
NORTH AYRSHIRE COUNCIL

28th September 2022

Planning Committee

Title: Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former dental surgery, Fergushill Road, Kilwinning, Ayrshire, KA13 7LR

Purpose: To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.

Recommendation: Agree that authority be given to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 in the interests of the amenity of the area

1. Executive Summary

- 1.1 To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.
- 1.2 The former dental surgery building is currently vacant, has been subject to previous break-ins, and has deteriorated in appearance in recent years. It is considered that the condition of the land and the vacant building is harmful to the amenity of the surrounding area on Fergushill Road and poses a safety risk to neighbouring residents.
- 1.2 Complaints were received by Planning Services raising concerns about the condition of the building and site. Officers inspected the site and contacted the owner to raise these concerns. No response has been received to the most recent contacts.

2. Background

- 2.1 Complaints regarding the condition of the former dental surgery building at Kilwinning Clinic on Fergushill Road in Kilwinning were received by Planning Services on the 20th of June 2022. It was reported that the building was not secure and had been subject to issues involving smashed windows and fire-raising. On the 26th of August 2022, further complaints were received that there was a missing panel to the building door which was allowing continued access to the building without restriction.

- 2.2 Planning permission was granted in February 2021 (ref. 21/00019/PP) for the demolition of the vacant dental surgery building and the erection of six semi-detached dwellinghouses to include the formation of access road/parking and provision of garden ground/landscaping. The development has neither commenced nor has any site clearance been initiated.
- 2.4 It is considered that the condition of the land and the vacant building is harmful to the amenity of the surrounding area on Fergushill Road and poses a safety risk to neighbouring residents. The building is not secure and has been subject to previous break-ins and its fabric has deteriorated in recent years.
- 2.5 A previous complaint regarding the condition of the building was received by Planning Services in July 2021. Given the above noted planning permission (ref. 21/00019/PP), the applicant/owner was asked to provide a timescale for the implementation of the permission and the demolition of the vacant building. In response the applicant/owner advised that he was awaiting the approval of a Building Warrant to commence the works.
- 2.6 The Council's Building Standards Team advise that a Building Warrant was granted in February 2021 to the previous owner for the demolition of the building (ref. 20/00682/BW), which remains valid until 9th February 2024. There is no record of an application for a Building Warrant for the proposed development by the current owner. There has been no further indication from the owner as to when the planning permission (ref. 21/00019/PP) is to be implemented nor when demolition works are due to commence.
- 2.5 It is therefore considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require enhanced security measures and to improve the external appearance of the former dental surgery building and its curtilage.

3. Proposals

- 3.1 It is recommended that a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) is served on the landowner to require:
1. The securing of all doors and windows and other entry points into the vacant former dental surgery building by boarding up all openings; and
 2. The removal of graffiti, litter, broken glass, and damaged signs from the site.
- 3.2 The timescale for undertaking such works should be no greater than 6 weeks from the date of the notice.

4. Implications/Socio-economic Duty

Financial

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 to achieve compliance. The Council may then seek to recover from the person(s) who was the then owner (or lessee) any expenses reasonably incurred during the carrying out of these works.

Human Resources

4.2 None.

Legal

4.3 The proposed Amenity Notice would be served in accordance with statutory procedures.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 The proposed Amenity Notice would restore and maintain the amenity of the surrounding area in Kilwinning to an expected condition.

