



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

29 November 2012

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 5 DECEMBER 2012** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes

The Minutes of the previous meeting of the Planning Committee held on 14 November 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Ardrossan, Saltcoats and Stevenston

Submit report on the following application:-

12/00614/PP: Ardrossan: 8 Harbour Street

Renewal of unexpired planning permission N/08/00055/PP for alterations, partial demolition and extension to existing two storey building to form GP surgery and dental surgery with associated access and car park

(copy enclosed).

4. Irvine/Kilwinning

Submit report on the following application:-

12/00603/ADC: Irvine: 33 Kilwinning Road

Erection of double sided lightbox sign mounted on monopole

(copy enclosed).

5. Notice Under Section 43 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: 12 Crichton Street, Millport

Submit report by the Solicitor to the Council on a Notice under Section 43 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring works necessary for the proper preservation of the building (copy enclosed).

6. Notices Under Section 179 of The Town and Country Planning (Scotland) Act 1997

6.1 Beith: Land at 2-6 Mitchell Street

Submit report by the Solicitor to the Council on a Notice under Section 179 of The Town & Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abating of the adverse impact on the local area

6.2 Beith: Land at 3-5 Mitchell Street

Submit report by the Solicitor to the Council on a Notice under Section 179 of The Town & Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abating of the adverse impact on the local area

(copies enclosed).

7. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Joe Cullinane
Ronnie McNicol
Tom Marshall
Jim Montgomerie
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
14 November 2012

IRVINE, 14 November 2012 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Joe Cullinane, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

In Attendance

C. Hatton, Corporate Director and J. Miller, Senior Planning Services Manager (Development and Environment); J. Law, Solicitor (Corporate Services); and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the previous meeting of the Planning Committee held on 24 October 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Ardrossan, Saltcoats and Stevenston

12/00548/PP: Saltcoats: 6 Adams Avenue

Avtar Lalli, 6 Adams Avenue, Saltcoats, has applied for planning permission for the erection of a single storey extension to the side of the shop unit, and repositioning of the existing shop compressor units, at that address. Three individual objection letters, 16 pro forma letters and a petition comprising 20 signatures, have been received, as detailed in the report.

Councillor Montgomerie, seconded by Councillor Bell, moved that the application be refused.

As an amendment, Councillor McNicol, seconded by Councillor Ferguson, moved that the application be approved.

On a division, there voted for the amendment 7 and for the motion 3, and the amendment was declared carried.

Accordingly, the Committee, having considered the terms of the representations, agreed to grant the application subject to the following condition:-

1. That, prior to commencement of the development hereby approved, exact details of the proposed roller shutter to the front and the enclosing fence to the rear of the extension shall be submitted for the written approval of North Ayrshire Council as Planning Authority; prior to the commencement of the use of the extension, the approved enclosing fence shall be provided and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority.

4. North Coast and Cumbraes

4.1 12/00565/PP: West Kilbride: 1 Arthur Street: Village Hall

West Kilbride Village Hall Committee, Village Hall, 1 Arthur Street, West Kilbride, have applied for planning permission for the demolition of the existing single storey extension and wall, and for the erection of a new 1.5 storey extension with alteration to pedestrian access and associated hardstanding at that address.

During discussion, Members expressed the view that the grant of planning permission should be subject to a further condition in relation to the design of the windows on the Arthur Street elevation of the proposed extension.

The Committee agreed to grant the application subject to the following conditions:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed external finishes to the extension, boundary walls, railings and all hard surfaces.

2. That prior to the commencement of the development hereby approved, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, revised proposals for the design of the windows on the Arthur Street elevation of the extension which shall complement the design and proportions of the windows of the existing building; for the avoidance of doubt the windows on the Arthur Street elevation of the extension shown on the submitted plans are not approved.

4.2 12/00433/PP: West Kilbride: Drummilling Road: West Kilbride Cemetery

North Ayrshire Council, Cunninghame House, Irvine, have applied for planning permission for a proposed change of use of agricultural land to form an extension to the existing West Kilbride Cemetery at Drummilling Road, West Kilbride.

The Committee agreed to grant the application subject to the following conditions:-

1. That the applicant shall ensure at all times, during both the construction and subsequent operation of the use hereby approved, that public access is maintained over the Right of Way which runs along the length of the western boundary of the site, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development hereby approved the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a plan indicating a revised site layout.

The meeting ended at 2.25 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

5 December 2012

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

12/00614/PP

Application

5th November 2012

Registered

Decision Due

5th January 2012

Ward

Ardrossan & Arran

Recommendation**Agree to grant planning permission
subject to the conditions contained in
Appendix 1**

Location8 Harbour Street
Ardrossan**Applicant**Irvine Bay Developments Limited
43 Ardrossan Road
Saltcoats**Proposal**Renewal of unexpired planning permission
N/08/00055/PP for alterations, partial demolition
and extension to existing two storey building to
form GP surgery and dental surgery with
associated access and car park

1. Description

Planning permission ref. 08/00055/PP for the above development is due to expire on 22nd April 2013. The applicants seek a renewal of the unexpired planning permission. An application (ref. 12/00615/LBC) has also been submitted for listed building consent for the alterations as the previous listed building consent is also due to expire on 22nd April 2013.

The development comprises alterations, partial demolition and extension to a former police station in the ownership of North Ayrshire Council, to form a GP surgery, dental surgery and an associated car park on adjoining land. The red sandstone former police station is category 'C' listed. The windows are boarded up and the adjoining land, within the site, is overgrown and derelict.

The former Community Education offices lie to the north-east and there is a modern housing development to the north-west. Residential flats and commercial premises are situated to the east and south-west across Harbour Street. The pedestrian entrance to a large supermarket is located to the south.

A small lean-to outbuilding would be demolished at the rear of the building. It is also proposed that various boundary walls would be demolished. A two storey extension is proposed both to the side and rear of the building. The walls of the extensions would be finished in red brick to match the red sandstone of the existing building. Both extensions would have a flat roof. On the ground floor the proposed development would comprise a GP surgery with reception, waiting area, ten consulting rooms, treatment/minor surgery room and various other rooms required for the operation of the practice. Stairs and a lift would lead to a dental surgery on the upper floor containing a reception office, waiting area, consulting rooms, dental surgery rooms, etc. The upper floor would also accommodate a health education room, GP admin/office, GP library, staff room/pantry, district nurses base, meeting/training room and a health visitors base.

To the rear, 42 parking spaces are proposed together with a staff and public cycle park. Entrances to the building are proposed from the rear car park and also from Harbour Street. Vehicle access to the car park would be off Harbour Street. Landscaping, soft and hard, is proposed around the perimeter of the site.

In the adopted North Ayrshire Local Plan (excluding Isle of Arran) the site is located within a town centre area where Policies TC1 (acceptable town centre uses), TC4 (development of vacant sites) and ENV9 (integrated development proposals for Ardrossan Harbour) specifically apply. As the building is listed, Policy BE5 is also relevant, which states that proposals for development of a listed building or its setting, which would have an adverse impact on the listed building, shall not accord with the local plan.

The Modified Local Development Plan indicates that the site is located in a town centre area where Policy TC1 is applicable. As with the similar policies in the current Local Plan, it identifies a range of acceptable town centre uses including doctors and dentists surgeries. Furthermore Policy HE2 (listed buildings) is similar to that of Policy BE5 of the current Plan.

