



Appeal Decision

Site visit made on 14 September 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/Y0435/W/21/3271711

Bond Avenue, Bletchley and Fenny Stratford, Milton Keynes MK1 1JQ

- 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 appeal is made by Hutchison 3G UK Ltd against the decision of Milton Keynes Council.
 - The application Ref 20/02768/PANOTH, dated 25 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is described as "Proposed telecommunications installation: Proposed 20m Phase 8 monopole c/w wraparound cabinet at base and associated ancillary works".
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Decision

1. The appeal is allowed and prior 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 a telecommunications installation: Proposed 20m Phase 8 monopole c/w wraparound cabinet at base and associated ancillary works at land at Bond Avenue, Bletchley and Fenny Stratford, Milton Keynes MK1 1JQ, in accordance with the terms of the application Ref 20/02768/PANOTH, dated 25 October 2020, and the plans submitted with it.

Procedural Matters

2. The proposal is permitted development under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (hereafter "the GPDO"), but prior approval is required for its siting and appearance by Paragraph A.3(3). The Council did not express any concern about the visual impact of the proposed installation but considered that it would be harmful to highway and pedestrian safety, and so declined to grant prior approval.
3. The provisions of the GPDO do not require regard be had to the development plan in this case. I have therefore had regard to the policies and related guidance of the development plan, and the National Planning Policy Framework ("the Framework") only in so far as they are material considerations relevant to matters of siting and appearance.
4. A revised Framework was published on 20 July 2021, replacing the version published in February 2019. Both main parties were given the opportunity to

comment on the implications of the revised Framework in respect of this appeal. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issue

5. The main issue is whether or not the siting of the proposed installation would be acceptable, having particular regard to its effect on highway and pedestrian safety.

Reasons

6. The appeal site is part of the road verge on the eastern side of Bond Avenue, within an employment area. It sits a short way south of a roundabout junction with Bletcham Way where the national speed limit applies, although Bond Avenue itself has a 30mph speed limit. A shared footpath and cycleway – part of the city's Redway network of traffic-free routes – crosses Bond Avenue via a central refuge island immediately to the north of the appeal site.
7. The Council's highways officer considered that "adequate traffic management needs to be submitted to minimise any risk for road users exiting from Bletcham Way roundabout in a southerly direction onto Bond Ave", as well as "to allow pedestrians/cyclists to travel along the existing Redway east to west and vice versa across Bond Ave where this is currently a central refuge island".
8. The proposed installation would be south of the Redway, and from what I saw on site it was clear to me that anyone travelling from east to west on the Redway would continue to have an unimpeded view to their right of traffic entering Bond Avenue from Bletcham Way. They would also be seen by drivers of vehicles coming from the roundabout exactly as at present. The centreline of the proposed mast and base cabinet, along with three further cabinets, would be approximately 1.7m back from the Bond Avenue kerb, so would slightly obstruct a westbound Redway user's initial view southwards along Bond Avenue. However, anyone seeking to cross Bond Avenue in that direction would be able to cross to the central refuge island as at present, and from there they would be able to wait to cross safely with a clear view of approaching northbound vehicles on Bond Avenue. The situation in respect of people travelling eastwards on the Redway would be entirely unchanged from the present.
9. The highways officer's consultation response referred to the double yellow line restrictions on Bond Avenue adjacent to the appeal site, disruption during the construction period arising from lane closures and the need for exclusion and drop zones to be implemented in the event of a crane being used, as well as possible conflict with existing underground services and utilities in the highway verge. However, these are all matters which it would be necessary to resolve for any development on or close to the highway, and do not justify withholding permission for the scheme. The developer would be responsible for resolving any such conflicts, liaising with the Council in its role as highway authority and landowner, and securing such other approvals and permits as may be required outside of the planning regime to ensure the safe construction and operation of the installation.
10. I therefore conclude that the proposal would not be harmful to highway safety. It would comply with advice in the Council's 2000 "Telecommunications

Systems Policy” Supplementary Planning Guidance, and with the requirements in respect of supporting high quality communications set out in the Framework, including the provisions of paragraphs 115 and 117.

Conditions

11. Planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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.
12. The Council requested that an “informative” paragraph in respect of technical approval for highway structures be appended to the decision in the event of my allowing this appeal, but this would addresses matters beyond planning. No other conditions are necessary to make the development acceptable.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed, and prior approval should be granted.

M Cryan

Inspector