

REPORT TO DEVELOPMENT CONTROL COMMITTEE

16 JANUARY 2020

REPORT OF THE GROUP MANAGER STRATEGIC REGENERATION NANTYMOEL CONSERVATION AREA ARTICLE 4 DIRECTION

1. Purpose of Report

- 1.1 The purpose of this report is to advise Members that an Emergency Article 4 (2) Direction has been made in Nantymoel Conservation Area to address an imminent threat to the character and appearance of the Conservation Area. This report identifies the immediate additional controls over permitted development within the Conservation Area by the serving of an Article 4(2) Direction and outlines the next stages in the process.

2. Connections to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 Local Authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Act 2016 to pay “special” regard to the setting of buildings of special architectural or historic interest (Listed Buildings) and to review their areas from time to time for potential Conservation Area designation. They also have a statutory duty to preserve or enhance the character or appearance of Conservation Areas when assessing development proposals.

3. Background

- 3.1 Nantymoel Conservation Area was designated on 10 August 1973. A copy of the Conservation Area statement is enclosed as **Appendix 1**.

The most recent Conservation Area Appraisal was undertaken in February 2014 which states that the stone boundary walls form an important part of the character of the area - *the consistent use of local stone and detailing creating an integrated quality of the heritage environment – both the buildings and boundary walls, create a coherent and harmonious heritage environment.*

Members will be aware of a previous proposal for an Article 4 (2) Direction to remove comprehensive permitted development rights within the Conservation Area and due to concerns from local residents regarding the extent of the controls, the Direction was not confirmed within the required 6 months. Since this time, additional controls have been introduced over development in Conservation Areas through amendments to the General Permitted Development Order (2013) including for example the need for Planning consent for any alteration to roofs including chimneys/insertion of roof lights and solar panels. External cladding and alterations to external wall finishes also fall within the control of the Local Planning Authority.

4. Current Position

- 4.1 Officers were alerted to unauthorised works relating to the demolition of a front boundary wall of an unlisted property within the Nantymoel Conservation Area which is now the subject of an application for Conservation Area Consent and

Planning consent. Whilst these works were classed as unauthorised as the boundary wall fronting the highway was in excess of 1m in height, many of the existing stone boundary walls that contribute to the character of the area are below a metre in height and their alteration or demolition could therefore be classed as permitted development. Incremental changes such as these can have a negative effect on the character of the area and therefore, without controls being introduced, there is a real risk of the area becoming so materially affected that the value of the built heritage could be irretrievably lost.

4.2 As stated above, Conservation Area designation in itself controls some alterations however, in order to control other alterations and incremental changes (classed as permitted development) to the character of the Conservation Area, Local Planning Authorities have the power to make Article 4 Directions. The making of Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995 removes permitted development rights for works to the buildings and results in property owners or occupiers being required to apply for Planning permission to undertake works that would otherwise be permitted development.

4.3 **Appendix 2** contains a copy of the Article 4(2) Direction which has been made following the notification of unauthorised works referred to above. The demolition of the section of boundary wall fronting the highway and subsequent boundary treatment has had a significant impact on the character and appearance of the area and sets an unfortunate precedent for other building owners to follow. Due to the significant impact boundary treatments have on the special character of the area, it was essential that the Direction was made as soon as possible to cover the following class of development;

- erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling-house fronting a highway or open space.

4.4 Due to the imminent threat to the character of the area, an Article 4(2) Direction has been made and Notice has been given by publication in the local newspaper and the service of Notice on the owners and occupiers covered by the Direction. The Direction came into effect immediately after the Notice was served and published and owners/occupiers have been given the opportunity to make representations prior to Members receiving a further report prior to confirmation of the Direction. The Direction will expire after six months unless it has been confirmed by Members.

4.5 A draft leaflet has been prepared and sent out to assist owners and occupiers to understand the implication of the Article 4 Direction, a copy of which is attached as **Appendix 3**.

