

# **BRIDGEND COUNTY BOROUGH COUNCIL**

## **REPORT TO COUNCIL**

**13 NOVEMBER 2013**

### **REPORT OF THE INTERIM DIRECTOR – COMMUNITIES**

#### **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 -THE MAKING OF ARTICLE 4(2) DIRECTIONS**

##### **1. Purpose of Report**

- 1.1 Following the recommendation of Development Control Committee on 17 October 2013 the purpose of this report is to seek Council approval for the introduction of an amendment to the scheme of delegation to enable the Interim Director of Communities to make Article 4(2) Directions in Conservation Areas where there is an imminent threat of harm to their character or appearance (minute 289(3) refers)

##### **2. Connection to Corporate Improvement Plan/Other Corporate Priority.**

- 2.1 Heritage is recognised within the Corporate Plan (2013-2017) under the key outcome: 'Bridgend County Borough is a great place to live, work and visit'. The preservation or enhancement of the built heritage of the County Borough is also aligned to the Directorate Priority "Develop the Local Economy" through the objective of attracting tourists to the area to sustain the local economy. The use of Article 4 Directions supports both of these.

##### **3. Background**

- 3.1 The making of Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995 (as amended by The Town and Country Planning General Permitted Development Order 2013) involves the removal of selected permitted development rights within Conservation Areas, and, in consequence, requires property owners or occupiers to apply for planning permission to undertake works that would otherwise be permitted development. The use of Article 4 Directions is usually in response to a known threat to the character of an area, or where additional controls are considered necessary to protect certain aspects of an area. Recent amendments to the General Permitted Development Order have meant that as from 30<sup>th</sup> September 2013 some categories of development in Conservation Areas are no longer automatically permitted to dwelling houses. This indicates a general move to tighten controls within Conservation Areas,

which is in contrast to some relaxation of permitted development rights outside Conservation Areas for dwelling houses.

- 3.3 A number of the County's existing Conservation Areas, including Bridgend Town Centre, Newcastle Hill, Maesteg Town Centre, Newton and more recently Merthyr Mawr Road, already have Article 4(1) and /or Article 4(2) Directions in place.
- 3.4 An emergency Article 4(2) Direction was made on 16<sup>th</sup> September 2013 for a property in Merthyr Mawr Road Conservation Area, due to an imminent threat to the character and appearance of the Conservation Area. This emergency power involved the authorisation of seven officers and elected Members, which highlighted both the time taken in issuing new directions, and risks associated with procedures and timescales of the current system. This was reported to Development Control Committee on 17 October 2013 and a recommendation was made that Council consider issuing an amendment to delegated procedures to mitigate risk.

#### **4. Current Situation /Proposal**

##### **4.1 Making of Article 4(2) Directions Where There Is an Imminent Threat to the Character or Appearance of a Conservation Area**

4.2.1 A comprehensive assessment of Conservation Areas within the County Borough is currently being undertaken and it is proposed that the outcomes of this are reported to Development Control Committee and Council in due course. This will include a review of current and proposed management plans for these areas, and identification of any additional controls considered necessary.

4.2.2 Notwithstanding the above, the current system means that there is risk between the time of notification of proposed development within a Conservation Area and the date that an Article 4(2) Direction is made (in the case referred to in 3.4 this was 27 days). During this interim period, owners and occupiers are currently permitted to undertake development which could cause considerable harm to the character or appearance of the Conservation Area. The most effective way to remove this risk, and to ensure the timely authorisation of future emergency Article 4 (2) Directions, is through delegated authority given to the Group Manager Development to make Article 4(2) Directions – this would only need to be utilised where there is an imminent threat to the character or appearance of a Conservation Area, and would relate to the following classes of development:

## **Part 1: Development within the Curtilage of a Dwelling House**

Class A: The enlargement, improvement or other alteration of a dwelling house comprising:

- Alteration of door and window openings, including heads, quoins and cills set in walls fronting a highway or open space.

Class D: The erection or construction of a porch outside any external door of a dwelling house fronting a highway or open space.

## **Part 2: Minor Operations**

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class C: The painting of the exterior of any part, which fronts a highway or open space, of a dwelling house or any building or enclosure within the curtilage of a dwelling house.

4.2.3 To amend Scheme B2 of the Scheme of Delegations, to allocate the following Council function to the Interim Director of Communities as follows:

	<b>Provision</b>	<b>Summary of Effect</b>
6.1	To make emergency Article 4 Directions under the Town and Country (General Permitted Development) Order 1995 (as amended by The Town and Country (General Permitted Development) Order 2013)	To make an emergency Article 4 (2) Direction in Conservation Areas where there is an imminent threat of harm to the character or appearance of Conservation Areas.

## **5.0 Effect upon Policy Framework & Procedure Rules**

5.1 The proposal would result in the introduction of an amendment to the current scheme of delegation.

## **6. Equality Impact Implications**

6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

## **7. Financial Implications.**

- 7.1 If a Direction is made under Article 4(2), no fee is payable for a planning application made in respect of what would have been permitted development had there been no Article 4 Direction; but should consent be refused or granted subject to conditions, an applicant might seek to use the compensation provisions of Section 108 of the Town and Country Planning Act.

## **8. Recommendation**

In line with the recommendation of Development Control Committee, that Council resolve that:

The scheme of delegation be amended to include a delegation to the Interim Corporate Director Communities for the making of an emergency Article 4 (2) Direction under the Town and Country (General Permitted Development) Order 2013 in Conservation Areas where there is an imminent threat of harm to the character or appearance of Conservation Areas.

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**Background Documents:** Report submitted to the meeting of the Development Control Committee dated 17 October 2013 on the same subject matter.