

EAST AYRSHIRE COUNCIL

IRVINE VALLEY LOCAL COMMITTEE: 10 APRIL 2002

ARTICLE 4 DIRECTION FOR MAIN STREET, NEWMILNS OUTSTANDING CONSERVATION AREA

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 To inform Committee of the arrangements for public consultation on the proposal to implement an Article 4 direction within the Main Street, Newmilns, Outstanding Conservation Area and to invite Committee Members to submit their views on the proposal to the Director of Development Services.

2. BACKGROUND

2.1 Approval for the preparation and implementation of an Article 4 Direction for the Main Street, Newmilns, Outstanding Conservation Area was given by the Development Services committee of East Ayrshire Council on 04 August 1999.

2.2 Certain types of development will normally require planning permission. Other types of development are permitted if they come within the scope of the Town and Country Planning (General Permitted Development (Scotland) Order 1992. However, if an area is covered by an Article 4 Direction, extra controls will exist and planning permission will be required for a wider range of development or works which would normally have been permitted development. A leaflet providing details of the implications, in planning terms, of the implementation of an Article 4 Direction, is attached for information purposes.

2.3 The Development Services Committee agreed to 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 Council's successful bid for Heritage Lottery Grant funding under the Townscape Heritage Initiative.

2.4 Significant heritage based projects are either complete or currently on site directly as a result of the Townscape Heritage Initiative in Newmilns. In order to protect this investment and to ensure the highest standards of design with respect to future development an Article 4 Direction is considered by the Council to be necessary .

3. CONSULTATION PROCESS

3.1 Article 4 Directions have to be submitted to the Scottish Executive for approval, along with a justification for its implementation. The submission should include evidence of prior consultation between the Council and those living and working in the area, the reasons behind the proposal, and assess the effects that the Article 4 Direction would have. In addition, the Council is required to submit evidence of the consideration they have given to the responses received during the consultation process.

3.2 Accordingly it is proposed that consultation is carried out in the local area to inform householders and business operators, of what an Article 4 is, and how it will directly affect them. This will be in the form of a leaflet, with covering letter (copies attached as Appendix 1 of this report) which will be delivered to every address in the Outstanding Conservation Area by the end of April, and will invite comments to be submitted to the Head of the Planning and Building Control Division.

3.3 The Irvine Valley Local Committee is also invited to make comments on the proposal. All written comments will be responded to directly by the Head of Planning and Building Control in the appropriate manner.

4. POLICY IMPLICATIONS

4.1 The emerging East Ayrshire Local Plan includes a proposal that Article 4 Directions will be proposed for all the Council's Outstanding Conservation Areas.

5. LEGAL IMPLICATIONS

5.1 In the event that a planning application submitted as a result of an Article 4 direction is refused or granted subject to conditions, (other than those that would have been imposed by the Town and Country Planning (General Permitted Development)(Scotland) Order 1992), Section 77 of the Town and Country Planning (Scotland) Act 1997 provides for the payment of compensation. Any person with an interest in the land who can show that they have incurred abortive expenditure, or have otherwise sustained loss or damage as a direct result of the Article 4 Direction, may make a claim against the Planning Authority for payment of compensation.

6. FINANCIAL IMPLICATIONS

6.1 Planning applications submitted as a result of the introduction of an Article 4 Direction, do not incur a fee, but will require to be advertised in the press. The increase in the number of applications is difficult to quantify . However in the past five years, applications within the conservation area have averaged 8 per year .

6.2 With respect to the issue of possible compensation contact has been ~ made with other Councils who have Article 4 Directions in place. None have experienced a claim for compensation.

7. PERSONNEL IMPLICATION

7.1 As mentioned above (para 6.1) there may be an increase in the number of applications received. This can be accommodated within existing resources.

8. RECOMMENDATION

8.1 It is recommended that:-

- (i) The Committee note the contents of this report; and**
- (ii) Submit comments on the proposed Article 4 Direction to the Head of Planning and Building Control by 17 May 2002.**

Stephen Chorley
Director of Development Services

22 March 2002
AG/MMM

LIST OF BACKGROUND PAPERS

1. Appendix 1: Public consultation leaflet and covering letter.

Covering letter to the Article 4 Direction leaflet

Dear Sir/Madam

PROPOSED ARTICLE 4 DIRECTION

As a resident or business operator in the Main Street, Newmilns Outstanding Conservation Area, you may be aware of developments which have occurred at the Brown's Institute, or currently under way in Main Street and High Street. These have been assisted by the Heritage Lottery Fund through the Newmilns Townscape Heritage Initiative. Several householders have also carried out reinstatement of architectural details and repairs with assistance from the Newmilns Townscape Heritage Initiative. These developments and improvements are having a positive impact on the appearance of the town.

In pursuance of National Guidance, East Ayrshire Council believe in the importance of protecting these improvements, and are therefore considering the use of further legislative powers in the Conservation Area.

Currently some developments or alterations can be carried out without planning permission, these are known as "Permitted Development". This right to permitted development, can be restricted, subject to the approval of the Scottish Executive, within a conservation area under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

East Ayrshire Council is seeking your views on the introduction of an Article 4 Direction for the Main Street, Newmilns, Outstanding Conservation Area.

