

DELEGATED REPORT

Application No: P/25/0077

Site Address: Parcel Of Land To The South/south East Of
Abermorlais Terrace And South West Of 4
Newfoundland Terrace
Merthyr Tydfil

Development: Erection of fence along footpath

Case Officer: Rebecca Owens

Site Visit: 20th March 2025

Application Expiry Date: 13th May 2025

Consultation reply date expired: 10th April 2025

APPLICATION SITE

The application relates to a parcel of land within the settlement boundary. The land in question is located adjacent to a section of highway and a public footpath, separating these from a vegetated embankment that leads down to the Nant Morlais water course and a weir.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a fence adjacent to a section of the pavement serving the residential street of Abermorlais Terrace and continuing along the public footpath that leads down to the highway to the rear of the law courts at Glebeland Place. The fence would be 2.4m in height and comprise of single wire anti climb mesh panels fixed to posts. A single leaf lockable gate would be included in the fence to provide access to the adjacent land. The finish of the fence and gate would be polyester powder coating in a green colour.

PLANNING HISTORY

There is no recent planning history which needs to be considered when determining this application.

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, four site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

It is recognised that the proposal would introduce a 2.4m high fence along what is currently a relatively open embankment covered with vegetation and trees. There would therefore be an associated visual impact. However, this must be considered against the functional need for the fencing which has been proposed to deter fly tipping on an area of land where this issue is prevalent. Fly tipping on this embankment is an issue due to its potential environmental impact particularly given its proximity to the water course below and the difficulties associated with the removal of the waste due to the constraints associated with the steep gradient, vegetation and adjacent watercourse. However, to alleviate some of the visual impact, the fence that has been proposed would be of an open mesh design to allow light and views through it and would be green in colour to help it blend against the background of trees or scrub. Having regard to the above it is on balance not considered that the fencing would have such a harmful impact on the character and visual amenities of the area as to warrant the refusal of the application on such grounds.

Regard has also been had for the impact of the fence on the residential amenities of the neighbouring occupants. In this respect, given that the fencing would be sited on the opposite side of the street from the properties along Abermorlais Terrace and adjacent to

a parking space and thus not directly alongside the garden of 4 Newfoundland Terrace. The fence would not have any overbearing impact or generate any overshadowing or loss of light. It is also noted that no representations were received following the publicity exercise.

The impact of the fence on users of the public footpath has also been considered. It is noted that this footpath is quite narrow and enclosed on one side by a relatively tall stone wall with a vegetated embankment above and the other side is currently open with a short metal handrail. Whilst the proposed fencing would enclose the other side of the footpath with a relatively tall fence at 2.4 in height, the fence comprises of open mesh panels which retains some of the openness, allowing views and light through it. As such, it is not considered that it would have an overbearing impact on the footpath itself or create a public space which would feel unsafe to its users.

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes a modest section of fencing, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, the nature of the development is intended to improve the overall ecological environment by averting fly tipping issues that can impact both the woodland and watercourse habitats. The proposed development would therefore comply with LDP Policy EnW1.

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**:

CONDITIONS/REASONS:

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:

Fencing Drawing, Drawing Number: Pxxx-00-00-00 Rev P00, Received 18 March 2025

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 29.04.2025