

Committee Planning Application Report and Report of Handling in relation to The Planning (Listed Building Consent and Conservation Area Consent Procedure)(Scotland) Regulations 2015

Reference No: 21/02738/LIB
Planning Hierarchy: Local
Applicant: Argyll Community Housing Association
Proposal: Demolition of five tenement blocks comprising 46 flats
Site Address: Block A 19-9E John Street, Block C (1-5 Dalintober and 24-26 High Street), John Street, Prince's Street and High Street, Campbeltown

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Listed Building Consent

- Substantial demolition of Dalintober Estate, a category B listed building

(ii) Other specified operations

- n/a
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(B) RECOMMENDATION:

Recommend that the Council determine to grant listed building consent subject to the conditions and reasons attached, and accordingly notify the decision to Scottish Ministers in light of objections from a statutory consultee.

(C) CONSULTATIONS:

Historic Environment Scotland (HES) (19.08.2022):

Formally **object** to the proposed demolition and note that in the event that the Council as planning authority is minded to grant consent, with or without conditions, then it would be required to notify the decision to Scottish Ministers.

HES object to the application because the applicant has not demonstrated that there is no alternative to the full demolition of the category B listed Dalintober Housing Estate. The current proposal is considered to represent a substantial loss to Campbeltown's heritage and all reasonable options to avoid this loss have not been fully explored.

ABC Design and Conservation Officer (30.08.2022):

It is considered that the applicant has satisfactorily demonstrated that building is incapable of meaningful repair or reuse for modern purposes. It is highlighted that demolishing a listed building is a last resort when every other viable option has been explored. The consideration of substantial or full demolition of a listed building is not something that the planning authority would allow in many circumstances and it is paramount in any application such as this that viable alternatives to demolition must be sought. However in this particular case it is considered that the special interest of this particular heritage asset lies in its massing as a whole group and as an example of a scheme of planned interwar housing. Consent for demolition is considered to be satisfactory in terms of the building being incapable of use for modern purposes whilst retaining its special interest.

(D) HISTORY:

14/00581/LIB – Installation of replacement doors – Withdrawn

15/03083/LIB - Installation of replacement doors – Approved – 16.12.2015

15/03084/LIB – Installation of replacement door – Approved – 16.12.2015

15/03085/LIB - Installation of replacement doors – Approved – 16.12.2015

15/03086/LIB – Installation of replacement doors – Approved – 16.12.2015

15/03087/LIB - Installation of replacement doors – Approved – 16.12.2015

15/03088/LIB – Installation of replacement doors – Approved – 16.12.2015

15/03089/LIB – Installation of replacement doors – Approved – 16.12.2015

15/03110/LIB - Installation of replacement door – Approved – 22.12.2015

21/02558/PPP – Site for Housing Development – Pending consideration

(E) PUBLICITY:

Oban Times / Edinburgh Gazette – Listed Building – Published 04.02.2022; Expired 25.02.2022

(F) REPRESENTATIONS:

(i) Representations received from:

One letter of support has been received from Donald Cameron MSP dated 8th July 2022.

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

- It is stated that the properties at Dalintober were built in the 1930's and have now reached the end of their useful purpose;
- It is stated that the configuration, layout and room sizes are not fit for modern living, and are also of low energy efficiency;
- It is stated that the demolition of the building would create a site for the development of 18 modern new build homes that would meet the needs of existing tenants and others on ACHA's waiting list;
- It is stated that the work required to bring the existing buildings up to required standards would be three times greater than new build housing costs;
- It is stated that the current tenants as well as elected members of Argyll and Bute Council are understood to support ACHA's proposals which are considered to be a practical. Timely and cost effective solution to meet the housing needs of the local community.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|--------------|---|-----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

Supporting information provided as follows:

Submitted 24.12.2021:

- Dalintober Design Competition Report Rev. A Oct. 2021 (ABC Doc. Ref. 22591460)
- Options Appraisal Report Rev. D Nov. 2019 (ABC Doc. Ref. 22591463)
- Listed Building Demolition Statement Dec. 2021 (ABC Doc. Ref. 22591464)
- Tenements at Dalintober – Conservation Architects Report and Survey Interim Report March 2021 (ABC Doc. Ref. 22591465)

Submitted 11.03.2022:

- Feasibility study exploring flat reconfigurations and site options. (5 items ABC Doc Ref.s 22637114 – 22637118)
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- Feasibility Cost Report (Rev. C – 101019) (ABC Doc. Ref. 22637387)
- Report exploring the option of retaining and selling the properties (Ref 280319) 5th Oct. 2018 (ABC Doc Ref. 22637111)

Submitted 16th May 2022:

- Feasibility Cost Report Rev. B 13th May 2022 (ABC Doc. Ref. 22676634)
- Engineering Comment on Options (ABC Doc. Ref. 22676636)
- Response to HES Comments May 2022 (ABC Doc Ref. 22676639)

Submitted 8th July 2022:

- Plan for preliminary options appraisal for retention of Block E (ABC Doc. Ref. 22718152) and Commentary (ABC Doc. Ref. 22718154)

Submitted 31.08.2022:

- Response to HES Objection Letter (ABC Doc. Ref. 22753918)