The effect of the proposed Article 4 Direction, would be to restrict the type of developments or alterations which can be carried out, without planning permission. In future planning permission would be required for works as shown in the enclosed leaflet. Any planning permission fee would be waived where the need for consent arises solely from the operation of the Article 4 Direction. The Planning Division will be happy to advise on the need for planning permission and on design matters.

Your views and comments on the proposed Article 4 Direction would be welcome and should be made in writing to the Head of Planning and Building Control at the above address by 17 May 2002.

If you wish to discuss this matter prior to making any written comments please contact Ailsa Graham on 01563576755.

Yours faithfully

HEAD OF PLANNING AND BUILDING CONTROL

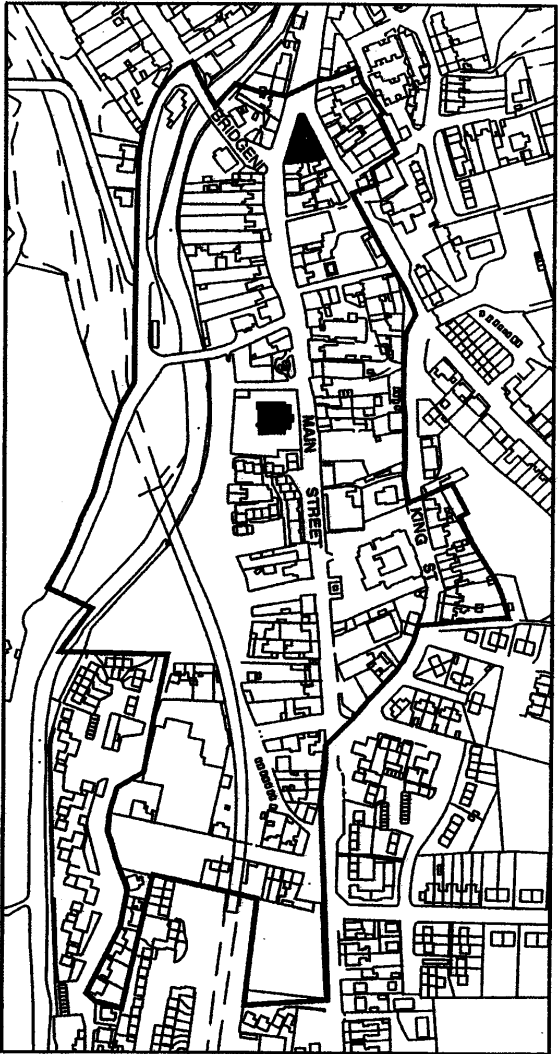
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NEWMILNS

Main Street
OUTSTANDING CONSERVATION AREA

NEWMILNS
Main Street OUTSTANDING CONSERVATION AREA



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What is an Article 4 Direction ?

Certain types of development will normally require planning permission. However, if an area is covered by an Article 4 Direction, extra controls will exist and planning permission will be required for a wider range of development or works; even relatively minor work such as replacing windows and painting external walls. Article 4 Directions can be made where stricter powers of control are desirable, such as in conservation areas.

If you are planning any external improvements or alterations you are advised to contact the Planning Division, prior to carrying out those works. We will be able to advise you if planning permission is required, and clarify any available design guidance if necessary.

How will the Article 4 Direction affect me?

In order to achieve a high standard of development that will enhance the character of the Main Street Outstanding Conservation Area, East Ayrshire Council is proposing to introduce an Article 4 Direction. This will mean that many more types of alteration or development will now require planning permission.

Don't I require permission already?

Properties within a conservation area, currently require planning permission for works including the following:

- Stone cleaning, painting or cladding in stone etc the exterior of a building
- Some extensions, porches or conservatories
- Alterations to the roof of a house, including re-roofing in a different material
- Alterations or repairs to chimneys which would alter their appearance
- The provision of dormer windows

- Construction of garden buildings or structures over 4 square metres
- Provision of hard surfaces within the curtilage of a house. This may include driveways, patios and decking
- The provision of oil or LPG tanks for heating systems
- Installation of a satellite dish on any part of a house facing a road, or on a building used as flats, or on commercial premises
- The erection of a fence, wall or other type of enclosure, more than 2 metres in height; or if within 20 metres of a road, more than 1 metre in height
- The demolition of buildings
- The felling or other works to trees.

What else would need permission under an Article 4 Direction?

If an Article 4 Direction is approved by the Scottish Executive for the Main Street, Newmilns Outstanding Conservation Area, the following types of development would also require planning permission, but would not incur a planning application fee.

- House extensions, all conservatories and porches
- Alterations to windows and doors, including the removal of mullions, and the installation of double glazing
- Installation or replacement of satellite antenna anywhere within the curtilage or on a house
- The erection, maintenance, or alteration of gate fence or wall.

What properties will be covered by the Article 4 Direction?

- All buildings within the Main Street, Newmilns Outstanding Conservation Area will be affected. The map overleaf, shows the properties, which are in this conservation area.

What should I do?

- If you are proposing any external improvements or alterations to your property, please contact the Planning & Building Control Division first.