2. Consultations and Representations

There is no requirement to notify neighbours with regard to applications for renewal of an expired planning permission or advertise such applications.

Infrastructure & Design Services (Roads) - No objection (confirmed by phone). It is recommended that the following be provided: a footway link on to Princes Street, a 'half box' junction at the vehicle entrance to the site, appropriate pedestrian signage directing pedestrian/cyclists to the railway station, bus stops, taxis and national cycle ways.

Response - Noted. As before these could be secured by planning condition.

Ardrossan Community Council - No reply to date.

Estates - Estates has been involved with the applicant regarding this proposal and has no comments to make on the application.

Response - Noted.

Environmental Health - No objection.

Response - Noted.

Infrastructure & Design Services (Flooding) - No objection.

Response - Noted.

3. Analysis

Planning permission is sought to renew an unexpired planning permission for a medical centre at Harbour Street, Ardrossan. The main determining issue is whether there has been any material change in circumstance pertaining to the application since planning permission was granted in 2008.

The application details are unaltered and the local plan has not been replaced. Policies TC1, TC4, ENV9, and BE5 are applicable in relation to the site and as noted below, the proposal would not conflict with the local plan.

Policy TC1 permits a range of uses including doctors and dentist surgeries. Policy TC4 sets out criteria to test proposals for the development of vacant sites or re-development/rehabilitation of buildings for appropriate town centre purposes. It is considered that the proposals accord with the relevant criteria set out in this Policy, namely, that the it complies with Policy TC1 and that it is designed to a standard that will enhance the amenity of the town centre, being of a size and design in keeping with adjoining properties.

ENV9 supports integrated development proposals for Ardrossan Harbour and therefore is not directly relevant to the proposal. With regard to Policy BE5, the proposed alterations would be acceptable in that they would achieve the retention and restoration of a prominent town centre listed building as well as the upgrading of its environs. Historic Scotland had no objection to the alterations when consulted in relation to the previous application for listed building consent and as before it is considered that the proposals would enhance the listed building and its setting. The development would therefore accord with Policy BE5.

The relevant criteria of the Development Control Statement are (a) siting, design and external appearance, (b) impact on amenity and (d) access, road layout, parking provision.

It is considered that the siting, design and external appearance of the development are satisfactory, and accord with criterion (a) as there would be no adverse impact on visual amenity. The scale and design of the proposed alterations and distance to the nearest residential properties, a minimum distance 24m., mean that the amenity of neighbouring residential properties would not be seriously affected by loss of privacy, daylight or sunlight. The nature of the proposed use is such that the residential properties should not be unduly affected by noise or disturbance associated with its operation. The proposals would furthermore result in the upgrading of an existing vacant and boarded up building and the restoration of degraded land around it. The proposed development would therefore significantly enhance the amenity of the surrounding area.

As noted above IDS (Roads) has no objection to the access or parking arrangements. The proposals therefore accord with the relevant criteria of the Development Control Statement.

There has been no material change in circumstances pertaining to the application since planning permission was granted in 2008. As before the proposals accord with the relevant Local Plan policy and Development Control Statement criteria and also the Modified Local Development Plan. Planning permission can therefore be granted.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', with a horizontal line extending from the end of the signature.

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
7 November 2012

For further information please contact John Michel, Senior Planning Officer , on
01294 324379

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00614/PP

Grant subject to the following conditions:-

1. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of: (i) the facing brick finish to the walls of the extensions hereby approved; this shall include displaying a sample panel of the chosen brick alongside the existing building; (ii) all hard surfaces including footpaths and parking areas; (iii) a method statement for all works to the fabric of the listed building indicating conservation/repair works; and (iv) the junction of the new street façade and the existing building indicating how the new façade reconciles with the cornices and string courses on the existing building.
2. That prior to the commencement of the use of the development hereby approved, the applicant shall: (i) submit for the written approval of North Ayrshire Council as Planning Authority proposals for the provision of a footway link from the development to Princes Street and the extension of the existing lay-by on Harbour Street adjacent to the development to create a dropping-off point; and (ii) implement the approved footway link and extended lay-by on Harbour Street, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the use of the development hereby approved, the applicants shall (i) provide a yellow half box junction at the entrance to the development; (ii) erect appropriate pedestrian signs directing pedestrians/cyclists to the railway station, bus stops, taxis and national cycleway; and (iii) implement the recommendations of the Travel Plan submitted in support of the application, all to the satisfaction of North Ayrshire Council as planning authority.
4. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a revised scheme of landscaping, which shall take account of the comments of the Council's Countryside Liaison Officer in relation to the submitted landscaping proposals.
5. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

The reason(s) for the above condition(s) are:-

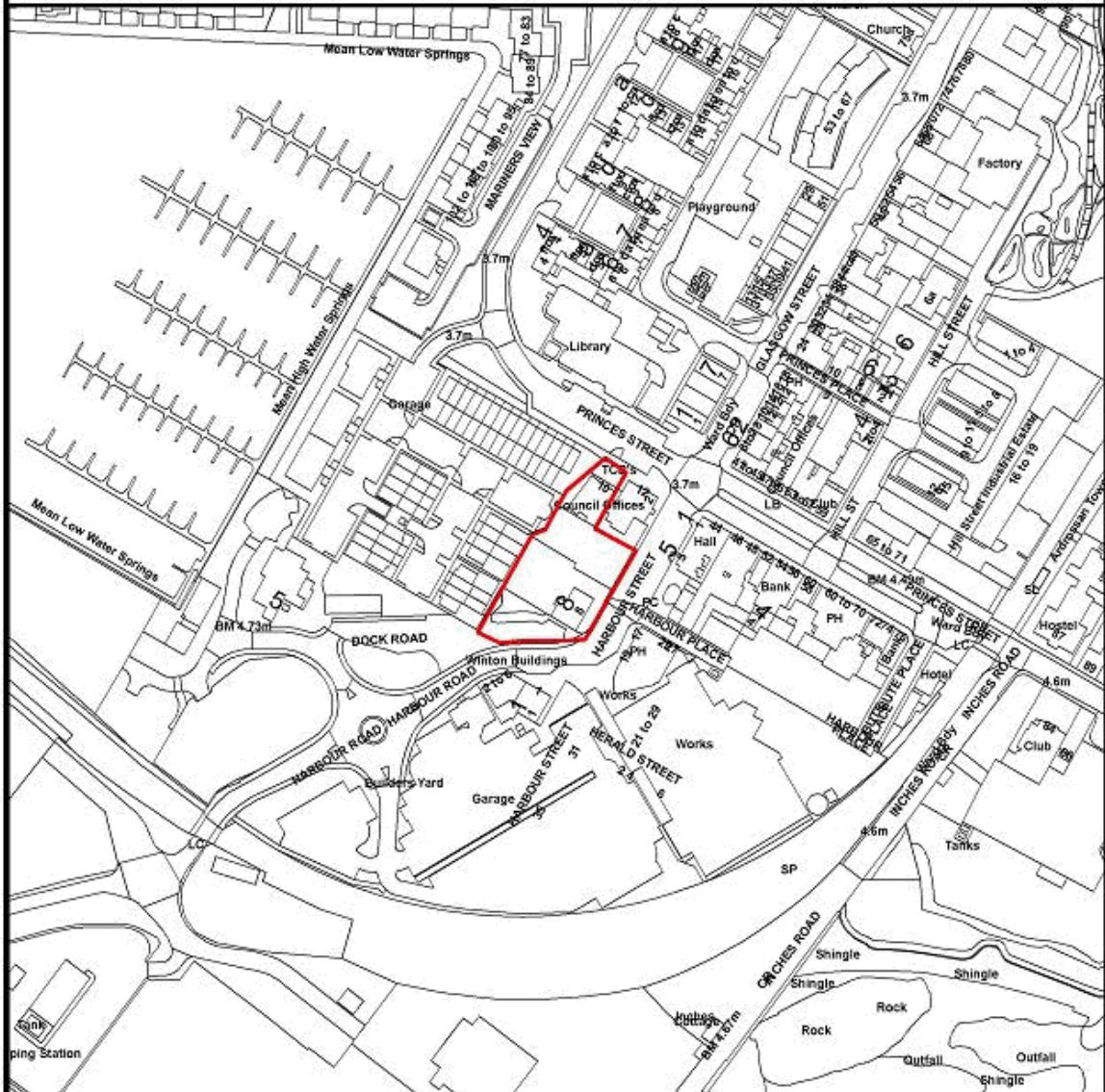
1. In the interest of the amenity of the area.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. To meet the requirements of North Ayrshire Council as Roads Authority.
4. To secure a landscaping scheme in the interest of amenity.
5. To secure the proper completion of the development in the interest of amenity.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.

