

Accommodating Change: Listed Buildings Serving London

Index of Written Evidence

Witness Reference Number	Specific Person or Organisation	Page
LB/001	National Trust	2-3
LB/002	LB Barnet	4-5
LB/003	LB Tower Hamlets	6-8
LB/004	LB Waltham Forest	9-12
LB/005	Civic Trust	13-19
LB/006	Royal Borough of Kensington & Chelsea	20-22
LB/007	LB Harrow	23-25
LB/008	English Heritage	26-41
LB/009	Victorian Society	42-44
LB/010	SAVE Britain's Heritage	45-47
LB/011	LB Haringey	48-49
LB/012	Institute of Historic Building Conservation	50-52
LB/013	Royal Institute of British Architects	53-56
LB/014	LB Ealing	57-59
LB/015	City of Westminster	60-62
LB/016	LB Hillingdon	63-65
LB/017	Heritage of London trust	66
LB/018	NHS London	67-68
LB/019	Transport for London	69-75
LB/020	London Development Agency	76-84
LB/021	ACES London Branch	85-89
LB/022	London Fire & Emergency Planning Authority	90-94
LB/023	Metropolitan Police Service	95-98
LB/023	Metropolitan Police Authority	98
LB/024	Commission for Architecture and the Built Environment	99-100
LB/025	LB Richmond	101-102
LB/026	The Theatre Trust	103-108
LB/027	Greater London Authority	109-114
LB/028	City of London	115-125
LB/029	LB Havering	126-128

LB/01 – National Trust

Greater London Assembly examination of Listed Buildings in Public Ownership

Introduction

The National Trust in London would welcome the opportunity to make a number of brief points to the Planning and Spatial Development Committee with regard to their examination of Listed Buildings in public ownership. In London, the National Trust cares for a portfolio of Listed Buildings, of which 13 are open as historic properties with public access. These buildings are clearly not within public ownership as the National Trust is a charity, however, under the terms of National Trust legislation they are held in perpetuity (*'inalienably'*) by the Trust for the benefit of the Nation. Therefore, we hope that we can make some observations, which we hope will assist your investigation.

Our Work

As background we open 13 properties, which tend to be small historic properties and are spread across many inner and outer London Boroughs. One, Eastbury Manor (1572) has been managed by the London Borough of Barking and Dagenham since the 1920s and forms an important part of the Boroughs cultural strategy. Others such as Red House (1862 and LB Bexley) are new acquisitions for the National Trust (2003), some are of contemporary design (Erno Goldfinger's modern movement Number 2 Willow Road built 1938/39 and LB Camden) while others illustrate an evolution of uses in line with the history of growth in the Capital (Sutton House in Homerton High Street, dating to 1535 and used by landowners, merchants, Huguenot silk-weavers, a Victorian School, a Trade Union Headquarters and today for many functions including educational and community work) and LB Hackney).

One consistent feature of owning such a historic stock of properties is the ever rising cost of maintenance and repair, a sum usually not covered by income generated through public admittance. The National Trust has been increasingly aware of the significance of 'history and place' to residents and visitors alike and the fact that historic buildings are a vital component of London's cultural fabric and sense of identity.

We feel that conservation is the acceptable management of change. Listed Buildings are usually listed for an identified historic and/or architectural reason. This means that the decision to alter or otherwise change a historic building must be made following a detailed appraisal of the conservation principles that establish what needs to be protected. This process will establish what can be acceptably altered and changed (such as a particular form of external detailing or interior decoration).

The problem today for many bodies seeking to conserve historic buildings is the financial costs involved in maintaining and/or enhancing these structures. It also follows that a number of these buildings were designed for a particular use that has subsequently ceased (Battersea Power Station arguably being one of the most famous examples) or one that has lain dormant awaiting a change in the property market or new infrastructure to generate a new demand (such as the Midland Hotel at St Pancras). It may be argued by some applicants promoting re-development proposals that a listed building is uneconomic or obsolete when confronted with a scheme to dramatically alter or even demolish that building. The economic circumstances are rightly deemed irrelevant to the decision to list (based only on architectural and historic merit alone) but are often raised as a development control issue in applications to demolish or alter part or even all of a listed structure.

Consideration of Questions posed by the Planning and Spatial Development Committee

We are particularly interested in the question **'Should the Mayor of London have a role in the management and protection of Listed Buildings. If so in what capacity? and 'What improvements could be made, if any, to the protection of publicly owned listed buildings'**

Today, with considerable growth in the Capital as set out in the London Plan, many Listed Buildings and other historic structures will find that they are within areas of new growth pressure and development 'opportunity'. The structure of the buildings will require protection, but so will their setting. Further, we feel that in taking a strategic lead on the matter, the Mayor and Assembly can promote conservation by establishing a **grant regime** for the preservation/care and setting of these public buildings. With the Boroughs and English Heritage retaining legislative control over Listed Building Consent matters, the Mayors powers are limited on a day-to day- basis. Yet, in view of the growth proposed in the London Plan, it makes good sense for the Mayor/Assembly to develop a grants regime that is designed to provide an element of 'gap' funding or one that covers the capital repair costs of heritage buildings. The Green Grid proposal recently produced by the Mayor and Assembly provides an exemplary vision of creating green space within the eastern sub-region of the plan and is rightly identified as a key to quality of life. Listed Buildings in public ownership have potential to provide similar social, economic and community benefits.

Clearly any public money must be carefully targeted to achieve both value-for-money and to promote and facilitate wider benefits. Work by the Royal Institution of Chartered Surveyors and the Investment Property Databank (IPD) illustrates that some listed buildings perform as well as their non-listed counterparts (*'The Investment Performance of Listed Office Buildings'*, 18th October 2006). However in areas of regeneration this is not always the case and we are also aware of the Buildings-at-Risk register compiled by English Heritage, which tends to highlight locations where listed buildings need financial help. We would recommend that a special fund could be made available, under certain conditions, to bring back new uses to public buildings in which some form of gap funding is needed to create an economic case. This may or may not be on the Buildings-at-Risk register. Public access and other benefits could form a 'Gateway Test' which must be satisfied before any grant allocation is considered. The fund could be linked to key objectives of regeneration and in helping to improve quality of life.

