

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO DEVELOPMENT CONTROL COMMITTEE

17 SEPTEMBER 2020

REPORT OF THE CHIEF EXECUTIVE

NANTYMOEL CONSERVATION AREA
ARTICLE 4(2) DIRECTION

1. Purpose of report

- 1.1 The purpose of this report is to update Members on a decision made on 27 May 2020 via delegated powers to agree and subsequently confirm (through the signing and sealing) an Article 4(2) Direction in Nantymoel Conservation Area on 8 June 2020. As Members are aware, the Article 4(2) Direction removed certain permitted development rights from the properties included in the Direction and the effect was immediate when Members agreed they were made at Development Control Committee on 16 January 2020. If the Directions were not confirmed within 6 months of being made (by 17 June 2020) they would have lapsed.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015:-**
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 - 2.2 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 Members are aware that at a meeting of Development Control Committee on 16 January 2020 it was agreed to make an Article 4 (2) Direction in Nantymoel Conservation Area. The effect of this Direction is the withdrawal of what would otherwise be permitted development rights relating to the demolition of front boundary walls. Members are reminded of the scope of the Direction and the properties that are affected, details of which are contained in Appendix 1.

- 3.2 As soon as the Direction was signed and sealed, notice was given by publication in the local newspaper and by serving notice on the owners and occupiers covered by the Direction 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 proposed Article 4 Direction.

4. Current situation/proposal

- 4.1 The effect of the Article 4 (2) Direction was immediate and controls over what was previously permitted development were therefore in place from 16 January 2020. An Article 4 Direction will lapse unless it is confirmed within 6 months.
- 4.2 As a direct response to the Article 4 letter of notification being issued, five responses were received from owners and occupiers of the properties. The content of these responses is summarised in Appendix 2 for Members information only. Three telephone callers did not object but wanted further clarification. Two written responses were received, one misunderstood the letter and wanted clarification regarding Conservation Area status and one objected because too much historic character had already been removed.
- 4.3 To avoid the expiry of the Article 4 (2) Direction, Bridgend County Borough Council needed to confirm it by 17 June 2020 and due to COVID 19 lockdown and the subsequent postponement of Development Control Committee meetings, a decision was taken on 27 May 2020 under emergency delegated powers (Ref CMM-PRU-20-23) in consultation with Officers and Members to confirm the Article 4 Direction without modification. A copy of the confirmed signed and sealed direction is enclosed as Appendix 1.
- 4.4 As soon as the direction was confirmed letters were sent to all owners / occupiers of the affected properties along with a final copy of the guidance leaflet produced. It is proposed that the final version of the leaflet contained in Appendix 3 is adopted for Development Control purposes.

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 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 the Equality Impact Assessment Toolkit was undertaken before the decision to confirm the Article 4(2) Direction was made. It was 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. The demolition of a boundary wall will not be permitted development within the Conservation Area and would require Planning permission. The inclusion of Class A will only therefore 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 (Wales) Act 2015 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 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 the Direction 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 1 was confirmed without modification on 8 June 2020.
- Adopt the guidance leaflet in Appendix 3 for Development Control purposes.

Mark Shephard
CHIEF EXECUTIVE
17 September 2020

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Team Leader Conservation and Design

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Email: claire.hamm@bridgend.gov.uk

Postal address: Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents: None

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

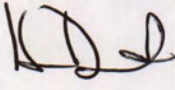
Commercial Street

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:-)

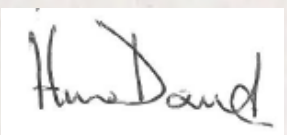
LEADER
MAYOR:



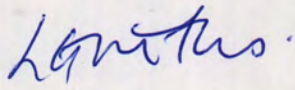
AUTHORISED SIGNATORY: *K. Watson*

THIS DIRECTION WAS CONFIRMED BY BRIDGEND COUNTY BOROUGH COUNCIL WITHOUT MODIFICATIONS ON THE 8TH JUNE 2020.

