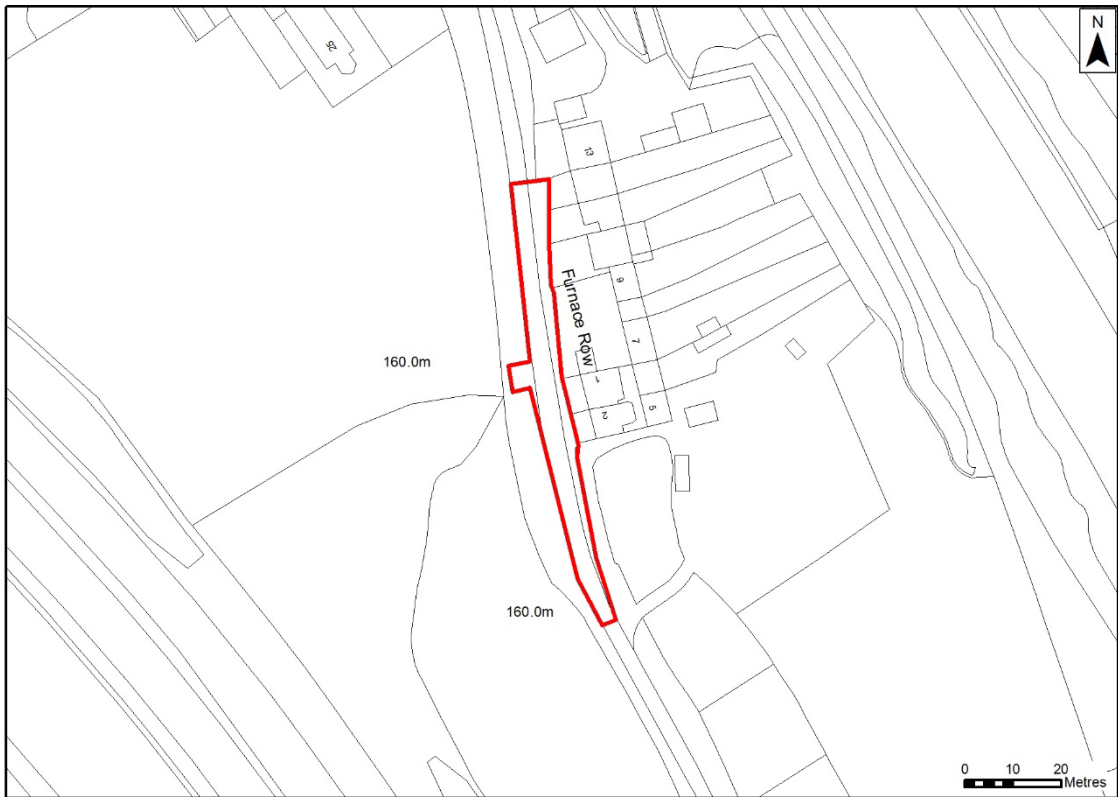


DATE WRITTEN	22nd May 2026
REPORT AUTHOR	Judith Jones
CASE OFFICER	Gareth Davies
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	3rd June 2026

Application No. P/25/0199	Date 18th July 2025	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Erection of permanent fencing	Furnace Row/Ash Road Troedyrhiw Merthyr Tydfil CF48 4TR	Dwr Cymru Welsh Water c/o Miss Georgia McColm Asbri Planning Ltd. Unit 9 Oak Tree Court Cardiff Gate Business Park



P/25/0199

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PURPOSE OF REPORT

To further consider planning application P/25/0199

At the Planning, Regulatory and Licencing Committee meeting held on 22nd April 2026, Members raised the following concerns with the proposed development:

- The height of the railing and its potential impact on the adjacent properties.
- The presence of gates incorporated into the railing could have highway safety implications and impede the access for residents stepping directly on to the road.
- The green colour of the railing is inappropriate.

In response to these concerns it was noted during the meeting by the Agent, representing the applicant, that further changes to the proposal could be reviewed to assist in addressing the concerns raised. As such, Members deferred the determination of the application to further consider revisions to the proposal.

Amended plans have now been submitted with the following amendments to the proposed railing:

- The railing has been reduced in height from 1.5m to 1.2m.
- The gated accesses have been removed.
- The colour of the railing would be black.
- The railing now includes a small return at both ends around the gabion structure.

A further consultation exercise has been undertaken with the Head of Engineering and Highways on the revised plans. No objection has been raised, subject to reflective strips being fitted to the end posts of the railing to make the structure clearly identifiable at night.

It is considered that the proposed amendments to the overall design of the railing is acceptable. It would not have an adverse impact on the character of the area, it would not give rise to an unacceptable impact on residential amenity, nor does it result in a highway safety concern.

Accordingly, it is recommended that the application be granted planning permission subject to the following revised conditions that reflect the changes made to the proposal:

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:

General arrangement drawing no. B50730-121316-13-BG-DR-CA-CI1001 Rev C5.0.