Summary

In summary, we feel that due to the limitations imposed by statute on the Mayor's powers, a small but targeted grant aid fund, could be used to assist public bodies in (a) funding the costs of repairs/capital works (b) to make an economic case for new uses and to (c) provide public benefit in the form of access, community or educational work. This would be of greatest value in areas of regeneration and growth within the Capital.

Michael Stubbs
Land Use Adviser
Thames and Solent Regional Office
Hughenden Manor
HIGH WYCOMBE
HP14 4LA

(t) 01494 755 512
(f) 01494 463310
(e) mike.stubbs@nationaltrust.org.uk

LB/002

Director of Planning & Environmental Protection
North London Business Park
Oakleigh Road South
London
N11 1NP

Mr Tony Arbour
Planning & Spatial Development Committee
Greater London Assembly
City Hall
The Queen Walk
LONDON SE1 2AA

contact: Stewart Murray
tel: 020 8359 4334
e-mail: stewart.murray@barnet.gov.uk
fax: 0870 889 6818
date: 7 March 2007
our reference: U/Vijaya/Letters
your reference:

Dear Mr Arbour

Investigation into London's Listed Buildings in Public Ownership

Thank you for your letter relating to the above. The Chief Executive has asked me to respond on his behalf, and the following observations are, obviously, made at Officer level and are not binding upon the deliberations of elected Members of the Local Authority. Nevertheless, I hope the comments are of assistance – they are set out as direct responses to the questions you have put.

1. Listed Buildings generally make a major contribution to London's built environment. They often provide focal points to an area, are a reminder of the history and historic development of London, and are both an educational resource and a major asset in terms of tourism. With regard to publicly owned Listed Buildings, these specific points become more important eg in respect to the focal character of many Town Halls and other municipal and judicial buildings.
2. If such municipal or judicial buildings remain in their existing use, then adaptation to meet modern standards is no more problematic than for any other type of Listed Building. If these buildings are sold off for other uses. Then sensitive schemes and careful consideration of potential solutions will be necessary.
3. The Listing process protects historic buildings but does not "moth-ball" them. The whole process of Listing and Conservation is to do with managing change. This statement, oft quoted, carries a recognition that change is inevitable if buildings are to function properly in the 21stC. If they do not function, they will fall into disuse and will ultimately become ruinous.
4. There are extra costs in maintaining any historic building; due partly to the extra cost of materials and partly due to the cost of repairs. These costs can be kept to a minimum if a regular programme of standard maintenance is in place. The Church of England – which has much more of a challenging task – has a formalised system of quinquennial inspections for just this reason.
5. Risk assessment is not appropriate before Listing as financial constraints do not apply to the Listing itself, but will become a factor if a Consent Application is submitted for alterations or, in extremis, demolition. The Council is, however, notified of proposals to List

and should always inform English Heritage and/or the Secretary of State of any relevant planning history/proposals.

6. Any Application is judged on the impact it has upon the particular historic interest of the building. As noted above, the legislation, the guidance and the procedures are to do with guiding change, and sympathetic alterations should be supported as they guarantee or at least underwrite the future of the Listed Building.
7. As again mentioned above, a rigid system of regular condition surveys will ensure that major, unexpected, repair bills are avoided; and, a sensible approach to listed Building Consent Applications should ensure that public buildings, when no longer require, find new uses without harm to the historic fabric of those buildings.
8. Health and Safety, DDA, Part L of the Building Regulations and other legislation all tends to be phrased as an aspiration, and relaxations are available with historic buildings. Like many other things, it is a question of reaching a reasonable, sensible and pragmatic solution.
9. PPG15 has, in our view, been remarkably successful, is well considered and written and, in Annexe C, has a wealth of good information and guidance which is not in the set of rules, but rather a list of genuine guidelines for interpretation on each individual case.
10. English Heritage has tended to retreat from Casework; concentrating on Grade I and II* buildings – where solutions are often more easy to come by. However, we have found English heritage to be very pro-actively helpful, particularly on Listed Buildings on the Buildings at Risk Register.
11. Best practice exists in a number of forms – the English Heritage booklet “In the Public Interest” by Philip Davies and Delcia Keate being a specific example of a focused report on the subject. More general guidance, through HELM, BAR and other EH sources is important in dealing with both publicly and privately owned buildings.
12. Barnet’s experience is that the Design and Heritage Champion has had a major impact. The fact that he is a Councillor and Cabinet Member means that influence can be exercised across the board. Regular liaison meetings with my Principal Architect/Planner mean that topical issues can be discussed informally before decisions become irrevocable.
13. The Mayor of London should have a limited role in Listed Building or Conservation matters (bearing in mind the provisions of the GLA Act). Most listed building issues are ‘local’ matters unless Grade Is and IIs. There is a logic in the Mayor considering “Associated Applications”, but this needs to be balanced to avoid any harm caused by the conflict with EH. The option of EH London Region coming under the wing of the GLA, is a possible, if not radical solution. At present London Region is responsible to the Chairman and Simon Thurley so that scheme would not work. The response, therefore, is that the Mayor (like the Secretary of State) has to be guided by EH advice, rather than becoming involved in the management and protection of Listed Buildings.

I hope that the above information is of assistance and if you have any queries, please do not hesitate to let me know.

Yours sincerely



Stewart Murray

Director of Planning and Environmental Protection

c.c. Giles Dolphin, Head of Planning decisions, GLA

LB/003

**Mr. T. Arbour
Chair, Planning & Spatial Dev. Committee
City Hall
The Queen's Walk
London SE1 2AA**

Development & Renewal

Mark Hutton
Development, Design & Conservation
Mulberry place (AH),
Po Box 55739, 5 Clove Crescent
Poplar, London E14 2BY

Tel **020 7364 5372**
Fax **020 7364 5412**

Email mark.hutton@towerhamlets.gov.uk

Date: 9th March 2007

Dear Mr. Arbour,

Investigation into London's Listed Buildings in Public Ownership

Thank you for your letter of 6th February to the Council's Chief Executive, on behalf of the London Assembly's Planning and Spatial Development Committee, investigating Listed buildings in public ownership. I have been requested, as the Council's Development Design and Conservation Team Leader, to respond on the Chief Executives behalf.

You have posed a number of questions in relation to the Borough's experience regarding Listed buildings. I have looked at these and have set out my answers to your enquiries in the order that you have put them in your letter.

