

# Planning Application: Report of Handling

Reference No. 22/0740/LB



Renfrewshire  
Council

## KEY INFORMATION

**Ward:** 5 – Paisley East and Central

**Applicant:**  
Renfrewshire Council

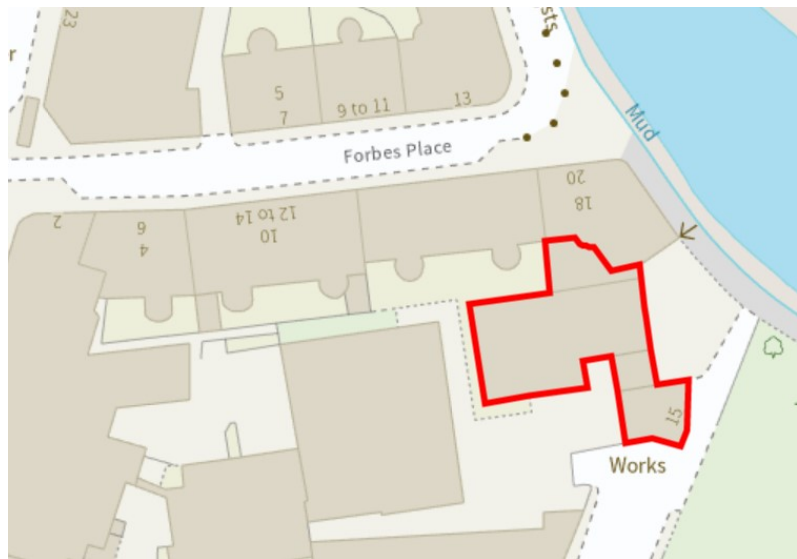
**Registered:** 28.10.2022

Report by Head of Economy & Development

**PROSPECTIVE PROPOSAL:** Demolition of Kelvin House

**LOCATION:** Kelvin House, Marshall's Lane, Paisley, PA1 1UX

**APPLICATION FOR:** Listed Building Consent



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## RECOMMENDATION

Grant subject to conditions

Alasdair Morrison  
Head of Economy &  
Development

## IDENTIFIED KEY ISSUES

- The proposed demolition complies with Policy ENV3 of the adopted Local Development Plan and the associated New Development Supplementary Guidance on Delivering the Environment Strategy.
- The proposed demolition has met the tests for demolition of a listed building as set out in the Scottish Historic Environment Policy.
- There have been no objections from Historic Environment Scotland.
- Comments have been received from the Scottish Civic Trust and the Architectural Heritage Society of Scotland
- Three letters of representation have been received, each of which object to the proposed development.

## REPORT OF HANDLING FOR APPLICATION 22/0740/LB

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| SITE ADDRESS   | Kelvin House, Marshall's Lane, Paisley, PA1 1UX |
| PROPOSAL       | Demolition of Kelvin House                      |
| RECOMMENDATION | Grant subject to conditions                     |

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| PROPOSALS     | <p>This application seeks listed building consent to demolish Kelvin House, a grade C listed building located in Paisley town centre. Kelvin House is an industrial building (with an art deco façade) constructed in the late 1930's. It is located adjacent to the White Cart opposite Paisley Abbey and is adjoined to the north by 16-20 Forbes Place, itself a grade B listed building.</p> <p>To the west of Kelvin House there is a decked car park, while to the south there is a former depot building which is also proposed for demolition under application 22/0741/CA. A new flatted development (Millhouse) is currently under construction on land beyond Marshall's Lane to the south east (Application Ref. 20/0533/PP).</p> <p>The demolition of Kelvin House has been proposed concurrently with the demolition of the former depot building to the south. It is anticipated that the demolition of these buildings will facilitate potential new development on the site to complement and help facilitate the retention and restoration of the listed buildings at Forbes Place.</p> |
| SITE HISTORY  | <p>Application No: 22/0741/CA<br/>Description: Demolition of former depot building<br/>Decision: Pending Consideration</p> <p>Application No: 15/0007/LB<br/>Description: Erection of single storey extension to rear courtyard and external alterations to building.<br/>Decision: Grant subject to conditions.</p> <p>Application No: 15/0006/PP<br/>Description: Change of use from offices to hotel (Class 7) with ancillary bar/brasserie, event space, microbrewery, business centre and car parking and erection of single storey extensions, installation of dormer windows, solar panels, rooflights, formation of external access, erection of lift shaft, and external alterations.<br/>Decision: Grant subject to conditions.</p> <p>Application No: 01/1267/LB<br/>Description: Application of preventative measures to external window cills, cornices, string lines etc against roosting feral pigeons.<br/>Decision: Grant subject to conditions.</p>   |
| CONSULTATIONS | <b>Historic Environment Scotland</b> – No objection. It is recognised that the repair and retention of Kelvin House is not economically viable.   |

