
NORTH AYRSHIRE COUNCIL

23 February 2021

Cabinet

Title:	Demolition Order – 2 Montgomerie Road, Saltcoats
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Purpose:	To seek approval to progress with the demolition of a residential property in Saltcoats confirmed as being below the Tolerable Standard.
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Recommendation:	That Cabinet approves (i) the serving of a Demolition Order at 2 Montgomerie Road, Saltcoats; (ii) that Council officers arrange for the demolition of the property if the owner does not arrange demolition within the set timescale; and (iii) that a Compulsory Purchase Order is sought for the property if the Council arranges for the demolition to be undertaken, to recoup some of the demolition costs through sale of the land.
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1. Executive Summary

- 1.1 Section 115 of the Housing (Scotland) Act 1987 gives local authorities the powers to serve a Demolition Order where a house fails to meet the Tolerable Standard and cannot be brought back up to standard.
- 1.2 A Demolition Order was served on 2 Montgomerie Road, Saltcoats on 15 January 2015, due to the property being below the Tolerable Standard as defined in Section 86 of the Housing (Scotland) Act 1987. The Demolition Order was not taken forward as the owners were deceased and it was not possible to engage with the next of kin at the time.
- 1.3 The condition of the property has not been improved and indeed there has been a continued deterioration of the building. An options appraisal has subsequently been undertaken to determine the most appropriate steps to take to resolve this long-standing issue.
- 1.4 It is proposed that another Demolition Order be served at the property to ensure its validity. Whilst in general the Council would expect owners to assume responsibility for the demolition of their property in these circumstances, it is proposed that the Council arrange for the demolition to take place if no response is received from the owner. It is further proposed that a Compulsory Purchase Order (CPO) be instructed with the intention to sell the land to recoup some of the demolition costs.

2. Background

- 2.1 Section 115 of the Housing (Scotland) Act 1987 gives local authorities the powers to serve a Demolition Order where a house fails to meet the Tolerable Standard and cannot be brought back up to standard.
- 2.2 On 15 January 2015, North Ayrshire Council served a Demolition Order on the two-apartment detached cottage at 2 Montgomerie Road, Saltcoats. The property had been found to be below the Tolerable Standard as defined by Section 86 of the Housing (Scotland) Act 1987. It was in very poor condition with penetrating dampness throughout. The roof was structurally unstable, and the property had no bathroom amenities.
- 2.3 The owners are deceased and it was not possible at the time to engage with the next of kin in relation to the property. No action has been taken by the next of kin with regards to the Demolition Order.
- 2.4 During a recent inspection of the site by Officers, further structural issues were identified and it was confirmed that the metal box on the roof had fallen off, along with some slates. The area was therefore fenced off and doors and windows boarded up to make the site safe. The property sits behind two residential properties in an otherwise attractive neighbourhood.
- 2.5 An options appraisal was developed in order to establish next steps in resolving the issue. The appraisal acknowledged that, whilst it may be possible to bring the building back into use as a residential property subject to structural considerations, costs associated with re-use are likely to be prohibitive. The property has lain empty since 2002 and is in very poor condition.
- 2.6 The validity of the 2015 Order may be in question due to being unable to evidence service of the notice by recorded delivery or any other means. It is proposed that Officers serve another Demolition Order.
- 2.7 Section 123 of the Housing (Scotland) Act 1987 states *“when a demolition order has become operative, the owner of the building to which it applies shall demolish the building within the time limited in that behalf by the order; and, if the building is not demolished within that time, the local authority may enter and demolish the building”*.
- 2.8 It is anticipated that, similarly to the last attempted contact with the deceased owners' next of kin, there will be no response to the Order. It is proposed that, if this is the case, the Council proceeds with arranging the demolition. Costs for this work are estimated at £10,000. A budget for this has been identified by the Regeneration Team.
- 2.9 Furthermore, Section 123 of the Act makes provision for *“where a local authority have demolished a building in exercise of the powers conferred on them by section 123 and the expenses thereby incurred by them cannot be recovered by reason of the fact that the owner of the building cannot be found, the authority may be authorised by the Secretary of State to purchase compulsorily the site of the building, including the area of any yard, garden or pertinent belonging to the building or usually enjoyed therewith”*.

- 2.10 It is proposed that a Compulsory Purchase Order be sought if the Council is required to arrange the demolition. It is estimated that this part of the process will take between six and twelve months to complete, to allow for the appropriate documentation to be served and obtain authorisation from the Scottish Government.
- 2.11 The area does not create what could reasonably be termed a redevelopment opportunity due to a minimal amount of open space solely for its use and existing parking issues in the area. It is, therefore, proposed that the land be sold if it is brought within Council ownership. A valuation was obtained in 2019, which indicated a market value of £2,250 for the land, which would recoup some of the costs of the demolition and CPO.

3. Proposals

- 3.1 That Cabinet approves (i) the serving of a Demolition Order at 2 Montgomerie Road, Saltcoats; (ii) that Officers arrange for the demolition of the property if the owner does not arrange demolition within the set timescale; and (iii) that a Compulsory Purchase Order to be sought for the property if the Council arranges for the demolition to be undertaken to recoup some of the demolition costs through sale of the land.

4. Implications/Socio-economic Duty

Financial

- 4.1 Demolition of this property has been estimated at £10,000 which has been identified within the Regeneration budget 2021/22. Once demolished, a CPO will be sought and, if agreed, it is anticipated that the land will be offered for sale to the two adjacent owners at market value. It is anticipated that the sale costs will not cover costs of the demolition and obtaining a CPO for the property in full.

Human Resources

- 4.2 None.

Legal

- 4.3 Notice will be served under Section 115 of the Housing (Scotland) Act 1987. If the Council requires to arrange the demolition, this will be carried out in accordance with Section 123 of the Act, as will powers to compulsorily purchase the land.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 None.

Key Priorities

- 4.6 Demolishing this property supports the Council plan priority outcome 'North Ayrshire is a vibrant, welcoming and attractive environment'.

Community Wealth Building

- 4.7 If the Council requires to demolish the property, procurement of a contractor for the works offers the opportunity to support local businesses.

5. Consultation

- 5.1 Consultation with Legal and Property Management and Investment Services was undertaken during both the progression of the case and development of this report. Neighbouring residents have also been consulted as part of the options appraisal process to determine their interest in the land.

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Background Papers