

## Appeal Decision Notice

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Decision by Michael J P Cunliffe, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-350-2000
- Site address: Blackhall Lane, Paisley PA1 1TA
- Appeal by Vinemeadow Ltd against the decision by Renfrewshire Council
- Application for listed building consent 15/0045/LB dated 4 February 2015 refused by notice dated 28 August 2015
- The works proposed: Demolition of Blackhall House including tower, Anchor House and Hamilton House
- Application drawings: Site 1 Location Plan; Drawing No BB (DM) 010, Extent of Demolitions
- Date of site visit by Reporter: 21 January 2016

Date of appeal decision: 12 February 2016

### Decision

I allow the appeal and grant listed building consent subject to the two conditions set out at the end of this notice. Attention is also drawn to the advisory note at the end of this notice.

### Reasoning

1. The determining issues in this appeal are the desirability and the economic viability of preserving the listed buildings, having regard to the duty imposed by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess.

### Description

2. The appeal properties comprise three Category C listed former mill buildings lying to the south of the White Cart Water, north of Blackhall Street and east of Blackhall Lane, all to the south-east of Paisley town centre. Blackhall House, formerly the main mill building, faces onto Blackhall Lane and is four storeys high, with a prominent seven-storey brick tower with decorative roof on the north-east corner. There is a two-storey wing attached to the south side of the main mill building (Anchor House) with a single storey shed attached, and a two storey extension (Hamilton House) to the east of the main building.

3. The list description notes that the buildings are mid-nineteenth century with later alterations and additions. Originally a silk throwing mill, they were converted into a paper mill in the late nineteenth century, and subsequently converted for office use. Walls are of



cream painted brick, with the tower in red brick. There are segmental headed openings with projecting masonry cills, and later wide square headed openings on the ground floor. The top stage of the tower has oculi with yellow brick surrounds, a brick eaves course with masonry cornice platform, and a piended roof with decorative cast-iron brattishing. There is regular fenestration with a variety of multi-pane (predominantly 9-pane) fixed light and top-hopper windows. Roofs are of grey slate, with lead flashings to the tower. Internally, the buildings have been comprehensively modernised and there is little remaining visible evidence of the former industrial use.

4. The Statement of Special Interest records that Blackhall House is a very prominent building whose tower is highly visible from many vantage points across the town. Historically this area was Paisley's industrial heartland, and successive maps show the increasing number of large complexes of mills and other works in the area. The building's regular elevations are good examples of those found on large mill buildings. Blackhall House is notable for its segmental headed openings to all elevations and the round headed windows to the gable ends. The tower is also highly distinctive with its piended roof and brattishing. This mill may well be the only purpose-built silk throwing mill in Scotland, and is important evidence of Paisley's industrial past. The remaining 4-storey range and tower are important examples of industrial architecture and make a valuable contribution to the social and economic history of the town, as well as to its streetscape, and given the loss of many of these types of buildings, are an important survival.

5. The application for listed building consent seeks to demolish all the listed buildings on the site. An associated appeal, PPA-350-2014, seeks planning permission for residential development on the site, and appeal PPA-350-2015 concerns residential development on the adjoining land.

#### *Policy considerations*

6. Scottish Historic Environment Policy (SHEP, 2013) sets out in paragraph 3.50 that it is Scottish Ministers' policy that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Planning authorities should therefore only approve such applications where they are satisfied that:

- a. the building is not of special interest; or
- b. the building is incapable of repair; or
- c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

7. In the Renfrewshire Local Development Plan (LDP, 2014), Policy ENV3 states that the built heritage, including listed buildings, will be safeguarded, conserved and enhanced, where appropriate. The council supports the retention and sympathetic restoration, appropriate maintenance and sensitive management of listed buildings to enable them to

remain in active use. Development proposals will be required to demonstrate that there is no negative impact to their site or setting and that development is in accordance with the New Development Supplementary Guidance (SG). The SG sets out the same tests for demolition of listed buildings as those contained in SHEP and described above.

### *Special interest*

8. The buildings are listed in Category C and are therefore considered to be of less importance than buildings in Categories A and B. In terms of architectural merit, they appear to me to be everyday nineteenth century industrial buildings, generally of a fairly utilitarian character, with a few interesting features as highlighted in the list description above. The upper part of the tower, with its oculi, piended roof and decorative cast-iron brattishing, is perhaps the most distinctive. There are no internal features of architectural interest.

9. Historical interest derives mainly from the building's early history as a silk-throwing mill. I note that it may be the only surviving example of a purpose-built silk throwing mill in Scotland. It is therefore a significant part of the country's industrial heritage, as well as being important evidence of Paisley's industrial past.