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|                           | <p>Forbes Place would require to be protected during any demolition work and connections between the building would have to be made good to an appropriate standard.</p> <p><b>Scottish Civic Trust</b> – Welcome the restoration of Forbes Place. However, request that no demolition of Kelvin House takes place until redevelopment proposals have been approved, and that all reusable material is salvaged and appropriately recycled.</p> <p><b>The Architectural Heritage Society of Scotland</b> – Object on the grounds that demolition would result in a major loss to the towns 20<sup>th</sup> century heritage, the indicative proposed newbuild has no distinction and would make little contribution to placemaking, and retention and repurposing is more environmentally friendly.</p> <p><b>West of Scotland Archaeology Service</b> – No objection subject to condition regarding the implementation of a programme of archaeological works.</p>  |
| REPRESENTATIONS           | <p>Three letters of representation have been received, each of which object to the proposed development. The points raised can be summarised as follows.</p> <ol style="list-style-type: none"> <li>1. Loss of the building will further erode the town's built heritage.</li> <li>2. The building should be retained and incorporated into any future redevelopment.</li> <li>3. Kelvin House is one of 28 key buildings within the town centre conservation area.</li> <li>4. The application has been made by the Council on behalf of a developer as opposed to the developer themselves.</li> <li>5. The application should not be considered in the absence of a planning application for replacement development.</li> <li>6. The assertion that the building is not economically viable to retain is not backed up by a full survey of the condition of the building.</li> <li>7. Consent to demolish the building should only be granted if it is beyond repair.</li> <li>8. There has been other interest in the building beyond the offer noted in the submission.</li> <li>9. Redevelopment of the site with flats will not result in more significant benefits to growth as opposed to a scheme which brings Kelvin House back into use.</li> </ol> |
| DEVELOPMENT PLAN POLICIES | <p><b>National Planning Framework 4 (Approved January 2023 – <i>awaiting formal adoption</i>)</b></p> <p><b>Renfrewshire Local Development Plan (2021)</b></p> <p>Policy ENV3 – Built and Cultural Heritage</p> <p><b>New Development Supplementary Guidance (2021)</b></p>  |

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|                     | <p>Delivering the Environment Strategy</p> <p><b>Material considerations</b></p> <p>Scottish Planning Policy<br/> Historic Environment Scotland Policy Statement<br/> Historic Environment Circular<br/> Historic Environment Scotland's Managing Change in the Historic Environment Guidance Notes</p> <p>Planning legislation requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposal shall require to be assessed against the policies and guidance set out above, the history of the site, the comments of the consultees and any objections received.</p>   |
| PLANNING ASSESSMENT | <p>The fourth National Planning Framework (<b>NPF4</b>) although not yet formally adopted, was approved by Scottish Ministers on 11 January 2023. It provides the long-term national spatial strategy for planning in Scotland. It sets out the Scottish Government's current view on delivering sustainable, liveable and productive places through the application of spatial principles. NPF4 is considered to be a material consideration and therefore applying these principles in practice is relevant to the consideration of each proposal and as such each application is being considered taking account of the overarching spatial principles. It is considered that the proposal complies with the overall focus of NPF4.</p> <p>The Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant listed building consent for any works, special regard must be had to the desirability of preserving the listed building or its setting, or any features of special architectural or historic merit.</p> <p>The Historic Environment Policy and the associated <b>Managing Change in the Historic Environment Guidance Notes on Demolition</b> state that there is a strong presumption against the demolition of any listed building. Demolition of a listed building therefore has to be justified against one or more of the following tests:</p> <p>(1) that the building is not of special interest,</p> <p>(2) that the building is incapable of repair,</p> <p>(3) that the demolition of the building is essential to delivering significant benefits to economic growth or the wider community, and</p> <p>(4) that 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.</p> |