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: N/a

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

(delete as appropriate)

LDP STRAT 1 – Sustainable Development

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Historic Environment and Archaeology

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013. (delete as appropriate)**

- [Scottish Planning Policy](#)
- Consultee Responses
- [Managing Change Guidance for Demolition of Listed Buildings \(April 2019\)](#)
- [HES Green Recovery Statement April 2022](#)
- [Scottish Government's Housing to 2040 \(March 2021\)](#)
- [Argyll and Bute Local Housing Strategy 2022-2027](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- n/a

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): N/a

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

(P) Assessment and summary of determining issues and material considerations

The application seeks listed building consent for the substantial demolition of a category B listed building as a means to facilitate the redevelopment of the site by a Registered Social Landlord to provide affordable housing.

National policy and guidance is provided respectively in Scottish Planning Policy and Historic Environment Scotland's Managing Change Demolition publication. The latter setting out a presumption against the demolition of listed buildings except where it can be satisfactorily demonstrated that either i) the building no longer merits being listed; and/or ii) that the building is incapable of meaningful repair; and/or iii) that the demolition is essential to delivering significant benefits to economic growth or the wider community. Policy LDP ENV 3 and SG LDP ENV 16(b) of the Argyll and Bute Local Development Plan 2015 set out similar protection for the historic built environment.

The applicant has sought to demonstrate in their submission that the building is incapable of meaningful repair or reuse in any manner that would both retain the special characteristics of the building and provide a viable modern housing development that meets the requirements of the applicant and the Campbeltown community.

Historic Environment Scotland (HES) have formally objected to the application and raised concern that, in their opinion, the applicant has not exhausted consideration of all viable options for re-use/partial retention of the building, and that in the absence of the property being marketed it cannot be satisfactorily established that demolition is acceptable as a means of last resort. HES also raise concern that demolition will release embodied carbon within the existing building.

The Council's Design and Conservation Officer has however provided differing consultation advice which considers that the supporting documentation provided by the applicant is sufficient to demonstrate that the building is incapable of meaningful repair or reuse for modern purposes.

The proposed demolition of the heritage asset would facilitate the redevelopment of the site for delivery of affordable housing and as such would seek to support stated aspirations of both the Scottish Government and Council in this respect.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Listed Building Consent Should be Granted:

It is considered that, notwithstanding the concerns raised by Historic Environment Scotland in their objection, it is the consideration of officers that the applicant has satisfactorily demonstrated that the category B listed building is incapable of meaningful repair or reuse for modern purposes without loss of the key attributes of its distinctive massing and external architectural form that provides its special interest. Furthermore, it is recognised that the demolition of the building would facilitate the redevelopment of the site for affordable housing that would be tailored to meet the housing demand of the local community and would contribute toward local and national targets for delivery of new affordable housing.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/a

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
Requirement under the Planning (Listed Buildings and Conservation Areas)(Notification of Applications) Direction 2015 to notify Scottish Ministers in the event that the Council were minded to grant listed building consent contrary to the advice of Historic Environment Scotland.

Author of Report: Peter Bain **Date:** 11.09.2022

Reviewing Officer: Sandra Davies **Date:** 13.09.2022

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02738/LIB

1. LIB - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 24.12.2022, supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	20351-ECD-XX-XX-DR-A-07001	PO2	14.09.2022
Site Plan	200351-ECD-XX-XX-DR-A-05100	PO2	14.03.2022
Plans and Elevations as Existing	200351-ECD-XX-XX-DR-A-05101	PO2	14.09.2022

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

- This consent will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended).]

2. No Demolition Until A Contract Has Been Let For Redevelopment

No demolition works shall commence until satisfactory evidence has been submitted to the Planning Authority to show that a contract has been let for the redevelopment of the whole site in accordance with proposals for which detailed planning permission/approval of matters specified in conditions has been obtained.

Reason: In order to protect the amenity of the locale and the built environment by preventing the premature demolition of the property concerned, and in order to underpin the justification for development of the building as being essential to delivering significant benefits to the wider community.

Note to Applicant:

- Under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 7(2)(b)(c), applicants receiving consent for works of demolition to a listed building/unlisted building in a conservation area must notify RCAHMS of their intention to carry out the work; thereafter allow RCAHMS reasonable access to record the building for at least 3 months following the granting of consent and the giving of notice to the Commission, during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed or that they do not wish to record it. The RCAHMS contact details are as follows:

The Royal Commission on Ancient Historical Monuments (RCAHMS),
Threatened Buildings Survey,
John Sinclair House,

16 Bernard Terrace,
Edinburgh, EH8 9NX.
Tel. 0131 651 6773

3. **Demolition Method Statement**

No demolition works shall commence until a Demolition Method Statement has been submitted to and approved in writing by the Planning Authority. The Demolition Method Statement shall address the developer's intentions in respect of:

- Demolition Methodology - Type and sequence of demolition and site establishment;
- Disposal of Waste Materials – details of the intended means of disposing of all materials arising from the demolition including any special arrangements required for the potential removal and disposal of hazardous materials;
- Notification of demolition to adjacent property owners and local residents;
- Dust & Noise Reduction Strategy - steps to be taken to minimise the risk and nuisance to adjoining land, building or road users;
- Proximity to Buildings, Other Structures, Roads and Accesses – measures to protect structural integrity, to ensure exposed gables remain weather tight and protection of means of access;
- Traffic Management – to protect safety of pedestrians and vehicular traffic.

The development shall be implemented in accordance with the approved Demolition Method Statement, unless otherwise approved in writing by the Planning Authority.

Reason: In the interest of public safety and in order to protect the amenity of the locale and the built environment.

Note to Applicant:

In devising the Demolition Method Statement consultation should take place with the Council's Building Standards Officers, Environmental Health Officers and the Roads Authority to ensure compliance with other statutory requirements.

4. **Reclamation of Materials**

No demolition works shall commence until a schedule of items to be reclaimed from the site during or prior to demolition has been drawn up in consultation with, and approved in writing by the Planning Authority. These materials and items shall be satisfactorily set aside, stored and/or used in a manner which shall first be agreed with by the Planning Authority, prior to any demolition taking place.

Reason: In order to protect and save materials and items which can reasonably be retrieved, in the interests of the historical and architectural qualities of the building to be demolished.

Note to Applicant:

Consultation with the Council's Design & Conservation Officer should be undertaken in identifying items to be reclaimed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02738/LIB

LAND USE PLANNING AND POLICY ASSESSMENT

A. Policy Context:

This application seeks listed building consent for the demolition of a group of category B listed buildings collectively referred to as Dalintober Housing Estate and comprising 46 flats (Block A 19-9E John Street), Block B, (21-33 John Street), Block C (1-5 Dalintober), and Block E (17-21 Dalintober and 24-26 High Street).

Policy Background:

Scottish Planning Policy 2020 sets under s137 that the planning system should:

- *Promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and life-long learning; and*
- *Enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.*

S141 expands on this and advises that:

- *Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect its setting.*

Historic Environment Scotland's 'Managing Change Guidance for Demolition' (April 2019) is a national statement setting out guidance which includes a number of tests to be applied when considering demolition. *In particular it is highlighted that demolition should only be considered if it can be demonstrated that:*

- *The building is no longer of special architectural or historic interest; or*
- *It is incapable of meaningful repair; or*
- *Demolition is essential to delivering significant economic or wider community benefits.*

If none of the above apply then demolition should only be considered if it can be demonstrated that retention is not economically viable. This should include open and

transparent marketing of the building to demonstrate that every effort has been made to secure a buyer who would retain the building.

HES have also highlighted their Green Recovery Statement April 2022 as a material consideration in the determination of this application. The statement seeks to set out that *“the historic environment can make a vital contribution to Scotland’s green recovery from the pandemic and its transition to net zero and a climate resistant society”*.

The objection from HES highlights *“that the reuse and adaption of Scotland’s existing historic buildings is integral to a net zero transition”*, and identifies that *“the demolition of buildings releases the embodied carbon within them. A well maintained and retrofitted traditional building will emit less carbon by 2050 than if it was demolished and replaced by a new building. Retrofit uses less material (mitigating resource scarcity and damaging extraction) and generates less waste in comparison to demolition”*.

Policy LDP 3 of the Argyll and Bute Local Development Plan 2015 sets out a presumption against development that does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design, and/or where development will have adverse effects on the integrity or special quality of nationally designated built environment sites.

Supplementary Guidance to the LDP provides more specific detail on the approach to demolition of listed buildings. SG LDP ENV 16(b) sets out that proposals for total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by evidence that the building:

1. Has been marketed at a reasonable price for a period reflecting its location, condition, redevelopment costs, and possible viable uses without finding a purchaser; and
2. Is beyond economic repair and incapable of re-use for modern purposes through submission and verification of a thorough structural condition report prepared by a conservation accredited professional and a detailed verifiable breakdown of costs in line with guidance provided in the Managing Change Guidance Note on Demolition.

SG LDP ENV 16(b) also identifies that in exceptional circumstances retention of a building may prevent wider public benefits that may derive from the redevelopment of that site. Justification for demolition in the interest of wider public benefit may be considered in those instances. This justification would only be considered if the proposed redevelopment was of regional or national significance and that clear evidence shows that every effort was made to incorporate the listed building into the new development.

In circumstances where demolition is to be approved SG LDP ENV 16(b) sets out that the planning authority must also approve detailed proposals for the restoration and reuse of the site, including any replacement building or other structures, and may require that a contract be let for redevelopment in advance of demolition in appropriate cases. Appropriate provision is also required by conditions in relation to recording of buildings prior to demolition, confirming the methods of demolition to be employed, and conservation/retention of architectural or other features/materials.

B. Location, Nature and Special Interest of the Buildings

This application seeks listed building consent for the demolition of a group of category B listed buildings collectively referred to as Dalintober Housing Estate and comprising 46 flats (Block A 19-9E John Street), Block B, (21-33 John Street), Block C (1-5 Dalintober), Block E (17-21 Dalintober and 24-26 High Street), and Block F (20-22 High Street).

The application site is a residential development located within the settlement of Campbeltown occupying a substantial site located between High Street, Prince's Street and John Street/Kinloch Park.

The 2 and 3 storey Scots Baronial style development at Dalintober is considered by Historic Environment Scotland to be a distinctive example of planned, interwar council housing estate that was built in 1939. The buildings are a product of the 1930's Housing Acts which placed an emphasis on the provision of generous space standards, larger family homes and higher densities.

The form and massing of the buildings is expressed by symmetrically composed blocks with steep pitched roofs, crow stepped gables and curved bow windows. This bold form makes a strong streetscape contribution to High Street, Prince's Street and John Street.

The statutory listing item LB43081 covers seven distinct tenement blocks that are covered under a single listing. The current application seeks to demolish the five tenement blocks within the ownership of the applicant, Argyll Community Housing Association. For the avoidance of doubt the tenement block on the opposite side of Prince's Street (comprising 3 Queen Street, 18-20 Prince's Street, and 28-30 High Street), and also Block F (20-22 High Street) are not included within the current application for demolition. The application therefore relates to a substantial as opposed to complete demolition of a group of buildings covered by a single listing. It is further noted for clarity that Block F was originally identified in the original submission but subsequently excluded following submission of updated plans on 14th March 2022.

The [statutory listing](#) published by Historic Environment Scotland sets out the following description and statement of special interest:

19-33 (ODD NOS) JOHN STREET, 1-21 (ODD NOS) PRINCE'S STREET, 18 AND 20 (EVEN NOS) PRINCE'S STREET, 3 QUEEN STREET AND 20-30 (EVEN NOS) HIGH STREET DALINTOBER, WITH BOUNDARY WALLS AND GATEPIERS
LB43081

Summary

Category B

Date Added: 28/03/1996

Supplementary Information Updated: 23/04/2018

Local Authority: Argyll And Bute

Planning Authority: Argyll And Bute

Burgh: Campbeltown

NGR NR 72017 20891 Coordinates 172017, 620891

Description

Henry Edward Clifford, 1939. Planned development of 3-storey Scots Baronial tenements, with elevations composed symmetrically to streets. Stugged squared and

sneaked sandstone battered base course to cill height, harled walls above, some elevations with strip of pebble-dash block-finish to ground floor windows and to dormers. Moulded eaves course to principal elevations, square profile to sides and rear. Margins and projecting concrete cills to windows.

19 JOHN STREET: 3-storey, 6-bay symmetrical south elevation, 3-storey bows flanking centre 2 bays, 3-light at ground and 1st floor, tripartite windows at 2nd floor, bipartite windows at bays to outer left and right.

21-33 JOHN STREET: 14-bay south elevation comprising 2-storey and attic 6-bay centre block with flanking single storey and attic 4-bay wings. Two windows at ground floor and tripartite windows at 1st floor of bays flanking centre. Gabled dormers breaking eaves at 2nd floor. Advanced and gabled bays flanking, two windows closely spaced at ground floor, tripartite windows at 1st floor and bipartite windows at 2nd floor. 4-bay wings flanking comprising advanced and gabled outer bays with tripartite windows at ground and 1st floors, 3-bay links with gabled dormers breaking eaves at centre bay and flanking catslide dormers.

1-5 PRINCE'S STREET: tenement on corner site comprising 2-storey and attic corner block with 4-bay elevations to John Street and Prince's Street, symmetrical to corner, and 2-storey 4-bay asymmetrical wing extending to north along Prince's Street. Gabled corner bay with two windows at ground floor, bipartite windows at 1st and 2nd floor, 2nd floor window corniced with panelled apron, datestone in gablehead. 2-bay flanking elevations with gabled dormers breaking eaves at 2nd floor, gabled wings flanking with bipartite windows at ground floor, and tripartite windows at 1st and 2nd floors. 3-bay wing projecting to right of Prince's Street elevation, gabled wing at outer right with tripartite window at ground floor, bipartite window at 2nd floor.

7-15 PRINCE'S STREET: 14-bay east elevation comprising 6-bay 3-storey centre block (matching 19 John Street), flanking 2-storey 4-bay wings, gabled bays at outer left and right with tripartite windows at ground floor and bipartite windows at 2nd floor.

17-21 PRINCE'S STREET AND 24 AND 26 HIGH STREET: mirror image of 1-5 Prince's Street, except for additional wing to High Street matching that on Prince's Street.

3 QUEEN STREET, 18 AND 20 PRINCE'S STREET AND 28 AND 30 HIGH STREET: mirror image of 17 - 21 Prince's Street.

20 and 22 HIGH STREET: 2-storey, 3-bay north elevation. Advanced and crowstepped gable to left with a tripartite window at ground and 1st floor. Dormer windows breaking eaves, central dormer with gablehead.

REAR ELEVATIONS: harled elevations over brick base course, regularly fenestrated with openings of various sizes. Modern tilting plate glass timber windows, some original timber doors surviving, 3-panel flush-beaded entrance doors with 9-pane uppers, and vertically-boarded timber doors to stores. Grey slate piended roof with cast-iron gutters and downpipes, pedimented dormerheads with thistle finials. Harled stacks with deep battered copes and tall black battered circular cans. Harled crowsteps at gables and blind concrete margined slit windows in gableheads.

BOUNDARY WALLS AND GATEPIERS: random rubble battered dwarf walls fronting street elevations, rubble saddleback cope with raised copestones giving crenellated effect. Tapered drum gatepiers, coped with domed caps.

Statement of Special Interest

The Dictionary of Scottish Architects notes that Clifford died in 1932, so it has been assumed that the buildings were executed posthumously.

Minor updates to listed building record in 2018.

C. Is the Building No Longer of Special Interest?

Managing Change guidance identifies that *“in some circumstances a listed building may no longer be of special architectural or historic interest. This might include when there has been a significant loss of fabric or features of interest, or where there have been later alterations that have affected the character of the building”*.

It is observed that whilst the building has been the subject of repair and minor alteration to its fabric over time, most recently through replacement of doors and windows, the key architectural features and form, its scale, massing and contribution to townscape remain intact.

The supporting information provided by the applicant includes information that casts doubt on the Special Interest attribution historical interest of the building design to Henry Clifford and indicates that the building design appears more likely to be the work of less celebrated architects James Thomson & Sons.

HES have acknowledged that the attribution to Clifford was based on information held at the time of listing and that their records will be updated to reflect the applicant's research. They have however also stated that the new attribution does not in their view undermine the purpose of the listing as it is the distinctive massing and external architectural form that creates the buildings significant character and special interest.

Whilst the applicant has sought to contend that the Special Interest of the building is diminished by the lack of certainty over its attribution to Clifford, **officers consider that the relatively intact and little altered state of the buildings would suggest that it continues to merit its listed status.**

D. Is the Building Incapable of Viable Repair?

Managing Change guidance identifies that *“in some instances the repair and reuse of a building is not economically viable. This means that the cost of retaining the listed building would be higher than its end value. Where the cost of works is higher than the end value, the difference is referred to as the ‘conservation deficit’”*.

“The principle of demolition should only be accepted where it has been demonstrated that all reasonable efforts have been made to retain the listed building. The efforts should take into consideration the special interest of the building”. The guidance also identifies that *“this includes undertaking proactive marketing measures”*.

The requirement to consider whether the building is beyond economic repair and incapable of modern use, and marketing of the buildings is also required by the provisions of policy LDP 3 and SG LDP ENV 16(b) of the Argyll and Bute Local Development Plan.

The applicant has through their supporting submissions sought to demonstrate that they have engaged with HES and Argyll and Bute Council since October 2018 as part of their approach to exploring alternatives to demolition. During this time period ACHA

has employed a range of professionals including conservation architects, market and property specialists, architects and structural engineers to review the options and prepare feasibility studies on the viability of retaining the buildings. This included the submission of the 'Dalintober Estate Options Appraisal' report (Nov. 2019) which considered the following options:

- A – Refurbishment of the Buildings
- B – Partial Demolition and Façade Retention
- C – Mothballing of the Site
- D – Sale of ACHA's interest in the Site
- E – Demolition of the Buildings to Facilitate Redevelopment

The options appraisal concluded that option E was the only viable option for ACHA in terms of meeting housing needs of its tenants.

Following review of the initial submission concern was raised by HES that the applicant had not satisfactorily considered all potential options for viability. In response a further options appraisal was submitted in May 2022 that included:

1. Retention and conversion of Block E to terraced houses;
2. Façade retention for Block E to build terraced houses behind, and
3. Façade retention for Block E to build terraced houses (alternative proposal).

The May 2022 options appraisal concluded that from both a design and cost perspective these proposals were not a viable option for ACHA. The achievable layouts would have some difficulty in complying with Building Standards Regulations, would provide limited private gardens, and were not suitable 'family' properties, and would compromise the applicant's vision to deliver a net zero homes for life' development.

Condition of the Building:

The options appraisal identified that the external fabric of the building was consistent with a typical building of its age (80+ years) which had not benefitted from any major investment. Externally the building is finished in roughcast which is past its expected design life of 40-60 years and showing signs of deterioration through cracks and areas of bossed render. The roof covering of slate is original; a traditional slate roof would be expected to have a design life of around 120 years, however the report did flag up concerns relating to the lead flashings which are showing signs of failure and evidenced by water penetration at the chimneys and roof valleys. It is noted that a building within the listing but outwith ACHAs ownership has required a replacement roof and extensive chimney downtakings to combat issues of water ingress. Windows and doors have recently been replaced and in reasonable condition. External areas consist primarily of grass and tarmac which are also maintained in a reasonable condition.

Refurbishment of the Buildings:

(2019 Options Appraisal Report) Option A identified that issues relating to dampness would require to be addressed through replacement roof coverings, flashings and roughcast. Internal works would be required to 12 flats to provide adequate sized modern bathrooms requiring structural alteration and replacement of kitchen and bathroom fittings. Ground floor flats would also require alteration to door frames and provision of access ramps to address accessibility requirements. Door entry systems would require to be installed in common closes and likely to require external additions to accommodate appropriate door widths. The removal of existing internal cavity

insulation and installation of external wall insulation, upgrading of windows, boilers/heating and installation of solar panels were all recommended to meet current energy efficiency standards. Reconfiguration of the building (inclusive of Block F which has subsequently been removed) would reduce the number of existing units from 46 to 28, and would comprise of 8 four-bed houses, 10 maisonettes, 4 three-bed flats, and 6 two bed-flats. It was identified that the proposed housing mix and lack of private garden space did not meet the needs of applicants currently on ACHA's waiting list and as such could not justify the estimated outlay of £2.4m to undertake refurbishment works.

Refurbishment also considered an alternative proposal to convert 6 flats within Block E into a new area office for ACHA. A number of floor layouts were considered and rejected on the basis that they did not meet ACHA's requirements for open plan office space and it was considered that refurbishment would cost more than a new build office of the same size.

(Feasibility Cost Report May 2022) Option 1 considered the option to retain Block E for conversion through internal alteration and refurbishment to create 2 and 3 storey terraced housing. Whilst this option would have the significant benefit of retaining the external appearance of a significant corner block the design of housing provided would be compromised through use of internal wall insulation, technical issues with entrances and stair cases, lack of garden space for the corner unit, and an additional cost of £120k per unit over and above ACHA's typical new build costs which would leave a shortfall in funding of £972k for the conversion works. This option was not considered to be viable by ACHA.

Partial Demolition and Façade Retention:

(2019 Options Appraisal Report) Option B looked at the partial clearance of the site and redevelopment to provide houses tailored to the housing demand and current standards. The 2019 report looked at the demolition of Blocks D, E (&F which has subsequently been removed from the application) and façade retention of Blocks A, B and C to create 10 four bedroom houses with facades retained on the frontage onto John Street/Kinloch Park. This option was not considered in detail as the demand for four-bed houses is low and unlikely to be cost effective.

(Feasibility Cost Report May 2022) Options 2 and 3 looked at different options for façade retention of Block E and provision of new development behind. Whilst these options would have had the significant benefit of preserving the streetscape and massing of the High Street/Prince's Street corner neither was identified to be capable of delivering new housing that met the requirements of ACHA's current waiting list, or which was considered to be cost effective. Option 2 looked at the provision of 7 new build houses behind the retained corner façade, however it was not possible to deliver a design that met ACHA's requirements on housing mix or accessibility, and it was also identified that compromises in design to accommodate the retained façade would give rise to issues on daylight afforded during winter months and inclusion of roof terraces that were no family friendly features. This option was costed at £230k above ACHA's typical new build cost per unit with a projected funding shortfall of £1.6m. Option 3 looked at a new build housing mix better attuned to demand as identified in the Housing Need and Demand Assessment. The design was again however compromised by the requirement to work around the retained façade and was considered unlikely to comply with Building Regulations and Housing Standards. The additional cost per unit over normal ACHA build costs was identified as £244k per unit with an overall funding shortfall of £1.7m.

Mothballing of the Site:

(2019 Options Appraisal Report) Option C identifies that mothballing would involve the relocation of existing tenants and then only providing basic maintenance of the properties. Public consultation by ACHA identified strong opposition to this option with concerns raised about the security of empty properties, and the appearance of boarded up windows being a blight on the locality. Whilst this option would avoid demolition of the building and would solve immediate issues it would only offset the requirement to provide a long term solution and would only be desirable if it were desirable to pursue one of the alternative options and it was reasonably expected that a future change in circumstances would be likely to improve the prospects for that being deliverable.

Sale of the Site:

(2019 Options Appraisal Report) Option D of the report notes that ACHA have already extensively marketed the properties for rent with little success. The appraisal considers both sale of the whole estate and piecemeal disposal. The appraisal notes that any prospective purchaser would be likely to face similar issues to ACHA in relation to the requirement for significant investment to bring the properties up to liveable standard but no guarantee that demand in the local market would support the investment. Further supporting information submitted in July 2022 advises that sale of the site was also identified to be impeded and the applicant has advised that the Scottish Housing Regulator expressly forbids Registered Social Landlords from offering a tenanted property for sale. A tenant ballot would require to be undertaken to allow any transfer (sale) of a tenanted property and this could only be to another Registered Social Landlord. The three other Registered Social Landlords in Argyll and Bute have declined any interest in the Dalintober Estate.

The applicant has also appointed DVS Property Specialists to review market conditions and economic viability. Their report identified that there is a lack of demand for flats in the locality which would likely require lengthy marketing periods to achieve sales observing that many other flats in Campbeltown remain unsold despite extensive marketing periods and indicates a likely lack of interest from private investors in a property of this type. The report also identifies that the properties within the Dalintober Estate are not perceived to be desirable within the wider community.

Summary:

The applicant has set out the position that they believe that the alternatives to substantial demolition have been fully explored and are comprehensively presented in the supporting reports.

HES acknowledge in their consultation response that *“the current layout of the buildings, and their energy efficiency, does not meet the needs of the applicant or the wider community”*. They also note their understanding *“that constraints on funding streams available to the applicant to repurpose the buildings limits the applicant’s viable options”*, and acknowledge that *“additional work has been undertaken by the applicant to consider a range of adaption/façade retention options”*.

HES have however also stated that they do not consider *“that all options short of complete demolition of the estate have been adequately explored”*. The response identifies that further options including the reconfiguration of internal layouts and rear elevations, the introduction of private front and rear entry doors, improvements to close entrances, enhancement of the buildings thermal performance, action to address

dampness, and conversion of flats to terraced houses could all be included in the potential options. HES have also identified that they *“are open to options that include retention of a key block, or number of blocks, that best express Dalintober’s form, massing and architectural style while demolishing other buildings to provide scope for new development. The retained block/s could then be repurposed either by the applicant or marketed with an agreed design brief”*. HES also note the applicant’s stated position on the marketing of the property but comment that they consider *“it should be possible to market the properties if the remaining tenants have been rehoused or to market part of the estate that is untenanted”*. HES also state that *“undertaking a targeted marketing exercise with an agreed design brief setting out the scope for intervention and potential for partial, selective demolition would establish if there were buyers who could retain the listed buildings”* noting that this could include commercial uses as part of a mixed use development.

The Council’s Design and Conservation Officer has commented that ACHA’s claim that they would be unable to sell the building to any other party than another RSL does not appear to be wholly correct as guidance on the Scottish Housing Regulator website relating to the disposal of land by an RSL includes discussion on disposal to a person or body other than an RSL although it is acknowledged that such matters are subject to regulation that seeks to protect the rights of existing tenants and requires their consultation in such matters.

The Council’s Design and Conservation Officer further comments that they do consider that the applicant has undertaken appropriate analysis as to whether the building is capable of meaningful repair as per the requirements of national HES Managing Change guidance on demolition. It is observed that the local provisions of LDP ENV 3 and SG LDP ENV 16(b) of the LDP do not unfortunately dovetail with the HES guidance but is nonetheless a material consideration that must also be considered. The LDP policy asks whether the building is beyond economic repair and incapable of reuse for modern purposes thereby amalgamating the two points which HES consider separately. **The latter part of the LDP clause alludes to meaningful repair, and as per the HES guidance, does not then lead to a requirement for marketing of the building where it is established that the building is incapable of meaningful repair.** The Council’s Design and Conservation Officer further advises that this is a unique case and as such would not set a precedent for demolition without marketing.

E. Is the Building Incapable of Meaningful Repair?

Managing Change guidance identifies that *“most traditionally-built buildings, even those in an advanced state of decay, can be repaired. There are occasions when repairing and reusing a listed building would lead to extensive loss or replacement of fabric, which would have a consequent effect on its special interest. If repairing a building cannot preserve its special interest, it is not capable of meaningful repair”*. It is further clarified that *“this issue separate to that of economic viability of any repairs”*.

HES have identified in their consultation response that it is the *“distinctive massing and external architectural form that creates the buildings’ significant character and special interest”*.

The Council’s Design and Conservation Officer has commented that, in their view, the applicant has demonstrated that the 1930’s layouts cannot be retained in a manner that meets current requirements for energy efficiency and modern living space, no matter the level of retention of the exterior. It is further observed that, whilst the crow-stepped gables and curved bow windows add interest, that these do not amount to such significant interest without the overall massing of the buildings to make façade

retention of one or more block sufficient to retain the current special interest of the overall Dalintober Estate. **It is on this basis that officers consider that the applicant has sufficiently demonstrated that the building is incapable of meaningful repair or re-use for modern purposes.**

F. Is the Demolition of the Building Essential to Delivering Significant Benefits to Economic Growth of the Wider Community?

Managing Change guidance identifies that *“some projects may be of such economic or public significance that their benefits may be seen to outweigh the strong presumption in favour of retaining a listed building.”* It is further discussed that *“if the proposals involve a new development on the site, planning permission for the replacement development should be demonstrated as being in line with local and national policy. Unless this can be done, there is no certainty that planning permission will be achievable. This would make it impossible to ensure that the benefits were going to happen, and the demolition would therefore not be justified”.*

SG LDP ENV 16(b) similarly offers qualified support for demolition that would facilitate a redevelopment of a site demonstrated to be merited for wider public benefit of regional or national significance where it has been demonstrated that the listed building cannot be meaningfully incorporated into the new development, or that every effort to place the new development in an alternative location was made.

The applicant has confirmed that they currently have no alternative sites within Campbeltown on which they are able to deliver a housing scheme of the scale required. The applicant has also advanced the argument that the listed building cannot viably be incorporated into a re-development of the site for social housing in a manner which would both satisfactorily address the local requirements for housing or other regulatory requirements, and result in any meaningful retention of the building which enhances or preserves the qualities which are attributed to its special interest.

The importance and requirement to deliver affordable housing is a national objective and underlined by the Scottish Government's vision statement 'Housing to 2040' which seeks to deliver 100,000 affordable homes by 2032 as part of a 20 year vision for housing. This includes an aspiration for all new homes delivered by RSLs to be zero emissions by 2026, and supporting housing development in rural and island areas helping to prevent depopulation and enabling communities to thrive.

The Council's Local Housing Strategy 2022-2027 identifies that 11% of housing stock in Kintyre is ineffective and that further development would support regeneration and positive economic growth. It identifies that *“the focus in Kintyre remains on repairing, maintaining and managing existing stock but that there is scope for some judicious new build developments in line with repopulation and growth agendas for the area. Tackling fuel poverty and improving energy efficiency remains priorities.”*

Whilst the applicant has stated their intent to redevelop the site to provide affordable housing that meets local demand and it is the **consideration of officers that the applicant's intent to redevelop the site can be aligned with matters that are arguably of regional and national interest in relation to meeting targets for delivery of affordable housing.**

Demolition and Redevelopment:

(2019 Options Appraisal Report) Option E only puts forward a summary case for demolition, clearance of the site and its redevelopment with housing tailored to meet

housing demand. The original submission is however also accompanied by a supporting information that sets out detail of a design competition run with the RIAS to identify an architect to take forward a zero-carbon design approach to redevelopment of the site, and the public consultation undertaken as part of this process. The report identifies that 12 entries were received that were initially scored by ACHA and the RIAS with an 80% Quality Score and a 20% Price Score; four finalists proceeded to an interview stage with the judging panel which also included community representation and a public consultation.

The applicant has not however as yet produced a detailed design solution for the redevelopment of the site although an application for planning permission in principle (ref. 21/02558/PPP) has been submitted for consideration of the Council. The Design Statement for that application identifies that a pre-demolition audit would be undertaken with the aim of re-using as many of the existing building components as possible in order to both lower loss of embodied carbon through demolition but also to save elements of the building design and reuse these within the redevelopment. Whilst the project architects have initiated discussions with officers to further explore their ideas for a design solution these remain at concept stage and have not been submitted for consideration at this time. It has also been communicated that the applicant requires to obtain certainty on their ability to demolish the existing buildings before they are able to commit to the significant investment required to flesh out a detailed design for the redevelopment of the site and as such is unable to do this until both listed building consent for demolition and planning permission in principle for the redevelopment of the site have been attained. The applicant has also identified that maintaining the status quo is also not a viable solution as the vacant properties within the Dalintober Estate cost approx. £200k to retain the properties when void rent loss is considered. This presents a 'Catch-22' position as both the Managing Change guidance and SG LDP ENV 16(b) of the LDP set out an expectation that the applicant can demonstrate their ability to deliver a high quality redevelopment of the site and the benefits that this will entail as part of the justification for the demolition of a listed building. In this instance it is however recognised that the applicant has engaged with both the Council and HES over a period of four years with a view to addressing a longstanding issue of vacant property within the Dalintober Estate and use of the site to address current demand in the locality for affordable housing. Whilst it would not be appropriate for the Council to seek to determine the related application for planning permission in principle ahead of the issue on demolition being definitively resolved it is however possible to identify that, aside from historic environment constraints, no other fundamental barrier to the redevelopment of the site for housing development has been identified to date and as such the key issue in this respect, would be to identify the extent to which the principle of demolition can be accepted and how this should influence the definition of conditions setting out the parameters for the siting, design, and finishes for the redevelopment, and extent to which this should incorporate elements of the existing buildings/materials/architectural detailing.

The Council's Design and Conservation Officer has noted that in seeking detailed planning approval, the applicant will require to demonstrate a detailed site and contextual analysis considering the historical assets within the setting of this site, as well as giving consideration to the existing building and how any elements should be replicated or acknowledged in some regard. HES's guidance on New Design in Historic Settings provides relevant guidance and notes that *"a modern building which disregards its setting is very likely to be regarded as unsuccessful both now and in the future"* and that *"new design should consider and respond to those layers of history – the narrative of the place. Analysis of historical maps along with archive material and published sources are very useful analytical tools to understand the historical development of a place"*. In the context of the Dalintober Estate it is highlighted that

Block E forms a strong corner element that is currently mirrored to the east by a block that will not be demolished; the treatment of this corner is critical to retain a sensitive relationship to the remaining streetscape. Additionally as the crow-stepped gables and curved windows form part of the special architectural interest then consideration could be given to incorporation of similar detailing in the new scheme.

This is again a relatively unique position where there is general support in principle within the LDP for the use of the site for affordable housing as per the intent of the applicant but where the actual design solution and the extent to which this might reutilise elements of the existing building or reflect its scale/massing/architectural features remains unspecified.

In the absence of a detailed design solution for the site it is considered that it would be appropriate to underpin any acceptance of the principle of demolition to ensure that no demolition works can commence until such time as detailed planning permission for the redevelopment of the site for affordable housing is in place, and that a contract has been let for the implementation of the approved redevelopment scheme.

It is considered that the use of appropriately worded suspensive conditions would ensure compliance with Managing Change and SG LDP ENV 16(b) in this particular respect.

G. Carbon / Net Zero

HES have expressed concern in their consultation response that the demolition of the building would give rise to the release of embodied carbon and generation of waste, and highlights that an appropriate scheme for the re-use and adaption of historic buildings might be expected to emit less carbon by 2050 when compared to demolition and replacement by a new building.

The Council's Design and Conservation Officer in their response notes the importance of embodied energy being given due consideration in any application but advises that in the case the applicant has demonstrated that the only feasible option in terms of providing accommodation that potentially meets RSL needs would be façade retention, which would account for a small portion of the overall embodied energy within the scheme.