Fencing detail 03 drawing no. B50730-121316-13-BG-DR-CA-CI1052 Rev C3.0.

Fencing detail 02 drawing no. B50730-121316-13-BG-DR-CA-CI1052 Rev C3.0.

Fencing detail 01 drawing no. B50730-121316-13-BG-DR-CA-CI1050 Rev C3.0.

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

3. Prior to the installation of the approved railing, a scheme for biodiversity enhancements, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12 February 2024) requires all development to maintain and enhance biodiversity, and to accord with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The installation of the railing shall incorporate reflective strips fitted on the corner posts at either end of the railing.

Reason - In the interests of highway safety and to comply with the requirements Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

COMMITTEE'S DECISION IS REQUIRED.

A copy of the original report to Committee is reproduced below for committee's convenience.

It has been requested by Councillor Gareth Lewis that this application be presented to the planning committee for determination to consider the concerns raised by local residents in respect of the potential impact on the character of the neighbouring properties and surrounding area.

APPLICATION SITE

The application site is located west of Furnace Row on the eastern side of the Taff Trail. The houses at Furnace Row are located at a lower level than the Taff Trail and the trail is supported by a substantial gabion retaining structure between the houses and the surface of the trail. At present, Heras fencing has been placed on top of the retaining structure which has been in place for approximately two years.

PROPOSED DEVELOPMENT

The development comprises the erection of a 1.5m high hoop top metal fence for a length of approximately 80m along the top of the gabion retaining structure immediately adjacent to and in line with the edge of the Taff Trail running from north to south. As part of the application, it is also proposed to install pole mounted bat/bird boxes adjacent to the site providing a net benefit for biodiversity.

PLANNING HISTORY

None

CONSULTATION

Head of Engineering and Highways – No objection

Estates – No objection

Council Ecologist – No objection

Rights of Way – No objection

South Wales Fire & Rescue Service – No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on 22nd July 2025 and site notices were displayed in the vicinity of the site on 23rd July 2025.

Following an amendment to the scheme involving a reduction in the height of the proposed fence to 1.5m, re-consultation letters were sent to neighbouring occupiers on 1st October 2025. Following a revision to the type of fence to be erected, re-consultation letters were sent to neighbouring occupiers on 11th March 2026, along with site notices being displayed at the same time within the vicinity of the site.

As a result of the consultation exercise 10 letters of objection were received from local residents. Following the re-consultation in October 2025 a further 4 objections were received. The second re-consultation in March 2026 resulted in an additional 4 objections being received. One letter supporting the provision of the fence has also been submitted.

Below is a summary of the concerns raised:

- The development would result in an impact on residential amenity creating a sense of enclosure, overbearing due to its height and the loss of view.
- The existing herras fencing is an eyesore and the proposed fence is out of character with the surrounding area.
- The proposed fencing would result in the loss of interactions with the trail users.
- The fencing would create an obstruction to visibility for all users, with residents having to step out into the roads and access impeded by the proposed gates.
- Cultural and historic issues relating to the age of the properties at Furnace Row and their association with the Industrial revolution.
- Whilst the proposed fence is required for health and safety reasons its design takes no account of the wellbeing of residents.
- Concerns raised in relation to the placement of ecological enhancement features.

The letter of support offers the following points:

- The application should be supported as the area has been subject to accidents occurring affecting pedestrians, push bikes, and motorbikes.
- The fence will function as a deterrent to anti-social behaviour in the area.

PLANNING POLICY

National Planning Policy

Future Wales – The National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including, and sustaining vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems, and improving the health and wellbeing of our communities. FW provides guidance on matters relevant to the application including but not limited to: -

- *Policy 1: Where Wales will grow.*
- *Policy 2: Shaping Urban Growth and Regeneration - Strategic Placemaking*
- *Policy 33: National Growth Areas – Cardiff Newport and the Valleys.*

Planning Policy Wales (PPW) Edition 12 (February 2024) sets out the land use policies for the Welsh Government. PPW provides guidance on matters relevant to the application including: -

Chapter 3 of PPW 12 amongst other things sets out the principles of good design in new developments which should consider its relationship with the surrounding context.

The policies in PPW are supported by Technical Advice Notes (TAN's). The most relevant TAN to this application is: -

TAN 12 Design – advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

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 SW12 – Improving the Transport Network.
- Policy CW1 – Historic Environment
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection.

Supplementary Planning Guidance

- *SPG Note 3: Sustainable Design (July 2013)*

PLANNING CONSIDERATIONS

The key issues to consider in the assessment of this application relate to whether the principle of the development is acceptable in this location and whether it would be appropriate in respect of its potential impact upon the character and appearance of the area, residential amenity, ecology and highway safety.