Committee Plans

12/00614/PP



**NORTH AYRSHIRE
COUNCIL**

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NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

Planning Area

5 December 2012**Irvine/Kilwinning**

Reference

12/00603/ADC

Application

1st November 2012

Registered

Decision Due

1st January 2013

Ward

Irvine West

Recommendation**Refuse for the reason contained in
Appendix 2**

Location33 Kilwinning Road
Irvine**Applicant**Poster Plus Digital Ltd
53 Beresford Terrace
Ayr**Proposal**Erection of double sided lightbox sign mounted on
monopole

1. Description

This application seeks advertisement consent for the erection of a pole mounted, double sided internally illuminated lightbox advertisement close to the eastern boundary of the the car wash site at 33 Kilwinning Road, Irvine (A737). The sign box would measure 4 metres in width, 3 metres in height and around 40cm in depth, and would be mounted on a 40cm diameter steel monopole affixed to a concrete hardstanding positioned 1 metre into the site as measured from the public footway. The lowest part of the signbox would be 3 metres above ground level, making the total height from ground level to the top of the lightbox some 7 metres. The adverts displayed on the box would be internally illuminated using flourescent tubes.

The application site relates to a former petrol filling station site, cleared of all its previous buildings and now in use, under a temporary planning permission, as a car wash. A tyre repair business has recently been added to the site.

The car wash was granted a temporary planning permission in 2010 since it was recognised that a beneficial economic use for the site would be preferable to the land continuing to lie vacant and disused. However, in granting a temporary consent, the Council recognised that the site would require upgrading in order to ensure that the car wash is developed to a standard appropriate for a permanent use within an area of high amenity.

The tyre repair business is currently unauthorised and is subject to an ongoing enforcement investigation. For the most part, the site consists of a level concrete and tarmac yard, but also contains one modular building and a metal shipping container, the latter related to the tyre repair business. There are several advertisements for the car wash, all in the form of large vinyl banners affixed to walls or fences. These advertisements are unauthorised and subject to an ongoing enforcement investigation.

The site is bounded to the west by a stone wall and timber panel fence which backs onto Irvine Moor; to the south is a brick wall and timber panel fence; to the east a low brick wall; and to the north a timber panel fence.

To the south of the site is a detached bungalow, beyond which is a modern housing estate. To the west is a recreation area and playpark at the edge of Irvine Moor. To the north is the access road leading into Carrick Drive housing estate. To the east of the site, on the opposite side of Kilwinning Road, is a row of detached dwellinghouses which have long front gardens which contain numerous trees.

Kilwinning Road is around two miles in length and links the Redburn Roundabout, on the northern edge of Irvine, and the town centre. Although one of Irvine's main arterial roads, the adjoining landuses are chiefly residential for much of its length, although there are also a number of non-residential uses. Within the vicinity of the application site, the non-residential uses include a petrol filling station, a secondary school, a children's nursery, a police station and a restaurant (currently under construction).

The site is allocated for residential use in the Adopted North Ayrshire Local Plan (excluding Isle of Arran) and the proposal requires to be assessed against Policy TC8 (Advertisements) and against the Development Control Statement, within which the relevant criteria are (a) siting, design and external appearance and (b) amenity.

The recent planning history of the site is as follows:

08/00700/PP - Erection of three dwelling flats and three shop units at former petrol filling station - withdrawn on 28th October 2008.

09/00252/PP - Erection of a block of 3 units, for use as Class 1 (Shops) or Class 2 (Financial & Professional Services) at former petrol filling station - refused on 30th June 2009. An appeal was lodged which was subsequently dismissed on 25th November 2009.

10/00246/PP - Change of use of former petrol station site to form hand car wash and erection of portacabin for a temporary period of 1 year - granted on 8th June 2010. The period of consent has since been extended until 31st August 2014.

10/00384/PP - Variation of condition 4 of planning consent N/10/00246/PP to allow use to operate 0900 to 1800 Monday to Sunday - granted on 17th August 2010.

12/00665/PP - Part change of use to allow siting of tyre fitting service van and storage container (retrospective). This application was lodged following the receipt of a complaint, and is currently invalid due to outstanding information required for registration.

2. Consultations and Representations

As this application is for advertisement consent there was no requirement for neighbour notification or advertisement of the application. No objections have been received. In order to consider public safety, the following consultation was undertaken:

Infrastructure & Design Services (Roads) - no objections to the proposal subject to the conditions that the monopole must be installed at least 1 metre back from the existing boundary wall facing Kilwinning Road and that lighting Illumination on the signs shall not to exceed 1000 candelas per square metre.

Response: Noted. The above conditions could be imposed in the event of consent being approved.

3. Analysis

The application requires to be assessed against Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) which states that the Council will control the display of advertisements in accordance with the approved Advertisement Policy. The Council's Advertisement Policy acknowledges the powers available under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. In terms of Government guidance, Circular 10/1984 highlights the fact that Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety.

The most relevant section of the Advertisement Policy is in relation to hoardings. The policy states that, "in certain circumstances, hoardings can provide environmental benefits in their locality. However, given the size and visual impact of many hoardings, careful consideration should be given to such proposals, especially in sensitive areas."

The proposed lightbox would, in effect, be similar in design and appearance to a roadside advertising hoarding, albeit using a more modern method of displaying the information. There are no other hoardings along the length of Kilwinning Road, although there are two internally illuminated displays at the petrol filling station (PFS) to the north of the site, both of which are small in size and surface area (the advertisement displays being 1.8m x 1.2m), in addition to the standard totem sign of the scale and design expected to be found at PFS sites. It should also be noted that the PFS has a canopy over the petrol pumps, and that the height of the canopy is similar to the height of the totem sign. In contrast, the application site has no canopy and is, in comparison, a relatively open site. The proposed lightbox would therefore appear more dominant against such a backdrop.

