

### Appendix 3 - Wallace Tower Consultation – Representations Submitted – Addendum

Dear Ms Armstrong,

I write on behalf of Old Aberdeen Heritage Society to make official representation concerning the Council's proposal to dispose of the Wallace Tower, a Common Good property situated in Seaton Park, Old Aberdeen.

The proposal; involves selling off this historic Listed Building to the Tillydrone Community Development Trust for the sum of £1.

The Society wishes to make representation as follows:-

1) Whilst we have no objection whatsoever to the building being leased, we must object to the proposal to sell.

2) **Background:** The Wallace Tower (or, more correctly, Benholm's Lodging) is one of the City's most significant historic buildings. Dating from around 1610, it is the only remaining example in the country of a Z-plan tower house built as a town lodging. It is a unique part of the City's history. Although it was subject to an enforced move from the Netherkirkgate in 1965, to make way for a Marks and Spencer store, it was carefully reconstructed in Seaton Park under the expert supervision of renowned historian Dr Douglas Simpson.

The original plan was for the ground floor to become a centre for local history, and the two upper floors to continue as a dwelling house. In the event, this was not possible, and the building was leased solely as a dwelling house for the next twenty-five years or so. For the first four years, it was home to Dr and Mrs Simpson, and then to other families, including local councillor, James Wyness and his family. In around 1990, it was leased as a centre for Scottish music on the ground floor, with residential accommodation above. This use was most successful, and lasted for around a decade, until about 2000. At this point, changes in the law, which had instituted "A Right to Buy" for Council tenants, presented a problem for the Council in Aberdeen. If they were to continue leasing the Wallace Tower as a dwelling-house, the sitting tenant would have the right to buy it, and this historic building of such architectural and historic significance in the life of Aberdeen, would pass out of the City's ownership. The decision was therefore taken, albeit reluctantly, to cease letting out the building for long-term lease, and a series of short term leases followed, for the next three years, mostly providing accommodation for new staff relocating to Aberdeen.

It is not at all clear why this arrangement was discontinued, but from around 2003, the Wallace Tower was no longer leased for residential use; nor, importantly, does it appear to have been offered for lease or any other purpose.. Our Society has, over some months, attempted to gain an insight into this from Council reports, but unfortunately, we have been denied access to many of these, as they have been classified as "exempt" from publication, despite the fact that they concerned a property which is part of the Common Good.

What we do know is that changes in the law in 2016, meant that the Tenants' "Right to Buy" was repealed, and it was now open to the Council to lease the Wallace Tower as a dwelling house once again, if wished, either with this as the sole use, or, perhaps, in conjunction with some compatible use on the ground floor.

Sadly, no action was taken by the Council either to restore and refurbish the building, or to put it on the market for lease.

In this respect, we are concerned to note that in the TCDT "Project Business Plan", page 4, it is claimed that "in 2017, Aberdeen City Council put the building back on the market and invited interested parties to consider a purchase", and that there was no serious interest.

It is our understanding that in the autumn of 2017, the Committee agreed to advertise the Wallace Tower for sale or lease, and officers for some reason failed to carry out the instructions of the Committee. It was stated in an email from Cate Armstrong, that this was due to staff shortages. The Estates Dept of the Council will therefore be aware that the claim on page 4 of the applicant's "Project Business Plan" is misinformed.

It is the Society's understanding that the Council have not at any time proposed to restore and lease the building, and made arrangements to advertise it as such. If it had been restored, with money from the extremely healthy Common Good Fund, (as it still could be), it could easily be leased to TCDT, rather than sold.

### 3) **Neglect of building by Council:**

The Society has made several queries to the Council concerning the history of surveys, maintenance, etc, and what has emerged from responses is that very little maintenance of any kind has been undertaken on the Wallace Tower since it was last occupied in 2003. The last survey by the Council was in 1999, and other than that the only survey has been for asbestos. (No asbestos was found).

It appears, from all that we have read and seen, that the Council have failed to maintain and repair the building adequately, and in addition to this, and most significantly, have failed to secure it against break-ins and the resultant vandalism to the interior. Although the structure of the building has been kept safe and sound, the Council have failed in their duty to maintain this building, a Common Good property. It is only in its current state because of culpable neglect by the Council, who should have been maintaining it in good condition, as it is held in trust for the citizens of Aberdeen.

