

DELEGATED REPORT

Application No:	P/23/0113
Site Address:	Unit 2 Triangle Business Park Pentrebach Merthyr Tydfil CF48 4TQ
Development:	New perimeter fencing to replace the existing chain link fence
Case Officer:	Marlene Ferreira
Site Visit:	1st June 2023
Application Expiry Date:	7th August 2023
Consultation reply date expired:	5th June 2023

APPLICATION SITE

The application site relates to an industrial unit, known as Unit 2, Triangle Business Park. The unit is enclosed by a fence and hedgerow/vegetation and is bound and accessed off Church Terrace to the east, Unit 4 to the south, the A4054 highway to the west and Unit 1 to the north.

PROPOSED DEVELOPMENT

This application seeks planning permission to replace the existing chain-link and palisade fencing and gate around the perimeter of the site with a new green mesh fence and gate.

The proposed fence and gate would measure 2.1 metres in height and would be sited in the same location as the existing 2.1 metre high fencing and gate. The existing fence in certain sections has been damaged overtime and the site can be easily accessed from different points around its boundary. The proposed fence therefore seeks to enhance the security at the site.

PLANNING HISTORY

The council's record show that there is no recent or relevant planning history relating to this site.

CONSULTATION

Planning Division's Ecologist

No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties. No letters of representation have been received.

POLICY CONTEXT

National Planning Policy

- The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. In particular, it highlights the need to focus on increasing the delivery of social and affordable homes.

- Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Paragraphs 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Para 6.4.21 – 6.4.23 notes that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to the potential harm to any protected species and habitats.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

- TAN 5 Nature Conservation and Planning
- TAN 12 Design

Local Planning Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) 4 - Sustainable Design (July 2013)

Supplementary Planning Guidance (SPG) 5 – Nature and Conservation (May 2015)

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed fence and gate would be acceptable in principle in this location, and whether it

would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of the development

The application site lies within the settlement boundary where development is supported by Policy SW4 of the LDP. As such, the proposed fence, which would be required for security purposes, would be acceptable in principle provided it complies with other relevant policies.

Character and Appearance

The proposed fence and gate has been considered in respect of its impact upon the character and appearance of the area. The new fence would be located within an industrial setting and would replace an existing part chain-link and part palisade fence and gate. It would also be of the same height and sited the same location. Indeed, the proposed green mesh fence and gate would result in a more sympathetic boundary treatment which would be consistent throughout the entire perimeter of the site and appear more visual pleasing when viewing the site from within the surrounding area. The proposal would therefore be acceptable within this context and accord with LDP Policy SW11.

Residential Amenity

The proposed development has been considered in respect of its impact upon the amenities of nearby occupiers. The nature of the proposed development and the fact that there are no nearby residential properties immediately adjacent to the site, would mean that the proposed new fencing would not have any adverse impact upon the amenities of residents. As such, the proposal would accord with LDP Policies SW11.

Ecology

Given the nature of the works, which would involve cutting back the hedge/vegetation to gain access to the existing fence to be replaced, the Council's Ecologist has requested that a breeding bird survey, to be carried out by a suitably qualified and experienced ecologist, be submitted prior to the works being undertaken. This can be secured by condition as part of any planning permission granted. The agent has also noted that it is not envisaged that the hedgerow/vegetation would be removed completely, as this further enhances security at the site. In line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' the Council's Ecologist has also requested enhancement works, which include the erection of a bat box on the south western elevation of the unit. This can also be secured by condition.

The Council's Ecologist has therefore not raised any objections to the proposal, subject to the above noted conditions. The proposed development would therefore accord with LDP Policy EnW1.

Highway Safety

The proposed development, as previously discussed, involves replacing the existing fence in the same location and to the same height. As such, parking provision at the site and the access/entrance point into the site, would not be affected as a result of this proposal.

Thus, the proposal would not have any adverse impact upon parking provision or highway safety and would therefore accord with LDP Policy SW11.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant policies.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS**:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Drawing no: TBP-LAW-X-G00-DR-A-061001 Rev P0, received: 3rd April 2023;
- Drawing no: 2360A Rev 2, received: 12th June 2023.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **Prior to the erection of the replacement fencing that adjoins the existing hedgerow** (along the northwest and northeast boundaries) a breeding bird survey, carried out by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The survey shall identify any active nests and the mitigation measures to ensure they are protected until the young have fledged. Details for the provision of a Bat box on the southwest elevation of the unit shall also be provided. Any vegetation removed shall be replaced with suitable native species, to include a mix of hornbeam, hawthorn, blackthorn, field maple, hazel. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the new development will be visually attractive and in the interests of nesting birds and biodiversity, to accord with Policies SW11 and EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED

DATE: 21.07.2023



Director of Neighbourhood Services