The proposed lightbox would be elevated above street level on a steel monopole, which would make it clearly visible for a relatively long distance both north and south of the site. As noted, although there are a number of non-residential uses at intervals on both sides of the street, Kilwinning Road is dominated by housing. Despite the large volume of traffic, its overall character is residential. There are a significant number of individually designed and architecturally distinctive houses, which is particularly evident within the section between Irvine Royal Academy and the junction with Marress Road. The setting for many houses is also important, with many having generous landscaping and mature trees within the front garden areas. This gives Kilwinning Road a mature, landscaped, suburban character, and distinct from an industrial, town centre or commercial area.

Non-residential uses within Kilwinning Road are not concentrated within any particular defined area, and tend to be self-contained at various locations throughout its length, with housing remaining the dominant land use. Advertisements associated with these uses tend to be small in scale or of a type expected in relation to the use concerned (eg. PFS), both appropriate to the uses concerned and to the overall residential character of the road.

The proposed sign would not be related to the current use at the site. It would be used for general advertising purposes of a scale and type more commonly found in commercial areas of towns, or for the screening of vacant or derelict land. Neither scenario applies here, and the current use of the site does not require a large sign of the type proposed. Taking account of the previous use of the site, which was a petrol filling station, the proposed sign would not be similar to the type of totem sign which, at one time, would have been situated on the land. As there is no longer a petrol filling station on the site, there is no longer any need for large signage typical of such uses.

The applicant's agent has made reference to the determination of planning application number 10/00246/PP. This relates to the current use of the site as a car wash. In particular, he contends that the use of the site as a petrol filling station was a source of "disturbance to residents" and that the site had (and, in his view, still has) a "poor visual appearance." On this basis, he considers the proposal to be acceptable on the grounds that the proposed advertisement would not be injurious to amenity. It therefore appears to be the agents' contention that the proposed signbox would not make matters any worse than at present.

It should, however, be noted that the current use has a temporary planning permission, which has been subject, by written agreement, to an extension of that temporary period (until 31st August 2014). This temporary period reflects the non-permanent make-up and appearance of the car wash operation and it is anticipated that any further extension of the use will require a more permanent solution would be required in order for the Council to favourably consider a permanent consent. At this stage, the introduction of a large signbox would not contribute positively to the amenity of the site, and would only add further to the already compromised standard of amenity at this location.

The introduction of this type of sign at this location would also conflict with the high standard of amenity found in the surrounding housing, and would have a detrimental impact on the area due to its size and visual prominence above ground level. The sign would also exacerbate the negative effect on amenity arising from the existing unauthorised banner signs at the site, which, as noted above, are the subject of an ongoing enforcement investigation. At this stage, it should be made clear that the unauthorised signs have not been encouraged, and the owner of the site has already been advised that the banners do not comply with the Council's Advertisement Policy.

In summary, given the sensitivity of this locality to large illuminated signage, it is considered that the proposal would not meet the terms of the Council's Advertisement Policy, being detrimental to the amenity of the area.

Accordingly, as it is considered that the proposed lightbox would have a significant detrimental impact on the amenity of this predominantly residential area: by reason of its size, height and visual appearance when viewed from Kilwinning Road and the nearby housing areas at Carrick Drive and Williamfield Park. The lightbox would not comply with the approved Advertisement Policy and would be contrary to Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), and with criteria (a) and (b) of the Development Control Statement.

There are no public safety issues in this instance, as the local roads authority has no objection to the proposal on traffic safety grounds.

4. Full Recommendation

See Appendix 2.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
26 November 2012

For further information please contact Anthony Hume, Planning Officer , on 01294 324318

APPENDIX 2

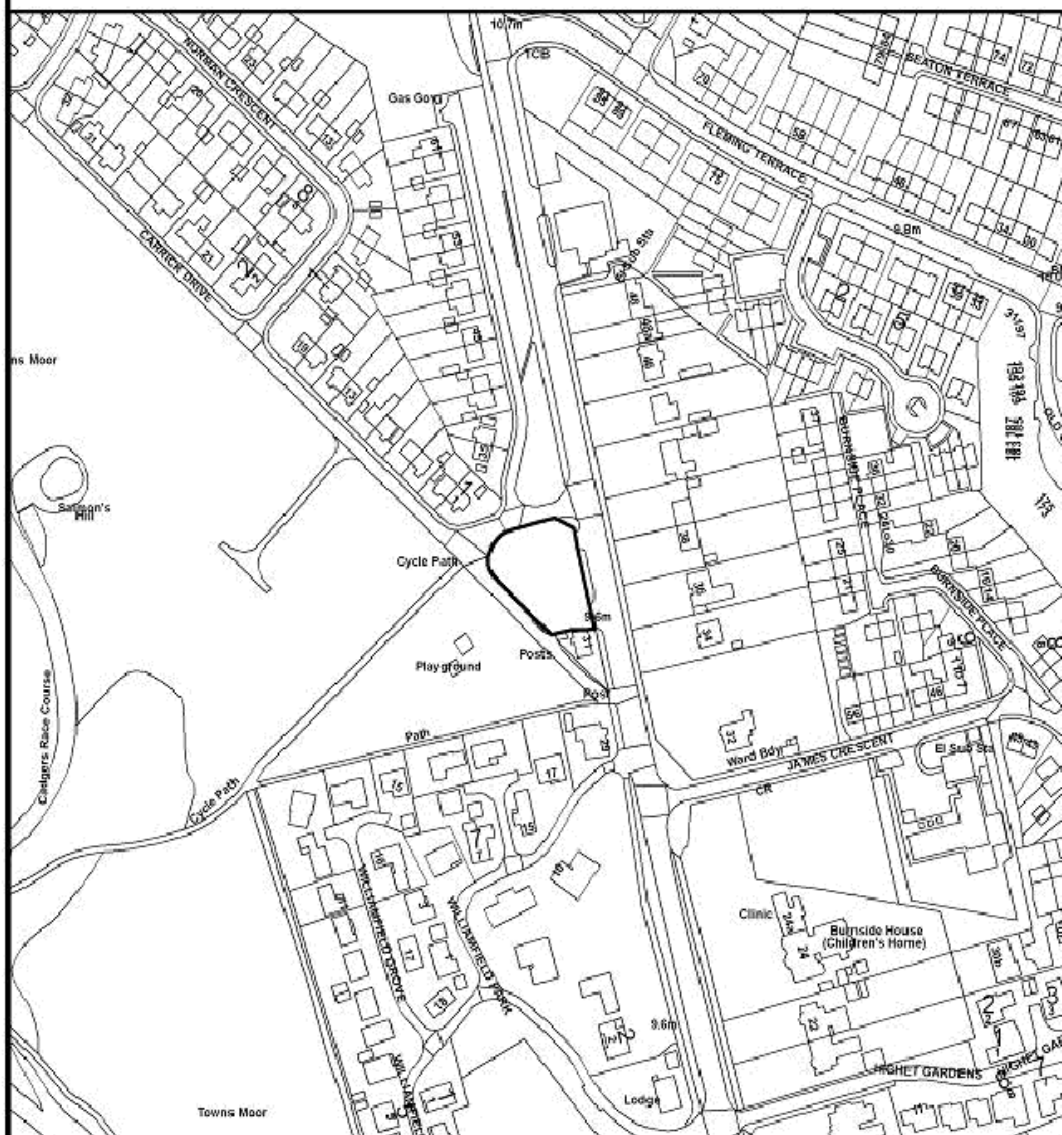
RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00603/ADC

Refuse on the following ground:-

1. That, the proposed advertisements would be contrary to Policy TC8 of the Approved Advertisement Policy, and criteria (a) and (b) of the Development Control Statement contained within the Adopted North Ayrshire Local Plan (excluding Isle of Arran) in that the illuminated signbox would have a significant detrimental impact on the amenity of the area by reason of its size, height and visual appearance when viewed from Kilwinning Road and the surrounding areas of housing.