5. Effect Upon Policy Framework & Procedure Rules

5.1 In addition to supporting the Authority's statutory duties with regard to Conservation Areas, the Article 4 Direction concurs 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 minor 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 demolition of a boundary wall will not be permitted development within the Conservation Area and would require Planning permission. The proposal to include Class A would only marginally impact on this group. All communications will be presented bilingually.

7. Well-Being of Future Generations (Wales) Act 2015 Implications

7.1 Places which are distinctive and natural contribute to the goals of the Well Being of Future Generations Act in the following ways;

- A Prosperous Wales can be realised by valuing the quality of landscapes and historic environment for tourism, and using locally sourced building products to be used and enjoyed by local communities.
- A Resilient Wales can be created by promoting opportunities for social and economic activity based on valuing and enabling access to the natural historic and built environment.
- A Healthier Wales can be achieved by enabling opportunities for connecting with the historic environment with the benefit of improving physical and mental well-being.
- A More Equal Wales can be achieved via regeneration which should promote beneficial use of historical mining and industrial legacies in a sensitive way to allow communities to thrive.
- A Vibrant Culture means building on those unique and special characteristics which gives places their distinct “feel” and identity. This can be done through fostering and sustaining a sense of place through the protection and enhancement of the natural historic and built environment.

Planning Policy Wales (Edition 10) states that Development Plan policies and strategies should be formulated to look at the long term protection and enhancement of the special characteristics and intrinsic quality of places ensuring longevity in the face of change. This means protecting the historic environment in its own right. The Article 4 (2) Direction and Conservation Area status contributes to all of the above goals and there will be no negative impact.

8. Financial Implications

8.1 There are potential financial implications for the Council as a result of the proposed Direction being implemented.

8.2 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.

8.3 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.

9. Recommendations

9.1 Members are recommended to:

- Note that a Direction has been made 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 Nantymoel Conservation Area, under the terms set out in **Appendix 2**.
- Agree that Members receive a further report which will present any representations received as a result of serving the Article 4(2) Direction.

Delyth Webb
Group Manager Strategic Regeneration

Contact Officer: Claire Hamm **Telephone:** 01656 643164
E-mail: claire.hamm@bridgend.gov.uk

Postal Address:
Conservation & Design, Regeneration Projects & Built Environment
Civic Offices, Angel Street, Bridgend CF31 4WB

Background documents:
Nantymoel Conservation Area Appraisal & Management Plan April 2014 – Heritage and Regeneration Solutions

APPENDIX 1

CONSERVATION AREAS IN THE COUNTY OF BRIDGEND

NANTYMOEL CONSERVATION AREA

Designated: 10th August 1973

Special Architectural and Historic Interest

Nantymoel is located at the head of the Ogmore Valley, ten miles north of Bridgend. The village is the outcome of David Davies' great coal-mining enterprise whereby it owes its existence to the sinking of the Western Colliery in the first half of the nineteenth century. There was a great requirement to settle near the workplace; therefore the early village of Nantymoel was rapidly developed in the shadow of the winding gear.

At a time when house building received secondary consideration, construction was quick and lacked the benefits of organised planning.

The Conservation Area boundary engulfs five terraces which were built prior to the implementation of the 1875 Public Health Act. Nevertheless, the nineteenth century houses do incorporate many of the better features which later became mandatory in housing provision.

The industrial vernacular style houses are fine examples of unique single aspect and double-fronted design. There is a non-conformist chapel in the area and an early County Authority School part of which now serves as sheltered housing accommodation.

Character and Appearance

The distinct character of the area lies within the terraces of worker's housing which sprawl up the valley in a ribbon effect. The contours of the rural landscape add to the appearance of this characteristic coal mining community. The terrace gardens aid the merger between the physical and natural elements of the setting, with the mountains in the distance acting as borrowed views.

