

---

# NORTH AYRSHIRE COUNCIL

14 June 2023

## Planning Committee

---

**Title:** Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land at 30-44 Morrison Court, Stevenston KA20 4JS

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

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

---

### 1. Executive Summary

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Amenity Notice") in relation to the building and land at 30-44 Morrison Court, Stevenston. An Amenity 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 effect of the condition of the land.
- 1.2 The property is a four-storey block of flats with amenity space to all sides, understood to be owned in common with the other flats in Morrison Court. In February 2022, Planning received a complaint regarding the condition of the area. Household furniture items had been dumped in various places including the amenity space around this block.
- 1.3 Whilst some of the items have been cleared, further complaints have been received by both Planning and Streetscene this year regarding the condition of the area. The amenity space around this property has been subject to dumping with items of reuse particularly prevalent on the land to the south of the building and in a former bin store to the east. Windows of the entrance area on the southern ground floor elevation have been smashed. The owners of all the flats have been written to. However, no action has been taken in respect of these areas.
- 1.4 The condition of the land is considered to have an adverse impact on amenity.

## **2. Background**

- 2.1 The site is a four-storey flatted building. The building and associated amenity space are some 622sqm in area. The property is on the southern side of Morrison Court, which is a development comprising 4 blocks of flats, detached garages, parking and amenity space. The road is the access to St John's Primary School, Stevenston. The land is identified in the Local Development Plan as part of the settlement of Stevenston.
- 2.2 The site is on the only access to St John's Primary School and is highly visible to visitors to the school. The amenity ground associated with 30-44 Morrison Court adjoins the northern boundary of the school and the site is also visible from within the school and playground.
- 2.3 Complaints about the condition of Morrison Court generally were first brought to Planning Services in February 2022. However, it is understood complaints to other parts of the Council have been made for several years. The site is owned by the owners of the 44 flats on Morrison Court, being some 34 different owners. It is understood the owners have a right in common to the amenity areas. All the owners have been written to requesting steps be taken to clear the land. One owner responded that they would be willing to contribute to a joint clear up.
- 2.4 Some items have been removed from the area. However, the space around 30-44 Morrison Court remains the site of dumping. To the south of the building, mattresses and other household items including furniture have been dumped. On the southern ground floor elevation windows relating to the entrance lobby have been smashed. To the east of the building but again near the southern boundary, dumping has occurred in a former bin store of refuse and household items. The bin store is a low metal frame, and the contents are visible from outwith the site. White goods have also been dumped to the east of the building. This area is visible from both Morrison Court and the school grounds.
- 2.5. Given the above, it is considered that adequate opportunity to alleviate the harm caused by the condition of the land has been given. The condition of the land, which is located next to a primary school, is causing harm to local amenity.

## **3. Proposals**

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The site is within a residential area, adjacent to and opposite residential properties and on the main access to a primary school and is visible from the school.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following.
  - (i) Remove all waste, household items, refuse and litter from the site;
  - (ii) Board the smashed or broken ground floor window openings on the southern elevation with exterior grade plywood or similar and fix shut any open, but not smashed, window openings.

3.3 It is proposed that the owner would be given 6 weeks from the date of any Notice taking effect in which to carry out the requirements.

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

##### **Financial**

4.1 The Council may seek to recover from the person(s) who was the then the owner or lessee any expenses reasonably incurred during the carrying out direct action.

##### **Human Resources**

4.2 None

##### **Legal**

4.3 The proposed Notice is in accordance with Statutory Regulations.

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

4.4 None

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

4.5 The Notice can address complaints about the condition of the site.

##### **Key Priorities**

4.6 The proposed Enforcement Notice supports the Council Plan priority – “Vibrant, welcoming and attractive places.”

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

4.7 None.

#### **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**

0