, and, thereafter directional signs of a standard type at minor road junctions as agreed by North Ayrshire Council.

c) Freestanding Illuminated Signs

These signs are mainly associated with petrol stations, repair garages and drive thru's which are often situated in non-commercial areas. In order to minimise visual intrusion, only one pole mounted identification sign shall be permitted on each road frontage of the premises. In addition, illuminated signs on canopies over pumps shall be permitted provided that they do not increase the depth of the canopies or interfere with road safety.

5. Other Special Circumstances

a) Conservation Areas

Within Conservation Areas, normal standard signs may not be appropriate and any signs should be individually designed to relate to enhance the character of the area and the style of building.

b) Listed Buildings

Any sign to be erected on a Listed Building used for business or commercial purposes should be carefully designed to relate to the character and style of the building. Where it is considered that signs which have deemed consent adversely affect the appearance or setting of a Listed Building, the discontinuance procedure will be followed to remove those signs considered inappropriate.

c) Coastal Zone

Advertisements shall not be permitted which would interfere with the seaward views available from the coastal roads and be detrimental to the amenity of the area.

d) Clutter

Where a proliferation of advertisements occurs on a building to the detriment of the amenity of the area, the challenge procedure will be used to control advertisements not normally requiring express consent. In particular, this procedure will be used where important buildings or views are adversely affected, or where road safety is adversely affected.

e) Skyline Signs

Signs or advertisements which would project above the roof of the building on which they are displayed shall not be approved. This restriction will be applied to both flat and pitched roofs.

6. Summary

- Advance signs shall not be permitted except where in the opinion of the local planning authority the display is considered to be in the public interest or where special justification of need is shown.
- Applications for hoardings will be given careful consideration.
- Only one pole-mounted illuminated sign shall be permitted on each road frontage of petrol filling stations etc. Illuminated signs over pump canopies shall be permitted provided they do not increase the depth of the canopy.
- Advertisements displayed within Conservation Areas will be the subject of control. The design of signs must be carefully integrated with the special character and form of these visually sensitive areas.
- The display of advertisements on Buildings of Special Architectural or Historic Interest will be controlled. Such signs must not detract from the inherent architectural value of these buildings and in most cases will have to be specifically designed.

Advert Regulations

ADVERTS

Adverts covered by Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Under Regulation 5 no advertisement may be displayed without the consent granted by the Planning Authority or the Secretary of State or as deemed to be granted by the regulations themselves.

The display of an advertisement may also involve development i.e., the hoarding on which it is situated, but under the planning act, that development is deemed to be granted with exception of the advertisement.

TYPES OF CONTROL

Non Development

The advert regulations do not regard as development for advertisement purposes, the following-:

- a) An advert displayed inside a building, unless it is visible from outside the building and is either illuminated or is displayed within a building used principally for the display of adverts, or any part of the advert lies within 1m of an external door or window.
- b) An advert displayed on a vehicle or vessel normally employed as moving, but not if the vehicle is used mainly for the display of adverts.
- c) An advert incorporated in and forming part of the fabric of a building other than a building used principally for adverts.
- d) An advert on "enclosed land" and not readily visible from outside the enclosure.
- e) An advert on or consisting of a balloon at more than 60m above ground level.
- e2) An advert on or consisting of a balloon tethered to a site where it is not controlled as an area of special control such as a conservation area, providing firstly there is not more than one balloon on the site at a time, and secondly, the site is not used for adverts on more than 10 days per year.
- f) An advert on an article for sale, package or container, or on a pump for the selling of liquid, provided firstly it refers wholly to the article or liquid, secondly it is not illuminated and thirdly it does not exceed 0.1m² in area.

Planning Law

Under Schedule 4 of the advertisement regulations, 6 classes of adverts may be displayed without express consent.

Class 1

Functional advertisements of local authorities, community councils, statutory undertakers, public transport undertakers relating to:-

- 1) Their function or operation for a safe or efficient performance.
- 2) As displayed by a planning authority on land within their area.

Class 2

Miscellaneous advertisements relating to the land on which they are displayed subject to the following restrictions of letters not exceeding 0.75m in height and highest point of advert being no more than 4.6m above ground level, the following 3 types of advert are covered:-

- 1) Adverts for identification or direction up to 0.2m² in area.
- 2) Adverts relating to business or firms up to 0.3m² per advert and 1 per firm or 1 per separate road access. Only signs relating to a medical service may be illuminated.
- 3) Adverts relating to recreational, educational, residential, tourist premises etc. up to 1.2m² per advert and 1 advert per business or road access. Only signs relating to a medical service may be illuminated.



An advertisement relating to hotel premises (included in Class 1) located on the site of the building.

