

INFOCUS PUBLIC NETWORKS LTD

991 Great West Road
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**The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN**

Dear Sir/Madam

**The Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) Order 1995**

Please find enclosed an appeal submitted under the provision of section 78 of the above Act against the decision by the London Borough of Hillingdon Council to refuse to grant approval for the installation of a public payphone on the highway under the provisions of the above Order (the GPDO).

This appeal is submitted by Infocus Public Networks Ltd (the Appellant), an electronic communications code system operator as defined by the GPDO and thereby benefits from statutory powers under section 106 of the Communications Act 2003. The Appellant submitted an application for prior approval for the siting and appearance of a telephone kiosk O/s 174 High Street, Uxbridge UB8 1EF on the 15th December 2016 (the Development) under reference 72456/APP/2016/4556. The telephone kiosk is proposed to be installed in a public area. The kiosk itself is a rectangular structure measuring 1325mm by 1325mm to a height of 2600mm.

The appeal site lies within the London Borough of Hillingdon Council, which for the purposes of the GPDO is the deciding authority and local planning authority (LPA) on matters of prior approval for the installation of telecommunication apparatus pursuant to Part 24 of the GPDO. In support of this application and in accordance with the requirements of the GPDO, the following documents were submitted to the LPA for determination:

- OS scaled plans 1:200 & 1:1250 indicating the proposed location
- Technical Specification of the electronic communication apparatus
- Payment via same day BACS payment
- Site location photograph (Not a requirement under the Regulations)

Prior approval for the siting and appearance of the Development was deemed by the LPA to be required but refused on the 03rd February 2017 for the following reasons;

1. *The proposed public call box, by reason of its design, appearance and creation of additional street clutter, would result in a detrimental impact on the character and appearance of the immediate street scene, the wider Old Uxbridge/Windsor Street Conservation Area and Uxbridge Town Centre. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), and Policies BE4, BE13, BE26 and BE37 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012).*
2. *The proposed public call box, by reason of its siting, would result in an increase in street clutter that restricts the movement of people across this busy pedestrian area within Uxbridge Town Centre to the detriment of pedestrian safety, contrary to Policy AM7 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012).*

The Requirements of the General Permitted Development Order to Telecommunication

Within certain limits the GPDO grants planning permission for the installation of a range of telecommunication apparatus and equipment necessary for the delivery of the service provided by the Code System Operator. Such permission is however subject to a prior approval procedure that requires the Code System Operator to notify the LPA that new equipment is planned within their administrative area so as to ensure the position of the apparatus and the apparatus itself are appropriate and benefit the locality in terms of siting and appearance.

In many instances a LPA will conclude that prior approval is not required and the development may therefore proceed without the requirement of any further permissions. In other instances, where it is considered that on matters of siting and appearance the proposal requires more scrutiny, the LPA can determine the matter and grant prior approval or refuse it. Unlike other areas of planning control, the determination under prior approval is not a determination as to whether planning permission should be granted. The principle of the development has already been permitted under the terms of the GPDO.

The determination therefore is concerned solely with the siting of the apparatus or its appearance, or both.

In the reasons for refusing prior approval the LPA refer to several policies within the Local Development Plan documents to support to objections on siting and appearance. The City Plan policies are abstract in their terms but of general application is the encouragement of good design in new development and the desire to ensure the scale and appearance of developments are appropriate to the existing character and scale of the surrounding built environment, whilst respecting local heritage. Policy also supports sustainable and accessible forms of development and is aimed at preserving a safe and pedestrian environment.

Part 5 of the National Planning Policy Guidance supports the development of telecommunication infrastructure and states that it is essential to sustainable economic growth. The guidance also confirms that communication networks play a vital role in enhancing the provision of local community facilities and services. It is considered that in this case the nature of the proposed development, its design and siting within a large scale, primarily commercial area, is supported by the policy aims and objectives.

Siting

The appeal site location has been chosen in accordance with the criteria set out in Transport for London's adopted standards and best practice on footpath accessibility. The appeal site is located within part of the public footpath that will, after the installation of the kiosk, provide an unobstructed footpath width of no less than 2m. This meets the adopted standards for London streets and

The siting of this kiosk would relate well to other items of street furniture within this stretch of pavement. The location would not unacceptably reduce the pedestrian footpath or hinder pedestrian flows or the accessibility of nearby retail premises. Given the limited amount of street furniture within the location, the proposed development would not cause unacceptable clutter.

Access and Appearance

The development is a simple but inclusive design that allows access for those members of the public using wheelchairs and mobility scooters or those who have difficulties negotiating sprung doorways, such as you find in the enclosed BT kiosk. The proposed kiosk would be asymmetrical, with transparent panels held in a slender black rectilinear frame and with an eccentrically-mounted flat roof, larger than the kiosk's footprint. The kiosk features a series of roof mounted PV modules to generate solar power to illuminate the interior of the unit. The exterior of the structure is fabricate in a mild steel frame and

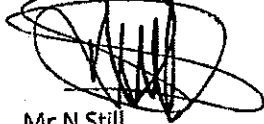
toughened safety glass panelling with the frame powder coated in RAL 9005 Jet Black to complement other street furniture across the Borough in accordance with the SPD.

The exterior of the unit is also coated with a graffiti-proof finish to ease removal of any spray paint and to retain a pristine appearance of the unit. Further details on the Development can be found in the Technical Description document.

In conclusion, it is considered that the appeal site is a suitable location for the stationing of a freestanding payphone kiosk. This proposed development respects the scale and character of the locality and is removed from any Conservation Area or similarly sensitive area. The position for the kiosk has been chosen with care and in an area where there isn't an excess of other street furniture where there would be the risk of creating clutter. The pavement width is sufficiently wide to accommodate the kiosk without restricting the space for people to safely and freely move.

In light of the above and attached material I would respectfully ask the Inspector to agree that prior approval for the development is not required, will not offend the interests of siting or appearance and the prior approval is thereby granted.

Yours faithfully

A handwritten signature in black ink, appearing to be 'N Still', enclosed within a large, loopy oval scribble.

Mr N Still

For and on behalf of Infocus Public Networks Ltd

C.C.

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