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## **NORTH AYRSHIRE COUNCIL**

**26 March 2019**

### **Audit and Scrutiny Committee**

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**Title:** **Petition relating to Seafield House, Ardrossan**

**Purpose:** To advise the Committee of the terms of a petition requesting the Council to take actions to protect Seafield House, Ardrossan.

**Recommendation:** That the Committee considers the terms of the petition and agrees, or otherwise, to make a recommendation to Cabinet.

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## **1. Executive Summary**

- 1.1 In terms of the Scheme of Administration, the Audit and Scrutiny Committee has a remit:-
- "To receive all petitions and deputations submitted to the Council except those relating to the Council's planning functions, which shall be considered by the Planning Committee. The arrangements for receiving petitions are as set out in Appendix B to the Standing Orders relating to Meetings and Proceedings of the Council and Committees".
- 1.2 This report sets out the background to a petition supported by 200 signatories, which urges the Council and other public bodies to take action to protect Seafield House, Ardrossan.

## **2. Background**

- 2.1 The petition is detailed below:-

"We petition North Ayrshire Council and other Public Bodies to take action to ensure the fire damage to Seafield House (School) building is repaired soon by the owners where insured, following the recent fire, and it be determined whether there is a reliable commitment by owners to save, restore and convert the building for a future use including possible, sub division as flats, or otherwise that the listed building be made available with minimal garden ground and an unrestricted free access to be restored by a party willing and able to restore it as a single dwelling, and that it under no circumstances be allowed to be demolished now or in the future, even if the land around it is sympathetically developed for housing."

2.2 The following areas of the petition were determined not to be competent as they were outwith the powers of the Council:-

- That the listed building be made available with minimal garden ground and an unrestricted free access to be restored by a party willing and able to restore it as a single dwelling.

*Response: This is outwith the powers of the Council as the Council does not own the site.*

- That it under no circumstances be allowed to be demolished now or in the future, even if the land around it is sympathetically developed for housing.

*Response: The Council cannot pre-determine how it would deal with any application for demolition*

2.3 The Petitioner agreed that the remaining areas be forwarded for consideration by the Committee:-

- To take action to ensure the fire damage to Seafield House (School) building is repaired soon by the owners where insured, following the recent fire; and
- It be determined whether there is a reliable commitment by owners to save, restore and convert the building for a future use including possible, sub division as flats, or otherwise.

2.4 The Head of Service (Economic Growth) has provided a briefing note on the background to this matter, which is set out as an appendix to the report.

2.5 In terms of the procedure for petitions and deputations set out in Standing Orders, representatives of the petitioners have been invited to attend the meeting and to address the Committee. Spokespersons should be restricted to addressing the specific points raised in their petition.

2.6 The spokespersons have, collectively, 10 minutes to address the Committee. This may be extended at the discretion of the Chair.

2.7 Once the Committee has heard from the spokespersons for the petitioners, the Chair will invite Members of the Committee to ask questions of the spokespersons.

2.8 While it is for the Chair to decide the stage at which officers should speak to their briefing, previous Committee practice has been for the Cabinet Member or Officer to speak to this after the Committee has heard from the petitioners. The Cabinet Member or Officer will then respond to any questions that Members of the Committee may have.

2.9 The Committee will then deliberate and determine the matter.

### 3. Proposals

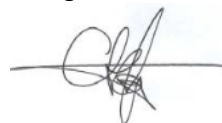
- 3.1 It is proposed that the Committee considers the terms of the petition and agrees, or otherwise, to make a recommendation to Cabinet.

### 4. Implications

<b>Financial:</b>	None at this stage of consideration of the petition.
<b>Human Resources:</b>	None at this stage of consideration of the petition.
<b>Legal:</b>	The powers available to the Council, as Planning Authority are outlined at Section 2.7 - 2.13 of the Appendix.
<b>Equality:</b>	None at this stage of consideration of the petition.
<b>Environmental &amp; Sustainability:</b>	None at this stage of consideration of the petition.
<b>Key Priorities:</b>	None at this stage of consideration of the petition.
<b>Community Benefits:</b>	None at this stage of consideration of the petition.

### 5. Consultation

- 5.1 The Executive Director (Economy and Communities) and Head of Service (Economic Growth) was made aware of the terms of the petition and provided a briefing note which is attached as an appendix.



CRAIG HATTON  
CHIEF EXECUTIVE

For further information please contact **Angela Little, Committee Services Officer** on **01294 324132**.

### Background Papers

Briefing paper by Head of Service (Economic Growth)

- 1.1 The following petition, as amended by the Head of Democratic Services, has been submitted in respect of the former Seafield School, Ardrossan:

“We petition North Ayrshire Council and other Public Bodies to take action to ensure the fire damage to Seafield House (School) building is repaired soon by the owners where insured, following the recent fire, and it be determined whether there is a reliable commitment by owners to save, restore and convert the building for a future use including possible subdivision as flats.”

- 1.2 The property is a Category B Listed Building. It was formerly a school but is understood to have been vacant since approximately June 2015 when the current owner bought the property. Planning Services has been in contact with the owner, about the property, since July 2016. The owner has been made aware of the concerns about the condition of the building and has been advised on how to make the site secure.
- 1.3 The property was subject of a fire in October 2017. This fire was largely contained in the eastern most wing. The structure of the external walls of the wing is understood to be reasonably sound but proper inspection by a qualified engineer would be needed to fully assess the condition.
- 1.4 There are powers available to a Planning Authority, in respect of Listed Buildings where the condition is considered to be of concern. However, there are no powers which can compel an owner to develop a site. The power which directly requires repair can be of significant financial risk to the Council.