Committee Plans

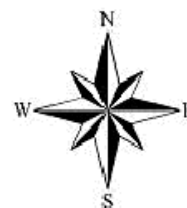
12/00603/ADC



NORTH AYRSHIRE
COUNCIL

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NORTH AYRSHIRE COUNCIL

Agenda Item 5

5 December 2012

Planning Committee

Subject: **Notice Under Section 43 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: 12 Crichton Street, Millport KA28 0ET**

Purpose: To seek approval to serve a notice under Section 43 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring works necessary for the proper preservation of the building.

Recommendation: That the Committee approves the serving of a notice under Section 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

1. Introduction

- 1.1 This report recommends the service of a Notice under Section 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("Repairs Notice") in relation to a building at 12 Crichton Street, Millport, Isle of Cumbrae. A Repairs Notice allows the Council as Planning Authority to serve on the owner of a listed building, which is considered to be in disrepair, a notice requiring works to be carried out which are reasonably necessary for the proper preservation of that building. A Repairs Notice may be a preliminary to the compulsory purchase of a property under Section 42 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 1.2 The building at 12 Crichton Street is a mid-terraced dwellinghouse located on west side of the street, towards its northern end. The property faces onto the seafront and has a rear garden adjoining Crawford Street. The property is a Category 'B' listed building, listed on 14 April 1971 as part of a group inclusive of 12-28 Crichton Street (even numbers only). The property is described as part of a two storey vernacular range facing the sea. The properties have either painted stucco front elevations or are rendered with incised lines in imitation of stone courses. Some of the properties have moulded eaves and slate roofs. The property is located within the Millport Outstanding Conservation Area.

- 1.3 The property is vacant and has been so for several years. Planning permission and listed building consent have been granted in the past for works to renovate the property, however, the permissions have never been implemented and the most recent permissions have lapsed (see details below). The rear of the property and in particular the roof are in a state of disrepair. The rear elevation has not been secured and as there are no fittings in the window openings. The rear roof plane has a large hole which has increased in size in the last year. As a result the interior of the property is exposed to the elements. The disrepair of the property is significantly worsening by the complete lack of protection from wind and water ingress and lack of security.
- 1.4 The condition of the property is such that works are required for its proper preservation. The property is a Category 'B' listed building, forming an integral part of a wider listed terrace and within the Millport Outstanding Conservation Area. Should the property go into further disrepair this may affect the whole listed terrace and the quality of the Outstanding Conservation Area.

2. Current Position

- 2.1 In 2004 a complaint was received about the property. The complaint related to several issues including the property's condition. A letter dated 5 November 2004 was sent, by the then Planning Inspector, to the owner at their registered address. This letter stated that the planning authority continued to receive complaints regarding the condition of the house. The letter requested that the owners take necessary steps to rectify matters. The letter also stated that the condition of the property would continue to be monitored and further action may be taken by North Ayrshire Council at some later date.
- 2.2 On 12 January 2005 an application for planning permission for 'Demolition of existing outhouses and erection of extension to rear, installation of velux windows to front and rear and erection of detached garage to rear' was received by the Council (ref: 05/00034/PP). This application was invalid on receipt. Subsequently a Listed Building Consent application for the same proposal was received 21 April 2005 (ref: 05/00382/LBC), however, this application was also invalid on receipt. The applications were returned to the applicant due to a lack of information on the 27 June 2005.

- 2.3 A further application for planning permission for 'Temporary siting of caravan, erection of rear extension, installation of two front and two rear roof lights, installation of new windows and erection of detached garage to rear' was received 11 January 2006 (ref: 06/00034/PP). An accompanying Listed Building Consent application was also received (ref: 06/00035/LBC). This proposal was granted 23 October 2006 in respect of the permission and 20 November 2006 in respect of the Listed Building Consent. The permission/consent lasted for five years and required details to be submitted to the Council before any works took place. The works permitted by the permission consent have not been carried out and the permission/consent lapsed in 2011.
- 2.4 Following further complaints about the state of the property an inspection was carried out 19 April 2012, this found that the front elevation was in a poor condition, that the rear of the property was not secure and the roof had begun to collapse. A letter dated 25 April 2012 was sent to the owner of the property advising that the Council had continued and increasing concerns with the condition and appearance of the Listed Building. It stated that the condition had a significant adverse impact on the listed buildings along Crichton Street and on the Conservation Area. The letter required a response within 7 days to confirm the owners intentions regarding the property. The letter also stated that failure to respond may result in the Council instigating enforcement action regarding the condition and appearance of the building. No response was received.
- 2.5 A further letter was sent to the owner dated 31 May 2012. This letter stated that there had been no response to the Council's previous correspondence and it was again requested that they respond in writing within 7 days to confirm their intentions regarding the property. No response was received.

- 2.6 A further inspection of the property was carried out on 15 June 2012. This inspection revealed that there had been no improvement in the appearance or condition of the property since the previous inspection. A letter dated 21 June 2012 was sent to the owner at all known addresses, and was also sent by e-mail. The letter stated that the property is Category 'B' Listed and its state of disrepair is of concern to the Council. The letter also stated that there was no valid permission for any works to the property and that the Council requires the securing and making water tight of the property within 7 days. The letter also asked for written confirmation of the works that would be undertaken, including a timescale, to bring the property into a safe, secure state to ensure the future of the property. The letter advised that should the property not be secured within 7 days and the property remain in a poor condition the Council would have no option but to consider formal enforcement action. This could include the issue of formal notices requiring the property be brought into an acceptable condition.
- 2.7 On 26 June 2012 a phone call was received from the owner of the property. He stated he wished to meet with Council Officers to discuss the property. A meeting was arranged for Tuesday 3 July 2012. At the meeting the owner stated that he was trying to sell another property and the money would be used to renovate 12 Crichton Street. The owner asked if there were grants available from the Council to repair the property. He was advised that there were no grants available from either Planning or Building Standards. The owner was advised that the property should be immediately secured and that the appearance of the property should be improved to mitigate its adverse impact on the street scene. In the first instance the building must be secured and the front elevation painted. Securing the property would stop its condition deteriorating. The owner stated that he had previously secured the rear elevation and the roof but that storms had blown down his mitigation measures. He was advised that every time the property was affected by the weather he must immediately re-secure it. The owner was asked to confirm, within a week, his plans and a timescale for securing the property and improving the external appearance. A follow-up email was sent to the owner on 11 July 2012 asking that he confirm that he will secure the property and a timescale for the works.
- 2.8 On 16 July 2012 an email was received from the owner advising that loose paint had been removed from the front elevation and that it would be painted within the week, scaffolding was due to be brought onto site in the next 1-2 weeks to allow works to commence on the roof and that the Council would be kept updated.

