

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

30 AUGUST 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

PROPOSED CONFIRMATION OF ARTICLE 4 DIRECTIONS AT PRESWYLFA COURT CONSERVATION AREA

1. Purpose of report

- 1.1 The purpose of this report is to update Members on any representations received from owners and occupiers of the affected properties since the making of the Article 4(1) and Article 4(2) Directions in Preswylfa Court Conservation Area. It is also for Members to receive a copy of the decision by Welsh Government to confirm the Article 4(1) Direction and for Members to decide, based on the representations received, whether to confirm the Article 4(2) Direction. As Members are aware, the Article 4 Directions remove certain permitted development rights from the properties included in the Directions and the effect was immediate when Members agreed they were made at Development Control Committee on 15 March 2018. If the Directions are not confirmed within 6 months of being made (ie by 15 September 2018) they will lapse.

2. Connection to Corporate Improvement objectives/other Corporate priorities

- 2.1 This report assists in the achievement of the following Corporate priority by the preservation and enhancement of the character and appearance of Preswylfa Court Conservation Area, including the preservation of the area's thirteen Listed Buildings and their setting :
- Supporting a successful economy* – taking steps to make the County a good place to do business, for people to live, work, study and visit and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the County.

3. Background

- 3.1 Members are aware that Preswylfa Court Conservation Area was designated at a meeting of Development Control Committee on 15 March 2018 in order to avoid harm to the setting of the thirteen Listed Buildings and to enable the preservation and enhancement of the character and appearance of the area as a whole. Members agreed at the same Committee meeting to the making of the Article 4(1) and Article 4(2) Directions. The effect of these Directions is the withdrawal of permitted development rights. Members are reminded of the scope of the Directions and the properties that are affected in Appendix 1 and Appendix 2 respectively.
- 3.2 As soon as the Directions were signed and sealed, notice was given by publication in the local newspaper and by serving notice on the owners and occupiers covered by the Directions in order to give the opportunity to make representations. A draft guidance leaflet was also issued to assist owners and occupiers to understand the implication of the designation and proposed Article 4 Directions.

3.3 The Article 4(1) Direction was sent to Welsh Government for consideration along with a copy of all representations received from property owners. Members will recall that although Bridgend County Borough Council are responsible for making the Article 4(1) Direction, it is for Welsh Government to confirm it if it considers it necessary.

4. Current situation/proposal

4.1 The effect of the Article 4(1) and 4(2) Directions was immediate and controls over what was previously permitted development are therefore already in place. The Directions will lapse unless they have been confirmed within 6 months. The decision letter is expected prior to the meeting of Committee and an update will be provided as Appendix 3. To avoid the expiry of the Article 4(2) Direction this Bridgend County Borough Council will need to confirm it by 15 September 2018.

4.2 As a direct response to the Article 4 letters of notification being issued , seven written responses were received from owners and occupiers of the properties. The contents of these responses are summarised in Appendix 4. No objections were received to the proposals and whilst further support for the designation of the Conservation Area was expressed, further clarification was requested. For example further information was requested on a proposed design for a new extension, boundary treatments, chimneys, windows , rainwater goods, external doors, satellite dishes, tree pruning and retrospective works. Clarification was also requested whether the front and rear of the properties are covered by the Directions. This information has been provided via site meetings with the property owners and the draft guidance leaflet has been updated to reflect the comments submitted as part of the consultation. The final version is attached as Appendix 5.

5. Effect upon policy framework and procedure rules

5.1 In addition to supporting the Authority's statutory duties with regard to Conservation Areas, the Article 4 Directions concur with Strategic Policy SP5 of the Adopted Local Development Plan and will also be relevant in the determination of planning applications.

