



Appeal Decision

Site visit made on 15 February 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/P0240/W/21/3281660

Luton Road, Woodside Industrial Estate, Dunstable LU5 4JN

- 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 Central Bedfordshire Council.
 - The application Ref CB/21/02836/TDM, dated 10 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is an 18.0m 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 for an 18.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works at Luton Road, Woodside Industrial Estate, Dunstable, LU5 4JN in accordance with the terms of the application, Ref CB/21/02836/TDM, dated 10 June 2021, and plan Nos. 002 site location plan issue C, 100 existing site plan issue C, 150 existing elevation A issue C, 210 proposed H3G site plan issue C, 260 proposed H3G elevation issue C.

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 of the proposal on highway safety.

Reasons

3. The appeal site is on the southeast corner of the junction of Luton Road with a short road which provides access to a Lidl supermarket and the newly built industrial units behind. On the opposite side of the junction there is a similarly short road which provides access to a few large warehouse style shops. All four arms of the junction are signalised with central reservations and pedestrian crossings. The Chilterns Area of Outstanding Natural Beauty is a short distance to the south.
4. The equipment would be sited at the back edge of the pavement; over 4m from the carriageway at its closest point, as shown on the plans. The cabinets would

have a width of less than 1m. For cars on the access road approaching the junction from the south, the equipment would appear off to the right. Although drivers at the stop line at the junction would still have a clear view of traffic along Luton Road to the east, the development may slightly obscure views of traffic on Luton Road for drivers positioned a few car lengths back from the junction. However due to the signalised nature of the junction either the traffic on Luton Road would be stationary, or that on the access road would be stationary. It is unlikely therefore that any visual obstruction that the development may provide would have any harmful effect of the safety of traffic on the access road.

5. For drivers on Luton Road travelling west, the development would be visible off to their left. However, again, due to its position well back from the carriageway edge, the cars at the stop line at the junction would have a clear view of the cars on the access road, even if drivers a few car lengths back may not have a clear view. Also, as set out above, due to the limited scale of the equipment at street level, it would not provide a significant visual obstruction for drivers on Luton Road, notwithstanding the fact that when cars are travelling through the junction from the east, the traffic lights would be holding the traffic on the access road. There would therefore be no opportunity for vehicles to emerge from behind the development and conflict with moving traffic on Luton Road.
6. Any maintenance vehicles parked on the pavement in front of the development may be a greater impairment to visibility at the junction. However, I would anticipate that such maintenance would not be regular, and in any case the signalised nature of the junction means opportunities for conflict are limited. Moreover, there is room for on-street parking on the access road which may be easier for access and egress for maintenance vehicles than parking on the corner.
7. Overall, the siting of the development would not compromise highway safety. It therefore would accord with policy T2 of the Central Bedfordshire Local Plan which aims to ensure that development does not have a detrimental effect on highway safety including, among other things, by creating hazards to traffic.

Other Matters

8. The concerns regarding gaining access to services behind the development are noted. However, this would be for the relevant parties to resolve and is not a matter that has any bearing on my assessment of the planning merits.
9. The Council also raise concern, in their appeal statement, that the development would result in a harmful intensification of electronic equipment along this pavement. However aside from street lights and traffic lights there is no other electronic equipment on this part of the pavement, and in this context the development would not significantly add visual clutter to the local environment.

Conclusion

10. For the reasons given above, and taking account of all other considerations, I conclude that the appeal be allowed and planning permission granted subject to the conditions inherent in paragraph A.2, Part 16, Schedule 2 of the GPDO.

Andrew Owen

INSPECTOR