- Listed buildings make a vital contribution to London's built environment in terms of tourism, the economy generally and providing for a sense of place and history. Recent public consultation about the historic environment has illustrated widespread support in Tower Hamlets for historic places.
- The ownership of Listed buildings provides extra duties and costs on Local Authorities when managing and maintaining their portfolio. We have not calculated a figure for this for Tower Hamlets, however these extra costs are clearly evident.
- The Listing process provides protection to the historic environment. Whilst Listed buildings need extra care and protection, they are overall not an inhibition to providing effective public services. The adaptation of, for example, our Idea Store in Bow affected a Listed building.

- Listed buildings, because of their particular requirements and constraints, sometimes involve greater costs in terms of maintenance and use, for example in the use of more costly natural materials and conservation standards.
- I have no knowledge of any risk assessments around the Listing of buildings by the Department of Culture, Media and Sport.
- Constraints are put on public Listed buildings in terms of their change and redevelopment because of the need to comply with the Planning Acts and PPG15. The Authority is mindful it must comply with these constraints, and has I believe a good track record in this regard.
- In terms of improvements to the protection and management of publicly owned Listed buildings, the greatest improvement would be the provision of greater funding to Local Authorities to assist in their care for the historic environment.
- The impact of legislation such as the DDA, whilst it requires extra thought and care in relation to Listed buildings, does not impose particular problems on the viability of maintaining buildings for public use. Many successful schemes of conversion have taken place in Tower Hamlets where public access is required.
- PPG15 remains a key document in decision making around changes to Listed buildings. This has proved effective in the advice that it gives to Local Planning Authorities in discharging their duties around historic buildings. We have no objection to its use.
- English Heritage has recently improved its relationship with Listed building owners by providing much clearer advice in publications about how its role works in relation to the historic environment and the care of historic buildings.
- There are many excellent examples of best practice in the management of publicly owned Listed buildings. This is illustrated by the many examples remaining in use in London. English Heritage has publicised this in publications such as 'Capital Values, the contribution of the historic environment to London'.
- The Historic Environment Champion's role at Tower Hamlets is combined with our Design Champion role. They are involved in the development process affecting the historic environment at all levels.
- There appears to be no extra role needed for the Mayor of London to become involved in the management of London's historic environment. Care generally appears to be working well.

Thank you for your enquiry, and I hope that the responses set out above assist you in your enquiries.

Yours sincerely

Mark Hutton
Team Leader
Development, Design and Conservation

cc Richard Davies – GLA

Environmental Services

Executive Director: Martin Esom



Executive Director Environmental Services
Municipal Offices, 16 The Ridgeway, London E4 6PS

Telephone: 020 8496 6351

Fax: 020 8496 6244

Minicom: 020 8496 4360

Email: martin.esom@walthamforest.gov.uk15th March 2007

Greater London Authority
Planning & Spatial Development Committee
City Hall
The Queen's Walk
London
SE1 2AA

For the attention of Richard Davies - Assistant Scrutiny Manager

Dear Sir,

**INVESTIGATION INTO LONDON'S LISTED BUILDINGS
IN PUBLIC OWNERSHIP**

I refer to your letter of February 6th concerning the above and I apologise for the delay in responding to you. Unfortunately the former Chief Executive Jackie Dean left the Council early in the New Year and as her replacement is still very new to the post your enquiry has been passed to me for attention. With regards to the specific issues raised in your letter I have the following observations to make:

- **What contribution do Listed buildings make to London's built environment?** - The introduction to PPG15 sets out the Government's views on the importance of Listed buildings both nationally and locally, and these views are largely shared by this authority. "It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation".

Council policy as set out in the adopted Unitary Development Plan (adopted March 2006) also echoes these sentiments.

- **How does ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?** – The basic effect of having Listed buildings within a property portfolio is essentially the same for both private and public sector bodies, in that in general Listed buildings tend to cost more to maintain or repair, are less readily adaptable to change, and Listed building consent is required for all works of demolition and any works of alteration or addition (including painting) that affects their special interest. Whilst private sector bodies obtain LBC from the Local Authority, the Council itself has to obtain consent first from its own planning committee and then from The Government Office for London (as advised by English Heritage). This inevitably can cause considerable delay in the process of managing & maintaining Listed buildings in Council ownership.
- **What impact does the Listing process have on public bodies to deliver a service fit for the 21st century?** – As described above the fact that a building is Listed does not necessarily prevent adaptation to meet modern requirements, although it can be difficult, costly, time consuming, and in extreme cases impossible to meet current standards without compromising the special interest of the building concerned. In the latter instance it simply may have to be accepted that those latest standards simply cannot be achieved and a sensible balance has to be reached. The fact that the Houses of Parliament, Downing Street, Whitehall etc have all been successfully adapted or partially adapted to meet current requirements would suggest that it is usually possible despite their Listed status, although the funding limitations experienced at local level do not appear to exist at national level!
- **What is the financial impact of Listing on public bodies in terms of maintaining their property portfolio?** – There are over twenty Listed buildings in Council ownership in Waltham Forest, approximately 20% of all Listed buildings in the borough. They are a somewhat diverse collection and include the traditional large, usually old, municipal structures such as Town Halls and Libraries, but also a Victorian manor house, the 18thC one-time home of William Morris, the Victorian Essex CCC pavilion, and a modest 17thC Dovecote. Such a disparate range of buildings raises equally disparate issues, but as a generality all are more costly to repair and maintain than their modern equivalents would be. Normal maintenance costs for unlisted buildings of equivalent age and type are probably much the same if the appropriate standards of care were adopted, but the higher standards of care & repair and the specialist skills involved in looking after Listed buildings inevitably comes at a greater price, and one which the Council is finding increasingly difficult to sustain.
- **What risk assessment takes place before a public building is Listed?** – I am not entirely clear what “risk assessment” is referring to in this context. Listing is a function of English Heritage and the Department for Culture, Media & Sport, and in theory at least is an objective process using tried and tested selection criteria. The future maintenance or repair costs, potential adaptability, or commercial effect of including a building on the statutory List are not key factors in the Listing process, which is of course rightly focussed specifically on the special architectural or historic interest of the buildings involved. Whilst owners of potential additions to the statutory List are now consulted before inclusion, and may voice any such concerns they have, this was not the case in the past, and all Council-owned Listed buildings in the borough were Listed some years ago without prior consultation.