6. Equality Impact Assessment

6.1 A screening exercise using this Authority's Equality Impact Assessment Toolkit has been undertaken. It is concluded that there could potentially be a minimal impact on disabled people, where permitted development rights are removed under Part 2: Minor Operations Class A, with regard to the opportunity to park vehicles within the curtilage of a dwelling house in a conservation area. If the Article 4(2) Direction is confirmed, the erection or demolition of a gate fence or wall or other means of enclosure fronting a highway or open space will not be permitted development within the Conservation Area and would require planning consent. There are very few existing boundary walls /treatments to front gardens. The proposal to include Class A would therefore, only marginally impact on this group if affecting boundary treatments to the rear gardens fronting a highway or open space. All communications will be presented bi-lingually.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The proposal will introduce controls for the sustainable management of change to the historic environment in this area of special architectural or historic interest with a

view to preserving the special interest of the Listed Buildings and historic character of the area both in the short term and for future generations. The additional controls will prevent inappropriate alterations, arrest any deterioration of character and reinforce the protection afforded to Listed Buildings and their settings by Welsh Government/Cadw. The benefits of heritage and culture to the economic and social well-being of communities are well rehearsed but are recognized in improving mental and physical wellbeing through improving the way we use our local resource. Through the planning system, the local community can play an active part in preserving and enhancing the area and the environment they live.

A copy of the completed **Well-being of Future Generations (Wales) Act 2015 Assessment** is enclosed as Appendix 6 to this report.

8. Financial implications

8.1 If a Direction is made under Article 4, 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.

8.2 If consent is refused or granted subject to conditions by the Council following an application for planning consent for development which would have been permitted development before the making of the Article 4 Direction, an applicant might seek to use the compensation provisions of Section 108 of the Town and Country Planning Act 1990 to claim compensation against the Council. If such a claim is made successfully the amount of compensation will be assessed in accordance with the provisions set out in Section 107 of the Town and Country Planning Act 1990. In broad terms compensation is available for abortive expenditure incurred in pursuance of an application and also for any other loss or damage directly attributable to the refusal of the planning application. Each case would be assessed separately and it is not possible to suggest any figures for compensation for any future claims. Nevertheless, since 2004, Bridgend County Borough Council /Welsh Government have made and confirmed eight previous Article 4 Directions and have not received any related claims for compensation to date.

9. Recommendation

9.1 Members are requested to :

- Note Welsh Government's decision to confirm the Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights from those owners and occupiers of non-domestic properties contained within the proposed Preswylfa Court Conservation Area under the terms set out in Appendix 1.
- Agree that the Direction be confirmed under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights from those owners and occupiers of dwelling houses contained within the proposed Preswylfa Court Conservation Area, under the terms set out in Appendix 2.
- Adopt the guidance leaflet in Appendix 4 for Development Control purposes.

Mark Shephard
Corporate Director Communities
30 August 2018

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Team Leader Conservation and Design

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Bridgend
CF31 4WB

Background documents: None

Appendix 1

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

DIRECTION UNDER ARTICLE 4(1) TO WHICH ARTICLE 5(4) APPLIES

WHEREAS the Council of the County Borough of Bridgend being the appropriate local planning authority within the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out to the properties identified in the same schedule and situate within the area shown edged green on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990,

AND WHEREAS the Council consider that development of the said description [would be prejudicial to the proper planning of their area] [and] [would constitute a threat to the amenities of their area] and that the provisions of paragraph 4 of Article 5 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the schedule below.

THIS DIRECTION is made under Article 4(1) of the said Order and, in accordance with Article 5(4), shall remain in force until 22 SEPTEMBER 2018 (being six months from the date of this Direction) and shall then expire unless it has been approved by the Welsh Government.

SCHEDULE

List of Permitted Development Rights to be removed from non-residential properties located within the Preswylfa Court Conservation Area through the implementation of an Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995.

Part 2: Minor Operations

Class C: The painting of the exterior of any building or work being the painting of external walls that front onto the highway or open space.

Schedule of non-domestic properties in the Preswylfa Court Conservation Area affected by the proposed Article 4(1) Direction

Preswylfa Court

Flat nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 & 48 Preswylfa Court.