## **2. Background**

- 2.1 The property was listed Category B as a building of special architectural or historic interest 26<sup>th</sup> February 1980. The listing includes the boundary gates, piers and railings. The former stable block within the grounds of the property is listed Category B under its own designation.
- 2.2 The property would have originally been built as a private residence. However, it was latterly used as a residential school. It is understood the property was owned by North Ayrshire Council until it was sold to Quarriers. Quarriers was the last organisation to operate the property as a school. The property was bought by D McLaughlin & Sons Limited, a building company, in June 2015 and has been vacant since at least that time.
- 2.3 Planning Services first received complaints regarding the condition of the building in the summer of 2016. The complaints related to vandalism of the building, including smashing of windows. The owner was contacted and advised to secure the property. The property was also attracting anti-social behaviour. As such the owner was advised to demolish the modern extensions of the building which would have provided less cover for unauthorised entry and provide better surveillance across the site. The owner was also advised to secure all door and window openings. The modern extensions were demolished in Spring/Summer 2017.

- 2.4 In April 2017 Planning Services arranged a meeting with the owner regarding this site, and other similar sites in the company's ownership, to discuss any proposals for development. The owner advised that it was planned to develop the grounds of the property for housing and convert the Listed Buildings to flats. However, the owner did not consider that there was demand for housing in the area but would reconsider the matter in two years, and seek planning permission in principle for the site. The owner was advised that the Council's Local Development Plan policies would support the principle of appropriate residential development and the conversion of the Listed Buildings. Planning Services would be willing to provide advice on any proposals brought forward. To date an application for planning permission has not been made and the owner has indicated no willingness to develop the site. The Council has no powers to compel a land owner to develop their site.
- 2.5 In October 2017 a fire damaged the eastern wing of the property. Planning Services contacted the owner at that time advising of the need to secure the site, including boarding of all ground floor windows. These actions were undertaken and Planning Officers have visited the site regularly since that date to review the window boarding. Where the boarding has been removed or otherwise damaged, Planning Officers have contacted the owner to seek replacement. The owner has also been advised to consider metal security shutters. When contacted the owner has generally replaced/re-paired the boards where necessary.
- 2.6 As stated above, a Planning Authority cannot compel a land owner to develop their site. The powers available to the Council, as Planning Authority, in respect of a Listed Building are as follows;
- 2.7 S.42 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act allows a Planning Authority to compulsorily purchase a Listed Building in need of repair. Compensation is payable for such action. However, the Council can seek to pay the minimum if it is considered the listed building has been deliberately left derelict, which is for the Scottish Government to decide. Compulsory purchase can be appealed to a Sheriff on the grounds that reasonable steps to preserve the building have been taken. A 'Repair Notice' is required to be served on the owner first, which gives the owner the opportunity to carry out specified works or repair.
- 2.8 The building now undoubtedly requires repair. However, it may be difficult to determine that the site has been deliberately left derelict, because the owner has taken action the Council has requested up to this point - removing the modern extensions, and boarding the windows. The owner purchased the site in 2015 for £847,500.
- 2.9 S.49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act allows a Planning Authority to carry out any works it considers to be urgently necessary for the preservation of an unoccupied listed building, which can include works for temporary support or shelter. 7 days' notice must be given to the land owner. The Council can seek to recover its expenses from the owner.

The owner can challenge any expenses claim to the Scottish Government who will decide what amounts should be recovered.

- 2.10 It is not known at this point exactly what condition the building is in although it appears sound to the point where urgent works are not necessary. Building Standards advise that the structural integrity of the easternmost section of the building has been compromised as a result of fire damage and the owner has, at the time of the incident, taken action to remove or reduce the danger. The owner continues to take action when requested by Building Standards. It should be noted that any further damage as result of fire, or indeed wind/weather damage etc, may further compromise the structure to a point where total or partial demolition may be the only feasible option to control any risks presented at that time.
- 2.11 S.179 of the Town and Country Planning (Scotland) Act allows a Planning Authority to take action against a site which is of a condition held to cause harm to amenity. A formal notice can be issued on the owner requiring steps be taken to abate the adverse effect. If the steps are not carried out the Council can enter the land, carry out the steps and attempt to recover its expenses. There is a right of appeal against such a notice, including on the grounds that the condition does not harm amenity, the requested works go too far, or the condition is attributable to permitted works.
- 2.12 The steps to be taken must be the minimum necessary to abate any harm to visual amenity i.e. this power could not be used to require the rebuilding of the roof. This power is normally restricted to works such as the clearance of refuse from a site or the boarding of smashed windows. As stated above, the windows have been boarded and generally have been re-boarded on request following site inspections. The rubble in the exterior of the site is attributable to the permitted demolition of the modern extensions.
- 2.13 As stated above none of the powers available to the Council, as Planning Authority, can compel the owner to restore the property and convert it to residential use. This work would require applications for and the grant of planning permission and Listed Building consent. However, the Council's planning policies would be supportive of such proposals. The power outlined at Para. 2.7 above would potentially allow the Council to take control of the site but this would have significant financial implications. The power outlined at Para. 2.9 would allow the Council to undertake works to try and preserve the building, if required, which would have potential ongoing cost implications and would not achieve the restoration or conversion of the building. The power outlined at Para. 2.11 would allow the Council to seek the works to overcome any visual harm from the building, which again would have cost implications and would not necessarily help preserve the building.

### **3. Proposals**

- 3.1 That the Committee note Planning Services actions to date in respect of the property.
- 3.2 That Planning Services again contact the owner to seek assurances regarding the long term condition of the building and any proposals to develop the property.
- 3.3 That Planning Services continue to inspect the property as necessary to ensure that the minimum steps have been taken to prevent further deterioration of the building.
- 3.3 That Planning Services seek authority from the Planning Committee for the issue of notices available under the powers available to the Planning Authority, as considered necessary, should it be considered expedient to do so.