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|  | <p>The policies within the Local Development Plan and the associated New Development Supplementary Guidance mirror that outlined above.</p> <p>Each of the tests can be considered as follows:</p> <p><u>That the building is not of special interest</u></p> <p>The building is still considered to be of special interest. The building is an example of the work of James S. Maitland, and the 20<sup>th</sup> century art deco design adds variety and interest to Paisley's built heritage, albeit it is currently in very poor condition.</p> <p><u>That the building is incapable of repair</u></p> <p>The applicant has not sought to demonstrate that the building is beyond repair. While the building has been vacant for several years and is in poor condition, it is not considered to be incapable of repair. It is however important to note that the repair of the building is not considered to be economically viable.</p> <p><u>That the demolition of the building is essential to delivering significant benefits to economic growth or the wider community</u></p> <p>The applicant states that demolition of Kelvin House would be a catalyst for the redevelopment of this area including importantly the refurbishment of 16-20 Forbes Place. It is noted that both Kelvin House and Forbes Place have been vacant for some time, and that schemes which retain both buildings are not considered by the applicant (and previous bidders for the site) to be viable. There is therefore a risk that without intervention all buildings on the site could be lost over time as they deteriorate further.</p> <p>The buildings on Forbes Place are category B listed. They also occupy a prominent riverside location, and their loss to townscape heritage and place would have a significant impact. A development which retains and safeguards these buildings would clearly be beneficial. However, it needs to be demonstrated that there is no practical way of realising these benefits without demolishing Kelvin House.</p> <p>Information provided indicates that demolition of Kelvin House is essential to facilitate the refurbishment of Forbes Place. The inclusion of Kelvin House into a redevelopment scheme would be significantly challenging due to the resulting difficulties the scheme would have in meeting standards in amenity, daylighting into living spaces, car parking, liveable standards in ceiling heights and associated building warrant requirements as well as those required to resolve potential flood risk at the site.</p> <p>On this basis if a development including Kelvin House cannot be realised to secure the future of this area and that of Forbes Place, it</p> |
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|  | <p>should be recognised that this prominent site cannot be successfully safeguarded to allow future economic and amenity benefits to come forward for the community.</p> <p><u>That 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</u></p> <p>The site was most recently marketed in 2019. Only one offer was received by the Council as vendor. The offer stated it would only be viable with the demolition of Kelvin House as part of the redevelopment of the site.</p> <p>While it is noted above that the building is not considered to be beyond repair at this stage, the applicant has submitted evidence that the cost of repairs necessary to bring the building back into use are significant. Kelvin House has been subject to fire, smoke, and water damage in this regard.</p> <p>On this basis, it is asserted within the economic appraisal that the necessary repair works make any future redevelopment unviable as the costs would be significantly disproportionate to any economic return. This has been based on the highest value end use (residential). The viability constraints include limitations within the building footprint and its adaptability to residential or commercial use, the continuing deterioration of the building, and the significant costs of reinstatement within the constraints of a C listed building.</p> <p>The above assessment outlines the challenges associated with retention of Kelvin House from both a practical and economic viewpoint. Repair of the building is not considered to be economically viable, and demolition is justified on this basis.</p> <p>The argument that both Kelvin House and Forbes Place cannot both be retained is also accepted. The safeguarding and redevelopment of Forbes Place is contingent on the redevelopment of the remainder of the site, and to facilitate this it is necessary to demolish Kevin House and the former depot.</p> <p>The comments from Historic Environment Scotland (HES) are an important material consideration in the assessment of this application. HES do not object to the demolition, and they accept that repair and reinstatement of Kelvin House is not economically viable. Sufficient marketing of the building has been undertaken. The demolition meets the economic viability test in this regard.</p> <p>HES have advised that further information on the redevelopment of the site would be necessary before the wider community benefit and economic growth test can be satisfied. However further information does not need to be submitted in support of this application as the economic viability test has been met with respect to justifying the</p> |
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|  | <p>demolition.</p> <p>Additionally, HES advise that because Forbes Place and Kelvin House are connected the resulting “hole” between the buildings would need to be built up before or during demolition. This matter can be addressed via condition.</p> <p><b>Policy ENV3</b> states that Renfrewshire’s built and cultural heritage, which includes listed buildings, will be safeguarded, conserved, and enhanced where appropriate.</p> <p>Regarding demolition, the <b>new development supplementary guidance</b> reflects the provisions set out in the historic environment policy. On this basis there is a presumption against demolition, and no listed building should be demolished unless it can be demonstrated that one of the four tests is met. In this instance the demolition is justified on the basis that repair of Kelvin House is not economically viable, and that it has been marketed for a reasonable period.</p> <p>The comments from the Scottish Civic Trust, the Architectural Heritage Society of Scotland and the representees are noted. However, it is considered that the applicant has met the statutory requirements in assessment of the justification for demolition of a listed building.</p> <p>The applicant has demonstrated that the retention of both Forbes Place and Kelvin House is not viable, and demolition of Kelvin House is required to ensure that the long-term future of the property at 16-20 Forbes Place is safeguarded. It is considered that if not progressed there is a risk that all the buildings could be lost. It is also noted that HES advise that of the two buildings Forbes Place has greater architectural, historic, and cultural significance.</p> <p>The submission includes two options for the redevelopment of the site either as part of a flatted development or as open space. However, it is important to note that these options are merely indicative/illustrative of how the site could be developed post demolition. Final redevelopment proposals for the site would require to be subject to formal assessment via the relevant planning and listed building application process. The applicant is not required to provide a finalised redevelopment proposal at this stage as demolition is justified on the grounds of economic viability. Notwithstanding the above, it is however considered prudent to attach a planning condition which seeks details of the demolition methodology as well as details relating to restoration and finish of the site post demolition.</p> <p>The comments from the West of Scotland Archaeology Service are also noted. Matters relating to archaeology and a strategy for salvage of materials can be managed by condition.</p> |
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|                | <p><b>Conclusion</b></p> <p>The historic environment legislation does not prohibit the Council from making an application for the demolition of a listed building.</p> <p>The application can be assessed on its own merits with regards to the tests for demolition, and there is no requirement to provide a concurrent planning application for the redevelopment of the site or to consider the principle of redevelopment with respect to wider growth or benefits.</p> <p>The applicant has provided evidence of the marketing undertaken to reuse the building and has confirmed that only one offer was received during the last round of marketing in 2019.</p> <p>In view of the above assessment, I am satisfied that the demolition of the building is justified on the grounds that repair is not economically viable. The proposal complies with Policy ENV3.</p> |
| RECOMMENDATION | Grant subject to conditions   |

