



INFOCUS PUBLIC NETWORKS LTD

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Portsmouth City Council
Planning Department
Civic Offices
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Portsmouth
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12th June, 2018

The Town and Country Planning (General Permitted Development) (England) Order 2015

Dear Sir/Madam

I write in respect of our intended works to replace and upgrade a number of existing telephone kiosks we operate within the London Borough of Camden as part of the Company's plans to replace the first generation of accessible structures with state of the art communication equipment.

Background

Infocus Public Networks Ltd ('the Company') is a licensed electronic communications network provider and as such has statutory powers through the Communications Regulator (Ofcom) and the electronic communications code ('the Code') under section 106 of the Communications Act 2003. Much of the existing estate within the UK dates back over two decades when the Company introduced the first network of accessible public payphones at a time when BT enclosed four sided units were the norm.

The mark I structure features a three sided unit with an open side to allow the phone to be accessed by people with impaired mobility or with pushchairs. With the rise in private phone ownership the need for an extensive network is no longer necessary however there does remain a need to develop a digital infrastructure that is available

to the public and that enables people to remain connected. Planning Policy reinforces this new view and supports the establishment of a digital network.

The GPDO Provisions

The existing estate within the London Borough of Camden numbers 22 units, confined to the main retail and commercial centres. The existing payphone structures, as items of communication apparatus, and the Company being a licensed communication provider, benefit from deemed planning permission in accordance with the provisions of Part 16 of The Town and Country Planning (General Permitted Development) Order 2015 ("GPDO"). In many cases the kiosks include an element of advertising permitted either through deemed consent provided by Class 16, Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 ("the Regulations") or expressly granted by the Local Planning Authority ("the LPA") or Secretary of State at appeal.

The installation, alteration and maintenance of an item of communication apparatus on the highway is granted planning permission by virtue of the GPDO, subject to notifying the LPA prior to development taking place, in order to consider whether, on matters of siting and appearance, prior approval is required. The procedure is analogous to reserved matters following the grant of planning permission¹.

The Proposed Works

The Company intends to replace all its existing three sided payphones with the mark II prototype, which is a modern slim line unit that will dramatically reduce the scale of the structure and required footplate. The change from the existing enclosed unit to the modern structure will release, back to public use, approximately 1.3m² of pavement for each location.

Furthermore the modern design will provide state of the art communication connections directly or through free Wi-Fi that will also be available within the range of the unit. Other provisions such as USB charging, free emergency calls and internet service is included as standard in the replacement structure.

1. Murrell v Secretary of State for Communities and Local Government & Broadland District Council [2010] EWCA cir 1367 CA civ div

Overall it is considered that the proposed change in the unit structure will release positive benefits to the street that include the following;

- *Reducing the scale of the unit from a rectangular building with a base plate covering 1.76m² to a slender two sided structure occupying a footplate of .42m² you can improve pedestrian flow;*
- *The replacement kiosk design is more streamlined and offers greater accessibility for people using wheelchairs or who have difficulties negotiating doorways;*
- *The design of the structure and the colour scheme is consistent with and has been chosen to blend in with the existing street scene. . The new structure is also coated with a graffiti-proof finish to ease removal of any spray paint.*
- *The introduction of a modern design unit includes a range of additional communication functions and capabilities, which are free for public use;*
- *By replacing the enclosed unit you remove the opportunity for nefarious or anti-social misuse of the facility;*

These benefits can be achieved through the replacement of the existing structure with a small and better quality alternative. I enclose with this letter plans and particulars on the replacement unit together with OS extracts identifying the individual site locations.

The nature of this proposal is supported by Chapter 10 of the National Planning Policy Framework (NPPF) 2019, which encourages the provision of advanced high quality and reliable communication infrastructure.

Need for Prior Approval

As you will be aware the provisions of Part 16 of the GPDO governing communication related development places the onus on the LPA to determine whether prior approval is indeed required, or not, in any given instance. Paragraph A.5 of Part 16 GPDO sets out that the permission to install, alter or replace any electronic communications apparatus extends to:

“any casing or covering; mounting, fixing, bracket or other support structure...reasonably required for the purposes of the electronic communications apparatus.”

The structure of the kiosk itself (rather than just the telephone device) is therefore included within the permitted development right.

The proposed works relate on the replacement of one structure with another, if not on the same footprint then very close to the current kiosk location. The proposed replacement structure is a smaller unit and one that is better designed and provides greater functionality than the existing structure.

It is the Company's view that these works are not material, however, should the Council conclude that prior approval is required under Part 16, that it be given and accepted that the proposed change of structure will not harm the interests of siting or appearance.

Yours faithfully



Mr N Still

For and on behalf of Infocus Public Networks Ltd