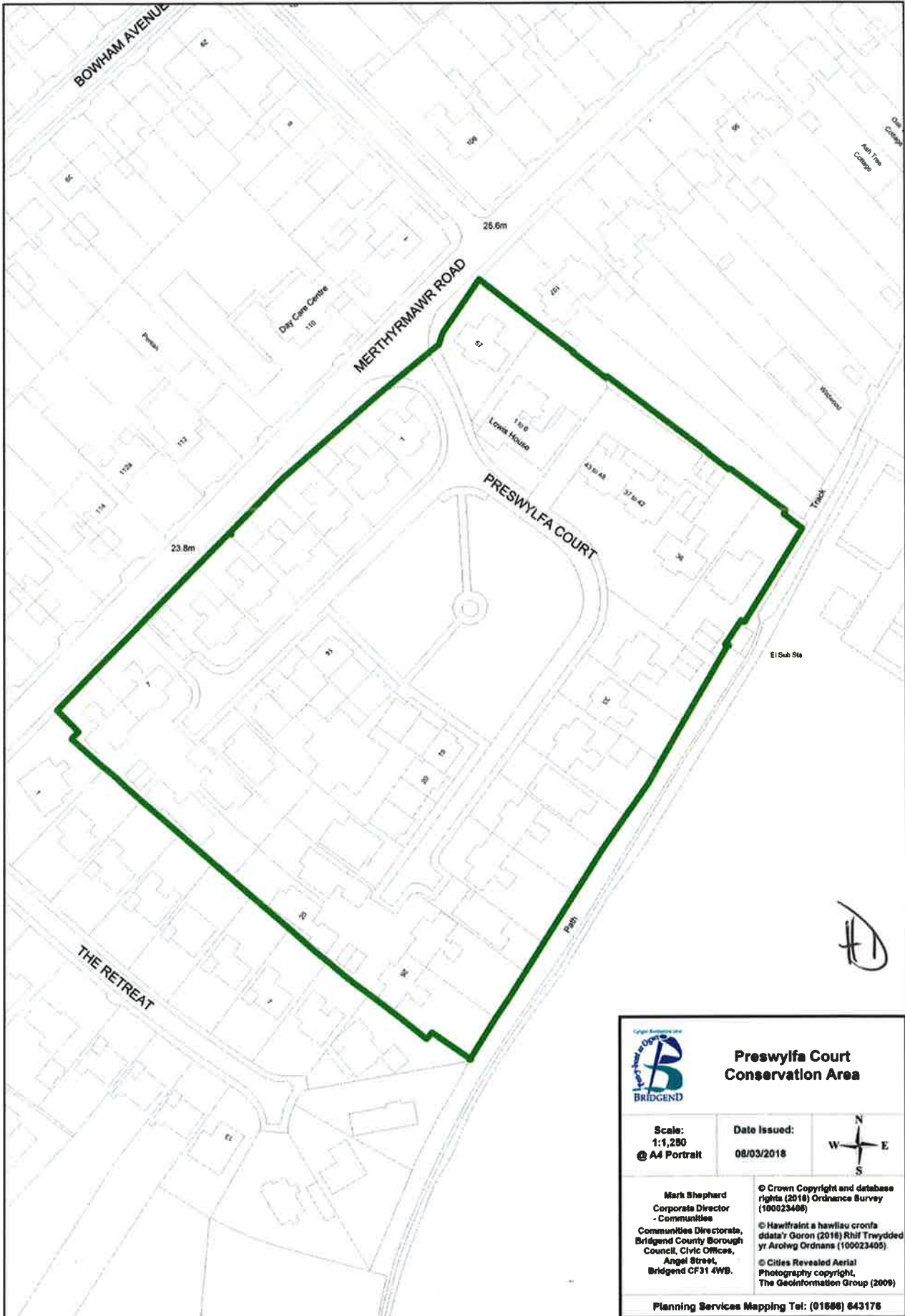
Given under the Common Seal of the County Borough Council of Bridgend
this...22nd...day of...March.....2018.