- **What constraints are placed on public Listed buildings which affects their redevelopment or change of use?** – As already outlined Listed building consent is required for the demolition of all Listed buildings, or for their alteration or extension in any manner which would affect their character. Clearly this places fundamental constraints on what can and cannot be done to the buildings involved. Redevelopment, in the sense of demolition and replacement, may therefore not be an option except in extreme cases. Change of use however requires planning permission not Listed building consent, so in theory at least is easier to obtain. It is of course always preferable to keep a building in the use for which it was designed, and adaptation to new uses can create often insoluble problems so special care is obviously required. See guidance contained in PPG15.
- **What improvements could be made, if any, to the protection and management of publicly owned Listed buildings?** – Local authorities are perennially short of funding and the additional costs of maintaining elderly Listed buildings are unfortunately a constant drain on resources. Whether a building merits statutory Listing or not is a largely objective process, and the Council is fully supportive of the Listing process and the way it is currently managed by English Heritage and the DCMS. Some recognition of the increased financial burden imposed by Listing would however be welcome, in the form of wider availability of Grant aid from English Heritage (currently limited to Grade I & II* buildings) and the abolition of VAT on all maintenance/repair costs for Listed buildings.
- **What is the impact of legislation, such as Health and Safety and the Disability & Discrimination Act (DDA), on the viability of maintaining Listed buildings for public use?** - The increasingly challenging restrictions/guidance/requirements contained in recent legislation has clearly put increased pressure on all owners of buildings in public use to adapt their buildings to suit, whether Listed or not. The difficulty with Listed buildings is that they almost inevitably take more time, effort and money to adapt sympathetically, if indeed adaptation is possible, as ultimately their recognised special architectural or historic interest takes precedence over other legislation.
- **To what extent has the Government's guidance PPG15 been successful in protecting our heritage?** – PPG15 has been a useful advisory tool since its introduction in 1994 but the fundamental protection for Listed buildings is provided by the Planning (Listed buildings & Conservation Areas) Act 1990. How successful the guidance has been in protecting our heritage is impossible to quantify. Perhaps English Heritage has carried out some research on the issue?
- **What are the recent developments in the relationship between English Heritage and owners of Listed public buildings?** – English Heritage has always provided advice and assistance on all matters relating to the care/repair/adaptation of Council owned Listed buildings, and whilst their resources are clearly stretched there has been no discernible change in that area. Whether of course the advice & assistance is necessarily always what the Council want to hear is of course another issue!
- **What best practice exists in the management of publicly owned Listed buildings?** – Wherever possible the Council tries to accord with advice and best-practice guidance provided by English Heritage, however limited resources has meant that this is not always achieved.
- **What is the role of the London Borough Historic Environment Champion? What impact have they had in the protection and management of public Listed buildings?** - The Council does not have an Historic Environment Champion and therefore the role has had no impact on the protection and management of Council owned Listed buildings in the borough.

- **Should the Mayor of London have a role in the management and protection of Listed buildings? If so in what capacity?** - I can see no reason for the Mayors Office to have any role in this matter whatsoever, unless simply as a grant giving body or as an agent to lobby central government to provide additional resources. English Heritage has all the relevant expertise, and whilst under-resourced is perfectly capable of providing all the specialist advice and guidance required in this area. To involve yet another agency in this specialist field would only add an unnecessary further layer of bureaucracy.

I hope that these observations are useful, and if you have any further queries please do not hesitate to contact me.

Yours Faithfully

MEsom

Martin Esom
Executive Director Environmental Services



LB/005
INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC OWNERSHIP

London Assembly, February 2007

Comments from The Civic Trust

The Civic Trust

The Civic Trust represents a broad range of interests concerned with the protection, regeneration and enhancement of the urban environment for the widest public benefit. Its core membership comprises some 750 Civic Amenity Societies nationwide, with a total of over 250,000 members actively engaged with the planning and improvement of their living and working environment. They have a long track record of working within the planning system and with local authorities. Through understanding and representing the interests of their local communities, they form successful working partnerships between those communities, their local authorities and, increasingly, the developers working in their areas.

The Civic Trust also has a substantial and growing membership of Local Authorities, professional partnerships and corporate members from the business world.

It is therefore well placed to draw upon the experience and skills of all three sectors - voluntary, public and private - to understand and articulate their concerns and aspirations, and thereby to use that experience to promote a holistic approach to urban renewal which has the support of all sectors.

The Civic Trust's London Membership

The Civic Trust's London membership is represented in the London Forum of Amenity and Civic Societies, a federation of over 100 civic amenity societies, together with associate members from the professional and business world, with an aggregate membership of some 100,000 citizens actively interested in all aspects of London's urban environment, including the protection of its historic environment and listed buildings. They reflect a wide constituency of informed and environmentally interested Londoners and would, we are sure, be willing to work closely with the Committee to enable it to understand the concerns and aspirations of Londoners as regards this important and integral element of their city. We understand that the London Forum will also be submitting a response to this consultation.

General Comments

We ask the Committee to bear in mind that Listed Buildings are only one element of London's historic environment. There are many unlisted buildings which are nevertheless identical and of equal value to their local communities. There are also historic landscapes and streetscapes, both within and outside Conservation Areas, of which the Listed Buildings are an integral part, and because of which the Listed Buildings themselves can often have more significance than they would in isolation. They must therefore be seen not as individual "problems", but as part of a holistic historic environment, recently linked with recent warnings from UNESCO that current planning policies were damaging the setting of London's World Heritage sites.

In the press release announcing the inquiry, the Chair of your Planning and Spatial Development Committee said: "Publicly owned listed buildings are important landmarks and features of the townscape and give local identity. But, it can be difficult to manage and operate these buildings within the constraints imposed by listing. We want to ensure that they continue to have a useful life." The purpose of Listing is not to protect or sterilise buildings from alteration or even demolition; if this were the case, no listed building would ever be altered or demolished. Its function is to flag up the fact that a building has special community value or merit which must be taken into account when considering alterations or demolition, and the most sensitive means adopted of keeping them in use wherever possible. In reaching your conclusions, we urge you to ensure that you are in possession of the full facts, from all

sectors, as to whether Listing is in fact a liability or a valuable social and environmental control against the worst excesses of poor design. That should, importantly, include the views of the general public, which the Trust considers it does, to some extent, represent, for the benefit of whom the Listing Process exists, and not merely evidence from those sectors whose interests might be considered to lie in demolishing them to liberate some hypothetical financial value.