LEADER



AUTHORISED SIGNATORY



**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.

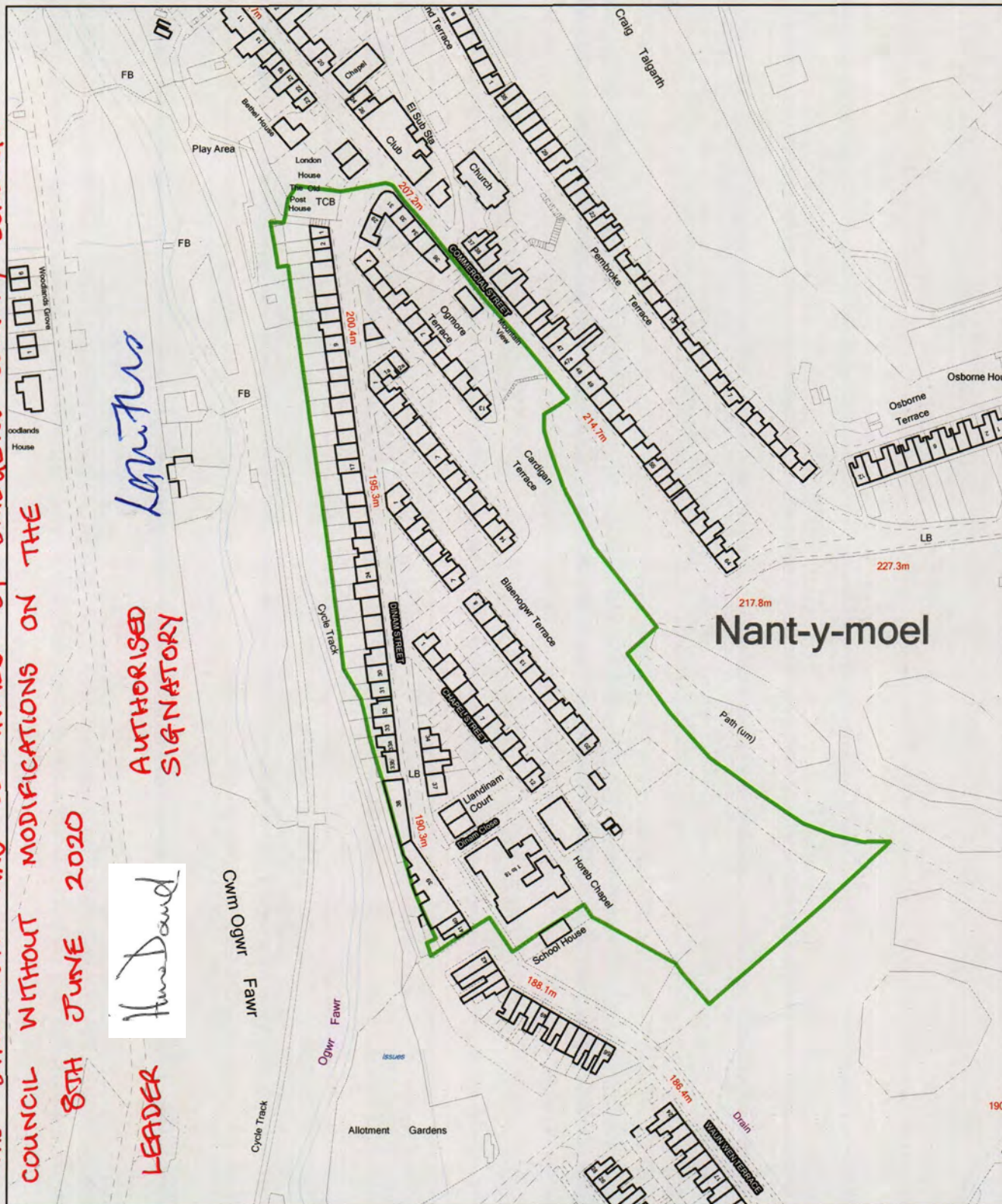
Part 2: Minor Operations

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.

Nantymoel Conservation Area



THIS DIRECTION WAS CONFIRMED BY BRIDGEND COUNTY BOROUGH
 COUNCIL WITHOUT MODIFICATIONS ON THE
 8TH JUNE 2020
 LEADER
 Hine David
 AUTHORIZED
 SIGNATORY
 Lgwrtho



**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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Forestry Commission,
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Appendix 2

Summary of Responses

Five responses were received upon notification of the Article 4 Direction. Three telephone calls and two written responses were received.

No. 13 Blaenogwr Terrace (telephone)

The Owner/occupier didn't receive an English leaflet, so wasn't sure what the implications were, but expressed no objections.

No. 8 Dinam Street (telephone)

The tenant hadn't received an English leaflet so the landlord contacted us to find out what the implications were, but expressed no objections.

No. 3 Ogmores Terrace (telephone)

The Owner/occupier wasn't aware that it was a conservation area, said it was a beautiful area and was pleased that it was protected.

No. 6 Dinam Street (email and letter)

Owner/occupier had misunderstood the notification letter and leaflet, and thought that conservation area status had previously been withdrawn and that it was being reinstated. The questions posed weren't related to the Direction itself, but rather to permitted development rights within a conservation area, and the owner/occupier thought that the Direction was insisting that certain features had to be reinstated.

Tanybryn, Dinam Street (email)

The Owner/occupier was not aware that it was a conservation area and complained about the procedure of notification, and said that that controls should have been put in place before houses were modernised and that it was a bit late to bring them in now. They felt that the Direction might affect the value of the property and put off future buyers.



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 or lower. Fencing should be painted in dark brown/black to be consistent.
Boundary treatments to front gardens	Existing stone boundary walls, and 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 Ogmores 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.

Nantymoel Conservation Area was designated in August 1973, and includes five terraces, Dinam Street, Ogmores 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.

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.

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

Ogmores 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.