- 2.9 An inspection of the property on 8 August 2012 revealed that the front elevation had been painted and the windows and doors on the front elevation secured. In August 2012 emails were exchanged with the owner asking for confirmation of when the scaffolding would be on site to secure the roof and rear elevation. The owner said that they had missed the opportunity to borrow scaffolding but had secured it for the future. The Council requested confirmation of this date but no response was received.
- 2.10 A letter dated 6 September 2012 was sent to the owner, also sent by email. The letter stated that there had been no response to the Council's previous email and that it had been brought to its attention that works to secure the roof have not been carried out and the rear elevation remained unsecured. The letter requested that the property's roof and rear elevation be made secure within 14 days of the date of this letter. The letter also stated that if the property is not brought into an acceptable state the Council will have to consider formal enforcement action which could include the issue of notices requiring the repair of the property.
- 2.11 An inspection of the property on 14 November 2012 revealed that the rear elevation remained unsecured and that the hole in the roof had widened. A letter dated 15 November 2012 was sent to the owner, also sent by email. The letter stated that the property remained in a poor condition and the roof and rear elevation remained unsecured. Due to the ongoing condition of disrepair the letter informed the owner that a report recommending the service of a Repairs Notice under Section 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 was being prepared for presentation to the planning committee. The letter stated that if the Planning Committee agreed the recommendation a notice specifying works necessary for the proper preservation of the building would be served. Such a notice can be the precursor to the compulsory purchase of the property. The letter stated if the owner had any representations to be taken into account when considering the expediency of serving a notice, they should be submitted in writing by return. An email, dated 15 November 2012, was received from the owner. This stated that he was awaiting the settlement of a small inheritance and that they had a meeting with a contractor regarding works and they will advise of the outcome as promptly as possible. A further email, dated 22 November 2012, was received from the owner. This stated that building works should have started 19 November 2012 but were delayed because of weather. The builders would start 'soonest.'

3. Proposals

- 3.1 The condition of the Category 'B' Listed Building at 12 Crichton Street, Millport is such that the future of the building is at risk and has the potential to affect the future of the adjacent listed buildings. All efforts have been made to allow the owner the opportunity to address the Council's concerns, without satisfactory results. Despite several assurances from the owner, works to the rear elevation and roof have not taken place. The matter has been ongoing for several years and the condition of the property deteriorated.
- 3.2. Therefore, in the interest of the proper preservation of the building it is proposed that the Committee approve the serving of a notice under Section 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring the following:
1. Install, maintain and renew as necessary boarding over the windows and doors on the rear elevation of the building, and;
 2. Repair the roof of the property repairing or replacing timber roof joists and replacing roof slates in natural slate in a pattern to match those in situ, all as necessary.

4. Implications

Financial Implications

- 4.1 Should the requirements of the notice not be met the Council can seek authority from the Scottish Government to compulsorily purchase the property and carry out the works themselves. A period of two months, from the serving of the notice, must elapse before compulsory purchase procedures could commence.

Human Resource Implications

- 4.2 N/A

Legal Implications

- 4.3 The proposed notice is in accordance with the statutory regulations.

Equality Implications

- 4.4 N/A

Environmental Implications

4.5 N/A

Implications for Key Priorities

4.6 The proposed notice supports the Single Outcome Agreement, Local Outcome 12A "The Environment is Protected and Enhanced."

Community Benefit Implications

5. Consultations

5.1 Finance and Infrastructure Services have been advised of the report in terms of budgetary provision.

6. Conclusion

6.1 It is considered that the owner of the property has been given sufficient notice and opportunity to secure the proper preservation of this Category 'B' Listed Building. The ongoing state of disrepair of the property puts the listed building at risk and also has potential to affect the adjoining/neighbouring listed buildings. The service of a notice under Section 43 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 would appear the only option to the Council to ensure the proper preservation of this important building.



IAN T MACKAY
Solicitor to the Council

Reference : ID/HW

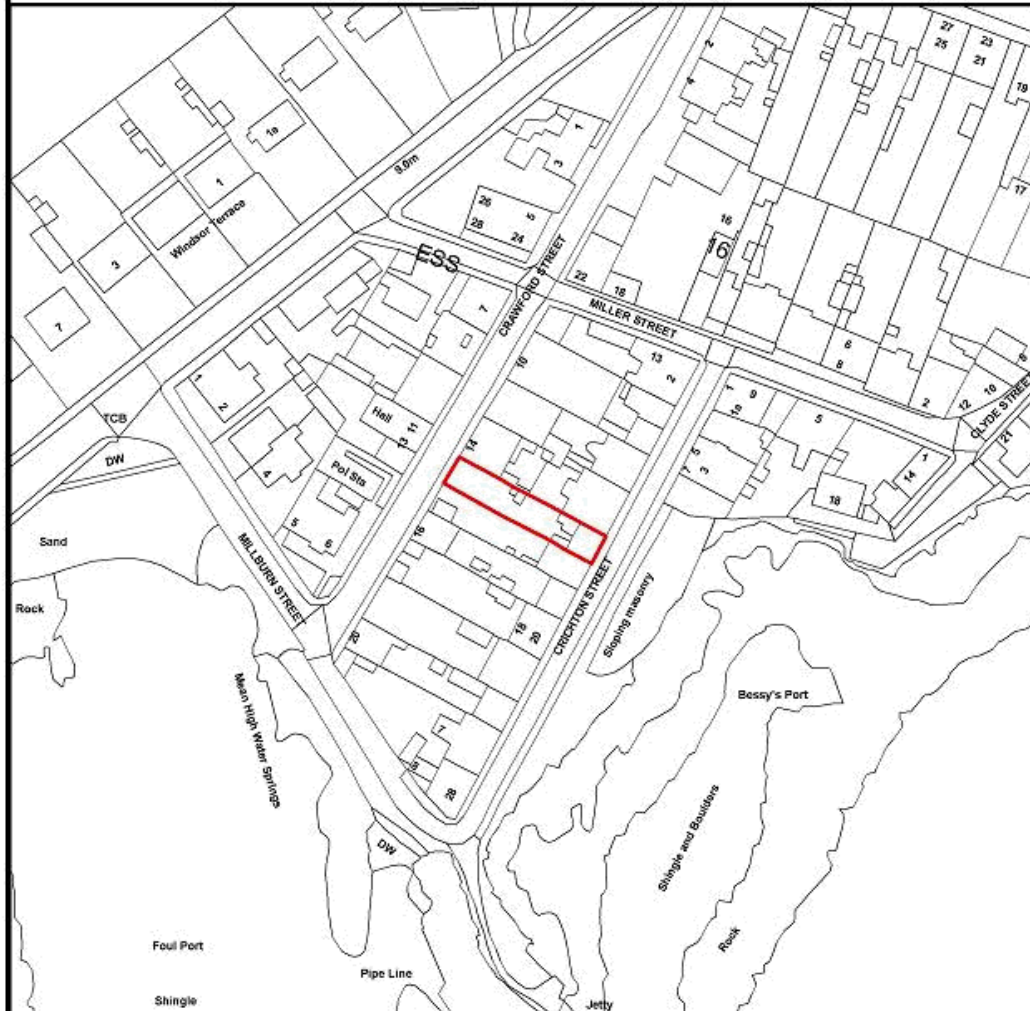
For further information please contact Iain Davies, Planning Inspector on 01294 324320

Background Papers

None

Enforcement Notice

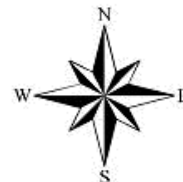
12 Crichton Street, Millport



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NORTH AYRSHIRE COUNCIL

Agenda Item 6.1

5 December 2012

Planning Committee

Subject: **Notice Under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land at 2-6 Mitchell Street, Beith**

Purpose: To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area.