10. The buildings, and particularly Blackhall House and its tower, contribute to the townscape of Paisley. They are widely visible, and feature in views from the town centre conservation area. Seen from the Abbey precinct, for example, they provide a lower-key complement to the much larger, and architecturally more distinguished, Anchor Mill when looking north-east. Their loss would make for less interesting views.

11. I conclude that the buildings are of special interest, and that the first SHEP test is not met.

### *State of repair*

12. Managing Change in the Historic Environment: Demolition (2010) states that consent may be granted where it can be shown that a building's condition is beyond repair. In these cases, a clear understanding of the building's condition will always be required. This should take the form of a structural survey prepared by appropriate professionals, such as engineers, surveyors or architects. Structural problems must be carefully described, explained and illustrated to ensure that they can be readily understood, and repair options discussed.

13. Blackhall House and its neighbours have been the subject of a number of condition surveys. A supporting statement for the demolition of the listed buildings prepared by GJ Architects Ltd (December 2011) outlined the state of disrepair of the buildings and cited the conclusions of the structural engineer survey completed by Wren & Bell. While significant deterioration of the fabric was noted, the engineers considered at that time that remediation would be possible.

14. At the request of Historic Scotland, the buildings were inspected in February 2012 by the council's Building Standards Section to assess the situation. It was noted that there was severe cracking in the tower and that parts of the masonry had fallen away. The margins of the round windows close to the top of the tower had deformed. A further

inspection took place early in 2015. However, the building was not assessed to be dangerous in terms of the Building (Scotland) Act 2003 and was not considered to pose an immediate risk to public safety.

15. The most recent survey was completed in November 2015 by Whitecross Building Consultancy and was carried out by chartered surveyors. This found that the building was in a significantly dilapidated condition with widespread water penetration, significant fabric decay and evidence of wet and dry rot throughout. The tower structure was found to be in a dangerous condition and at risk of collapse due to deterioration and movement. There were significant cracks around windows and through brickwork, and water penetration through the roof. Mortar joints in the brickwork were in poor condition. Downpipes were leaking and water running down the elevations. There were missing and damaged windows, and evidence of fungal decay of timbers.

16. My own visit in January 2016 confirmed that the buildings were in a poor state of repair with extensive water penetration and timber decay. The upper part of the tower is showing serious cracking of the brickwork and loss of roof slates. I considered its condition sufficiently unsafe not to proceed above fourth floor level. I have doubts as to whether the upper part of the tower could be repaired in situ. If it was to be retained, it appears to me likely that dountaking and complete reconstruction of the upper part of the tower would be necessary.

17. Overall, I consider it a finely balanced judgement whether the buildings are beyond repair. Deterioration has continued at a worrying rate since the earlier surveys, and it appears to me that any repair programme would need to be extensive and costly. However, I cannot conclude confidently on the evidence that the buildings are incapable of repair, and so SHEP test b. is not satisfied.

#### *Benefits to economic growth and the wider community*

18. While Blackhall House contributes positively to the townscape when viewed from a distance, closer up its poor state of repair becomes apparent and has a negative impact on its immediate surroundings. The removal of the buildings would benefit the amenity of the surrounding area, including residential properties to the south, the occupiers of Anchor Mill to the north-west, and users of the supermarket to the north. The refurbishment of the buildings would, of course, produce a similar benefit. Redevelopment of the site for residential use would increase the supply and diversity of housing in Paisley, which would benefit the economy and the wider community.

19. Guidance in 'Managing Change' indicates that in exceptional circumstances the retention of a building may prevent wider public benefits flowing from the redevelopment of a site. Typically these cases would involve developments of national or regional significance, and applicants will need to demonstrate that there is no practical way of realising the benefits without demolishing the building. The proposed redevelopment of the appeal site cannot be said to be of national or regional significance, so I do not consider that SHEP test c. is satisfied.

### *Economic viability*

20. 'Managing Change' indicates that where the principal justification for the demolition of a building is that the costs of its repair would not be viable, full supporting evidence is required comprising:

- a valuation of the existing building and site;
- a full survey identifying the repairs required;
- development costs including a costed schedule of repairs;
- an estimate of the value of the repaired property, including potential yields.

Where this assessment indicates a deficit, it will normally be a requirement to show that grant aid is not able to meet the shortfall. Where a building is capable of repair, it will always be important to show that the property has been marketed for a reasonable period, to a restoring purchaser at a price reflecting its condition.

