MAXIMUS

PLANNING AND
BUILDING CONTROL
12 MAY 2017

Planning
PO Box 532 Town Hall
Manchester
M60 2LA

11/05/2017

Dear Sir/Madam

Installation of electronic communications apparatus on the Highway by an electronic communication code operator

The Town and Country Planning (General Permitted Development) Order 2015, Part 16 of Schedule 2 (as amended) ('the GPDO') and the Communications Act 2003, section 106

Introduction

In accordance with the GPDO, determination is sought on whether the following planned public call box site requires your approval as to the siting and appearance of the development:

Proposed location: London Road adjacent McDonald Hotel, Manchester, M1 2PG, E: 384785, N: 397711

Description: one public call box (as detailed within this letter and its enclosures)

Please note that we have instructed Metropolis Planning & Design as our agent in respect of this application. Their contact details are contained within the application form enclosed with this letter. Please ensure that all correspondence on this matter is addressed to Metropolis Planning and Design as our agent.

The applicant

Maximus Networks Ltd ('the Company'/'Maximus') is an electronic communications network provider which has been granted powers by the Communications Regulator (Ofcom) under the electronic communications code ('the Code') pursuant to section 106 of the Communications Act 2003.

Maximus is a privately owned telecommunications company that intends to roll out telecommunications infrastructure across the United Kingdom using the code powers it has under the Communications Act 2003.

Prior to building all the structures, by way of this application and others, Maximus has invested significant resources into the identification of potential sites based upon the acceptable criteria in the various Local Authorities nationwide in which Maximus intends to site its public call box. The intention of the Company is to use its powers as intended by the legislation to build up a sufficient number of locations to form a network.

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As a privately owned and entrepreneurial company competing in a sector dominated by multinational companies, it is Maximus's intention to provide increased choice for the public at large and be part of the private sector investment into much needed connectivity of the UK's telecommunications infrastructure at the same time as creating a truly useful service for the public both now and as the Company evolves in the future.

The application under the GPDO

The Company is planning to install, operate and maintain, electronic communications equipment, more specifically a public call box at the location identified at the start of this application letter. The design of the public call box to be installed is detailed within the technical specification document enclosed with this application. As the Local Planning Authority, the Company is applying to your Council for prior approval. The prior approval process is concerned with matters of siting and appearance only as set out in Part 16 of Schedule 2 to the GPDO and in the National Planning Policy Framework "NPFF" (paragraphs 42-46).

As required by the GPDO and in addition to the written description of the proposed development contained within this letter we enclose:

- A large scale, 1:1250 OS map indicating the planned location of the public payphone
- A company cheque for the obligatory fee of £385

In addition to the requirements under the GPDO the following have also been provided to further support the application:

- A written description and visual representation of the public call box to be installed
- A photograph of the site with the planned installation location marked with an 'X'
- A 1:200 small scale location OS map
- Your authority's application form completed with relevant information

As an electronic communications operator, the Company has already been granted full planning permission by the GPDO for the installation and maintenance of electronic communication equipment on the Highway. The installation is subject to prior approval from the local planning authority. The prior approval process is of course concerned solely with matters relating to siting and appearance.

You will be aware that the High Court has decided that such matters of prior approval on siting and appearance should be regarded as analogous to reserved matters following the granting of planning permission[1]. In other words, the principle of development is not in issue – see in that regard: ***Infocus Public Networks Ltd v Secretary of State for Communities and Local Government*** [2010] EWHC 3309 (Admin) at [60], per Foskett J.

As the proposed public call box has been granted full planning permission by the GPDO (subject to the satisfaction of siting and appearance considerations) it is not necessary to explain the requirement for the development. However, to dismiss any misinterpretations regarding the need for the development an explanation will be given. Although society has seen an increase in mobile phone usage, there is still a need for public call boxes in a variety of cases and across all sections of the community. The public call box will provide normal telephone services and in accordance with the law, will also provide the following services to the public:

- Free emergency calls
- Free operator assistance
- Directory Inquires

In addition to the above services Maximus's public call box will provide free telephone calls to ChildLine. A report from ChildLine showed that a significant number of calls by children are still made from public call boxes.

