

DANGEROUS BUILDING: 5-7 EAST CLYDE STREET, HELENSBURGH

1.0 EXECUTIVE SUMMARY

- 1.1 On Saturday 31st October 2020, building standards were called to a partial collapse of the front elevation of the property at 5-7 East Clyde Street, Helensburgh. Using our statutory powers under the Building (Scotland) Act 2003, to remove the immediate danger to public safety, immediate actions were taken to close the public footpath and road, and the Councils structural engineer was commissioned to provide a report on the building.
- 1.2 The property is privately owned by multiple owners and the Council have no responsibility, other than to our statutory powers under the Building (Scotland) Act 2003, to initiate urgent repairs where the building pose an immediate danger to the public or adjoining properties. There have been previous instances where the Council have instructed urgent works in the absence of any concerted effort by the various owners to undertake any repairs to this unoccupied property. The risk is that it continues to deteriorate and that the Council will have to incur additional costs in the future.
- 1.3 Financial: The Council has undertaken statutory works (circa £85K in total) with little chance of recovering these monies from the various owners. The community are pressing for the Council to secure a permanent solution through compulsory purchase and to demolish the property. The delivery of a permanent solution however would be complex to achieve, given the close proximity/ inter-relationship of adjacent buildings, and would also incur considerable costs well in excess of the asset value of a vacant site or refurbished building.
- 1.4 Recommendations:
 - a. Council note that officers had no option but to instruct emergency works to the property to remove the immediate danger to the public or adjacent buildings, using our statutory powers under the Building (Scotland) Act 2003. These works were to stabilise the building and provide a short-term solution with a potential that further interventions will be necessary.
 - b. Council agree that the best course of action at this stage was to stabilise the building, rather than demolish the property at considerable costs to the Council. Council further instructs Officers to continue to work with owners and other interested parties to identify a permanent solution. This will be the subject of a future report to the appropriate Committee.

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2.0 INTRODUCTION

- 2.1 On Saturday 31st October 2020, building standards were called to a partial collapse of the front elevation of the property at 5-7 East Clyde Street, Helensburgh. Using our statutory powers under the Building (Scotland) Act 2003, to remove the immediate danger to public safety, immediate actions were taken to close the public footpath and road, and the Council's structural engineer was immediately commissioned to provide a report on the building.
- 2.2 The property is privately owned in multiple ownership and the Council have no responsibility, other than to our statutory powers under the Building (Scotland) Act 2003, to initiate urgent repairs where the building pose an immediate danger to the public or adjoining properties. There have been previous instances where the Council have instructed urgent works for this particular property and despite efforts to secure a solution there has been no concerted effort by the various owners to undertake the necessary repairs to this unoccupied property. The risk is that this property continues to deteriorate and that the Council will have to incur additional costs in the future.
- 2.3 Emergency works started on site on the 9th November 2020 to stabilise the building, with the subsequent road closures remaining in place until works are complete. In the meantime, there have been representations received from adjoining residents, community and business and from others, which indicate that the Council should purchase and demolish the building as permanent solution.

3.0 RECOMMENDATIONS

- 3.1 Council note that officers had no option but to instruct emergency works to the property to remove the immediate danger to the public or adjacent buildings, using our statutory powers under the Building (Scotland) Act 2003. These works were to stabilise the building and provide a short-term solution with a potential that further interventions will be necessary.
- 3.2 Council agree that the best course of action at this stage was to stabilise the building, rather than demolish the property at considerable costs to the Council. Council further instructs officers to continue to work with owners and other interested parties to identify a permanent solution. This will be the subject of a future report to the appropriate Committee.

