
NORTH AYRSHIRE COUNCIL

24th August 2020

Audit and Scrutiny Committee

Title: Planning Services Update re: Former Seafield School,
Eglinton Road, Ardrossan

Purpose: Update the Committee as requested

Recommendation: That the Committee note Planning Services' update and
progress with direct action

1. Executive Summary

- 1.1 The Committee considered a petition in relation to Seafield House, Ardrossan at its meeting of 26th March 2019. The Committee agreed actions including that they be updated at their meeting of 10th September 2019. Following that meeting, the Committee again asked to be updated in 6 months' time.
- 1.2 The Planning Committee granted authority for the issue of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997.
- 1.3 The Notice was to require: (i) the removal of all litter and refuse from the site; (ii) movement all demolition rubble to the north of the Seafield Stables building, the rubble to be stored so that it is not above the height of the boundary wall with Witches Lynn; and (iii) the boarding of all window and door openings with exterior grade plywood or similar in Seafield House and Seafield Stables, with the exception of those opening on the first floor of the eastern wing of the House (the fire damaged area.)
- 1.4 The Notice was issued 24th September 2019. The Notice took effect on the 24th October 2019 as no appeal against the Notice was made. The compliance period for the Notice expired on the 5th December 2019.
- 1.5 The requirements of the Notice have not been met. Litter and refuse remain on site, the rubble has not been moved and openings are not boarded. The landowner has not carried out the required work despite Planning Services continuing to contact them and seek compliance with the Notice.
- 1.6 The Planning Committee, at its meeting of 24th June 2020 agreed that the Council take direct action and seek its costs from the landowner following any action. Steps to take direct action are under way.

2. Background

- 2.1 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.
- 2.2 A Planning Authority cannot compel a landowner to develop a site. The powers available to a Council, as Planning Authority, were set out in the report to the Committee of 26th March 2019. It was in this context that the Committee agreed the actions including 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.
- 2.3 The Planning Committee authorised the issue of such a Notice at its meeting of 4th September 2019. The Notice was issued 24th September 2019. The Notice took effect on the 24th October 2019 as no appeal against the Notice was made. The compliance period for the Notice expired on the 5th December 2019.
- 2.4 The Notice requires: (i) the removal of all litter and refuse from the site; (ii) movement of all demolition rubble to the north of the Seafield Stables building, the rubble to be stored so that it is not above the height of the boundary wall with Witches Lynn; and (iii) the boarding of all window and door openings with exterior grade plywood or similar in Seafield House and Seafield Stables, with the exception of those opening on the first floor of the eastern wing of the House (the fire damaged area.)
- 2.5 S.35 of the Act allows a Planning Authority to take direction action where any steps required by an Amenity Notice, have not been met within the time specified. The Council, as Planning Authority, may enter the land, take those steps and recover from the person, who is the then owner, any expenses reasonably incurred.
- 2.6 The requirements of the Notice have not been met. The landowner has been contacted but has not complied with the Notice. Planning Services is therefore seeking to appoint appropriate contractors to carry out the work. It is envisaged that the boarding works will be carried out first, with refuse removal and re-siting of the rubble to follow. The smashed windows are considered to have the most immediate impact on the amenity of the area and boarding them will have the additional benefit of providing some protection to the building from water ingress. The Planning Committee agreed this approach at its meeting of 24th June 2020.
- 2.7 The Council's Building Services advise that a contractor is ready to carry out the first phase of the works, namely boarding the windows and doors. It is envisaged that this first phase of works will cost circa. £2000.
- 2.8 The property was inspected again following the Planning Committee's decision. It is noted that the landowner has padlocked the vehicular gates shut. It is still possible to enter the site on foot from the north or through the broken railings of the gates. Following advice from Legal Services, the owner has been written to and requested to provide access through the vehicular gates. They have been given until 12th August 2020 to provide access. Should this not be done, the Council will have to break the lock to gain access and re-secure the gates when the first phase of works is complete. Any costs incurred can be sought from the owner.

- 2.9 Once access to the grounds has been regained, Planning Services will also seek quotes to carry out the remaining phases of work. The potential cost and timescale of the further phases will be dependent upon the condition of the land, which can only be fully reassessed once access has been regained. However, subject to no significant changes from March 2020, securing a suitable quote and continued easing of lockdown, it is envisaged that the further phases will commence sometime in the next quarter.

3. Proposals

- 3.1 That the Committee note Planning Services actions to date in respect of the property.
- 3.2 That the Committee note the Council's progression with direct action seeking compliance with the Notice.