The design of the public call box

The Maximus public call box has been designed so that it blends in and is sympathetic to existing street furniture e.g. a bus shelter. The result is a light and discrete structure.

The public call box has also been designed so that it is suitable and easily accessible by wheelchair users. This is now a requirement under the disability regulations issued by the Communications Regulator, Ofcom(2). Many of the old traditional public call boxes, often referred to the K2 and K6, can no longer be installed as they do not comply with these regulations. Indeed, many have been removed creating more of a need.

Although the proposed public call box is wider than the traditional public call box, to allow for wheelchair access, the ground or base area of the structure does not exceed 1.5 squared metres and therefore qualifies as permitted development for the purposes of the Regulations. The orientation of the public call box is designed to optimise customer comfort, convenience and accessibility and at the same time to maintain satisfactory safe and unimpeded pedestrian flows on the adjacent footway.

The Maximus public call box only has three sides, two of which are narrow in width and transparent making them highly visible to public and surveillance cameras. Unlike the older public call box designs the transparency of the Maximus kiosk will discourage any anti-social behaviour or criminal activity.

Installation of the public call box

Solar panels on the roof of each public call box will power the payphone. The payphone will connect to the network via mobile telephone technology. As a result, the public call boxes do not require support from any utility services and are completely independent.

The public call box will be fixed to the pavement using a slot connection. The steel base plate will be embedded in a concrete footing, and the public call box will slot over the plate, and bolt together with a recessed hex head bolt to secure the public call box to the ground. This will involve minimal invasive works being carried out on the pavement. All street work requirements necessary to undertake the works, such as submitting opening notices or obtaining permits (as appropriate), shall be complied with.

The proposed location

In submitting this application for prior approval the Company has carefully considered the development plan for the area, including amongst other policies;

- Core Strategy Development 2012 Plan Document - Policies CC5, CC 9, DM1, EC1, EN1, EN3
- Citywide Development Control Policies DC17.1

In addition to this, careful consideration has been given to the contents of appeal decision letters issued by the Planning Inspectorate against prior approval refusals. Criteria outlined by Planning Inspectors in the appeals, have been relied upon to select this site for prior approval. It is our belief

that the site chosen satisfies all the elements considered by Planning Inspectors when allowing such appeals.

The proposed location for this public call box is:

- Not in a conservation area or within the setting of any heritage asset
- Aligned with other items of street furniture and so is well assimilated into the existing street scene
- An area that is not unusually or excessively cluttered with street furniture
- Not an area where there is, or would be, visual congestion
- On a pavement with sufficient width to allow a minimum of 2 metres of unhindered pedestrian flow
- Away from pedestrian desire lines so that it will not interfere with pedestrian flows
- In an area where it will not result in any adverse impact on pedestrian or vehicular safety

In light of the above, it is our belief that your Council should find this an acceptable application in terms of siting and appearance.

We look forward to hearing from you.

Yours faithfully

[redacted]

G. Hayes
Development Manager
For and on behalf of Maximus Networks Ltd

NB. Neither us nor our planning agents accept service of documents or correspondence by email and/or facsimile. Normal office hours are 09.00 to 17.00 Monday to Friday except public and other holidays

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Footnotes

1. Murrell v Secretary of State for Communities and Local Government & Broadland District Council {2010} EWCA cir 1367 CA civ div
2. See Consolidated version of General Conditions as at 22 September 2014 (including annotations) as published by the Office of Communications (Ofcom) as a Schedule to the Notification under section 48(1) of the Communications Act 2003, in particular Condition 6.3(a)(i) which can be found at https://www.ofcom.org.uk/__data/assets/pdf_file/0021/36192/general_conditions_22sept2014.pdf