Key Priorities

4.6 The proposed Amenity Notice would support the Council Plan priority: “Vibrant, welcoming and attractive places”

Community Wealth Building

4.7 Any direct action taken under the Planning Acts can support progressive procurement.

5. Consultation

5.1 None.

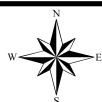
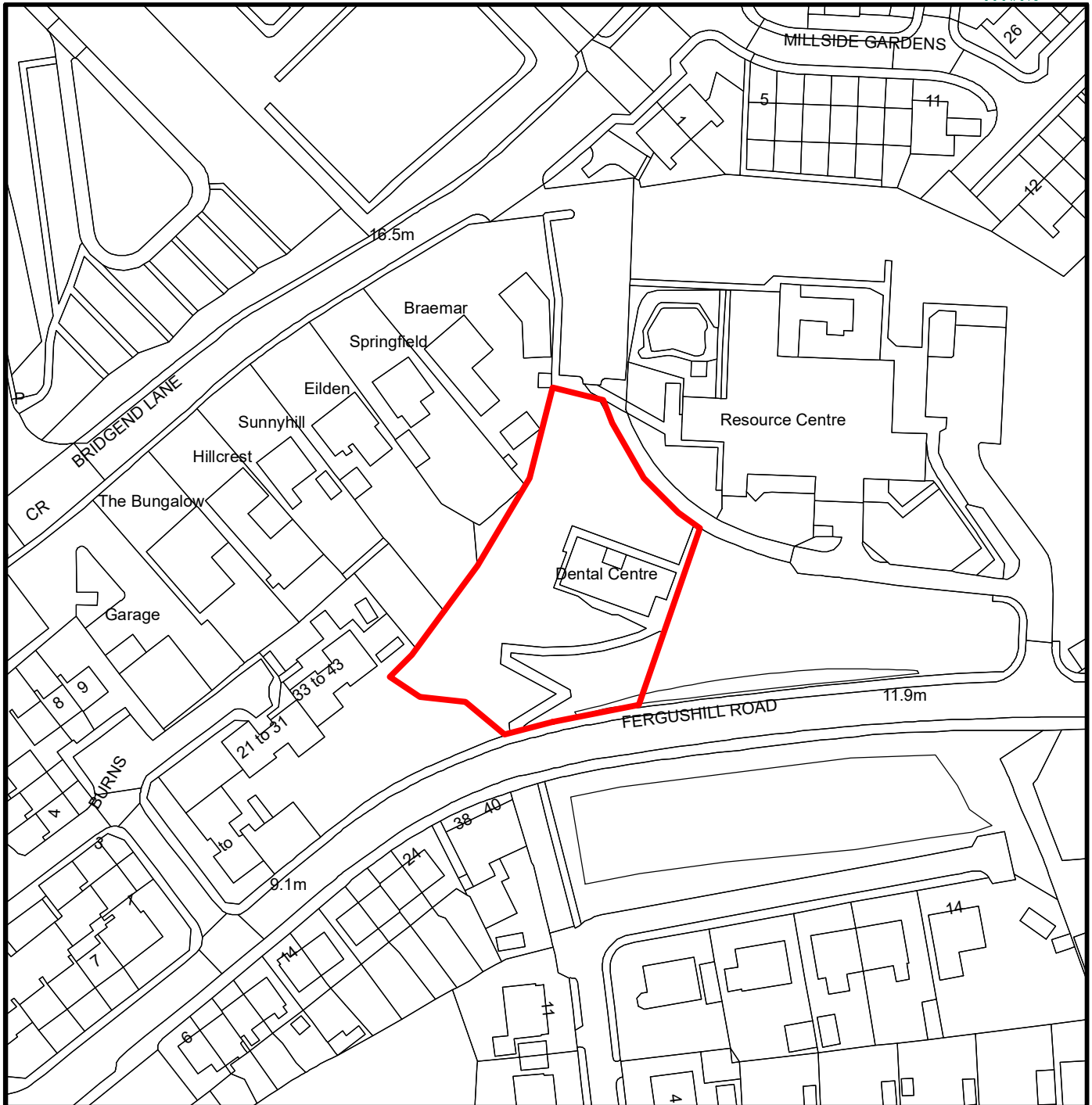
JAMES MILLER
Chief Planning Officer

For further information please contact **Mr J. Thompson, Assistant Planning Officer**, on **01294 324313**.

Background Papers

0

Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Kilwinning Clinic, Fergushill Road, Kilwinning, Ayrshire, KA13 7LR



1:1,250

0 15 30 60 Metres