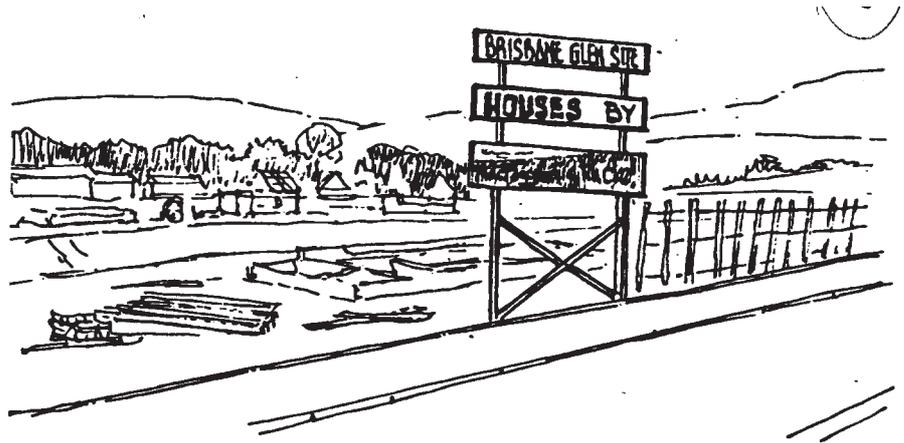
maximum area permitted 1.2 square metres.

Class 3

Class 3 relates entirely to temporary adverts.

- 1) Firstly adverts relating to the sale or letting of land. One advert not exceeding 2m² or 2 conjoined boards not exceeding 2.3m² not to project more than 1m from the face of a building, not to be displayed earlier than 28 days before the sale and to be removed no later than 14 days afterwards. To be displayed at the lowest practicable level. Maximum height of lettering 0.75m.
- 2) Adverts announcing sale of goods or livestock on land not normally used for that purpose, limited to one advert, 1.2m² maximum area, not to be displayed earlier than 28 days before the sale and to be removed no later than 14 days after the sale. Not to exceed 4.6m above ground level.
- 3) Carrying out of building or similar works on land not normally used for that purpose, one advert up to a maximum of 2m² per contractor or subcontractor on each road frontage. Only to be displayed during building works and not to exceed 4.6m in height.

A temporary advertisement below the maximum permitted size of 2 square metres relating to building work on the land on which the board is displayed.



4) Adverts for any religious, cultural, recreational etc. temporary non-commercial local activity not to exceed 0.6m^2 on any site, not to be displayed prior to 28 days before the event and to be removed no later than 14 days after the event. Highest point of advert not to exceed 4.6m in height.

5) The demonstration of agricultural methods on the land where the advert is displayed. Not to exceed 1.2m^2 for each demonstration with no one advert to exceed 0.4m^2 . To be displayed for no more than 6 months, not prior to 28 days before commencement and no later than 14 days after demonstrations cease. Highest point of advert not to exceed 4.6m in height.

6) Hoardings enclosing building operations designated in a development plan for commerce, industry or business. Not to be displayed in areas of special advertisement control or conservation areas. Shall exclude adverts less than 1.5m in height, less than 1m in length or more than 3.1m in height and 6.1m in length. Not to be displayed for more than 2 years and not prior to 28 days before building operations start.

The planning authority must be notified 14 days before hoardings are erected.

Highest part of advertisement should not exceed 4.6m in height.

Class 4

Adverts on business premises.

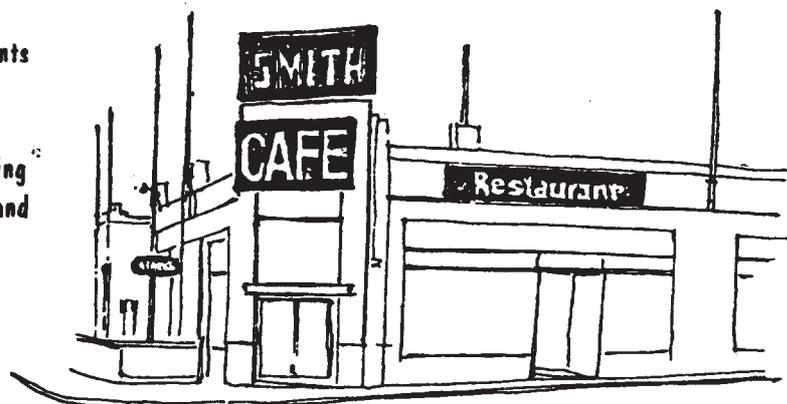
Adverts displayed on business premises referring to the goods or services available and the name and qualification of the person involved. Not to be displayed on the wall of a shop without a shop window. Restrictions on area may apply in areas of special advertisement control. The bottom of the first floor level of the building shall be the maximum height for the advert or 4.6m whichever is the lower. Adverts displayed on any forecourt of a business, containing the information contained above shall have an aggregate area of not more than 4.5m², however forecourts facing different frontages shall be treated separately. The highest point of any such advert must not exceed 4.6m high.