THE COMMON SEAL of)
BRIDGEND COUNTY BOROUGH)
COUNCIL was hereunto affixed)
in the presence of:-)

MAYOR: LEADER *W.D.J.*



AUTHORISED SIGNATORY: *K. Watson*





HD

RW

		Preswylfa Court Conservation Area	
Scale: 1:1,200 @ A4 Portrait	Date Issued: 08/03/2018		
Mark Shepherd Corporate Director - Communities Communities Directorate, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB.		© Crown Copyright and database rights (2018) Ordnance Survey (100023408) © Hawftraint a hawliu cronfa ddatwy Goron (2016) Rhif Trwydded yr Arolwg Ordnans (100023405) © Cities Revealed Aerial Photography copyright, The GeoInformation Group (2009)	
Planning Services Mapping Tel: (01688) 643176			

Appendix 2

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

DIRECTION UNDER ARTICLE 4(2)

WHEREAS the Council of the County Borough of Bridgend being the appropriate local planning authority within the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out to the properties identified in the same schedule and situate within the area shown edged green on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990,

AND WHEREAS the Council consider that development of the said description would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area and that the provisions of paragraph 7 of Article 6 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the schedule below.

THIS DIRECTION is made under Article 4(2) of the said Order and, in accordance with Article 6(7), shall remain in force until ~~22...~~ 22... SEPTEMBER 2018 (being six months from the date of this Direction) and shall then expire unless it has been approved by the Council.

SCHEDULE

List of Permitted Development Rights to be removed from residential properties located within the Preswylfa Court Conservation Area through the implementation of an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995.

The following 'schedule' and 'part' references relate to the Town and Country Planning (Permitted Development) Order 1995 Schedule 2.

*- indicates a permitted development right to be removed

Part 1: Development within the curtilage of a dwellinghouse

Class A: The enlargement, improvement or other alteration of a dwellinghouse 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 dwellinghouse fronting a highway or open space.

Part 2: Minor Operations

Class A: The erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse fronting a highway or open space.

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

Schedule of residential properties in the Preswylfa Court Conservation Area affected by this Article 4(2) Direction

Preswylfa Court

Nos. 1, 3, 5, garages associated with nos. 7 & 8, nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, garages associated with nos. 26 & 27, nos. 28, 31, 33, 35, and 57 Preswylfa Court

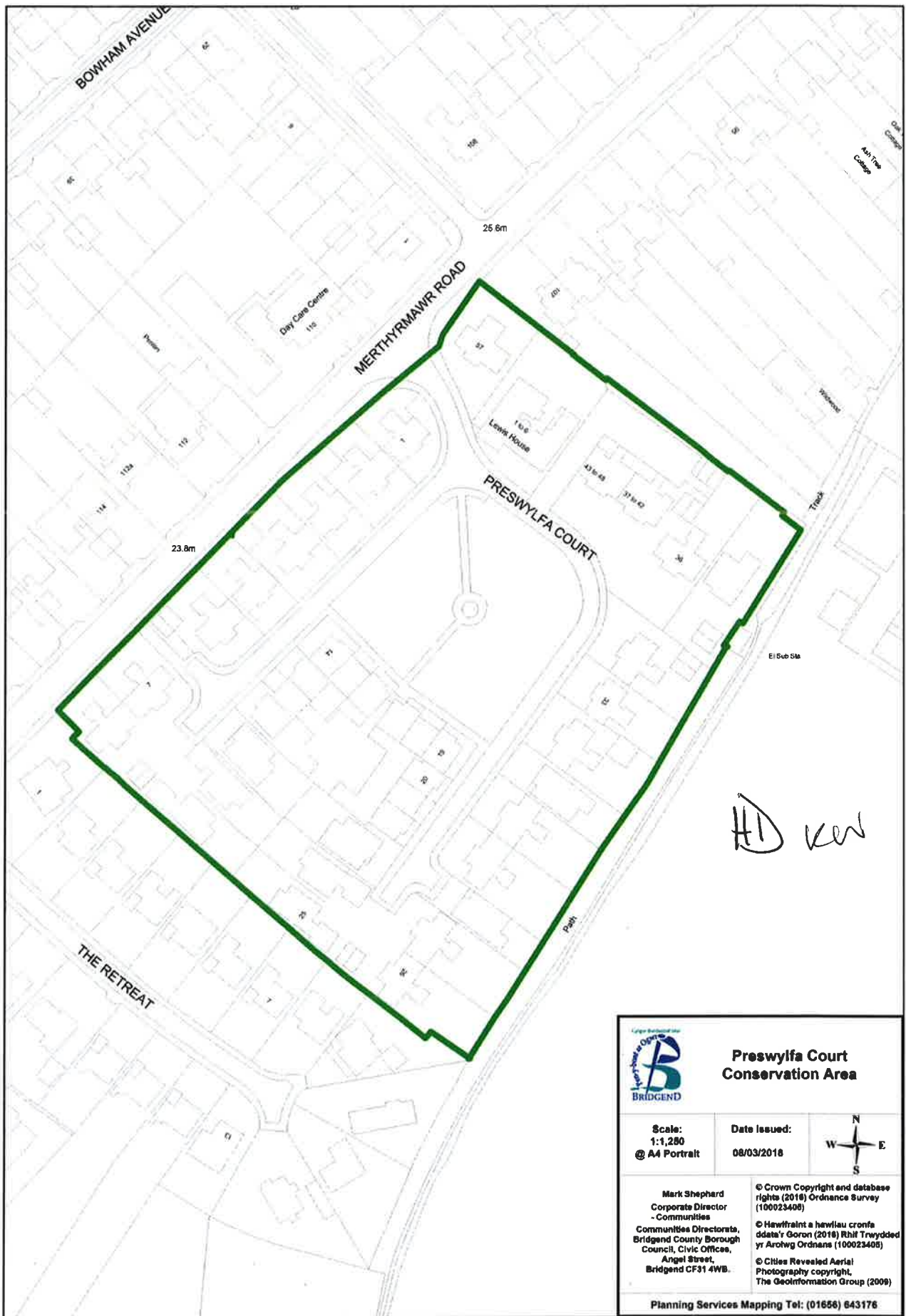
Given under the Common Seal of the County Borough Council of Bridgend this...*22nd* day of...*March*...2018.



