

DELEGATED REPORT

Application No: P/21/0378

Site Address: Plot 1
The Paddock
Penyard
Merthyr Tydfil

Development: Erection of 2m high timber fence

Case Officer: Rebecca Owens

Site Visit: 10th November 2021

Application Expiry Date: 22nd December 2021

Consultation reply date expired: 24th November 2021

APPLICATION SITE

The application relates to a parcel of land which includes a building plot. The site is located within a mainly residential area within the settlement boundary and is bound by a private road to the north west, adopted highways to the north east and south west and a dwelling to the south west.

PROPOSED DEVELOPMENT

It is noted that an unauthorised fence, which is the subject of an enforcement complaint, has recently been erected around the perimeter of the site, which is almost hard of the edge of the highway. This application does not seek permission to retain this and instead full planning permission is sought for the erection of a 2m high close board timber fence around the north eastern and south eastern side of the site which would be set in from the edge of the highway by 1m.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/16/0134 Renewal of planning permission P/10/0232 for the construction of a dormer bungalow
Granted planning permission subject to conditions on 20 December 2016
- P/11/0179 Land Infilling of gulley and reprofiling works
Granted planning permission on 19 August 2011
- P/10/0232 Erection of dormer bungalow
Granted planning permission subject to conditions on 8 July 2011

P/07/0232 Erection of three bungalows
Granted outline planning permission subject to conditions on 3 July 2007

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

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National 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.

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

Sections 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.

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

TAN 12 - Design advises that the Assembly 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.

Paragraph 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*'

Paragraph 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

Paragraph 4.10 states '*appraisal of the relationship between private and public space could focus on gap sites which interrupt the common building line, exposure of rear elevations, the proportion of "active" frontages (such as entrances and shopfronts) to*

"dead" frontages (such as high walls and blank facades and at upper floor level); means of boundary definition such as walls, fences and gardens, the relationship between the height of buildings and spaces they enclose, planting or other natural features such as land form which enclose space'.

Paragraph 5.11.4 points out *'the location and definition of public and private space and the design of boundary treatment are particularly important for housing. New development should take account of the existing relationship of buildings to landscape and the local means of boundary definition such as hedges, walls and fences. In general, every effort should be made to orientate dwellings so that they front existing roads and spaces, ensuring a balance with the need to promote features of environmental sustainability. The relationship of the perimeter of a development to its setting is important and developments which turn their back on existing roads do not integrate well with their context'.*

Local Planning Policies

Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application.

PLANNING CONSIDERATIONS

The application site occupies a prominent corner position on the junction of two adopted highways. Whilst it is noted that the fencing would be set back 1m from the pavement, the boundary treatment would result in approximately 45 metres of 'dead' and visually poor enclosure fronting onto a highly visible and prominent junction. Whilst it is appreciated a mixture of boundary treatments (hard on the back of the pavement) are visible in close proximity of the site (notably on the northern side Pantyffyn Road), this is a layout and form of enclosure that should not be replicated. Indeed, these existing boundary treatments simply emphasise the negative impact an extremely poorly designed layout has on the appearance of an area. As such, further enclosing this part of street scene with an inappropriate boundary treatment would have a significant harmful impact on the character and appearance of the area.

It should also be acknowledged that within the site is a smaller building plot on which a bungalow has been granted planning permission (Planning Ref: P/16/0134). Regard has therefore been had for the boundary treatment, which was approved as part of that application. However, this consisted of a 2m high boundary wall set back substantially off the adjoining highway.

Having regard to the above, the proposed fence is deemed to be unacceptable as it would harm the character and appearance of the area contrary to Policy SW11 of the LDP.

Regard has been had for the impact of the proposal on residential amenity. In this respect it is noted that the site is adjoined by a single detached dwelling to the south west known as 2 The Paddock (occupied by the applicant). However, given the siting of the fencing in relation to this property it is not considered that it would result in any overbearing impact or harmful overshadowing/loss of light. On this basis, the proposal is found to be acceptable in terms of its impact on residential amenity and would therefore accord with Policy SW11 of the LDP.

The Head of Engineering has also considered the proposal and is satisfied that it would not impact on highway/pedestrian safety.

The site is located in an area at high risk from past coal mining activities. However, given the nature and scale of development a Coal Mining Risk Assessment is not deemed necessary.

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED

REASON:

1. The proposed fencing, by virtue of its materials, height and prominent siting would result in an inappropriate and visually poor development which would harm the character and appearance of the area. As such the proposal is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

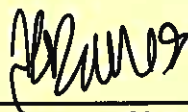
It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

7/12/21

the 1990s, the number of people in the world who are undernourished has increased from 600 million to 800 million (FAO 2001). The number of people who are malnourished has increased from 1.1 billion to 1.5 billion (FAO 2001).

There is a growing awareness of the need to address the problem of malnutrition. The World Health Organization (WHO) has a programme of research and development on malnutrition. The United Nations Children's Fund (UNICEF) has a programme of research and development on malnutrition. The Food and Agriculture Organization (FAO) has a programme of research and development on malnutrition.

The WHO, UNICEF and FAO have been working together to address the problem of malnutrition. They have been working on a number of projects, including the development of a global strategy for the prevention and control of malnutrition. They have also been working on a number of other projects, including the development of a global strategy for the prevention and control of malnutrition.

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