21. The appellant has submitted extensive evidence that seeks to meet the above requirements. This includes a costing analysis prepared by Hardies Property and Construction Consultants detailing the costs associated with the proposed development and the costs involved in the retention and re-use of the listed buildings for conversion to residential use. This information described the state of disrepair the listed buildings were in and the significant costs that would be associated with their refurbishment. It identified that a substantial shortfall would be incurred in any refurbishment attempts, and confirmed that the retention of the listed buildings was not economically viable.

22. Following correspondence with the council and Historic Scotland, the appellant submitted a further viability analysis of the proposals. This provides a detailed explanation regarding the costs used in the earlier viability analysis following various queries raised by the council, and included a 5 per cent sensitivity analysis of the viability assessments prepared for three separate options incorporating the retention of the listed buildings. These included:

- Option A – Retain all listed buildings for conversion (48 flats) and new build residential on remainder of Site 1 (6 units)
- Option B – Retain only Blackhall House for conversion (23 flats) and new build on remainder of Site 1 (23 units)
- Option C – Retain only Blackhall House for conversion (23 flats) and new build on remainder of Site 1 and Site 2 (63 units).

23. The original analysis of each of these potential scenarios identified Option C as being the least disadvantageous option. It would result in a total loss on the development of £1,201,856. The sensitivity analysis allowed for a 5 per cent reduction in costs and a 5 per cent increase in sale values, although both of these are assumptions that the appellant considers highly optimistic. Even in this scenario, Option C would still yield a loss on the development of about £57,000, even before the land acquisition cost of Site 2 (which is in different ownership) is taken into account. The inspection survey by Whitecross Building Consultancy together with advice obtained from Chris Mummery FRIAS, a partner in Page and Park Architects who are familiar with the area, reinforces the initial conclusions regarding the condition of the buildings and confirms that the estimated refurbishment costs

were reasonable, and further supports the case that the buildings are beyond economically viable repair.

24. The appellant states that the site, including the three listed buildings, has been marketed since 2007 without generating any tangible interest from individuals or organisations wishing to retain and restore the listed buildings. Earlier marketing appears, however, to have been focused on letting rather than sale. Further efforts were made in the summer of 2015 to market the site for sale, so as to ensure there was no credible interest in purchasing the site for refurbishment. Marketing by GVA James Barr included the firm's own website and other commercial property websites, where the particulars were available to download. Marketing particulars were distributed to all enquiring parties and to GVA James Barr's extensive mailing list of residential and commercial developers and agents. An advertising board inviting offers for purchase was erected at a prominent location on site, and remains in place.

25. A closing date for offers was set on 31 July 2015, to ensure that only purchasers with a credible interest looking to restore the listed buildings would proceed with formal offers. It was GVA James Barr's professional opinion that the 7-week period to market the site was sufficient time to generate any suitable interest. By the closing date, the agents had received only three enquiries about the site, none of which materialised into an offer or indicated interest in the re-use of the listed buildings.

26. The council's planning officers in their Report of Handling noted that the various scenarios tested were all concluded to be incapable of achieving a viable development project. While these scenarios focused on refurbishment for residential purposes, which is arguably the most expensive scenario, it was accepted that refurbishment for other forms of occupation would deliver correspondingly lower returns. There was likely to be little demand for industrial/commercial/business floorspace in such a location, since there already existed an ample supply of modern, good quality industrial /business floorspace, and there were vacant commercial/business premises within Paisley town centre which were better located or provided a better immediate environment or offered support services.

27. Planning officials noted the evidence that marketing exercises had failed to attract any tangible interest and none which was pursued by any of the very limited number of respondents. They concluded that the case for and against demolition was finely balanced. A preservation approach would leave many uncertainties not least whether, if ever, a viable scheme would emerge which would secure the repair, refurbishment and productive re-use of the building and surrounding land. Demolition, on the other hand, could secure the redevelopment of the site in relatively early course, but with the irreversible loss of the buildings. On balance, planning officials considered that the applicant had satisfied the relevant test in SHEP and the LDP, and had demonstrated that the buildings were beyond viable conversion, refurbishment or re-use.

28. The council's Planning and Property Policy Board, however, took the view that the condition of the buildings was not such that their retention was not economically viable. In reaching that view, councillors applied their local knowledge of the area and of these particular premises, and disagreed with the report's conclusions on the application of the SHEP test. While the appellant's supporting information suggested that it was not economically viable to refurbish the building, the Board took the view that it was neither convincingly presented nor conclusively demonstrated. The supporting information did not

demonstrate to the Board's satisfaction that the repair of the building was economically unviable.

29. The council has not provided evidence to support the view of its members that an economically viable scheme retaining the listed buildings would be possible. Neither have I seen evidence that the council has sought to intervene actively to secure the preservation of the buildings.