Listed Buildings

Nil

Scheduled Ancient Monuments

Nil



Typical terraces in Dinam Street



Chapel Terrace



Horeb Baptist Chapel



Typical rural views at Nantymoel

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 ~~17 JUNE, 2020~~ (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 Nantymoel 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.

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.

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

Blaenogwr Terrace

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, Blaenogwr Terrace

Chapel Terrace

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Chapel Terrace

Dinam Street

Site of former Gilead Methodist Chapel, 32, 33b, 34, 35, 36, 37, 41, Tan y Bryn, Dinam Street

Ogmore Terrace

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Ogmore Terrace

Cardigan Terrace

1, 1a, 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Cardigan Terrace

Commercial Street

36, Mountain View, Commercial Street

Given under the Common Seal of the County Borough Council of Bridgend this.....17th.....day of.....DECEMBER.....2019.

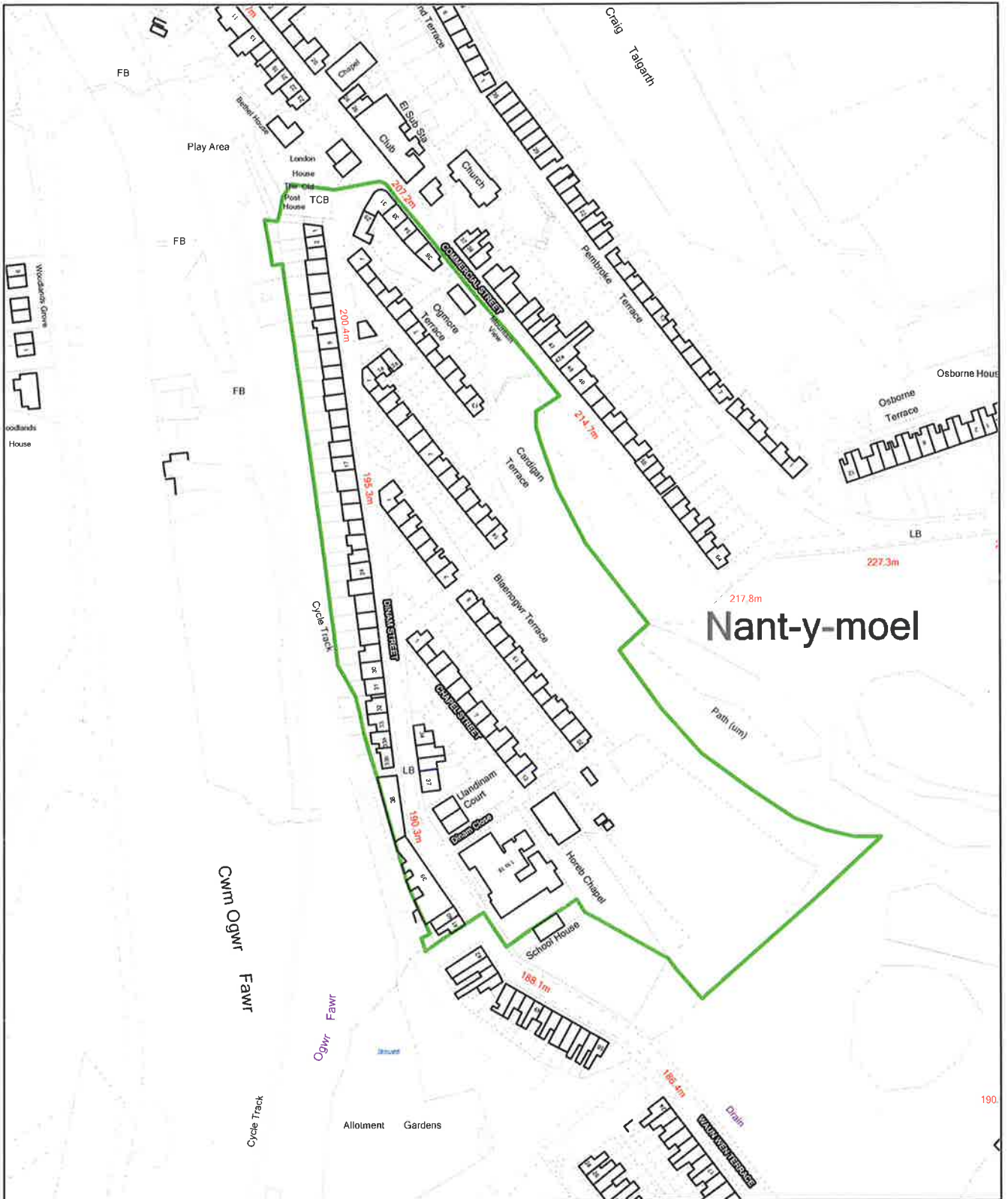
THE COMMON SEAL of)
BRIDGEND COUNTY BOROUGH)
COUNCIL was hereunto affixed)
in the presence of:-)