4.0 DETAIL

- 4.1 The Building (Scotland) Act 2003 places a statutory duty on local authorities to undertake works to remove any immediate danger to persons in or about a building or to the public generally or to adjacent buildings or places and to recover costs from the owners of the property. Notwithstanding this, responsibility for any other repairs or remedial works rests wholly with the property owner(s).
- 4.2 There is a longstanding history to the property at 5-7 East Clyde Street, Helensburgh where the Council have had to undertake statutory works due to the dangerous nature of the building. The building is currently unoccupied, with multiple owners, and not in a condition which would allow reoccupation, without significant investment. On completion of the current urgent repairs, the Council will have incurred costs in the region of £85,000 with little likelihood of recovery. That said, we will continue efforts to reclaim this debt off the individual property owners.
- 4.3 The recent partial collapse to the front elevation of the property resulted in the closure of the roadway, footpaths and access to the immediate areas around the property. On the advice of a consultant structural engineer, ATK Partnership, the Council instructed a contractor specialised in this type of work, to carry out repairs under our statutory duties to stabilise the building. The owners were contacted to inform of the intended council action under emergency powers and to ascertain details of their intentions to repair the building, and that we will continue to seek the recovery of the costs incurred.
- 4.4 In consideration of this report it is important to consider the medium to long term options for the building. The options are:

	Option	Assessment/comment
1	Undertake works to stabilise property	<ol style="list-style-type: none"> 1. Immediate danger removed 2. Relies on the multiple owners to undertake works which is unlikely as property is unoccupied and in negative equity; 3. The condition of the building will continue to deteriorate and the council is likely to have to incur further costs removing any danger to the public from dangerous building as they occur with subsequent road closures; 4. Potential risk of further collapse in the future and risk to public safety and economic impact on Helensburgh Town Centre.
2	Undertake works to stabilise property and pursue development opportunities	<ol style="list-style-type: none"> 1. Immediate danger removed; 2. Opportunities exist with the vacant adjoining property and the Arnold Clark garage now empty, which creates a potential site for redevelopment 3. The costs to reinstate the property to a habitable state would be in the region of £350-400k (likely to be near to the high end figure)
3	Demolish the property	<ol style="list-style-type: none"> 1. This would remove the danger and ongoing concerns regarding the property 2. Demolition is highly complex, given the property

		<p>layout and adjacent buildings, with costs in the region of £150-£200k which the Council are unlikely to recover;</p> <p>3. Would not realise a saleable asset.</p>
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- 4.5 By stabilising the building through our statutory powers under the Building (Scotland) Act 2003, this provides an opportunity to actively consider the medium to long term solutions for this building. This is recommended as the best option at this current time and is reflected in the recommendations of the report.

5.0 CONCLUSION

- 5.1 The Council accepts that there is a need to identify a permanent solution to the building at 5-7 East Clyde Street, Helensburgh as it will continue to deteriorate and the Council may continue to incur substantial costs. That said the council is not in a position to undertake a permanent solution at this time given the considerable costs associated with the option to demolish or refurbish with no financial gain.
- 5.2 Consequently, the council's only viable option at this time is to remove the immediate danger to the public as empowered to do under the Building (Scotland) Act 2003. It is further proposed that the Council will continue to actively engage with the owners, and all other interested parties to consider the further options for this building which occupies a prominent position in Helensburgh Town Centre

6.0 IMPLICATIONS

6.1 Policy:	Property not within Council ownership
6.2 Financial	Costs incurred by the Council in delivering its statutory responsibilities are significant, unbudgeted, with low chance of recovery
6.3 Legal	Statutory duty relating to dangerous buildings
6.4 HR	None
6.5 Equality and social economic	Compliant
6.6 Risk	<p>a. Further deterioration with risks to adjoining residents/public and recurring action by Council.</p> <p>b. Not meeting public/community expectation that Council will intervene</p>
6.7 Customer Service	No direct issues

Executive Director of Development and Economic Growth: Kirsty Flanagan

Policy Lead: Councillor David Kinniburgh

9th November 2020

For further information contact Alan Morrison, Regulatory Services Manager
(alan.morrison@argyll-bute.gov.uk : 01546604292)

APPENDICES

Appendix 1 Photographs of 5-7 East Clyde Street, Helensburgh

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5-7 East Clyde Street- affected building