Planning Policy

The proposed development involves the erection of a permanent fence in an area outside of the defined settlement limits as set out in the Merthyr Tydfil Replacement Local Development Plan (LDP). As such, the proposal is deemed to be situated in a countryside location and must satisfy the requirements of Policy SW4 of the LDP, which indicates amongst other criteria that development can be supported where it '*is for tourism, recreation and leisure facilities or complementary development where the need for a countryside location is justified*'. In this instance the proposal forms part of the Taff Trail being an existing tourism/recreation/leisure asset. The proposal would effectively replace the existing temporary Herras fencing, which is currently required for safety purposes. As such the proposal is acceptable in principle, in accordance with Policy SW4 of the LDP.

Character and Visual Amenity

It is acknowledged that the proposed fencing would be of a considerable scale being 80m in length that would span along the topside of the embankment that is now

supported by gabion baskets. The fence would measure 1.5m high to minimise any potential overbearing impacts while providing an adequate safety barrier. The fence would also have a hooped top design to give it a domestic appearance to help assimilate it with the adjacent residential properties. Additionally, the fencing would be painted to have a muted green colour to integrate well with the surrounding natural features.

The purpose of the proposed fence is that it would be a safety feature providing fall protection along part of the Taff Trail, which is also part of the National Cycle Network and a bridleway. The proposed fence would also help to reinforce the boundary between public and private space.

The proposed development is deemed to be appropriate to the local context in terms of its scale, height and material finishes and would not have a detrimental impact on the character or appearance of the area. Therefore the proposal satisfies the requirements of LDP Policy SW11.

Residential Amenity

Despite the fact that the proposed fence would be elevated above the adjacent houses, the fence has been designed to minimise any potential overbearing impacts by reducing the height of the fence to 1.5m and through the use of a more open metal hooped fence design. This also helps to soften the appearance of the fencing and maintain the ability for residents to interact with users of the trail. Accordingly, the fencing is not deemed to give rise to an unacceptable impact on residential amenity. Therefore, the proposal satisfies the requirements of LDP Policy SW11.

Highway Issues

It should be noted that the Head of Engineering and Highways has raised no highway safety concerns and is satisfied with the design and siting of the boundary fencing. In this regard there have been no concerns raised in respect of any impact on visibility for pedestrians or other users of the trail, nor have any concerns been raised in respect of the proposed points of access onto the trail. As such the application satisfies the requirements of LDP Policy SW12 as it supports and enhances the existing sustainable transport route.

Heritage Issues

A number of objectors have raised concerns over the heritage impact of the proposed development given the age of the existing cottages and their association with historic ironmaking in the area. Though the site is located within a Landscape of Outstanding Historic Interest, the proposed development would not have an adverse impact on that character in any meaningful way. Not least because there are already a variety of fence types present along this section of the Taff Trail. The proposal would not have any adverse impact on the conservation of historic environment assets and would accord with the requirements of LDP Policy CW1.

Ecology

The proposed development includes details to deliver Net Benefits for Biodiversity with the provision of bird and bat boxes. Whilst the need and appropriateness of such benefits have been questioned by residents, the Council's ecologist has raised no issues in principle with the proposal for pole mounted bird and bat boxes to be provided, which would help deliver Net Biodiversity Benefits in accordance with the requirements of LDP Policy ENW1 and Planning Policy Wales Edition 12. Further details relating to the ecological enhancements, their location away from any light sources and future maintenance is required, which can be secured via a planning condition.

Other Matters Raised by Objectors

The concerns raised in the publicity exercise have been taken into consideration in the relevant sections of this report above. The following additional considerations are also noted:

- Concerns have been raised that the proposed gates incorporated into the fencing would impinge on access. The gates are deemed to be a suitable width for pedestrian access and highway safety concerns have not been raised by the Head of Engineering and Highways.
- Whilst members of the public have suggested alternative fence types and heights, the application must be determined on the acceptability or otherwise of the scheme proposed.
- Some residents have suggested that the restoration of the wall and embankment should also be taken into consideration. However, the application should be determined on the basis of the submitted detail rather than alternative solutions.
- Dwr Cymru Welsh Water have not indicated in the proposal that there is a need for any works to the existing stepped access serving the respective residential properties.
- The impact of the development on property values is not a material planning consideration.
- The loss of a private view is not a planning consideration.

CONCLUSIONS

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 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 in 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.

For the above reasons, the proposed fence satisfies the requirements of planning policy in terms of its location, its impact on the character of the area, residential

amenity, highway safety and ecology. 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:

- General arrangement drawing no. B50730-121316-13-BG-DR-CA-CI1001 Rev C5.0.
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- Fencing detail 01 drawing no. B50730-121316-13-BG-DR-CA-CI1050 Rev C3.0.

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

3. **Prior to the installation of the approved railing**, a scheme for biodiversity enhancements, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12 February 2024) requires all development to maintain and enhance biodiversity, and to accord with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The installation of the railing shall incorporate reflective strips fitted on the corner posts at either end of the railing.

Reason - In the interests of highway safety and to comply with the requirements Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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