Recommendation: That the Committee approves the serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact of the land on the local area.

1. Introduction

- 1.1 This Report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the land at 2-6 Mitchell Street, Beith. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land which is adversely affecting the amenity of any part of their area a Notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 The land comprises the site of the former 'Coach House' pub at the western end of Mitchell Street on its southern side. The land is situated within the Beith Conservation Area. The land has been vacant for several years.
- 1.3 The remaining demolition rubble from the building, which previously occupied the site, was removed in early 2011. Since that time vegetation has grown on site and the dumping of refuse ('fly tipping') has taken place, resulting in an accumulation of refuse and litter on the land.
- 1.4 The condition of the land, due to the accumulation of refuse and litter, has a significant adverse impact on the amenity of the local area.

2. Current Position

- 2.1 In 2009 a Wasteland Notice was served on the owner of the land in relation to demolition rubble and builders' refuse that had accumulated following the demolition of the building which occupied the site. This Notice was complied with by early 2011, when the last refuse was removed. Planning permission has also been granted for the development of the site: on 7 March 2008 permission was granted for the erection of two semi detached townhouses (Ref: 08/00013/PP) and on 13 April 2011 permission was granted for the formation of car park (Ref: 11/00127/PP). Both permissions remain valid however neither has been commenced.
- 2.2 Following further complaints about the state of the land, in summer 2012, an inspection was carried out on the 21 June 2012. The inspection revealed that rubbish had accumulated on site including the dumping of fridges and other waste items. A letter was sent to the owner at their registered address and care of their agent on the 26 June 2012. This letter stated that the Council has concerns regarding the state of the land, of particular concern was the rubbish accumulating on site. The letter asked that as the owner of the land they take steps to remove the refuse from the land and that they provide written confirmation of their intentions within 28 days of the date of the letter. The letter also stated that where the land is in poor condition the Council as planning authority can require steps to be taken to bring the land into a condition where it does not have an adverse impact upon local amenity. This could include the issue of a formal notice. No response was received.
- 2.3 A further inspection was carried out on the 17 October 2012. This revealed that no work had been carried out to improve the appearance of the land and the refuse and litter which had accumulated remained on site.
- 2.4 A further letter dated 22 October 2012 was sent to the owner of the property. This stated that the refuse dumped on the land remained in situ. The letter again stated that the Council as planning authority can require steps to be taken to bring land into a condition that does have an adverse impact on a local amenity. If a Notice is not complied with, the Council can carry out the requirements itself and then charge the owner of the land for expenses incurred. The letter asked again that they take steps to remove the refuse and provide confirmation of their plans. The letter stated that if no response was received and the refuse remains on the land the Council will have no option but to consider formal enforcement action. No response was received.

- 2.5 An inspection of the site dated 21 November 2012 revealed that the land had not been cleared and that the rubbish and refuse remained on site.

3. Proposals

- 3.1 The condition of the land at 2-6 Mitchell Street, Beith is having a significant adverse impact upon the amenity of the area. The land is located within the Beith Conservation Area. In the interest of the amenity of the area it is proposed that the Committee approve the serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure the following:

(i) Remove all rubbish and the refuse from the land.

4. Implications

Financial Implications

- 4.1 Should any requirement of the Notice not be complied with following expiry of the compliance period the Council as planning authority may enter the land and carry out such steps in order to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person who was the then owner or lessee any expenses reasonably incurred during the carrying out of those works.

Human Resource Implications

- 4.2 N/A

Legal Implications

- 4.3 The proposed Wasteland Notice is in accordance with the statutory regulations.

Equality Implications

- 4.4 N/A

Environmental Implications

- 4.5 N/A

Implications for Key Priorities

- 4.6 The proposed Wasteland Notice supports the Single Outcome Agreement, Local Outcome 12A "The Environment is Protected and Enhanced."

5. Consultations

- 5.1 Finance and Infrastructure Services have been advised of the Report in terms of budgetary provision.

6. Conclusion

- 6.1 It is considered that the owner of the property has been given sufficient notice and opportunity to take steps to abate the significant adverse impact which the condition of the land has upon the local amenity with no action being taken by them to deal with the situation. The service of a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 would appear the only option to the Council to ensure the adverse impact on local amenity is abated.



IAN T MACKAY
Solicitor to the Council

Reference : ID/JW

For further information please contact Iain Davies, Planning Inspector on 01294 324320.

Background Papers

None

Enforcement Notice

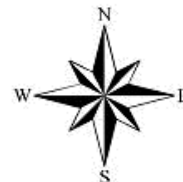
2-6 Mitchell Street Beith



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NORTH AYRSHIRE COUNCIL

Agenda Item 6.2

5 December 2012

Planning Committee

Subject: **Notice Under Section 179 of The Town & Country Planning (Scotland) Act 1997: Land at 3-5 Mitchell Street, Beith**

Purpose: To seek approval to serve a Notice under Section 179 of the Town & Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area.

Recommendation: That the Committee approves the serving of a Notice under Section 179 of The Town & Country Planning (Scotland) Act 1997 to abate the adverse impact of the land on the local area.

1. Introduction

- 1.1 This report recommends the service of a Notice under Section 179 of the Town & Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to land at 3-5 Mitchell Street, Beith. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land which is adversely affecting the amenity of any part of the area, a Notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 The land comprises an 'L' shaped site on the northern side of Mitchell Street. To the west the land is bounded by the rear of 4-8 Wilson Street and a landscaped area, formerly 2 Wilson Street. To the east the land is bounded by the 'Our Lady of Perpetual Succour' church. The land is situated adjacent to the Beith Conservation Area, which ends on the southern side of Mitchell Street.
- 1.3 The land is in the same ownership as 4-8 Wilson Street, which was served with a Wasteland Notice 10th April 2008 ("2008 Notice"). Despite some of the works required by the 2008 Notice having been carried out, the condition of that property has deteriorated and that Notice remains extant.

- 1.4 The land has been vacant for several years with building rubble refuse left on site. A fence had been erected around the site, however, the fence has been in part broken down and this has allowed rubbish and litter to accumulate, with some items apparently being dumped on site.
- 1.5 The condition of the land, due to the accumulation of rubble and refuse, has a significant adverse impact on the amenity of the local area.

2. Current Position

- 2.1 Following complaints about the state of the land in summer 2012 an inspection was carried out on 21st June 2012. The inspection revealed that a fence, which had been erected around the site, had been broken down and builders rubble and other refuse had accumulated on site. A letter dated 26th June 2012 was sent to the owner at all known addresses. The letter stated that the Council had concerns regarding the state of the land, of particular concern was the poor condition of the land, being covered in rubble. The letter also stated that the fence had been erected around the site without planning permission, however, it had been broken down and the remains of the broken section left on site. The letter asked that the land be cleared within 6 weeks of the date of the letter and the fence either removed or repaired. The letter stated that the Council as Planning Authority can require steps to be taken to bring land into a condition where it does not have an adverse impact on local amenity. This could include the issue of formal notices.
- 2.2 On 5th July 2012 a phone call was received from the owner. He stated that he planned to carry out works to both 3-5 Mitchell Street and the adjacent 4-8 Wilson Street during August 2012. The owner was verbally reminded that the Council required the removal of the rubble and the repair of the fence at 3-5 Mitchell Street. The owner was asked to confirm his intentions in writing. No written confirmation was received.