### Reason for Decision

The proposal accords with the provisions of the Development Plan and there were no material considerations which outweighed the presumption in favour of development according with the Development Plan.

### Conditions

1. No demolition shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To ensure suitable provisions are in place in the interests of safeguarding archaeological heritage.

2. That prior to the commencement of demolition on site, the developer shall submit a Salvage Strategy for the written approval of the Planning Authority. The strategy shall set out measures to identify items that can be salvaged from the building and where possible re-used within the redevelopment of the site. The agreed upon measures shall thereafter be implemented on site during the demolition of the building.

Reason: The reinstatement of salvaged historic fabric will contribute positively



to the character of the new development.

3. That prior to the commencement of demolition on site, the developer shall submit a specification for the written approval of the Planning Authority detailing all repair works required to reinstate the exterior of 18-20 Forbes Place at the point(s) where it is currently connected to Kelvin House. The specification shall include details of all materials and surface finishes to be used in the repair, and a timetable for the implementation of the repairs as part of the overall demolition. The approved repairs shall thereafter be implemented on site in accordance with the approved specification and timetable.

Reason: To ensure the exterior of Forbes Place is reinstated in an appropriate manner in the interests of safeguarding the building.

4. That prior to the commencement of demolition on site, the developer shall submit a specification for the written approval of the Planning Authority detailing the method by which the building will be demolished, and how the site will be restored following demolition including (but not limited to) removal of demolition waste and material, any associated level changes or regrading of the site, and the final surface finish to the site following completion of demolition works. Demolition will thereafter be undertaken in accordance with the approved specification. For the avoidance of doubt this specification will require to be to a standard appropriate to the character of the conservation area and setting of the adjoining listed building.

Reason: To ensure the site is left in an acceptable manner following demolition and to safeguard the character of the conservation area.

Local Government (Access to Information) Act 1985 - Background Papers  
For further information or to inspect any letters of objection and other background papers, please contact James Weir on 07483370666