What contribution do Listed Buildings make to London's built environment?

We would rephrase this question: "What contribution do Listed Buildings make to the quality of life and the economy of London?" The focus of this inquiry must not be excessively geared towards the cost implications of listed buildings under Local Authority ownership. Such a view, focussing on the disadvantages of listed buildings based solely on the circumstances of their ownership, rather than regarding them as an integral part of London's overall historic environment, is too limited.

The following quotes from *PPG15, "Planning and the Historic Environment"*, place the matter clearly in context:

1.1: It is fundamental to the Government's policies... that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

1.2: The planning system... has to take account of the Government's objective of promoting sustainable economic growth... As PPG1 [now PPS1] also makes clear, planning is also an important instrument for protecting and enhancing the environment... and preserving the built and natural heritage. The objective... should be to reconcile the need for economic growth with the need to protect the natural and historic environment.

1.4: Conservation and economic growth are complementary objectives and should not generally be seen as in opposition to one another. Most historic buildings can still be put to good economic use... They are a valuable material resource and can contribute to the prosperity of the economy, provided they are properly maintained; ...loss... through neglect is a waste of economic as well as environmental resources. In return, economic prosperity can secure the continued vitality of conservation areas and the continued use and maintenance of historic buildings...

1.5: Conservation can itself play a key part in promoting economic prosperity by ensuring that an area offers attractive and living working conditions which will encourage inward investment..."

It is therefore within the context of the above that the questions in this inquiry need to be answered.

Listed buildings, regardless of ownership, are essential to the character of London as intensive development, increased densities and high rise transforms it. Without them, and high quality unlisted ones, London would lose much of that character, which is a major factor both in the quality of the living environment, in the building of civic pride, and in attracting visitors. There is no more prosperous city than London, and we consider that London therefore has a responsibility to care for the historic environment which attracts much of that prosperity. Indeed, we believe that tourism, for which the historic environment is among the main generators, is London's second highest earner of revenue.

It is, further, the Civic Trust's view that this could be increased by a programme of enhancing and restoring London's unique asset, which is the historic cores of the many historic towns and villages which have been engulfed by the growth of the Metropolis over the past two centuries, but which in many cases survive, to a greater or lesser extent, in good condition. A programme to promote a Historic London Villages Tourist Trail would increase the economic contribution of the historic environment to London, and spread those revenues beyond the central zone, thus acting as a catalyst for suburban regeneration.

In summary, London's historic buildings, historic village cores and conservation areas define it in the eyes of the world and are integral to, and inseparable, from its character.

It is within this context that London's publicly-owned Listed buildings must be seen.

How does the ownership of Listed Buildings impact on the ability of public bodies to manage and maintain their property portfolio?

We do not consider that the impact of Listing on buildings owned by public bodies should be viewed separately from those owned by anyone else. It imposes the same responsibilities on all owners, in the interests of the community. Indeed, it could be argued that public bodies, as representative of their community, should set an example to other owners of how to meet the responsibilities of listing.

Finding appropriate uses for such buildings is, in our view, a matter of engaging that imagination and innovation which Government urges on business. The "burden" of Listing is the same for public and private owners. It relates to the building, not the convenience of the owner. The solution is therefore to seek expert, and innovative, advice; English Heritage, for example, is among those bodies with a wealth of experience in the sensitive and successful economic re-use of historic buildings which, importantly, has the approval of the communities affected. Many Listed public buildings are landmarks within the community, and can and should stay in use. Listing is too often put forward as an 'obstacle' to development, but it is not; it merely flags up that a building has special merit worthy of protection, and that restoration and re-use should, wherever possible, be the preferred option. Listing does not sterilise a building, contrary to what its critics and opponents would wish to convey.

Public bodies may find listing a limitation because they may often have less of a free hand than private owners, and because the standards of care and adaptation required may be higher than their maintenance departments may be capable of providing, and the cost implications of restoring some Listed Buildings may mean that there may be no alternative to disposal to a private sector developer with the resources to carry out the necessary works. However, we trust that the Committee will seek examples of how Local Planning Authorities have successfully restored Listed Buildings in their care, and made them once more a focus of civic activity and pride – for example, Hall Place and other buildings in Bexley, Shoreditch Town Hall, and the Manor House Library and the Ladywell Baths in Lewisham, the last cited by its owners as an important example of 'humble heritage.' The ways in which grant aid, particularly Heritage Lottery Funding, is directed, must also figure in seeking solutions to the maintenance of the community's historic heritage.

What impact does the Listing process have on public bodies to deliver a service fit for the twenty first century?

Unless Listed properties form a substantial part of their portfolio, we would not consider that the process has any more impact, or limitations, for the public sector to carry out its functions than on the private sector, other than limiting their 'freedom' to do as they want with the property. We are concerned that the question carries an implication that caring for Listed Buildings under public ownership is not a part of "a service fit for the twenty first century". Since the responsibility is being exercised on behalf of the community, the community itself should surely be canvassed as to whether they consider that maintaining these buildings is a part of that 'service'. Care for cultural public assets valued by the public is, in our view, an important service, particularly in a capital city which is identified, in the public eye and in the eyes of international visitors, by those assets.

Our experience leaves us in no doubt that the community greatly values these buildings, is dismayed when they are poorly maintained or when disposal or demolition is threatened, and considers that public money is well spent on maintaining them for the public benefit. Indeed, the message the Civic Trust receives from its membership is one of community frustration that too few buildings are Listed, that it is excessively difficult to get any added to the List, and that it appears to be all too easy to obtain consent to alter them badly or demolish them.

What is the financial impact of Listing on public bodies in terms of maintaining their property portfolio?

Financial departments will inevitably see them as a financial liability, and requirements such as fire regulations can oblige damaging or insensitive works to be carried out. It is not clear whether the question refers to the potential listing of currently unlisted buildings, in which case there may well be substantial implications (though, again, we see no justification for failing to list buildings because of the mere issue of ownership). It should also be remembered that a nationally important asset – Keats House in Hampstead – was saved from dereliction only through the intervention of a local authority voluntarily taking up responsibility for its maintenance.

This question is, of course, inseparable from the current national debate focussed on the disparity between VAT on new build and on restoration and maintenance, which is a major burden for owners.