- 2.3 On 13 August 2012 an inspection of the land was carried out. No works had been carried out to improve the appearance of the land. On 16th August 2012 the owner was telephoned. The owner stated he had been unwell and not been able to visit the property, but that they wished to develop both 3-5 Mitchell Street and 4-8 Wilson Street. They were advised to email their proposals and timescale to the Council for consideration. A subsequent email was received from the owner 20th August 2012, stating that they would be grateful if the Regeneration Team would contact them with regards their intention to redevelop the site. An email was sent back to the owner 22nd August 2012 clarifying that the Council was concerned with the immediate condition of the building at 4-8 Wilson Street and the site to the rear, known as 3-5 Mitchell Street. Complaints had been received regarding the safety of the broken fence and they may wish to attend to this immediately. The email stated that if no progress is made the Council would have no option but to consider formal enforcement action.
- 2.4 A further email dated 27 August 2012 was sent to the owner, from the Regeneration Team. This explained that improvements to Wilson Street in the Local Development Action Plan was an indication that the Council would like to further investigate possibilities for encouraging take up of vacant buildings. At this time there were no firm proposals and no funding in place to pursue this action. The email stated that should he have any proposals for the future use of the properties he would be able to discuss these in more detail.
- 2.5 On 17th October 2012 an inspection of the site was made. The land remained covered in rubble and litter had accumulated on site. On 19th October 2012 the owner was telephoned; however, their contact telephone was unavailable. On 22nd October 2012 a letter was sent to the owner by post and email. The letter stated that the land at 3-5 Mitchell Street remained covered in building refuse and the fence that had been erected around the site remained broken. Due to the condition of the land, and as there had been no improvement since previous correspondence despite the owners verbal assurances, the letter stated that the land at 3-5 Mitchell Street should be cleared within 6 weeks. The letter also stated that if there was no improvement in the condition of the land, the Council would have no option but to consider the issue of a Notice requiring the site be cleared and the fence repaired. No response was received.
- 2.6 An inspection of the site dated 21st November 2012 revealed that the land had not been cleared and the rubble and litter remained on site and the fence remained broken.

3. Proposals

- 3.1 The condition of the land at 3-5 Mitchell Street, Beith is having a significant adverse impact upon the amenity of the area. The land is located immediately adjacent to the Beith Conservation Area. In the interest of the amenity of the area it is proposed that the Committee approve the serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure the following:

- (i) Remove all building rubble and all other refuse and litter from the land;
- (ii) Repair and maintain the timber fence around the boundary of the land.

4. Implications

Financial Implications

- 4.1 Should any requirement of the Notice not be complied with following expiry of the compliance period the Council as Planning Authority may enter the land and carry out such steps in order to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person who was the then owner or lessee any expenses reasonably incurred during the carrying out of those works.

Human Resource Implications

- 4.2 N/A.

Legal Implications

- 4.3 The proposed Wasteland Notice is in accordance with the statutory regulations.

Equality Implications

- 4.4 N/A.

Environmental Implications

- 4.5 N/A.

Implications for Key Priorities

- 4.6 The proposed Waste Land Notice supports the Single Outcome Agreement Local Outcome 12A "The Environment is Protected and Enhanced.

5. Consultations

- 5.1 Finance & Infrastructure have been advised of the report in terms of budgetary provision.

6. Conclusion

- 6.1 It is considered that the owner of the property has been given sufficient notice and opportunity to take steps to abate the significant adverse impact which the condition of the land has upon the local amenity with no action being taken by them to deal with the situation. The service of a Notice under Section 179 of The Town & Country Planning (Scotland) Act 1997 would appear the only option to the Council to ensure the adverse impact on the local amenity is abated.



IAN T MACKAY
Solicitor to the Council

Reference : ID/HW

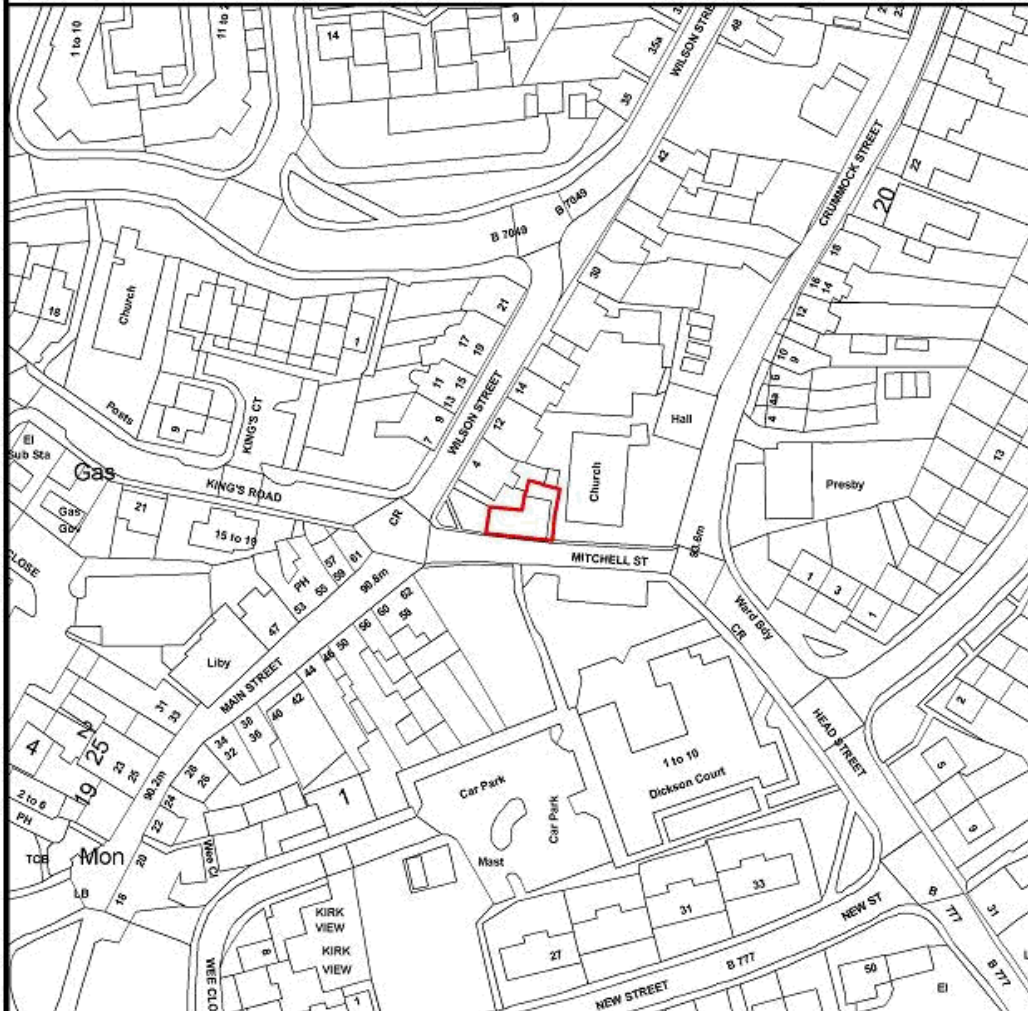
For further information please contact Iain Davies, Planning Inspector on 01294 324320

Background Papers

None

Enforcement Notice

3-5 Mitchell Street Beith



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