



Appeal Decision

Site visit made on 25 October 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/Y0435/W/21/3281356

Locke Road, Central Bletchley, Bletchley, Milton Keynes MK2 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 (UK) Ltd against the decision of Milton Keynes Council.
 - The application Ref 21/01301/PANOTH, dated 24 April 2021, was refused by notice dated 16 July 2021.
 - The development proposed is 20m Phase 8 Monopole C/W wrapround 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 20m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Locke Road, Central Bletchley, Bletchley, Milton Keynes MK2 2JS in accordance with the terms of the application Ref 21/01301/PANOTH, dated 24 April 2021, and the plans and drawings submitted with it.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting of the proposed development on highway safety.

Reasons

5. The appeal site forms part of a section of pavement along Locke Road near its junction with Duncombe Street.
6. This section of pavement also forms part of the concourse which serves a local shopping centre. In particular, this pavement largely serves pedestrians using the bus stop for the shopping centre, both of which are located before (east) of the appeal site. Also, this section of pavement terminates near its junction with Duncombe Street (west of the appeal site). Because of this arrangement, pedestrian footfall near the appeal site is limited.
7. The proposal includes the installation of a monopole with a wraparound cabinet at base and a further three cabinets. Despite the existing 'no entry' sign, these cabinets would be largely located on part of the pavement where this is at its widest. The cabinets would be positioned against a crash barrier just before the junction. Whilst these cabinets would reduce the width of the pavement, the narrower width of pavement available would still allow users to pass one another. As such and in light of the above observations, the proposal would not present an obstruction to pedestrian movement or unacceptably affect pedestrian safety.
8. The proposed equipment would only obscure part of the existing crash barrier and therefore would not unacceptably affect its overall visibility or function.
9. However, the proposed equipment would be located close to a junction and along a bus route. Despite this and the Council's suggested informative, the developer would be responsible for ensuring that the installation and maintenance of the proposed equipment is undertaken having regard to the relevant highway's legislation and procedures and the safety of all its users. Furthermore, any activity associated with such works would be of a temporary nature. Therefore, I am not persuaded that the proposal raises any significant or unsurmountable highways implications.

Conditions

10. Planning permission granted for the proposed development 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

11. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

M Aqbal
INSPECTOR