An advertisement of Class IV relating to business premises which indicates name of business and activity being carried out. This is a good example of the use of individual letters attached directly to the building.

height above ground level 4.6m maximum or first floor level.



A combination of advertisements requiring consent by virtue of the size of the lettering (above 0.75m), the height being over 4.6m from ground level and the signs are capable of illumination



Class 5

Adverts within buildings.

Adverts displayed within any building not otherwise exempt by these regulations.

When illuminated, not to incorporate any moving feature or animation. No one advert shall exceed 250cm², no group of adverts to exceed 1/10th the area of the door or window in which they are displayed. The highest point of any such advert not to exceed 4.6m in height.

Class 6**Illuminated adverts displayed on business premises referring wholly to the goods or services inside and the persons involved.**

- 1) Each character of the advert to be lit individually from within. The background to be unlit.
- 2) Not to be displayed in a conservation area or area of special advertisement control.
- 3) To be only displayed on the external face of the business premises and parallel to it.
- 4) Only 1 advert on any external face.
- 5) No part of the advert to be less than 2.5m above ground level.
- 6) Not to include any moving feature or animation or to be lit intermittently.
- 7) Not to be displayed on any wall not containing a shop window.
- 8) Not to project more than 0.25m from the wall.
- 9) Switches, wires etc. to be concealed as far as possible. The highest point of any such advert not to exceed 4.6m in height.

All advertisements are subject to the following five conditions as per schedule 1 of the regulations-:

- 1) All adverts must be kept in a clean and tidy condition.
- 2) All hoardings etc. must be maintained in a safe condition.
- 3) When an advert has to be removed under the regulations it shall be carried out to the satisfaction of the planning authority.
- 4) Before the advert is displayed on land the permission of the owner should be obtained.
- 5) The advert must not obscure a signal for road, rail, air traffic or an aid to navigation, nor render hazardous the use of any transportation method. *

*This condition only applies to adverts granted by deemed consent, but the safety factor will be taken into account when the planning authority is considering granting express consent.

DEEMED CONSENT (OTHER ADVERTISEMENTS)

- 1) A site used for the display of adverts before the 16th August 1948 may continue to be so used subject to standard conditions.
- 2) Election notices, statutory adverts, traffic signs subject to the standard conditions.

OBTAINING EXPRESS CONSENT

The procedure is similar to that of obtaining planning consent in so much that forms, drawings and a fee must be submitted.

The application can be granted, conditions attached, or it can be refused. Every express consent must be for a fixed period of five years unless specified otherwise. The application can be renewed 6 months prior to the expiry of the consent. An appeal can be made against the refusal of an application, conditions which are attached, or a discontinuance notice. Under regulation 21, the appeal procedure consists of a written notice to the Secretary of State within 6 months of the decision, or within 28 days of the serving of a discontinuance notice. The appellant has 28 days to forward relevant documents in either case. The planning authority is required to submit written observations with 2 sets of photographs of the site within 28 days of being advised of the appeal.

PRINCIPALS OF CONTROL

When consent is required, the authority can only be concerned with issues of public safety and amenity within the area. The content of the advertisement or the need are irrelevant, nor can an advert be refused for being offensive to public morals.

ENFORCEMENT

Under regulation 24, planning authorities can serve an enforcement notice where the advertisement has not received consent or conditions are not complied with. The notice should be served on the owner, lessee or occupier of the land and on the person displaying the advert. The enforcement notice must specify the advert if displayed without consent, or the matters of alleged failure to comply with the condition, the steps to be taken to rectify the situation and the time period for doing so. The notice will take effect on a date specified which is normally 28 days from the date of last serving the notice, or 7 days when urgency is required.

Appeal Against Enforcement Notice

This shall be lodged in writing before the notice takes effect, and operates to suspend the notice pending determination of the appeal or withdrawal of the notice. If the steps are not taken within the period to rectify the situation, the planning authority may enter the land and carry out the work, and may reclaim any expense.

Discontinuance Notices

Under the 1984 regulations, discontinuance notices were introduced whereby the display of an advert with deemed consent may be stopped if it is injurious to the amenity of the area or the safety of the public. The notice must be served on the person displaying the advert, the owner or lessee of the site and the reasons for the serving of the notice explained.

Date of effect, which must be not less than 28 days after the notice is served, must also be advised to all recipients. This notice will, however, be suspended if an appeal is lodged.

Areas Of Special Control

These can be designated by the Secretary of State or the planning authority, and they considerably restrict the display of adverts

LISTED BUILDINGS

On a listed building where the character of the building will be affected, listed building consent will be required not only for the adverts requiring express consent, but also for those to be displayed with deemed consent.