4. Implications/Socio-economic Duty

Financial

- 4.1 The Planning Committee has considered the potential cost to the Council and the scope for the Council to seek to recover its costs.

Human Resources

- 4.2 Ongoing staffing implications for Planning Services.

Legal

- 4.3 The proposed action would be in accordance with the relevant Acts.

Equality/Socio-economic

- 4.4 None

Environmental and Sustainability

- 4.5 None

Key Priorities

- 4.6 Protecting and enhancing the environment for future generations.

Community Wealth Building

- 4.7 Potential for direct action to be carried out by local companies.

5. Consultation

- 5.1 None

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

Background Papers

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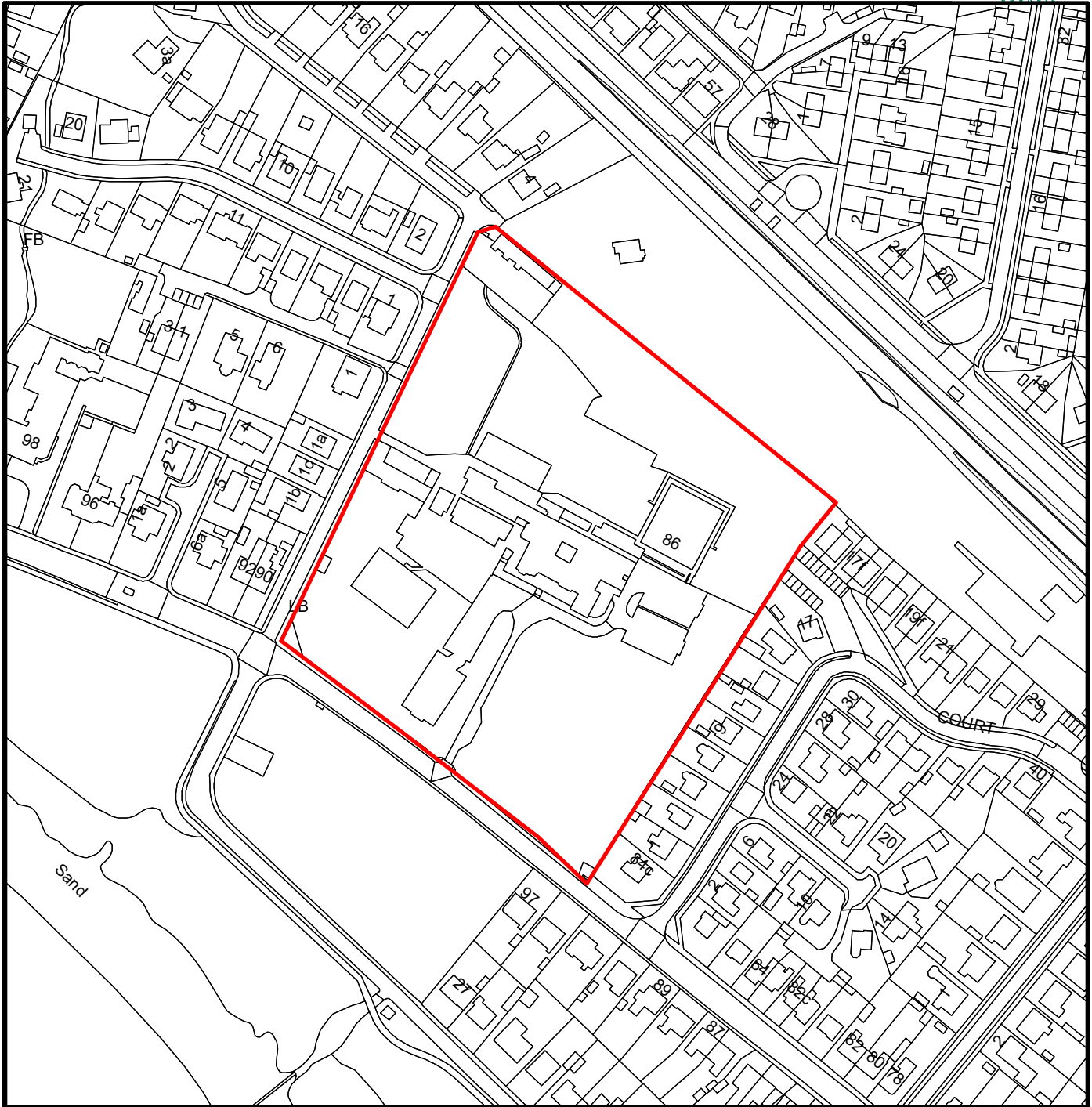


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