What risk assessment takes place before a public building is Listed?

This question implies that the listing of unlisted buildings in public ownership is a quantifiable and substantial problem, but the scale of any such 'problem' is not quantified; the paper does not indicate how many publicly-owned buildings have in fact been Listed in the past twenty years, and whether that number is large or small.

However, risk assessment should not necessarily be a factor in Listing, unless the condition of the building is such as to raise serious doubts as to the capacity of the local authority to undertake the necessary repairs or maintenance. Listing relates to the merits of the building and, as already observed, does not protect from demolition or alteration.

What constraints are placed on public listed buildings which affect their redevelopment or change of use?

Again, we see no reason why constraints upon publicly owned buildings should be any different from privately-owned ones; the building is listed for its historic, architectural and/or community value, and any constraints must relate to that and its integrity respected as far as possible. Owning a Listed Building may be seen as a privilege as well as a liability; we believe that statistics from the Royal Institution of Chartered Surveyors indicate that Listing may even enhance values. The fact that works may need to be done more sensitively or carefully, or by specialists, impacts on both public and private owners. Indeed, if public owners were permitted to avoid Listed Building constraints and carry out works as cheaply as possible, it would in all likelihood lower the value of the property.

One source of concern to our members is where local authorities effectively apply to themselves for planning permission to alter Grade II Listed Buildings, and where it is feared that they may sell them to developers with an unwritten presumption that permission for extensive works or demolition will follow.

What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

PPG15, 1.6, states that "Above all, local authorities should ensure that they can call on specialist conservation advice...", and this should always be the first step. Good advice should not tell owners what not to do, but what is best to do, and how best to do it. We

understand that all Listed Building applications for council-owned buildings have to be formally approved by a 'higher planning authority' to ensure that standards do not slip under pressure from the client side of the council. Above all, this advice should be sought at an early stage, before decay has reached a stage where costs will be excessive; a primary complaint from communities is that, in prioritising their short-term expenditure, Local Authorities consistently cut maintenance budgets to a bare minimum, building up mounting costs for the future, perhaps to the stage where there is no alternative but disposal or demolition. Listing imposes responsibilities, and more effective enforcement must be brought to bear on public and private owners who do not maintain their Listed Buildings.

Managers who understand conservation, and listening to local people on how they want their heritage to be cared for, are also essential factors, particularly on what one local authority correspondent described to us as "humble heritage".

It is, of course, understood that the resources available to local authorities for this work are inevitably very limited. Heritage Lottery Funding should surely be target for just such a purpose.

Since the buildings are being maintained for the public benefit, they should be signposted with information, for the public, about their history, listed status, sources of funding and times of public access; this is done, we understand, on public buildings in the centre of Helsinki.

What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act, on the viability of maintaining listed buildings for public use?

Legislation can and does present considerable challenges for old buildings, and the Health and Safety Executive and Local Authority maintenance staff must be given the training to enable sensitive, flexible and innovative solutions, based where possible on common sense, to be implemented – e.g. insertion of escape stairs, partitions, and fire doors, which can easily disfigure a building if not well designed – and which will cause minimal structural and visual impact.

To what extent has the Government's Guidance PPG15 been successful in protecting our heritage?

PPG15 provides protection from demolition and inappropriate external works to buildings which make a positive contribution to the conservation areas in which they are situated. PPG15 guidance points out that the prime consideration is the quality and interest of the area rather than individual buildings.

To provide an answer to this question requires the collection and assessment of evidence nationally which the Civic Trust does not have, other than anecdotal reports from our members that PPG15 in general has succeeded, though there is a perception that more resources have been directed to surveys than physical maintenance. We would refer you to *Local Authority Practice and PPG15: Information and Effectiveness*, a report produced in 2000 by Oxford Brookes University School of Planning, Environmental Design and Conservation Research Group on behalf of English Heritage, the Institute of Historic Building Conservation, and the Association of Local Government Archaeological Officers, which may be useful in this context.

What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

This question is best answered by the local authorities themselves. In general, English Heritage are perceived by our membership as a positive organisation, open to pre-consultation, and helpful if – rightly, in our opinion – demanding. For all the criticism they attract, they are strong guardians of the heritage, although their ability to maintain a service of the level required is affected by consistent Government cuts in their funding, which we understand in real terms be to lower than it was ten years ago. It is instructive to refer to an article in *Country Life* for November 2006 on private owners who restored historic buildings in

ruinous condition; one owner interviewed made clear his view that the English Heritage officers with whom he liaised were expertly informed, very helpful and, in his view, invariably correct in their suggestions.

What best practice exists in the management of publicly owned listed buildings?

This can best be answered by English Heritage and those Local Authorities who are successfully managing their listed buildings.

What is the role of the London Borough Historic Environment Champion? What impact have they had in the protection and management of public listed buildings?

This appears to depend to a large extent on the individual, and their position and role within the Local Planning Authority's hierarchy. For example, members in the London Borough of Merton report that their HEC has yet to make any impact, is marginalised by the local authority and not automatically consulted, and that their wider perception is that most HECs are amateurs in the subject, have little knowledge of the subject, seem unable to stand up to their Councils against bad proposals, and do not produce an annual report of their activities. However, members in the London Borough of Hounslow report that their HEC has had a positive influence, although it is their perception that HECs elsewhere have no conservation input in the planning process.

Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

It is clear from our London members, representing 100,000 citizens concerned about the protection and enhancement of London's historic environment, that while they appreciate the need to distinguish the role from the incumbent, the low priority which the present Mayor is perceived as placing on London's historic environment gives them little confidence that he would exercise his responsibilities in the field as they would wish.

Given that reservation, a case could, they believe, in principle be made for giving a Mayor more responsibility for the protection, and enhancement, of London's historic environment, listed buildings, archaeology, etc. if the aim were to promote wider public knowledge and enjoyment of them, and better care by private and public owners, for the wider benefit of London as a world city.

