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## NORTH AYRSHIRE COUNCIL

10 September 2019

### Audit and Scrutiny Committee

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<b>Title:</b>	<b>Seafield House, Ardrossan</b>
<b>Purpose:</b>	To update the Committee in respect of the actions requested of Planning Services in respect of the above property.
<b>Recommendation:</b>	That the Committee note: (1) the actions taken by Planning Services to date; (2) the decision of the Planning Committee in respect of an 'Amenity Notice;' and (3) that no further action be taken, at this time, in respect of the service of a Repairs Notice.

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#### 1. Executive Summary

- 1.1 The Committee considered a petition in relation to Seafield House, Ardrossan at its meeting of 26<sup>th</sup> March 2019. The petition requested the Council take action to ensure the fire damage to the building was repaired soon by the owners, that the owners were insured and that it be determined whether there was a reliable commitment by the owners to save, restore and convert the building for a future use, such as subdivision as flats.
- 1.2 The Committee agreed the following;
  - (a) to note Planning Services' actions to date;
  - (b) that Planning Services again contact the owner to;
    - (i) seek assurances regarding the long term condition of the building and any proposals to develop the site; and
    - (ii) recommend increased fencing and/or security to further secure the site;
  - (c) 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;
  - (d) 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 and including Section 179 of the Town and Country Planning (Scotland) Act;
  - (e) that Planning Services explore the option of a Compulsory Purchase Order and subsequent sale to a third party (a back-to-back arrangement); and
  - (f) that an update be provided to the Committee at the September meeting.
- 1.3 This report represents the update requested under (f) above and outlines the action taken in respect of points (b) to (e).

#### 2. Background

- 2.1 The property was listed Category B as a building of special architectural or historic interest, on 26<sup>th</sup> February 1980. This 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 was last used as a residential school. It has been vacant since at least June 2015. The property was subject of a fire in October 2017 which damaged the eastern wing of the property. The property and the former stable block have been the subject of vandalism. Windows on both properties have been smashed. Some windows have been boarded over and some have required to be re-boarded, after the boarding was smashed/removed.
- 2.3 A Planning Authority cannot compel a land owner to develop a site. The powers available to a Council, as Planning Authority, were set out in the report to the Committee of 26<sup>th</sup> March 2019. It was in this context that the Committee agreed the actions set out at 1.2 above. In respect of those actions, the following can be advised;
- 2.4 Action (b) - Planning Services wrote to the owner on the 2<sup>nd</sup> April 2019. This letter set out the findings of the Committee and asked that steps be taken to secure the site and remove the remaining demolition rubble. The letter gave advice on further securing the site and also asked for confirmation of their intentions for the repair and long term use of the site. This letter resulted in a meeting between Planning Services and the owner on the 23<sup>rd</sup> April 2019. The owner was again advised of ways to secure the site and improve its condition. It was agreed that the rubble could be moved to a position north of the former stable block. This would improve the condition of the land, making the rubble less visible, whilst allowing it to be retained for future development. The owner also advised that they were considering developing the site for residential purposes. Planning Services requested that a structural report for the building and a plan for conversion be provided by the owner. The owner was also advised to move the rubble and fence as necessary. Planning Services requested a further meeting in 3 months. No further details have been provided and the owner has not responded to requests for a further meeting.
- 2.5 Action (c) - Planning Services has inspected the property on a monthly basis with the owner having been contacted each month to request the re-boarding/boarding of windows on both Seafield House and the former stables and re-erection of fencing as necessary.
- 2.6 Action (d) - The rubble has not been moved as requested and there is also rubbish and refuse on the site. Some windows within the property have not been boarded as requested. The condition of the land is such that it is considered to harm local amenity. A report has been prepared for the 4<sup>th</sup> September 2019 Planning Committee recommending that authority under Section 179 of the Town and Country Planning (Scotland) Act be granted for the issue of an 'Amenity Notice.' Such a notice, if served, would require the removal of all litter and refuse from the site, movement of all demolition rubble to the north of Seafield Stables and boarding all windows and door opening, with the exception of those on the first floor of the eastern wing of Seafield House (the fire damaged area). There is a right of appeal against such a notice. If such a notice is not complied with the Council can carry out the works itself and seek its costs from the land owner.