THE COMMON SEAL of)
 BRIDGEND COUNTY BOROUGH)
 COUNCIL was hereunto affixed)
 in the presence of:-)

MAYOR: LEADER *HLD*

AUTHORISED SIGNATORY: *K. Watson*





		<h3>Preswylfa Court Conservation Area</h3>	
<p>Scale: 1:1,280 @ A4 Portrait</p>	<p>Date issued: 08/03/2018</p>		
<p>Mark Shephard Corporate Director - Communities Communities Directorate, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB.</p>		<p>© Crown Copyright and database rights (2018) Ordnance Survey (100023408) © Hewftraint a henllau cronfa ddati'r Goron (2018) Rhif Trwydded yr Arohwg Ordans (100023405) © Cities Revealed Aerial Photography copyright, The GeoInformation Group (2009)</p>	
<p>Planning Services Mapping Tel: (01656) 643176</p>			

APPENDIX 3

The decision letter is expected prior to the meeting of the Development Control Committee and an update will be provided

Appendix 4

Dear sir or madam.,

Thank you for your recent letter and conservation draft leaflet, I have lived in Preswylfa Court for 5 years, and have always thought of the whole of the court to be an area of both important history and esthetic beauty, I therefore consider the proposal of Preswylfa Court to now become a conservation area a fantastic idea, I personally find the history of the court fascinating, especially as my great grandmother once lived here for several years as a child when it was a children's home.

Yours sincerely,

Hi

Thank you for your letter and brochure regarding conservation area status for Preswylfa Court.

We live at ■■■, Preswylfa Court, one of the Grade II listed buildings.

Our rainwater goods are currently black UPVC and have been all the time we have lived here (June 1999 to date). We suspect that the rainwater goods have been in black UPVC since the renovation by Lovells, the developer/builder some years earlier.

We note that repairs should be in black cast iron / powder coated aluminium.

This we would guess, would add substantially to the cost of any repairs.

Would it be possible for you to have a re-think and perhaps allow black UPVC?

We look forward to hearing from you.

Kind regards

Dear Sir / Madam,

Further to your letter from 13th February 2018 we have now received formal notification that the council has designated the whole of Preswylfa Court a Conservation area. With this in mind can you clarify what additional steps are required to approve the proposed design for the extension at our property.

