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**Report to Council**

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**Date of Meeting: 24 June 2021**

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**Subject: Greenfield House Update**

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**Report by: Strategic Director (Place)**

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**1.0 Purpose**

- 1.1. This report provides Members with an update on activity which has been undertaken in response to a range of concerns that have been raised with regard to Greenfield House. These include immediate concerns around safety, security and the internal fabric of the B listed building; and also concerns about the medium to long term future of the building.

**2.0 Recommendations**

- 2.1. Council is recommended to :
- 2.2. note the information set out in this report, and
- 2.3. note that options to bring the site back into Council ownership will be presented in a further report to this Council meeting.

**3.0 Considerations**

- 3.1. At a Special Meeting of Council on 26 March 2015, the Council agreed to confer preferred bidder status on Kapital Residential Limited in relation to the sale of Greenfield House, Alloa. Officers were instructed to proceed to negotiate a sale to the preferred bidder on the basis of the terms submitted in their bid.
- 3.2. The sale of Greenfield House completed on 21 June 2017.
- 3.3. A planning application for Development Comprising Alterations, Including Partial Demolition, Three Storey Extension And Change Of Use Of Vacant Office Building To Form 42 No. Sheltered Housing Flats, Erection Of 6 No. Flats, With Associated Car Parking, Landscaping And Communal Private Open Space was brought before the Planning Committee on 25th August 2016 and full planning permission was granted (reference 16/00068/FULL).
- 3.4. Planning permission for Greenfield House provided until 26th August 2019 for development to commence. The Council formally wrote to Kapital Residential

(the applicant) one year, six months and 3 months prior to the lapse of planning permission. The purpose of this correspondence was to advise the applicant of the lapse date and to offer assistance/advice in discharging pre-commencement planning conditions therefore enabling development to commence. No response to this correspondence was received.

- 3.5. The applicant made contact with the Council in September 2019 seeking to demonstrate that, despite failing to discharge pre-commencement planning conditions, development had been commenced and that the planning permission remained extant. The Council formally confirmed to the applicant, following enquiries and site inspections, on 10th October 2019 that planning permission had lapsed.
- 3.6. This correspondence confirmed, notwithstanding the lapse of planning permission, the Council's commitment to supporting the redevelopment of Greenfield House. This commitment has been repeated in all correspondence with the owner prior to and subsequent to 10th October 2019.
- 3.7. Between 10th October 2019 and 1st March 2021 no further correspondence was received by the Planning Service from the applicant despite a number of requests for contact to be made and continued offers of assistance.
- 3.8. In January 2021, the Council became aware of a YouTube video which showcased unauthorised entry to the property, raising concerns about the security and safety of the site. Subsequent to this, a meeting was called with the owner of the property at the instigation of the Council and Police Scotland. This meeting took place on Monday 1 March 2021, with attendance by the owner and senior officers of the Council, Police Scotland and the Scottish Fire and Rescue Service (SFRS). Councillor Holden, in his role as Convener of Place, also attended the meeting.
- 3.9. At the meeting, the owner agreed to carry out urgent wind and watertight and security works and it is confirmed that these works were completed shortly after. The owner also agreed to improve the perimeter security fencing in response to concerns raised by Police Scotland. To date these works have not been completed.
- 3.10. The owner also agreed to facilitate an internal site visit with officers from the Council, Police Scotland and SFRS present. Council officers suggested that representatives from Historic Environment Scotland take part in this visit also. To date, the owner has not facilitated this site visit, despite several requests to facilitate the same.
- 3.11. Potential options that are open to the Council to address concerns about the future of Greenfield House, together with the safety and security issues highlighted above, include :
  - Compulsory Purchase
  - Enforcement action
  - Bringing the site back into public ownership.

### ***Compulsory Purchase***

3.12. Any compulsory purchase requires the Council to justify why an order is in the public interest and interfering with an owner's legal rights (this requires to be evidenced). Matters to be considered under any CPO are as follows:

- the purpose for which the land is to be acquired are sufficiently important to justify the deprivation of the property;
- all land in question is directly needed for the property delivery of those purposes;
- a less intrusive measure could not have been used for those purposes; and
- a fair balance has been struck between the rights of individual affected and the interests of the community.

3.13. The Council should be able to clearly evidence and justify the following:

- Powers it intends to use and why
- Public Benefit – set out the public benefit vs what would happen if the project did not go ahead
- Priorities – Acquiring Authorities should set out clearly how the CPO will enable it to deliver its own and other organisations priorities
- Land Requirement
- Financial Plans supporting the proposal
- Barriers
- Planning and other permissions
- Alternative Resolution or engagement

3.14. Another consideration the Council will need to take into account is the costs involved in any CPO which will include compensation, legal costs and such other costs in dealing the requirements of paragraphs 3.14 and 3.15. These costs will be considerable for the Council. A number of these costs would still be required to be paid even in the event of an unsuccessful application to the Scottish Government for a CPO. This is not recommended as an option at present.

### ***Enforcement***

3.15. Planning and Building Standards powers only become available after significant building defects occur. There are also potential financial implications for the Council arising from its intervention. An outline of available enforcement powers is provided below;

#### **Building Scotland Act - Building Standards**

- Serving a dangerous building notice (which the building is not as yet) would only require fencing off the site and erection of notices (which are both in place) to alert the public to potential danger and to reasonably prevent public access.

- Serving a repairs notice (a more likely possibility as time goes on) would require repairs to be carried out by the owner to prevent the building becoming dangerous. However if repairs are not carried out by the building owner then the Council would have to meet the costs of these and recharge the owner accordingly. If the owner doesn't pay the Council would have to pursue through the Courts.

### **Planning, Listed Building and Conservation Act - Planning**

- serving a Listed Building repairs notice has the same financial implications in respect of non-compliance as Building Standards repairs notice as detailed above
- 3.16. The lack of contact from/interest by the owner, the Council's limited budget for building repairs and the previous sale by the Council clearly raise significant financial considerations that would have to be considered before serving notices as and when required.

### ***Bringing the Site Back into Public Ownership***

- 3.17. This will require a willing seller and an agreed sale contract.
- 3.18. Further information on this option is presented in a separate report to this Council meeting.

## **4.0 Sustainability Implications**

- 4.1. N/A

## **5.0 Resource Implications**

- 5.1. *Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☐

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

- 5.4. *Staffing*

## **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

## **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ☒)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all ☐
- Our families; children and young people will have the best possible start in life ☐
- Women and girls will be confident and aspirational, and achieve their full potential ☐
- Our communities will be resilient and empowered so that they can thrive and flourish ☐

(2) **Council Policies** (Please detail)

**8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes ☐ No ☐

**9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☐

**10.0 Appendices**

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".  
None

**11.0 Background Papers**

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes ☐ (please list the documents below) No ☐

**Author(s)**

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**Approved by**

| <b>NAME</b>  | <b>DESIGNATION</b>         | <b>SIGNATURE</b>  |
|--------------|----------------------------|---|
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| Nikki Bridle | Chief Executive            |  |