LEADER)
MAYOR:)
K.D.J.



AUTHORISED SIGNATORY: K. Watson

Nantymoel Conservation Area



**BRIDGEND COUNTY
BOROUGH COUNCIL**

Jonathan Parsons
Group Manager - Planning and Dev. Services
Communities Directorate
Divic Offices
Angel Street
Bridgend CF31 4WB

Scale 1 : 2,500

Date 02/12/2019

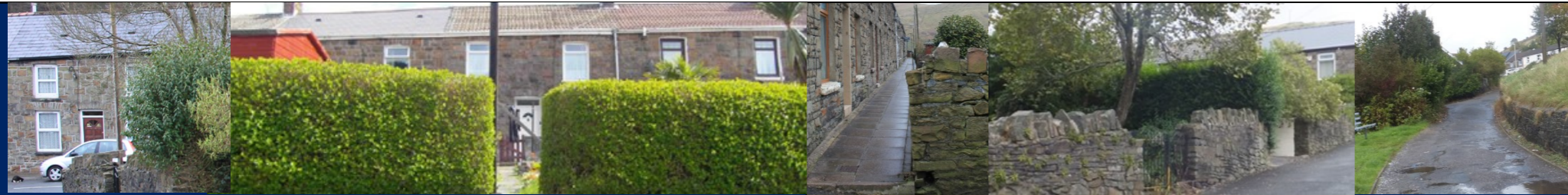
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APPENDIX 3



Design Guidance for Nantymoel Conservation Area:

If your property is in a Conservation Area some alterations / additions may require consent. It is always better to check with your conservation officer in the local planning authority. The following general guidance will assist owners when considering repairs or alterations to their property, to preserve and enhance the distinctive character or appearance of Nantymoel Conservation Area.

Proposed Work	All properties
Chimneys	To be retained and repaired as existing.
Roof	Additions or alterations to the roof are unlikely to be permitted .
External wall finishes	The application of cladding any part of the exterior with stone, artificial stone, pebble dash, render, timber, plastic or metal or tiles will not be permitted.
Windows and doors	Opening sizes to remain as existing, design of windows and doors to be agreed.
Roof light	Insertion of a roof light into a roof slope in main elevation will not be permitted.
Satellite dishes/ antennae/ aerials	To be located in least prominent location, position to be agreed.
Trees	Works to trees*, including topping, lopping, felling etc requires prior notification to Planning.



Design Guidance (continued):

Proposed work	Properties affected by Article 4(2) Direction
Boundary treatments to rear gardens	Walls or close boarded timber fencing to max. 1.8m height. Fencing should be painted in dark brown/black to be consistent.
Boundary treatments to front gardens	Existing stone boundary walls, hedges to be retained whenever possible.

* although there are very few trees within the conservation area, legislation stipulates that works carried out to trees with a diameter of 75mm or greater at 1.5m above ground level in a conservation area will need planning consent.

Further information and advice:

Information and advice on listed buildings and conservation areas is available at the Conservation and Design Team on (01656) 643614, (01656) 643175 or (01656) 815214, or by email on conservation&design@bridgend.gov.uk.