Best regards

Dear Sir/Madam

I am responding to your Letter, Guidance Draft and Directions that outline Conservation Area plans for Preswylfa Court.

As I have spent an enormous amount of time trying to keep Preswylfa Court in the style that the original developers intended, I am so pleased that Preswylfa Court is to become a

Conservation Area. I would like to thank the Planning Team for their efforts to push this matter through.

[REDACTED], I will be expected to have answers to all manner of questions relating to Conservation Area status.

I need to be sure you are aware that the freehold for the site Communal Land, that is, the main Green and the area surrounding the larger block of Preswylfa Flats, is owned by Stone Hamlet (Residents) Management Company (SHRMC). The freehold for Lewis House, to include the grassed area up to the road, is privately owned and as such, has the same legal status as site houses. The Management Company consists of members who must and can only be Preswylfa Flat Leaseholders. Members elect Directors who effectively manage the Communal Land and other matters relating mainly to the Flats. Although I am the sole acting Director at the moment, much effort is being made to persuade others to assist with this role. As things stand, house owners are not members of the Company even though they contribute to Communal Land maintenance.

Assuming Conservation Area status is implemented, SHRMC Directors will continue to make decisions relating to the Communal Land. Such decisions will have to respect BCBC conservation requirements, Free and Leaseholder Agreements and SHRMC Memorandum and Articles of Association. In that way, BCBC and SHRMC will be working together as partners to maintain and hopefully improve the amenity of Preswylfa Court. It is only the Directors of SHRMC that should make applications to BCBC for Communal Land work that is subject to Conservation Area requirements. If anyone else makes such applications, BCBC should refer them back to SHRMC so that Directors can ensure other site legal requirements are also being satisfied.

Here's my questions and observations.

1. Boundary treatments to front gardens and trees.

Two of your stated requirements are virtually identical to Restrictive Covenants contained within Freehold and/or Leasehold agreements. I refer specifically to 'Boundary treatments to front gardens' and 'Trees'. On purchase, every buyer covenants with every other property owner on site to respect Restrictive Covenants relating to the site. Your two requirements are therefore perfectly sound and as an SHRMC Director, I welcome BCBC support in this area.

I am, however, concerned about use of the word 'enclosure'. My Oxford dictionary defines an enclosure as 'an area that is sealed off with an artificial or natural barrier'. My worry is that someone could erect a barrier which is not completely sealed off and claim that it is not an enclosure. If you want to use the word 'enclosure' you might like to consider something like, '*No enclosure, either fully or partially sealed, with walls, hedges or fences*'. My personal preference would be to use wording similar to that contained in Property Deeds which read as follows: '*No additional hedges, walls, fences or other structures shall be erected, planted or permitted on the land hatched black on the plan and or in front of the building line*'.

2. Chimneys.

As you have put an N/A against unlisted buildings, you may not have noticed that some of them do have chimneys.

3. External doors.

You may not have noticed that some houses have brown wood stained patio and other doors at the rear and side of properties. As no one can see these from the roadway, would it be possible to restrict the white painted door requirement to just those external ones at the front of properties?

4. Council Policy relating to earlier development.

Wording in Direction under Article 4(2) suggests that the Council will not be asking residents to undo any development that has already taken place prior to Conservation Area status. And by way of example: will the Council be asking for existing Preswylfa Flats satellite dishes to be repositioned, existing fences and hedges to be removed or any existing non-white doors to be re-painted.

5. Tree pruning.

About 2 or 3 years ago I heard a very loud crack coming from somewhere outside. I rushed out to see that a recycling lorry had just broken a branch off a tree in front of Number 7. The driver was of course a bit miffed because the broken branch had been overhanging the road way, just like many others around the site at that time. The driver told me he would report the matter to his supervisor if nothing was done about the situation. Since that time, I have been personally pruning trees just enough to enable high-sided lorries to pass by unhindered.

I am wondering if the Planning Department can give a long-standing permission to continue with this very gentle but necessary pruning without having to make an application every time it has to be done.

