



Appeal Decision

Site visit made on 6 December 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/T5150/W/21/3274543

Junction of East Lane & Main Drive, Wembley, London HA9 7PU

Easting: 517841, Northing: 186256

- 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 UK) Ltd & H3G (UK) Ltd against the decision of London Borough of Brent.
 - The application Ref 20/3768, dated 18 November 2020, was refused by notice dated 13 January 2021.
 - The development proposed was originally described as the removal and replacement of the existing 12.5m monopole, with a 20m monopole, 12 no. antennas, equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the removal and replacement of the existing 12.5m monopole, with a 20m monopole, 12 no. antennas, equipment cabinets and development ancillary thereto at Junction of East Lane & Main Drive, Wembley, London HA9 7PU in accordance with the terms of the application, Ref 20/3768, dated 18 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg: 002 Site Location Plan Rev C; 100 Existing Site Plan Rev C; 150 Existing Elevation A Rev C; 215 Max Configuration Site Plan Rev C; 265 Max Configuration Elevation Rev C; and SK01 Rev C Visibility Splay Assessment.
 - 3) The existing monopole, associated cabinets and equipment shall be removed from the site and the land restored to its previous condition, within 3 months of the approved development being brought into use.
 - 4) Prior to the approved development being brought into use the existing clothes and shoes recycling facility shall be relocated, in accordance with a position, first approved in writing by the Local Planning Authority.

Preliminary Matters

2. As part of the appeal the appellants have provided additional information in relation to the visibility splay and the repositioning of the clothes and shoes recycling facility. The Council and third parties have had the opportunity to comment on these documents as part of the appeal process. As such, no party has been prejudiced by their submission at this stage. As a result, the Council

has confirmed it has no objections to the proposed relocation of the recycling facility. This has subsequently informed the following main issue.

Main Issue

3. The main issue is the effect of the proposal on highway safety, with particular reference to the visibility at the junction of Main Drive and East Lane.

Reasons

4. East Lane is a busy road in a mixed commercial and residential area. Main Drive serves an industrial estate and, although a snapshot in time, was frequently used during my afternoon site visit.
5. The issue in contention is the visibility for vehicles leaving Main Drive and turning right, as the proposal would be within the field of view of the driver when looking left. I saw how the existing monopole obscures some more distant views of vehicles approaching from the east. However, it has a slender profile, allowing views either side and oncoming traffic closer to the junction was not obscured.
6. There is a bus stop on both sides of the road to the east of the junction, entrance and exit points for a petrol station and a junction onto Pembroke Road on the opposite side of the road. A set of traffic lights serving a pedestrian crossing is also located near the junction to the west. This combination of features requires road users to be alert when exiting the junction.
7. I recognise that my site visit represented a snapshot in time and the level of traffic and speed of vehicles would vary. Nonetheless, whilst I have no substantive evidence of the average speed levels along this stretch of road, these features had the effect of slowing traffic during my site visit. Moreover, I have no substantive evidence of any vehicle accident incidents at the junction.
8. The proposal would result in a bulkier form of development at the base of the pole than the existing development and would, as a result, further limit the distant views of approaching vehicles from the east.
9. Vehicles from the east are on the far side of the carriageway. Whilst there is a bus stop near the junction with Pembroke Road, even with the potential for overtaking vehicles, they would be unlikely to be on the other side of the carriageway due to the size of the central hatched area of roadway in between the carriageways. Moreover, any vehicles wanting to overtake would also need to be mindful of the potential for vehicles waiting to turn right onto Pembroke Road at the end of the hatched area, or any vehicles attempting to overtake a bus at the bus stop on the other side of the road.
10. In these circumstances, I find it unlikely that vehicles approaching from the left on the main arm will cross onto the other side of the westbound carriageway. As such, it is reasonable to consider the visibility splay to the left measured to the centreline of the main arm, in line with the guidance within the Manual For Streets.
11. Having regard to the extent of visibility achievable to the edge of the east bound lane, I am satisfied that there would be adequate visibility, to not result in an unacceptable highway safety risk or harm to the free flow of traffic. As

such, I find no conflict with the requirements of Policy DMP1 of the Development Management Policies Plan (2016). This stipulates, amongst other things, that development will be acceptable provided it is satisfactory in terms of means of access for all and does not have an adverse impact on the movement network.

12. I recognise that there might be alternative positions along the footway which may increase the visibility even further from the junction. However, given my findings above, I do not consider it necessary to consider alternative sitings.
13. In addition to the standard implementation condition, a condition is necessary to ensure the development is carried out in accordance with the plans submitted with the application. I have also imposed a condition, suggested by the appellants which I have adapted in the interests of precision, requiring the removal of the existing monopole and ancillary equipment within 3 months of the appeal development being brought into use. This is required in the interests of the character of the area. I have also included a condition requiring the relocation of the recycling facility prior to the appeal development being brought into use, in the interests of the amenity of the area.

Conclusion

14. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR