



Appeal Decision

Site Visit made on 19 July 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2021

Appeal Ref: APP/K0235/W/21/3272994

Bedford Road, Wixams, Bedford MK42 6BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Hutchison UK Ltd against the decision of Bedford Borough Council.
 - The application Ref 21/00440/TELPN, dated 10 February 2021, was refused by notice dated 26 March 2021.
 - The telecommunications installation proposed is 18m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 18m Phase 8 Monopole combined with wraparound Cabinet at base and associated ancillary works at land at Bedford Road, Wixams, Bedford MK42 6BL in accordance with the terms of the application Ref 21/00440/TELPN, dated 10 February 2021, and the plans submitted with it including BED14997_M001 Issue A (002 Site Location Plan); BED14997_M001 Issue A (260 Proposed H3G Elevation); BED14997_M001 Issue A (210 Proposed H3G Site Plan).

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.
3. The principle of development is established by the GPDO. Even so, Schedule 2, Part 16, Class A, Subsection A.3 requires, amongst other provisions, a developer to apply for a determination as to whether prior approval will be required as to the siting and appearance of the development. I shall have regard to the policies of the development plan and the Framework only in so far as they are material considerations relevant to matters of siting and appearance.
4. The evidence before me indicates that a suite of revised plans¹ were submitted shortly before the Council resolved to refuse to grant prior approval. These

¹ each annotated with reference BED14997_M003 Issue C

had the effect of altering the siting and height of the proposed development. The Council has indicated that the revised plans were not formally accepted nor consulted upon at application stage.

5. The GPDO sets out various provisions with respect to the process of applying for prior approval, which include that notice must be given whilst stating, amongst other details, the height of any mast. The GPDO also indicates that any application must be accompanied by a written description of the proposed development and a plan indicating its proposed location, and that publication subsequently be carried out on that basis. Thus, I cannot accept the revised plans as to do so would be in apparent breach of the GPDO's prior approval provisions. I shall instead consider the appeal based on the documentation originally submitted.

Main Issue

6. The main issue is whether or not the siting and appearance of the proposed development is acceptable, having particular regard to its visual impact and effect upon highway safety.

Reasons

7. The proposed apparatus would be positioned upon a grassed highway verge located to the western side of Bedford Road (the road) and in proximity to where the road meets Watson Road. The nearest residential receptors are situated to the east beyond an area of predominantly grassed land that in-part comprises highway verge and that also contains drainage infrastructure. Off Watson Road is situated an industrial estate, and I observed a large commercial structure to be under construction on land situated beyond a swathe of existing planting located to the west of the appeal site.
8. The proposed monopole would be visible, at least in-part, from various local locations. Nevertheless, its intended positioning in proximity to planting would assist in providing a degree of partial screening, including when experienced from a range of vantage points upon the road. Furthermore, the proposal would be viewed in the context of neighbouring commercial development and the existence of various items of modern street furniture, including bus stops, signage and several vertical streetlighting columns. Thus, particularly when factoring in the relatively slimline specification of the monopole and the grey/galvanised colouring of the intended installations, the proposal would avoid causing any significant harm in a visual impact sense.
9. With respect to highway safety considerations, the monopole would be setback only a short distance from the carriageway and in proximity to a shared footway/cycleway. The monopole's closest element to the carriageway would be its sizable rectangular base, which would be anticipated to be constructed to a solid specification. The Council's Highway Officer has raised concerns and suggested that the proposed equipment could be struck by the overhang of a vehicle or offer the potential to cause serious injury.
10. However, consistent with my own on-site observations, vehicular speeds along the stretch of the road in question would not reasonably be anticipated to be high. This is not least due to the existence of a close by roundabout. As was also apparent upon inspection, hatched markings are in place on the carriageway adjacent to where the monopole would be sited. These markings

guide vehicle movements away from the carriageway's edge and dictate that the area of highway in question is to be avoided by motorists (including bus drivers). In the context described here, I find that the monopole's intended proximity to the carriageway does not raise undue safety concerns for motorists, cyclists or pedestrians (including bus stop users).

11. For the above reasons, the siting and appearance of the proposed development, having particular regard to its visual impact and effect upon highway safety, would be acceptable. The proposal accords with Policies 29, 30, 31 and 96 of the Bedford Borough Local Plan 2030 (adopted January 2020) and with the Framework in so far as these policies set out that particular attention is given to the relationship of the development with the context in which it is placed and that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine.
13. In terms of the proposal's effects upon the outlook experienced by local residential occupiers, I find that the apparatus would be sufficiently distanced from its nearest residential receptors so as not to have a harmful impact in this sense. I also note that any possible influence upon nearby house prices is not a material factor in the determination of this appeal.
14. Merely a single existing tree is situated within the same narrow grassed verge where the apparatus would be sited. My inspection indicated that the equipment would not directly conflict with this existing tree, nor with any other close by specimen. Indeed, the proposal would not reasonably be anticipated to adversely affect the future growth of existing trees to any harmful degree and would not unduly inhibit the carrying out of any potential future planting.
15. References have been made to potential alternative locations, including within the industrial estate situated off Watson Road. However, as I have identified that the siting and appearance of the proposed development would be acceptable, it is unnecessary for me to consider the detailed merits of any potential alternative site. It is relevant to note here that the appellant's search area was necessarily constrained in size so as to ensure that the newly proposed equipment would complement the existing network and thus support high quality communications and digital connectivity.

Conditions

16. Any planning permission granted for electronic communications apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received

the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

17. For the above reasons, the appeal is allowed and prior approval is granted.

Andrew Smith

INSPECTOR