However, the role would need to be tightly defined, with a presumption that Listed Buildings will be protected. The Mayor should be seen as the champion of all aspects of London's built environment, including the historic environment which generates much tourism revenue and is, or could be, a focus of civic pride. Borough performance should be monitored by English Heritage or Government, as independent of the pressures which the GLA has to balance, and as having some expertise in the subject; it could perhaps be enabled to give maintenance grants for each council to administer, which could lever in more private finance to the heritage than the small public resources currently allocated. The GLA should have the role of making strategic planning policy on conservation areas and listed buildings. It has been suggested to us, by a Borough Councillor, that there should be a fund set aside to pump prime renovation of links with the past at all levels, including what they term "humble history", which is equally important – renovation is a way to 'remember' the past and bring buildings into useful public service for all; hence additional funding for DDA, fire, etc. is necessary.

Finally, feedback from our London members leaves us in no doubt that their abiding wish is that the Mayor should seek the public's views on how they value their historic environment, to act as its champion, and to incorporate their aspirations as policy.

Additional Information

We have just received some comments from one of our members, the Harrow Heritage Trust, who have only just had notice of the consultation. They seem positive and balanced and I paste them below in case they are of help.

While writing, might I also append to our comments something I learned only yesterday in regard to Heritage Champions. The HC of the London Borough of Havering has, through active and positive input, persuaded Havering to produce a Supplementary Planning Document on Heritage for its UDP; this should certainly be acknowledged as a positive step to be emulated by others.

This is, as you may imagine, an issue of great interest and concern to our London membership (our London Regional Federation, the London Forum of Civic Societies, represents some 100,000 civic society members and has doubtless made its own response). If you think that a meeting to discuss any of the issues would be helpful, please let me know.

Regards

Michael Hammerson
Policy Consultant
The Civic Trust
020 7539 7935

Harrow Heritage Trust comments: "The only instance I can refer to as far as HHT is concerned is the case of the restoration of the Moated Manor House, Headstone Manor, Harrow. This building is owned by Harrow Council and is Grade II* listed and in the mid 1980's had to be protected by a framework of scaffolding to prevent it collapsing. The process of getting to the point of undertaking the necessary work took the best part of 20 years and was successfully completed as far as the "ancient parts" is concerned the year before last. Other extensive work on other parts of the building, the moat and the bridge remains to be done.

The delays were not of the Council's making save that finance, or lack of it, is always a factor.

The problem will always be grounded on finance as we find that, certainly in the case of Harrow, there is a desire and willingness to do the right thing.

Finally, as a Trust, we feel very strongly about the desirability to list and maintain listed buildings as they are an extremely important contributor to the built environment. We are fortunate that Harrow Council has given the Trust the responsibility for administering the Council's Historic Buildings Grant. The sum, although small plays a vital part in not only encouraging the maintenance of both listed buildings but also buildings of character in the conservation areas and can be extended to the settings of such buildings."

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

LB/06

Dear Mr Davies,
Richard Davies
Assistant Scrutiny Manager
GLA
City Hall
The Queen's Walk
London SE1 2AA

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361 2944
Facsimile: 020 7361 3463
Email: Michael.French@rbkc.gov.uk
Web: www.rbkc.gov.uk

15 March 2007

My reference: EDPC/MJF

Your reference:

Please ask for: Mr French

Investigation into London's Listed Buildings in Public Ownership

I refer to the letter from Tony Arbour, Chair of the Planning and Spatial Development Committee addressed to Derek Myers, Town Clerk and Chief Executive of the Royal Borough. I have been asked to respond on behalf of the Council. I am very interested in your investigation, and will provide you with as much information as I can. However, some of your questions are of quite a general nature and I believe that English Heritage will be giving you a full response on these matters. It is also worth making the point that many of the issues you raise relate to all listed buildings. Public bodies should deal with their listed buildings in a responsible manner like any other owner. In fact, PPG15 advises local authorities to: 'deal with their own buildings in ways which will provide examples to other owners'. I have set out your questions in the order in which they were supplied and have provided brief comments on each. This council owns a wide portfolio of listed buildings from residential properties such as Kensal house and Trellick Tower, to public libraries and schools and engineering structures such as Albert Bridge.

What contribution do listed buildings make to London's built environment?

I am sure that English Heritage will provide a much more comprehensive response than I am able to here. It may be stating the obvious but it is many of London's public buildings such as the Houses of Parliament and the Tower of London which help define its image as a World City and tourist destination. At a more local level, it is landmark buildings such as the Natural History Museum, Kensington Palace and Harrods which help make this Borough special. Even more modest listed buildings such as some of our Victorian terraces and squares are intrinsic to local character.

How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

My comments on this issue are anecdotal rather than quantifiable. By their nature, listed buildings are likely to require more resources to maintain and repair than those which are not listed. However, any old building will have maintenance and repair liabilities, and the question is, how much more onerous might this be in the case of a listed building? It should be noted however, that studies which have been undertaken in the private sector by English Heritage have shown that listed buildings in business use generate as good a return on the investment as those which are unlisted. These are issues which should be considered as part of the Local Authority's Asset Management Strategy. Local authorities have been



INVESTOR IN PEOPLE

criticised in the past for allowing their listed buildings to deteriorate rather than having a planned programme of disposal in appropriate cases.

What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

It is difficult to generalise here, but the following examples may be useful. Trellick Tower used to be a hard to let Council block of flats. Through creative management and improved security by the Tenant Management Organisation, it has become a desirable address in North Kensington. Its grade II* listing and iconic status as one of the best buildings by the architect Erno Goldfinger has contributed to this turnaround in its fortunes. The Council's Central Library is also a grade II* listed building dating from the 1950s. Proposals are being prepared at present to up-grade it to enable it to provide 21st century information services. Its robust and loose-fit design will allow this adaptation to take place without harming its architectural and historic interest. The cost of adaptation will certainly be less than rebuilding and will be a much more sustainable form of development.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

See my respons to your second question.

What risk assessment takes place before a building is listed?

This question is best addressed by English Heritage. As far as I am aware, the only considerations which are taken in to account when a building is listed are its architectural or historic interest.

What constraints are placed on public listed buildings which affect their redevelopment or change of use?

The considerations are the exactly the same or public or privately owned buildings. These are set out in local authorities' planning policies and most importantly in PPG15. Indeed, changes of use are dealt with in detail in paragraphs 3.8 to 3.11 of PPG15. Naturally there is a presumption against the demolition of listed buildings and policies encourage their adaptation and re-use. There are many examples of this in London. In the Royal Borough, the Tabernacle Community Centre was created out of a former Baptist Chapel in North Kensington. It has been adapted and extended over the years and will soon re-open again. Another example is a former public library in Manresa Road, for which planning permission and listed building consent has been granted for change of use to a school.