30. I consider that the evidence provided by the appellant is comprehensive and credible, and is sufficient to demonstrate that the repair of the buildings would not be economically viable. Even on the most optimistic assumptions, and before allowing for the land purchase cost of Site 2, residential conversion would incur a loss. The further deterioration of the buildings since the figures were produced leads me to the view that optimistic assumptions about repair costs would not be justified: if anything, the reverse would apply. There is no indication that a scheme for repairing the buildings for commercial use would be viable, while conversion to retail use would be contrary to planning policies by undermining the viability of the town centre.

31. I also consider that the appellant has made reasonable efforts to market the site to potential restoring purchasers. The marketing exercise in the summer of 2015 appears to have been thorough and was not constrained by an unrealistic (or indeed any) asking price. 'For sale' signs have remained in place and were evident at the time of my visit. Particulars are still available on the GVA website.

32. I therefore conclude that both parts of SHEP test d. are satisfied, in that the repair of the buildings is not economically viable and that they have been marketed at a price reflecting their location and condition to potential restoring purchasers for a reasonable period. SHEP requires that only one of the four tests need be satisfied. The proposed demolition therefore complies with SHEP and with the corresponding LDP requirements.

#### *Other matters*

33. Historic Scotland was consulted at various stages in the application process. Its response highlighted that the building is an important surviving example of Paisley's industrial heritage, and noted its historic interest as the only known surviving example of a purpose-built silk mill in Scotland and its value as a key landmark building, prominent in the town and grouping well with Anchor Mills. In Historic Scotland's view, every effort should be made to retain this building. It suggested that a less expensive programme of work might be achieved if the building was fitted out for light industrial use, and noted that previous schemes involving an element of retail use had been refused by the council on the grounds of development plan policies that seek to keep retail use in the town centre. It suggested that if demolition proceeded, further thought be given to the form and massing of the replacement buildings, and that recreating the outline of the existing building would help mitigate its loss to a certain degree.

34. I accept the historic and townscape value of the buildings. I have dealt above with various options for retaining them in different uses. I do not think that attempting to recreate the building skyline with modern development would be justified. Arguably, such a prominent development could be seen as incongruous and as detracting from the setting of Anchor Mill.

35. I have taken account of the 88 representations made to the council, which argued that the buildings should be retained, that a new use should be found for them, that they represent a significant part of Paisley's industrial heritage, and that opportunities exist for other parties to acquire the building and convert it to other productive uses subject to receiving the necessary grant and funding assistance. I have not, however, seen evidence that any other party has come up with a viable alternative scheme or has applied for grant assistance.

### *Conclusion*

36. The buildings, and particularly Blackhall House, are a significant part of Paisley's industrial heritage and of the townscape. Their loss should be avoided if possible. It is regrettable that they have been allowed to fall into a state of serious disrepair, whereby the escalating cost of remediation and re-use exceeds what is economically viable. I am conscious that allowing demolition for redevelopment could appear to be rewarding neglect. However, I am satisfied on the evidence that repair is not economically viable and that reasonable marketing efforts have failed to produce a restoring purchaser. I have to consider what the alternative to demolition would be. It appears to me unlikely that a viable scheme to save the buildings would come forward, and more likely that they would continue to deteriorate to the point where the tower has to be demolished for public safety reasons, or collapses of its own accord.

37. I have found that the requirements of SHEP and of the development plan are satisfied. I therefore conclude that listed building consent for demolition should be granted, subject to conditions requiring archaeological recording and the start of demolition to await binding contracts for immediate redevelopment of the site.

*Michael J P Cunliffe*

Reporter

### **Conditions**

1. No demolition shall take place until it has been demonstrated to the written satisfaction of the planning authority that signed and binding contracts are in place to secure the redevelopment of the site immediately following demolition, and in a manner consistent with that set out in the planning permission in principle granted under appeal PPA-350-2014. The redevelopment of the site shall thereafter only proceed in accordance with the terms and conditions set out in the planning permission in principle and any subsequent approval of Matters Specified in Conditions.

*Reason: In the interest of amenity and to ensure that the listed buildings are not demolished unless approved development is to take place on the cleared site immediately following their demolition.*

2. Before demolition begins, the developer shall secure the implementation of an archaeological standing building survey of the extant structures, to be carried out by an



organisation which has been approved in writing by the planning authority. The scope of the archaeological standing survey will be as agreed in writing by the planning authority in consultation with the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer and approved by the planning authority shall be provided to the West of Scotland Archaeology Service not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record on completion.

*Reason: To ensure that an appropriate record of the building in its final form is obtained prior to its demolition.*

### **Advisory note**

**The length of the consent:** This listed building consent will last only for three years from the date of this decision notice, unless the works have been started within that period. (See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended).)