I am very happy to meet with members of the Planning Team to discuss any of the above or any other matter relating to Preswylfa Court. Can you please acknowledge receipt of this email, thank you.

Yours sincerely

Good Afternoon,

We live at ■ Preswylfa Court (one of the listed buildings).

We have received the draft guidance leaflet regarding the conservation of the Preswylfa Court area.

Our query is regarding the rainwater goods. On the form it says that with regard to the listed buildings they should be black cast iron or powder coated aluminium.

When the site was redeveloped in the late 1980s, black plastic rainwater goods were fitted to the listed buildings.

The guidance for replacing all of the other proposed works (chimneys/windows, etc.) is like for like or as followed in the 1980s redevelopment and contained in the covenant.

The guidance on rainwater goods is different as we would no longer be able to replace like for like, but would have to change to iron or aluminium.

Should the guidance be as for the non-listed buildings and allow black plastic, or is the council intending to change the specification after 30 years?

Kind regards,

Dear Sir Madam,

My wife and I have owned ■ Preswylfa Court since 2003 and have been involved in the issues involved in its external building appearance and we sent in our comments in the first request from yourselves regarding the possibility of Preswylfa Court becoming a conservation area.

Today, we returned from the USA and read your latest communication and leaflet detailing what would need to be complied with once full conservation had been applied. You asked for further comments.

Our final ongoing comment is regarding the placement of Satellite dishes. The Bridgend Council wrote to all landlords and owners of Preswylfa Court some years ago, due to complaints from a few residents regarding that a number of Satellite dishes had been placed on the front of the blocks of apartments, which to them was an eyesore.

After consultation with the residents of the apartments and with the Management Committee that oversees the upkeep of them, I visited the council offices and had a detailed conversation with a lady in your department. I explained that in today's modern world people need the facilities of the internet and satellite television. It is impractical to expect them not to have satellite dishes.

The placement of these dishes is not down to the residents but the companies that fix them. We consulted a local Satellite engineer to ask about the reasons for placing them on the front of the building and not on the rear of the apartment block. The answer was clear and simple. It was simply that the dishes must be in a position to receive DIRECT un-interfered with signal from the aerial mast located on the A48 road towards Cardiff.

The only alternative would be for there to be located a larger Satellite dish on one end of the block, and 12 cables, one for each apartment being fed from it. The one end of the block is up against another building and impossible to receive the signal. The other end is where the road goes between Lewis House and the apartments. This would put it on full view. This idea was deemed impractical to operate with the residents due to costing and maintenance.

Your office seemed to agree with these comments because no further word was heard from you regarding it. So our comments remain the same.

We are fully supportive of keeping the area as close as possible to the prescribed conservation quality and appearance. But once again we state the above comments and appeal to all concerned that it is easy to place a conservation order on buildings, but not so easy to comply with them when our world and technology keeps changing.

Finally, if this order is enforced and it leaves the apartment block with no service due to costings, then the value of the property will drop because the majority of people would be turned away if the property had either no Satellite reception, or the costs to provide the alternative proved excessive when it became part of an already excessive Management fee.

I hope you take into consideration these comments and thoroughly investigate the costs, before enforcing the conservation order.

Many thanks

Dear Sirs,

We have recently purchased ■ Preswylfa Court and understand that the Council has created a conservation area for the street. The wood in the existing windows and doors has started to decay and we are looking at options for having these replaced. I am aware that the house opposite us has white uPVC sash windows fitted and I would be grateful for any advice you can offer in regards to this as an option.

Please could you therefore answer the following questions.

1. Do we require specific approval on any plans to have the existing windows/doors replaced?
2. In replacing the windows/doors are we required to use timber frames or will white uPVC be considered in any circumstances (specifically white uPVC sliding sash windows and doors that match the existing style)?
3. Do the same rules in this regard apply to both the front and back of the house. For reference, the back of the property faces the Brynteg school playing fields. Similarly, what is the position with side facing doors that are only accessible from the rear garden and not visible from the street?

Thank you in advance for any help you can provide.

Kind regards,
