

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 4 MAY 2004

ALTERATION OF NEWMILNS OUTSTANDING CONSERVATION AREA AND IMPLEMENTATION OF ARTICLE 4 DIRECTION

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1 To propose to Committee an alteration to the Newmilns Outstanding Conservation Area, and thereafter to submit to the Executive a reasoning and justification for an Article 4 Direction in the Outstanding Conservation Area.

2. BACKGROUND

- 2.1 In terms of Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Planning Authorities are under a duty to designate Conservation Areas where an area is of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
- 2.2 Planning authorities may seek to extend planning controls in a Conservation Area through an Article 4 Direction, under which the planning authority may direct that the general planning permission for classes of development granted by Article 3 shall not apply to any particular development, or to any or all of these classes of development, in any area specified in the direction. i.e permitted development rights in the area concerned are removed.
- 2.3 Within Newmilns the Townscape Heritage Initiative (THI) has made significant progress in the improvement of the Conservation Area through the provision of grant funding for [Full Restoration](#), [New Build Infill](#), [Public Realm Works](#) and [Reinstatement of Architectural Detail](#). The Development Services Committee agreed the preparation and implementation of an Article 4 Direction for the Main Street, Newmilns Outstanding Conservation Area as it was a key element in the councils successful bid for Heritage Lottery Grant Funding under the THI.
- 2.4 The Article 4 Direction has been the subject of public consultation (April 2002), and a justification statement has been prepared for submission to the Scottish Executive for their approval.
- 2.5 However, a recently completed housing development within the existing Outstanding Conservation Area (02/0728/FL, Old Mill, Darvel Road) is deemed unsuitable for inclusion in an area covered by an Article 4 Direction. It is proposed that this area is removed from the Outstanding Conservation Area prior to the submission to the Scottish Executive proposing an Article 4 Direction.

3. ALTERATION OF NEWMILNS CONSERVATION AREA

- 3.1** To amend a Conservation Area, the proposals require to go through public consultation. It is therefore proposed that the owners/occupiers in the area affected be written to, and the Councils intention to amend the boundary to then be advertised as required by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in the Edinburgh Gazette and at least one local newspaper.

4. DESIGNATION OF ARTICLE 4 DIRECTION

- 4.1** To formally implement the Article 4 Direction, once the Conservation Area boundary is altered, East Ayrshire Council must undertake public consultation (again this will be through advertisement in the Edinburgh Gazette and a local newspaper). Once the public have been given the opportunity to comment on the revised proposals, they will be submitted to the Executive for their approval.
- 4.2** Interested parties will be able to view detailed maps of the proposals at the offices of the Planning and Building Control Division at 6, Croft Street, Kilmarnock.

5. FINANCIAL IMPLICATIONS

- 5.1** None

6. PERSONNEL IMPLICATIONS

- 6.1** There are no personnel implications for the authority as a result of this proposed course of action. Any additional work required in notifying owners and occupiers of the Councils proposals will be incorporated into the work programme of the Planning and Building Control Division.

7 LEGAL AUTHORITY

- 7.1** The duty to designate Conservation Areas and Article 4 Directions is contained within the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

8. RECOMMENDATION

- 8.1** It is recommended that the Committee:

- (i) Agree to the alteration of the Newmilns Conservation Area involving the removal of the residential development at Old Mill, Darvel Road, Newmilns; and**

- (ii) **Agree to thereafter submit to the Scottish Executive a reasoning and justification for the implementation of an Article 4 Direction covering the amended Newmilns Conservation Area.**

James Lavery
Executive Director of Development and Property Services

26 April 2004 (AL/SA)
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LIST OF BACKGROUND PAPERS

- 1. Map of Newmilns Outstanding Conservation Area and area to be removed Reasoning and justification for Article 4 Direction**

For further information on the content of the report, contact Alasdair Laurenson, Planning and Building Control Division, on 01563 576757

Implementation Officer: Alan Neish

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

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