



APPEAL by Dot Surveying Ltd

APPEAL SITE: Land Opposite 1 Mainway, Middleton, Manchester, M24 1PP

STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 22/01522/TELE

PINS REFERENCE: APP/B4215/W/23/3323205

1. INTRODUCTION AND BACKGROUND

1.1 This appeal is against the Local Planning Authority's refusal to issue Planning Permission under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). The application reference 22/01522/TELE 'Prior notification for the proposed installation of a 16m high street pole including associated equipment cabinets'.

1.2 The application was refused by notice dated 23rd January 2023 for the following reason:

'By virtue of its height, siting and appearance, the proposed 16 metre high monopole would constitute a significantly incongruous and dominant feature within the street scene, amplified by the siting of additional unsightly equipment cabins in a prominent, unshielded location. The proposal would result in unacceptable harm to the street scene and visual amenity generally. On this basis the application is contrary to Policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.'

2. SITE AND SURROUNDINGS

2.1 This appeal relates to an area of land opposite 1 Mainway, Middleton. The surrounding area is predominately residential. No.28 Mainway is East of the site. The site has visibility from all directions.

3. APPELLANT'S GROUNDS OF APPEAL AND THE CASE FOR THE LOCAL PLANNING AUTHORITY

3.1 The appellants grounds of appeal are that the siting and design will not have a negative impact on the street scene, that the site is in open space and will not affect residential amenity and the appearance of the monopole will not appear incongruous or out of scale.

3.2 The Local Planning Authority's (LPA) justification for the applied refusal reason is clearly set out in the supplied Officer's Report for planning application 22/01522/TELE. The LPA is largely content to rely on the content of the Officer's Report to support its case.

However, the Council wishes to take the opportunity is to respond to specific points and confusing matters raised in the appellant's Grounds of Appeal

Siting and appearance

3.3 The Council considers that the proposed 16m high monopole and associated equipment cabinets would be visually prominent. The proposed monopole is significantly higher than the existing tree and surrounding street furniture, double of the height of the existing lamppost which the appellant identifies as having similarities. It is also much higher than the closest residential dwellings. The proposed monopole will therefore appear out of scale within the street scene. Policy P3 which requires all new developments, regardless of location in the borough, to adhere to high standards of design, and enhance the boroughs identity and sense of place by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape. It is clear from the analysis in the officer's report that the proposed monopole and cabinets neither have regard

to the scale or height of the location. Because of the height of the proposed monopole and the prominence of the cabinets the development as a whole is visually prominent and harmful to the sense of place in Manchester New Road and Mainway.

- 3.4 The appellant has repeatedly put significant weight on the fact that the location does not have any formal designation and concludes that the proposal can therefore not have an adverse impact on the character and appearance of the area. Almost as if the siting and appearance of the proposal cannot be considered any thing other than acceptable. However, despite the fact that the location does not have any form of formal designation the proposal is quite clearly in conflict with Policy DM1 because the proposal will create visual intrusion and an overbearing impact, as identified in multiple objection letters. It is clear that the proposal will negatively affect the surrounding residential area.
- 3.5 The appellant, in their statement puts considerable weight on a comprehensive desk top study of sites that have been discounted. This was not shared with the Council and could not be considered as part of the application. In the appeal statement paragraph 3.3 says the intended target/search area has a radius of 100m however the application examples are within a 500m area. This has created ambiguity and confusion, this leads the Council to believe no proper or serious regard has been given for the siting and appearance of the mast in the location considered as part of this appeal.
- 3.6 It is a matter of significant professional discourse that that applicant has failed, within the submitted planning application to identify the relevant local planning policy context for Rochdale. Quite peculiarly the applicant makes reference to the Council's website lacking any reference to mobile communications review. Furthermore, astonishing even after receiving the Council's decision notice the applicant does not identify any relevant local planning policies or taken the opportunity to explain how the proposal complies with local planning policies, or indeed had any regard to those policies.
- 3.7 Alarminglly the applicant has stated in their conclusion, at para 8.5 of their statement that the Council has not relied on specific local planning policies. This is deeply concerning as the refusal reason specifically relies upon three policies the proposal is in conflict with Policy P1, P3 and DM1 of the adopted Rochdale Core Strategy.
- 3.8 Finally and with considerable dismay the Council must point out that the appellant repeatedly through the appeal statement incorrectly states the height of the mast as 15m high, even touching precisely on the matter in their concluding design paragraph 7.8, where they state the 15m monopole is not overbearing. This is poor and demonstrates a complete lack of respect in regard to the matters for consideration.

Public benefits and whether they outweigh the harm

- 3.9 The appellant has attached significant weight to the benefits that would arise as a result of the development through increased network coverage. The LPA also give

appropriate weight in the planning balance to these considerations, nonetheless, it is not considered that the public benefits outweigh the significant harm identified to the character and appearance of the site and surrounding area.

Conclusion

It is considered for the reasons identified that the proposal would result in significant and unacceptable harm to the character and appearance of the surrounding area. The negative effects are not outweighed by the public benefit. As such it would fail to comply with the requirements of paragraphs 114 to 118 of the NPPF and would conflict with Policies P1, P3 and DM1 of the Rochdale Core Strategy.

In light of the above, the LPA respectfully request that the appeal be dismissed. In the event that the appeal is allowed, the LPA would request the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following:- 22/01522/TELE

Locations, Plans, Site, Plans and Elevations –
MAN21918_MAN651_TBC_M1370_GA_REV_A

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, the mast shall have a factory applied finish in the colour RAL 7004 (Signal Grey).

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.