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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25 Ionawr 2022

gan I Stevens BA (Hons) MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21/03/2022

## Appeal Decision

Site visit made on 25 January 2022

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21/03/2022

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**Appeal Ref: CAS-01339-R3V9N6**

**Site address: Greenfield Place, Vale Road Bridge, Rhyl, LL18 2BP**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
  - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Denbighshire County Council.
  - The development proposed is 20m 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 under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for a 20m Phase 8 monopole, C/W wraparound cabinet at base and associated ancillary works at Greenfield Place, Vale Road Bridge, Rhyl, LL18 2BP, in accordance with the terms of the application, Ref: 45/2021/0535/TA dated 21 May 2021, and the plans submitted with it.

### Procedural Matters

2. The appeal site address given on the application form differs from that shown on the appeal form. I am satisfied that both addresses relate to the same site and for the purposes of my Decision, I have used the address given on the appeal form.
3. The principle of development is established by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO 1995). The provisions of the GPDO 1995 require the local planning authority to assess the proposed development solely on the basis of its impact on siting and appearance taking into account any representations received. My determination of this appeal has been made on the same basis.

4. The provisions of Schedule 2, Part 24, Paragraph A of the GPDO 1995 do not require regard to be had to the development plan. I have had regard to the policies of the Denbighshire Local Development Plan (LDP), adopted 2013, and Future Wales: The National Plan 2040 only in so far as they are a material consideration relevant to matters of siting and appearance. Other material policy considerations include Planning Policy Wales (Edition 11, February 2021) (PPW) and advice in Technical Advice Note (TAN) 19: Telecommunications (August 2002).

### **Main Issue**

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

### **Reasons**

6. The proposal seeks to provide sufficient coverage and effective communication within the wider telecommunication network. It is required to improve the provision of 5G coverage in the Rhyl area and the appellant has submitted evidence in support of the proposal. The need for the telecommunications system is not disputed. PPW acknowledges that new technologies such as 5G will result in the densification of mobile infrastructure particularly in urban areas, which could require more small cell sites in street settings. It adds that the planning system will need to respond positively to this evolution in technology whilst being mindful of the impacts on amenity and the historic environment. TAN 19: Telecommunications (2002) states that each telecommunications system has different antennas, siting needs and other characteristics, and that regard should be had to any technical constraints on the location and proposed development.
7. The appeal site comprises a section of public footway on a highway that leads from the junction with Vale Road into a retail park. The appeal site is adjacent to an area of grass and shrubs next to the side elevation of a retail unit and faces several trees and a wall. The wall forms part of the Vale Road Bridge that crosses a railway line into Rhyl town centre. The area has a predominantly commercial character, which comprises several retail units, accompanying car parks and other business premises. While the appearance of buildings vary, they are typically two-storey in height.
8. On my site visit, I observed a variety of linear features in the area, including streetlights, traffic lights, telegraph poles, flagpoles and signage. The street furniture is positioned at junctions, along public highways and within car parks, and there is an existing telecommunications mast to the north of the appeal site, on railway sidings. The side elevation of the retail unit is also flanked by two streetlights that are slightly taller than the building.
9. In visual terms, immediate views of the proposal would be from the surrounding commercial area. At approximately 20m high, I recognise that the proposed mast would rise above buildings, trees and street furniture in the area. I also acknowledge that the appeal site could be seen from an elevated position along Vale Road Bridge, which is a main road on the approach to Rhyl town centre. The existing trees provide only partial screening in views from the bridge towards the appeal site. However, from the approach to Rhyl town centre the proposal would be viewed against the commercial backdrop and the bulk and uncomplicated appearance of the retail unit. The mast would be positioned centrally along its side elevation, respecting the spacing of streetlights at either end of the unit. The vertical lines of these streetlights, along with the other street furniture nearby, provide an appropriate street scene for the proposal, such that it would not appear as an alien feature.

10. Beyond this area, views of the appeal site from nearby residential streets would be more limited, given the dense character of those streets. From the other end of Vale Road Bridge, beyond the railway line, only glimpses of the appeal site can be seen given the distance and changes in road elevation. There are also streetlights along the bridge and telephone poles nearby that add to the variety of vertical features. Likewise, views towards the appeal site from Morley Road and the car park to the north of the railway line would be set in the context of the existing mobile mast and commercial buildings, such that it would not stand out as an unusual feature in the skyline. Overall, having considered the effect of the proposal on the approach to Rhyl town centre and from other vantage points in the surrounding area, it would not be an incongruous feature in the skyline.
11. The proposed mast has an unobtrusive design. The slim design has antennas vertically stacked towards the top of the monopole that retain its slenderness. Its grey colour would be similar to several street features in the area. While the mast would be taller and thicker in diameter than many other street features, and different in design to the existing mobile mast nearby, when viewed against the background of the retail unit and its blank elevation, it would not appear unduly prominent.
12. The proposed equipment cabinets would be positioned adjacent to the mast on the edge of the footpath. Their design would be similar to other street furniture in the area, including cabinets located along Vale Road, such that they would not appear dominant features in the street scene. There are no apparent objections from the Council to this element of the proposal and I have no reason to form a different view.
13. I note the Council's preferences, set out in its decision notice, that the scale of the proposed mast be reduced and moved to an alternative location away from Vale Road. The Council has not specified what height would be acceptable. The appellant has provided evidence, which sets out why the proposed mast operating height is necessary, to allow signals to clear trees and urban features.
14. I conclude that the siting and appearance of the proposal would not have an unacceptable effect on the character and appearance of the area. I have also considered relevant policies in the Denbighshire LDP where they could be material considerations. The proposal would comply with Policy RD 1 of the LDP, which, amongst other matters, supports proposals that respect the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

### **Other Matters**

15. The appellant has submitted detailed evidence in support of the site selection process, including an explanation of why the appeal site was chosen from other potential options in the search area. I note that Rhyl Town Council suggested an alternative location to the rear of the retail unit that is adjacent to the appeal site. On these matters, given my conclusion that the siting and appearance of the proposal would be acceptable, it has not been necessary to consider mast height reduction or alternative site options, including the potential shared use of the existing mast site.
16. The Council refers to Policy VOE 1 of the Denbighshire LDP, which seeks to protect designated or identified areas from development that would adversely affect them. Nonetheless, there is no suggestion that the appeal site is in any of the areas identified in the policy, which covers built and natural environment designations.

## Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to build an economy based on the principles of fair work, sustainability and the industries and services of the future.

*I Stevens*

Inspector