Much is made, in support of the proposal to sell off the Wallace Tower, rather than lease it, of the fact that the building requires a lot of expenditure to bring it back into use, because of its current state. This is put forward as a justification for disposing of the Wallace Tower altogether, as the Council does not wish to spend the money to restore it.

It is our understanding, however, that this is not, legally, a valid justification for disposing of the building, because it is only in this state as a result of longstanding neglect by the Council.

It is, however, open to the Council to offer to lease the Wallace Tower to TCDT, or another party who might be interested once it was restored, after carrying out the necessary repairs to the interior. Aberdeen's Common Good Fund is extremely healthy; in fact, we believe, the richest in Scotland, and its value is growing steadily, year by year. The funds are there; it is just a matter of the will to keep this historic building - a unique part of Aberdeen's heritage - in the ownership of the Council, as part of the Common Good, held in trust for the citizens of Aberdeen.

#### 4) **"Best Value"**

The Council is required by law to achieve "Best Value" in any disposal of land. This current proposal is to sell this historic building for only **£1**. It is clearly worth much more than this. In addition, if the Council were to retain ownership, and lease it instead, having restored the interior, there would be a reliable income for the future. This, surely, would be "Best Value" for the Council, and for the citizens of Aberdeen, who have a legal interest in the building as part of the Common Good.

#### 5) **Project Viability**

While we appreciate the objectives advanced by TCDT in their application, there do seem to a number of risks associated with the venture, eg. competition from the cafe in the Tillydrone Community Hub and the takeaway facility in Seaton Park. If the building were only to be leased to TCDT, then if by any chance, the project didn't work out, it would be a simple matter for the Council to market for lease again. If, however, it was sold outright, then even if there was a "buy-back clause", (which must be a sine qua non), there would be quite possibly a complicated process for it to be returned to the ownership of the Council; especially after any adjustments were made for changes in condition or layout of the building. The simplest, and safer, course of action is for the Council to offer the building to TCDT as a lease.

Still on the topic of viability, it is a matter of concern that on their application documents, TCDT make reference twice to having the "ability to use the facility as a takeaway/kiosk". There has, however, been no mention of such a facility in any of the planning applications, and it is our understanding that this extension of use would not only require planning permission, but that this would unlikely to be approved, for such an important historic building. This can not be assumed as something which might contribute to project viability.

Lastly, on the question of project viability, there appears to be confusion about the projected income from renting the hall on the first floor. TCDT's Financial Appraisal includes a projected income of £25 per hour, but in another document it is stated that this room would be let free of charge.

#### 6) **Community Engagement**

The Society is concerned that the application by TCDT makes several references to having engaged widely in the community and having had united support for their planning proposals. It is also claimed that they have consulted with local community organisations, and it is said that our Society is in support of the plans.

To be clear, our Society has at no time been consulted by TCDT on their plans. Nor, were we informed of the 'public consultations' which were held in the autumn, about the latest architects' plans. The Trust is aware that our Society, along with other bodies and individuals, in fact, wrote to object to the particular plans put forward in applications for planning permission and Listed Building Consent last winter.

As a Society with members and supporters living in the Old Aberdeen area numbering well over a hundred, on whose behalf we made representation, it is important that our stance over the actual physical plans is made clear.

It remains a fact that the Society has at no time been consulted by TCDT on the proposals. Given that the Wallace Tower is situated both in the Old Aberdeen Community Council Area, and, importantly, in the Old Aberdeen Conservation Area, this is a matter of some significance. Our Society exists to preserve and protect the heritage of the Old Aberdeen Conservation Area and has especial concern for its listed buildings and open spaces. While of course we wish to see the Wallace Tower fully restored and back in use, it is important that this end is achieved by the best means

It is the Society's view that the best means is not to sell off one of the City's most precious assets for £1, without any certainty of the outcome. The best means of protecting the building while keeping it as Common Good Land is, we believe, to restore and refurbish the interior, and then to lease it to TCDT, rather than sell it.

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In conclusion, we wish to stress that we very much appreciate the worthy objectives of the Trust, in terms of the projected benefits for Tillydrone. We do not, however, believe that selling off the Wallace Tower is necessary for these ends to be achieved. We therefore object to the sale of the Wallace Tower, an important part of our heritage, particularly for the token sum of £1.

We would, however, very much support a lease of this historic building, and are quite certain that it could still be of much benefit to both Tillydrone and Old Aberdeen.

Yours sincerely,

Ronald Leith  
Chairman  
Old Aberdeen Heritage Society