- 2.7 Action (e) - Legal Services has advised regarding a potential CPO, that any CPO promoted under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires a 'Listed Building Repair Notice' to be served and thereafter not complied with as a pre-cursor to any action.
- 2.8 The Act makes clear that the compensation value for such action will be based on the assumption that listed building consent would be granted for demolition and/or redevelopment. The cost of CPO could therefore be based on the market value of the site for housing. It is known that £847,500 was paid for the site in 2015 without any permission/consent having been granted for any redevelopment. Therefore, CPO cost could be in excess of the price paid in 2015. The Council can seek a direction from the Scottish Government that the listed building has been left deliberately derelict and therefore the minimum of compensation should be paid. However, there is no guarantee that this would be granted, and therefore the Council could be exposed to significant financial risk.
- 2.9 There are also issues regarding the curtilage of the listed building and the land that would accompany a CPO. The former stable block is listed in its own right. While it has been the subject of some vandalism it is not in need of repair to the extent of Seafield House. Also, within the grounds of Seafield House there is a modern gymnasium building, currently under separate use from the rest of the site. All three buildings share an access from Eglinton Road.
- 2.10 In terms of any back-to-back transfer, the Council would need to identify a developer who was willing to take on a site with an uncertainty over both the price that would have to be paid and the extent of the land which would be purchased. The developer would require the funds to purchase and additional funds to then repair and develop the property. Any development potential would be difficult to calculate without clarity over site area.
- 2.11 For the period from 7<sup>th</sup> August 2019 to approx. 11<sup>th</sup> August 2019, part of the site was occupied as a traveller's encampment. The Council's Gypsy and Travellers Officer gave the land owner advice on the powers available to them. It is understood the owner took legal action and the travellers left. An inspection of the property on the 13<sup>th</sup> August 2019 revealed some more dumping had occurred and windows were again unsecure in the main building.
- 2.12 The Council's Building Standards Service has also been monitoring the site in terms of safety and has advised the owner that improved security for the main building is required, including potentially bricking up ground floor openings. If the owner does not take satisfactory action, Building Standards will consider formal enforcement action under the terms of the Building (Scotland) Act 2003.

### **3. Proposals**

- 3.1 In terms of Actions (b) and (c), that the Committee note the action taken by Planning Services to date. That the Committee note the action taken by Building Standards under the Building (Scotland) Act 2003.
- 3.2 In terms of Action (d), that the Committee note the action taken by Planning Services, including the decision of the Planning Committee in respect of the service of an 'Amenity

Notice.' Planning Services to proceed with any Amenity Notice in accordance with any instructions from the Planning Committee.

- 3.3 In terms of Action (e), that the Committee note the compulsory purchase procedure (CPO) available under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, including the financial risk to the Council. Given the financial risk, it is recommended that any CPO action not be taken at this time.

#### **4. Implications/Socio-economic Duty**

##### **Financial**

- 4.1 Should any requirement of an Amenity 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(s) who was the then owner or lessee any expenses reasonably incurred during the carrying out of these works. Cleansing has been made aware of the condition of the land and the possibility of the Council carrying out the works itself.

The service of a Listed Buildings Repair Notice and subsequent compulsory purchase action carries significant financial risk to the Council, as outlined above.

##### **Human Resources**

- 4.2 None

##### **Legal**

- 4.3 Any action taken under the Planning Acts would be in accordance with Statutory Regulations.

##### **Equality/Socio-economic**

- 4.4 None

##### **Environmental and Sustainability**

- 4.5 None

##### **Key Priorities**

- 4.6 The proposed Amenity Notice and attempts to secure/repair the site supports the Council Plan priority – "Vibrant, welcoming and attractive environment,"

##### **Community Wealth Building**

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

## 5. Consultation

- 5.1 Finance has been advised of the report relating to the proposed Amenity Notice in terms of its budgetary provision.



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For further information please contact **James Miller, Senior Planning Services Manager**, on 01294 324315.

## Background Papers

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