

Appeal Decision

Site visit made on 5 February 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Reference: APP/A2280/W/20/3249348

Land at Cuxton Road / Roman Way Roundabout, Medway ME2 2NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL (EE & H3G) against the decision of Medway Council.
 - The application (reference MC/19/2944, dated 7 November 2019) was refused by notice dated 16 December 2019.
 - The development proposed is described in the application form as "the replacement of an existing 11.7m monopole and equipment cabinets with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue to be determined in this appeal is the effect of the proposed development on highway safety.

Reasons

3. Cuxton Road is a heavily trafficked through route (the A228), connecting the urban area of Strood and Rochester to the M2 Motorway, and there is a busy roundabout at its junction with Roman Way and Rileys Park Drive. The roundabout is located close to the edge of the urban area, before a short stretch of open road that leads to the M2 junction. Although the roundabout lies within the speed limit for the urban area, traffic approaching the roundabout from the Motorway to the south-west does so at relatively high speeds, before slowing down as it reaches more urban surroundings.
4. The roundabout and adjoining land currently provide good visibility for traffic emerging from any of the four roads that meet at this point, but the topography is unusual. The land slopes upwards from the roundabout along Roman Way, towards the south-east, but Rileys Park Drive, on the opposite side of the roundabout, slopes away sharply from the junction, towards a residential area. Between Rileys Park Drive and Cuxton Road there is a high cliff on the western side of the roundabout, where the main road has been cut into the chalk hillside, leaving a levelled area of land as highway verges, to provide visibility for traffic on these two arms of the roundabout.

5. At present, a telecommunications installation occupies part of the verge in the area between Rileys Park Drive and Cuxton Road. The main monopole element is 11.7 metres high and is connected to a group of cabinets, while the whole installation is set back from the edge of the carriageway, such that it does not materially interfere with visibility for drivers.
6. It is now proposed to construct a new telecommunications installation in the same general location but set further back from the carriageway. The installation would be larger than the existing and the new telecommunications monopole would be much taller, at 20 metres high.
7. The 'Medway Local Plan' (which was adopted in May 2003) forms part of the formal Development Plan and Policy T1 emphasises the importance of ensuring highway safety and preventing accidents. Likewise, under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' (2019) deals with a number of transport related issues and seeks to prevent significant impacts on highway safety, notably at paragraphs 108 and 109.
8. At the same time, of course, both the 'Medway Local Plan' and the 'National Planning Policy Framework' strongly encourage the upgrading of the telecommunications network, in principle.
9. Evidently, the proposed telecommunications installation would make an important contribution to economic wellbeing and would perform an important practical function. Moreover, the size of the proposed installation would enable it to be shared by different operators, adding to the public benefits of the project.
10. The highway verge between Rileys Park Drive and Cuxton Road is important for drivers turning out of the former. It is essential for drivers turning out of Rileys Park Road to be able to see clearly any oncoming traffic approaching the roundabout from the south-west along Cuxton Road. Traffic on Cuxton Road would have priority and might be travelling at some speed.
11. The new structures would be set further back from the carriageway than the existing installation and it has been argued that the existing equipment would be removed, following the completion of the new installation. Nevertheless, it would be nearer to Rileys Park Road and the installation would amount to a bulkier intrusion in the verge than the existing cabinets. The sight-line drawings that have been submitted by both parties to the appeal are inconclusive but, overall, I am not persuaded, on the evidence that has been presented, that the scheme would improve highway safety at this important road junction, as asserted by the Appellants.
12. In this case, any reduction in road safety standards would be likely to have very serious consequences indeed and I am convinced that the potential harm would outweigh the benefits of the proposals. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan), which are intended to secure highway safety, and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR