

**WEST DUNBARTONSHIRE COUNCIL****Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 14<sup>th</sup> December 2022**

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**DC22/088/LBC: Demolition of Category B listed building (Former Exciseman's House) at Former Exciseman's House, Dumbarton Road Bowling, G60 5BQ by Swan Group**

**1. REASON FOR REPORT**

- 1.1** The application is subject of an objection from Bowling and Milton Community Council. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1** Grant listed building consent subject to the conditions set out in Section 9 below.

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to the Category B listed Former Exciseman's House which is located on the northern side of Dumbarton Road, Bowling. The building formed part of the Littlemill Distillery which formerly stood on the site. The Distillery itself closed in 1995 with the buildings being demolished following a fire on the weekend of 4<sup>th</sup> and 5<sup>th</sup> of September 2004. The former Exciseman's House was listed in 1995 and comprises a two storey, four bay house which a near symmetrical arrangement, with later additions. It has a random rubble sandstone construction to the external walls. In terms of the relationship to the Distillery, under the Excise Act of 1823, distillers were required to provide separate accommodation for Excise officers. These were rented by the Board of Excise for a sum not exceeding £10 per annum.
- 3.2** Following the fire, only the ruins of the building remain on site. The entire roof structure has been lost as has the interior of the building, with various rotting and collapsed timbers evident. The later addition comprising a single storey extension on the ground floor front left of the building has collapsed with only the front elevation remaining. Substantial vegetation growth, including self-seeded trees, has become established within the remains of the building. The rear elevation of the property is largely obscured by overgrown trees and vegetation. The remaining external walls have been significantly penetrated by root growth.
- 3.3** It is proposed to demolish the remaining structure of the building as the applicant advises that the building is dangerous due to the unrestrained nature of the remaining superstructure elements. The applicant sets out that the building has been exposed to the elements for a significant period and is in ruin. The applicant

considers that the site can be accessed even though there is security fencing, and therefore poses a significant risk. It is considered by the applicant that this building is beyond economic repair, dangerous and requires to be removed. In support of the application, the applicant has provided a variety of documents. These include a Property and Boundary Wall Inspection Report, Property Inspection Letter and Applicant's Report inclusive of details relating to development costings and site marketing.

- 3.4** The former distillery site has an extensive planning history. Following the closure of the Distillery in 1995, a variety of planning applications have been granted over the years. Three separate sites (sites A, B and C) were proposed for residential development with sites A and C to the north of Dumbarton Road and site B to the south of Dumbarton Road. The former Exciseman's House is located on site C. Outline planning permission was originally granted in 1996 for residential development on the two separate portions of land (sites A and C) associated with the former distillery on the north side of Dumbarton Road. Site A was completed by 2009 but site C has not been developed. Notwithstanding this, an extant planning permission for 25 residential units including two within the former Exciseman's House remains in place. Site B to the south of the road was subject of separate applications and the development (which has been completed) included the replication of the former kiln towers on the site utilising stone from the demolition of the originals following the fire.

#### **4. CONSULTATIONS**

- 4.1** Historic Environment Scotland have no objections to the proposed demolition.

#### **5. REPRESENTATIONS**

- 5.1** Three objections have been received in connection with the proposal. These are from Bowling and Milton Community Council together with two residents within the wider locality. The detail of each submitted representation is available in the electronic planning file for the application and available for public viewing. The concerns raised can, however, be summarised as follows:

- The building is not dangerous and is suitably distant from the nearest footpath and fenced off.
- The building has deliberately been allowed to deteriorate.
- It is intended that additional houses will be constructed on the site following demolition.
- Survey works require to be undertaken to assess the condition of the building.
- The lack of maintenance represents a danger to adjacent houses on Littlemill Lane
- Overgrown trees and ivy impact on the sunlight of neighbouring property.
- Asbestos sheeting is location on the site.
- There is no need for more houses in the village.
- Shops should be contracted on the site.

- 5.2** The points and concerns raised will be considered in Section 7 below.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Adopted Local Plan 2010

- 6.1** Policy BE2 advises that the Council will aim to ensure that in relation to any works affecting a listed building or its setting, its appearance, character and setting is not adversely affected. There will be a presumption against the demolition of a listed building unless it can be demonstrated to the Council that steps have been taken to find a viable and acceptable use as a means of retaining it and that its demolition would not destroy the character of the surrounding area. Policy GD1 seeks to ensure that the value of the historic environment is recognised and not devalued or threatened.
- 6.2** Following a full assessment of the proposed demolition of the building, and whilst recognising its historic importance, it is concluded that that the building is incapable of meaningful repair and this is addressed in Section 7 below. Accordingly the demolition of the building can be justified with reference to the adopted Local Plan.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### National Policy

- 7.1** Scottish Planning Policy (SPP) advises that listed buildings should be protected from demolition or other work that would adversely affect them. Revised Draft National Planning Framework (NPF) 4 was laid to Parliament on 8<sup>th</sup> November 2022 and sets out the emerging national planning policy position. At this stage, the Council considers NPF4 to be a material consideration in the determination of planning applications, with limited weight being given to policies of NPF4 that specifically relate to the proposal. Policy 7 addresses proposals affecting historic assets setting out that development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. A variety of circumstances where the demolition of a listed building could be justified are set out and the position broadly follows that of Historic Environment Scotland's guidance and the position set out within proposed Local Development Plan 2. As it is concluded that that the building is incapable of meaningful repair, the demolition of the building can be justified with reference to adopted and emerging national policy.

### Historic Environment Scotland's Policy and Guidance.

- 7.2** Historic Environment Scotland's Historic Environment Policy for Scotland seeks to ensure that changes to specific assets and their context are managed in a way that protects the historic environment.
- 7.3** Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note series provides advice and guidance to Planning Authorities determining applications which affect the historic environment, including listed buildings. The guidance note on demolition specifically addresses proposals to demolish listed buildings and advises on the situations that may result in the loss of a listed building being acceptable, as long as this is clearly demonstrated and justified. The supporting information associated with any application is expected to justify demolition under these situations. The situations where the loss of a listed building may be acceptable are; a listed building longer being of special

architectural or historic interest; the building not being capable of meaningful repair; and the demolition being required to deliver significant benefits to economic growth or the wider community. It is concluded that that the building is incapable of meaningful repair and this is a situation set out by Historic Environment Scotland where the demolition of the building can be justified.

#### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

**7.4** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18 December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of this application are affected by that Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

**7.5** Policy BE2 advises that demolition or development that would adversely affect the special interest, character or setting of a listed building will not be permitted unless it can be clearly demonstrated and justified that; the building is no longer of special interest; or the building is incapable of meaningful repair; or demolition of the building is essential to the delivery of significant benefits to economic growth or the wider community. Policy CP1 requires all new development to contribute towards creating successful places including retaining, reinforcing and responding to the historic environment. Again, it is concluded that that the building is incapable of meaningful repair and this is a situation set out by Policy BE2 of proposed Local Development Plan 2 where the demolition of the building could be justified. Accordingly, the proposal does not conflict with proposed Local Development Plan 2.

#### Assessment of the justification for the demolition of the building

**7.6** In assessing the proposed demolition of the building, the three principle tests as set out in both Historic Environment Scotland's Guidance and Policy BE2 of proposed Local Development Plan 2 require to be considered. As noted above these are whether the building is no longer of special interest; whether the building is incapable of meaningful repair; or whether demolition of the building is essential to the delivery of significant benefits to economic growth or the wider community.

**7.7** Whilst there may be a local benefit in removing the remaining parts of a building which is in poor condition and are positioned in close proximity to an adjacent residential property, it is not considered that the demolition of the building would result in any significant benefits to the wider community. It is also not considered that there would be any significant benefits to economic growth. This test is therefore not met.

**7.8** Turning to assessing whether the listed building is no longer being of special architectural or historic interest, the applicant has not submitted any assessment of whether the building in its current condition remains of special architectural or historic interest. Within the Managing Change Guidance Note on Demolition, Historic Environment Scotland recognise that in some circumstances a listed building may no longer be of special architectural or historic interest. This might include where there has been a significant loss of fabric or features of interest.

Where the case for demolition rests on this factor, the guidance sets out that owners should request a review of the listing to determine if a building is still of special architectural or historic interest. This review should happen before an application for demolition is submitted. While the applicant acknowledges the importance in relation to the historical nature of the building, they consider that the building only serves as a hindrance to the neighbouring community, who have raised numerous complaints regarding the building. This position is not supported in the objections received. The applicant's supporting documentation further sets out the condition of the building in detail. Whilst it is clear that the majority of the fabric and features of the building have been lost over time, no review of the listing by Historic Environment Scotland has been requested. Notwithstanding Historic Environment Scotland advising in their consultation response that they consider that much of the special interest has been lost, it is not considered that it can be fully concluded beyond doubt that the building is no longer of any special architectural or historic interest. This test is also therefore not considered to have been met.

**7.9** It therefore rests to consider whether the building is beyond meaningful repair. The applicant advises that they have instructed structural engineers to survey the building on multiple occasions, all of whom have determined that the building should be demolished based on the deteriorating condition and safety concerns. The applicant sets out an assessment of the condition of the building within a property and boundary wall inspection report together with supplementary and updated details. It is identified that the roof and first floor timber joist members have collapsed due to previous fire damage and the ongoing decay of the remaining structural elements due to exposure and weathering, with evidence of these timber elements having collapsed onto the ground floor. The stonework on all the elevations show signs of significant deterioration and cracking and is in extremely poor condition. It is highlighted that all of the external elevation walls are unrestrained due to the collapse of the first floor joists and timber roof elements. Ongoing localised collapse of the masonry is also highlighted caused by weathering, plant growth root damage and lack of mid-height and wall head restraint. It is identified that the timber lintels are saturated with water and show evidence of rot and ongoing decay. Furthermore, the trees present inside the property are substantial in size and have embedded themselves into the floor and remaining internal walls, causing significant structural damage. The mortar beds throughout the property have been compromised due to exposure to the elements for a considerable period, leading to substantial tree and vegetation growth. It is set out that this will have led to significant weather damage as well as tree roots unsettling the mortar beds.

**7.10** In further assessing the proposal, the consultation reply from Historic Environment Scotland offers no objection to the proposed demolition. The historic importance of the building is, however, highlighted including that the loss of the building would have a significant impact on the historic environment. Notwithstanding this, Historic Environment Scotland go on to state that the condition of the building has deteriorated incrementally over the years and much of the special interest has been lost. Historic Environment Scotland accept that achieving a meaningful repair would be difficult. Whilst the applicant may not have specifically assessed whether a meaningful repair and restoration of the building could be achieved, it is acknowledged that the condition of the remaining parts of the building are such

that any repair and restoration works will more than likely require the building to be dismantled and fully rebuilt as a new structure and would require to conform to the current Building Regulations. Whilst it may be possible to retain some of the stonework for reuse, although the applicant's advice on the poor condition of the stone is acknowledged, any building which is rebuilt may replicate the general appearance but not necessarily be identical in all respects. Historic Environment Scotland's guidance note advises that it generally would not be possible to meaningfully repair a building where there is structural damage that cannot be repaired without complete reconstruction, for example as a result of extensive damage to the building. Given this, together with the position set out by Historic Environment Scotland in their consultation response, it is concluded that the condition of the remaining elements of the building is such that a historically meaningful repair cannot be achieved in this instance. This test is thus considered to be met.

#### Economic viability of developing the site

- 7.11** Notwithstanding the above, the applicant also advises that the retention and redevelopment of the building as part of the previously consented development proposals for the wider site is not economically viable in the current market, resulting in the stalled development of the wider site. Historic Environment Scotland's guidance recognises that in some instances the repair and reuse of a listed building is not economically viable. Where the cost of works is higher than the end value, the difference is referred to as the 'conservation deficit'. The applicant sets out two development options, one which seeks to incorporate the existing building and one which would result in the redevelopment of the site following demolition. The applicant's costings identify that retaining and redeveloping the existing building as part of the development would result in a development cost which is 12.5% per unit higher than a development which does not seek to retain and redevelop the listed building. These costings deem a development retaining the listed building undeliverable.

#### Marketing of the site

- 7.12** Historic Environment Scotland's guidance also sets out the expectation that the building is marketed and that this is necessary to demonstrate that every effort has been made to secure a buyer who would retain the building. In respect of marketing, the applicant advises that this is unviable due to the ownership/security structure the site is held under. It is advised that this site is one of three sites that is held under a Bond which therefore grants certain securities over the site to protect bondholders/investors. The circumstance with such Bond requires the applicant to fully develop each site to full completion. The applicant would also have to gain majority approval to sell the site (in its current condition), however it is advised that at market rate and given the existence of a listed building on site it is implausible that necessary revenue to repay all existing bondholders could be achieved. The applicant does cite advice from a property agent who sets out little interest in the site with the current building in place.
- 7.13** Whilst the marketing of the site would ordinarily be expected, the advice of the applicant on why the site has not been marketed is noted. Notwithstanding this, it remains that even in the event that another party purchased the site to take forward a development which retained the listed building, a historically meaningful repair

cannot be achieved in this instance. Therefore, the lack of marketing of the site can be accepted in this instance.

#### Reuse of stone within the site

- 7.14** In the supporting documents the applicant sets out that the stonework of the remains of the building is in poor condition, has cracked and is therefore unusable. It remains, however, that it is considered appropriate that the existing stonework is reused within the redevelopment of the site as much as possible. Therefore, notwithstanding the submitted details, conditions will ensure that the stonework is dismantled and retained on site for use within the onward redevelopment. Whilst the details of this would come forward as part of any future planning application, it would be expected that the redevelopment would seek to successfully incorporate salvaged stone in a way that reflects the history of the site. It is noted that this has been achieved with the development of the site to the opposite side of Dumbarton Road where the former kiln towers were replicated using salvaged stone from the demolition. A similar approach in respect of any new development on this part of the site reflecting the design, form and materials of the listed building would be expected.

#### Other points raised in the objections

- 7.15** Turning to the outstanding points raised in the objections received not already assessed above, whilst the situation and current condition of the building is disappointing, the application requires to be assessed on the basis of the current situation. This application only considers the demolition of the listed building and not proposals for the onward redevelopment of the site for residential or any other use. Such onward redevelopment will require to be considered via a revised planning application although it is noted that there is an extant planning permission for residential development on the site. Asbestos removal is not a matter to be considered as part of this application, nor is the impact of any trees or other vegetation on the site on the sunlight of adjacent property.

## **8. CONCLUSION**

- 8.1** This proposal involves the demolition of the remaining structure of the former Exciseman's House which is a Category B listed building. Whilst the condition of the building is extremely disappointing, following a full assessment of the condition, the remaining fabric and historic features, together with the works that would be required to redevelop the building it is concluded that the building is incapable of meaningful repair. This conclusion is also informed by the consultation response from Historic Environment Scotland together with the Managing Change guidance note on Demolition. Given this conclusion, the proposal does not conflict with the position set out within Policy BE2 of proposed Local Development Plan 2. Overall, there is also no conflict with Policy BE2 of the adopted Local Plan.
- 8.2** Being incapable of meaningful repair, the demolition of the building can be justified with reference to Historic Environment Scotland's policy and guidance and accordingly with the principles of adopted and emerging national planning policy.
- 8.3** Whilst the concerns raised in the objections are noted, there are no material considerations which would justify the refusal of the application. Subject to the

conditions set out in Section 9 below in respect of the retention of the stonework on site for use in any redevelopment, it is considered that listed building consent should be granted.

- 8.4** Finally, where listed building consent is granted for demolition, there is a separate requirement under Section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to allow Historic Environment Scotland an opportunity to carry out recording for the public record. This legislative requirement will be highlighted to the applicant via an advisory note.

## **9. CONDITIONS**

1. That prior to the commencement of any demolition works on site, full details of the methods for the assessment, sorting and retention of the stone from the building to allow future re-use shall be submitted to and agreed in writing by the Planning Authority. Works shall then proceed as approved and all stone retained unless otherwise agreed in writing by the Planning Authority.
2. No stone from the building shall be removed from the site regardless of condition without the prior written agreement of the Planning Authority.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 14<sup>th</sup> December 2022**

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**Appendix:** Location Plan

**Background Papers:**

1. Application documents and plans
2. Consultation responses
3. Representations
4. West Dunbartonshire Local Plan 2010
5. West Dunbartonshire LDP - Proposed Plan 2
6. Scottish Planning Policy 2014
7. Revised Draft National Planning Framework 4
8. Historic Environment Scotland's Historic Environment Policy for Scotland
9. Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on Demolition