If you are unsure whether planning permission or any other consent may be required for alterations to your property please contact the Planning Department in writing, and copy the Conservation & Design team into correspondence. Contact details:

Planning Department
 Bridgend County Borough Council
 Civic Offices
 Angel Street
 Bridgend CF31 4WB
planning@bridgend.gov.uk



**NANTYMOEL
 CONSERVATION AREA
 ARTICLE 4 (2) DIRECTION &
 CONSERVATION AREA GUIDE**



**CONSERVATION AREAS IN
 BRIDGEND COUNTY BOROUGH**





Nantymoel Conservation Area:

Special Architectural and Historic Interest

Nantymoel is located at the head of the Ogmore Valley, and developed as part of David Davies' great coal-mining enterprise that owes its existence to the sinking of the Western Colliery in the first half of the nineteenth century. Prior to the motor car it was important to have the workforce living close to the colliery, particularly as it was then a remote valley head. So the early village of Nantymoel was rapidly developed in the shadow of the winding gear of the colliery.



The significance of the built form at Nantymoel Conservation Area:

The distinctive character of the Conservation Area is determined by the terraced form on the sloping hillside with a layout including four terraces at an angle to the main through road and facing terrace. They appear to sprawl up the valley in a ribbon effect. The contours of the rural landscape add to the appearance of this characteristic coal mining community.

Individual gardens are provided in front of the angled rows of houses and a continuous footpath provides access with links at the end rear of each terrace. The terrace gardens aid the merger between the physical and natural elements of the setting, with the mountains in the distance acting as borrowed views. The area illustrates an early example of the application of the principles of pedestrian and vehicular segregation in housing layout.

The terraced houses are built of pennant sandstone and the associated terraced gardens are protected by matching stone boundary walls. These stone boundary walls are an important feature of this mainly treeless environment. They link together with the stone terraces providing a consistent setting, creating a coherent and harmonious heritage environment. Where the stone boundary walls have been replaced by other materials i.e. modern cement blocks, brick walls, and lapped fencing the character of the streetscapes has changed, causing a threat to the character of the area, particularly when gardens are replaced with tarmacked car parking areas. It's important therefore to preserve, or even reinstate where possible the natural stone walls that provide such an important cohesive role.

Planning authorities are required to preserve and enhance the character and appearance of conservation areas as a whole, and not just the buildings within them. It is with that in mind that an Article 4(2) Direction has been put on certain properties within the Conservation Area. Those properties affected by the direction are listed below, and any of those properties proposing to carry out works to a boundary wall in the conservation area must contact the Local Planning Authority.

Nantymoel Conservation Area was designated in August 1973, and includes five terraces, Dinam Street, Ogmore Terrace, Cardigan Terrace, Blaenogwr Terrace and Chapel Terrace, as well as a small section of Commercial Street. Although built prior to the implementation of the 1875 Public Health Act, the terraced properties incorporate many of the better features which later became mandatory in housing provision, this was possibly due to the enlightened attitude of the Colliery Company of the well-being of its workforce, or by the need to attract people to a then remote village.

The industrial vernacular style houses are fine examples of unique single aspect and double-fronted design. Though the town economy has suffered from the closure of mining and the need for most people to travel down the valley in search of work, this has inhibited significant redevelopment, leaving streetscapes that retain the integrity and completeness of their original form. A non-conformist chapel overlooks the terraced houses along with a section of the Local Authority School now serving as sheltered housing accommodation that lies below it.

Properties affected by the Article 4(2) Direction:

Blaenogwr Terrace Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20

Chapel Terrace, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12

Dinam Street, Site of former Gilead Methodist Chapel & Nos. 32, 33b, 34, 35, 36, 37, 41 & Tan y Bryn

Ogmore Terrace, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13

Cardigan Terrace, Nos. 1, 1a, 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14

Commercial Street, No. 36 & Mountain View.

