



Appeal Decision

Site visit made on 2 February 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/Y0435/W/21/3280948

Chaffron Way, Milton Keynes Village, Milton Keynes MK10 9SF

- 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) (hereafter the 'GPDO').
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Milton Keynes Council.
 - The application Ref 21/01593/PANOTH, dated 16 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is a 20.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted for a 20.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Chaffron Way, Milton Keynes Village, Milton Keynes, MK10 9SF in accordance with the terms of the application, Ref 21/01593/PANOTH, dated 16 May 2021, and plan nos. 002 site location plan issue B, 100 existing site plan issue B, 150 existing elevation A issue B, 210 proposed site plan issue B, 260 proposed elevation issue B and 261 proposed visibility splay issue B.

Main Issue

2. Schedule 2, Part 16, Class A of the GPDO makes provision for the installation, of electronic communications equipment, subject to the prior approval process set out in paragraph A.3 whereby the developer must apply to the Council for a determination of whether the prior approval of the authority will be required as to the siting and appearance of the development. Consequently, and from the reasons given on the Council's decision notice, the main issue is the effect of the siting and appearance of the proposal on highway safety.

Reasons

3. The development would be sited on the northwest corner of the roundabout junction of Chaffron Way with Brickhill Street. The junction is open and verdant with wide grass verges and trees screening built development behind. There are streetlamps alongside both roads and around the roundabout junction.
4. The mast would be set back from the edge of the carriageway by around 10m and be about 9m behind the nearest streetlamp. It would be visible, on the left, to drivers approaching the roundabout from the west on Chaffron Way. However, these drivers would primarily be looking to the right, away from the mast, or straight ahead to check for traffic on or coming round the roundabout.

It is unlikely that these drivers would be looking towards traffic on Brickhill Street coming from the north until they entered the roundabout, at which point the mast and cabinets would be behind them. The only point the development may visually obscure traffic approaching the roundabout from the north from drivers on Chaffron Way, would be when the drivers on Chaffron Way and the vehicles on Brickhill Street are both a significant distance back from the junction. Even then, there would be plenty of time after emerging from behind the development for both drivers to see each other and brake if necessary.

5. Likewise, for drivers approaching the roundabout from Brickhill Road to the north, the development would only obscure views of traffic on Chaffron Way when a driver is several car lengths back from the junction and the vehicle on Chaffron Way is a significant distance back from the roundabout. There would therefore be plenty of time for the driver to act once the vehicle emerged from behind the development. In any case, it is more likely a driver would be checking for traffic on or coming round the roundabout, to which they would need to give way, instead of traffic approaching from a feeder road to the right.
6. Overall, the mast and cabinets would not obstruct the view of any traffic on, or immediately about to enter, the roundabout when approaching from any direction.
7. For the maintenance of the development, it is likely that service vehicles would need to mount the kerb and park on the highway verge. This is most likely how service vehicles maintain the streetlamps and the existing BT equipment on this corner. Though not a formal arrangement, the verge is sufficiently wide and flat to enable such vehicles to do this without obstructing traffic.
8. The comments from the highways engineer regarding the need for a crane to install the equipment, and the likelihood of this necessitating road closures are noted. However, there is no reason to believe this could not be done safely.
9. Consequently, the development would not obstruct visibility for drivers at the junction and there is room for service vehicles to attend the site safely. As such the siting and appearance of the development would not be harmful to highway safety. In this regard it would accord with the advice in paragraph 111 of the National Planning Policy Framework which says development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.

Conditions

10. An approval under Schedule 2, Part 16, Class A of the GPDO is subject to the conditions inherent in paragraph A.2 of that Part, and I agree with the Council that there is no need for any additional conditions, though the appellant should be aware of the need to obtain Technical Approval for Highway Structures from the Council.

Conclusion

11. For the reasons given above, and taking account of all other considerations, I conclude that the appeal be allowed.

Andrew Owen

INSPECTOR