What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

The main answer to this lies in Local Authorities' Asset Management Strategies. These should identify the Council's listed buildings and any particular requirements or constraints that they may have. A key factor in reducing the cost of listed buildings is regular maintenance and repair. A system of quinquennial surveys such as that used by the Church of England for its churches would reap benefits.

What is the impact of legislation, such as Health and Safety and the DDA, on the viability of maintaining listed buildings for public use?

Again the issues are the same for public or privately owned buildings. Challenges exist for all old buildings, whether listed or not. Obviously conflicts may arise between the need to make buildings accessible and protecting their special interest. English heritage have provided guidance on this issue (Easy Access to Historic Buildings). In the majority of cases, any difficulties can be overcome if the designer, access officer and conservation officer work together to create a practical solution.

To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

In my opinion, in the case of listed buildings, it has been generally successful in assisting in their preservation. Like any other document which is over 12 years' old, it would benefit from up-dating, particularly given current pressure to extend properties below ground. Unfortunately, the same cannot be said for conservation areas, where a combination of the effects of the Shimizu decision and permitted development rights continue to erode local character.

What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

I'll leave this question to be answered by English Heritage. As a local authority, we have had no recent changes in our relationship with EH.

What best practice exists in the management of publicly owned listed buildings?

The Church of England's system of regular surveys as mentioned above is to be recommended. Similarly, the National Trust and English Heritage set the standards in their management of their own stock. English heritage has also published 'Making the Most of Our Civic Heritage' as a guide for local authorities.

What is the role of the London Borough Historic Environment Champion? What impact have they had in the protection and management of public listed buildings?

The role of Historic Environment Champions is set out in English Heritage's publication 'A Guidance Note on Historic Environment Champions'. In this Borough our Historic Environment Champion is Deputy Leader of the Council and is also our Urban design Champion. He has recently been influential in the opposition to the proposals to de-list the Commonwealth Institute.

Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

I believe that the protection of listed buildings is best dealt with at the local level, with the assistance where necessary of English Heritage. Over the last ten years or so English Heritage has devolved much of its responsibilities to the London Boroughs. Where adequate staffing levels are in place and support is available from English Heritage this system is operating successfully. Involvement of the Mayor would add another, in my opinion, unnecessary layer of control. The Mayor currently does not have staff with the necessary expertise to deal with historic buildings. It would mean that a new team would have to be created.

If you would like any other information do not hesitate to contact me or my David McDonald, my Conservation and Design Team Leader (Tel. 020 7361 3352). He would also be available to attend as a witness. At the public meeting on 18th April.

Yours sincerely,

Michael J French
Executive Director of Planning and Conservation



Richard Davies
Assistance Scrutiny Manager
City Hall
The Queen's Walk
London
SE1 2AA

LB/007

20 March 2007 (by email only)

Dear Mr Davies

Re: Investigation into London's Listed Buildings in Public Ownership

I refer to Tony Arbour's letter dated 6 February 2007 addressed to our Chief Executive regarding the above matter. The letter was passed to me only a few days ago, so I apologise for the lateness of my response. I have attempted to structure my response based on the questions listed in your letter.

What contribution do listed buildings make to London's built environment?

- Listed buildings make a significant positive contribution to London's built environment in terms of their historic and architectural qualities. They add value to a place and can contribute to the regeneration of streets and districts. They are a finite resource that once lost or altered, cannot be replaced. Local planning authorities (LPAs) have a statutory duty to preserve and enhance listed buildings

How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

- Public bodies have the same statutory duty as any private owner to preserve and enhance listed buildings in their ownership and any proposed alterations to a listed building must have regard to the special architectural and historic interest of that building. It is crucial to stress that listed buildings do not have to be "preserved in aspic" and there is often scope for them to be altered and improved to adapt to changing needs. The important factor is balancing changes against the impact on the historic and architectural qualities of the listed building.

What impact does the listing process have on public bodies to deliver a service fit for the 21st century?

- As stated above, listed buildings can be adapted to meet new demands and uses, subject to the impact these changes may have on the building itself. If public bodies engage with LPAs at an early stage in the design process, then major issues can be resolved and protracted disputes avoided later on.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

- I do not have specific figures for this answer, but listed buildings clearly have a financial impact on public bodies as they require specialist maintenance and any repairs or improvements will generally require specialist skills. Harrow Council receives the least financial support from central government of any London Borough and this inevitability impacts on the resources available to undertake such works. However, financial costs need to be balanced against the

outstanding value that a listed building can give to a local environment in terms of its character, appearance and history.

What risk assessment takes place before a public building is listed?

- English Heritage and the Department for Culture (DCMS) make the final decisions on whether a building should be listed, and I do not know whether they carry out risk assessments. LPAs can put forward public buildings for listing, but do not have to carry out a risk assessment. The benefits of getting a building listed normally outweigh the risks.

What constraints are placed on public listed building which affects their redevelopment or change of use?

- Any public body wishing to make changes to a listed building would need to apply for listed building consent before they carry out works in the same manner as a private owner. Such applications to the LPA are normally determined within 8 weeks, which is the same timeframe for any planning permission that is often needed alongside listed building consent. The special architectural and/or historic character of a listed building will need to be preserved and/or enhanced with any development proposal and it may not be possible to alter certain important features, such as a footbridge on a listed Tube station. However, in nearly every case, there are alternative means of providing the required change that doesn't affect the listed building's character or appearance.

What improvement could be made, if any, to the protection and management of publicly owned listed buildings?

- Under the Heritage White Paper recently produced by the DCMS, there are proposals for "Heritage Partnership Agreements" where management plans can be agreed between the owner of a listed building and the LPA. Such plans would cover routine or repetitive works and avoid the need for formal applications to be submitted to the LPA every time such works were needed. This would alleviate some of the bureaucracy involved with listed buildings and would be a welcome development.
- At present, local authorities wishing to carry out works to listed buildings in their ownership have to submit their listed building consent application to the DCMS, which involves extra time and bureaucracy. It would help if such decisions could be made at the local level.
- Additional funding opportunities would help public bodies, particularly local authorities, to manage their listed buildings. Harrow Council receives the lowest grant settlement of any London Borough and therefore struggles to source sufficient funds to protect, maintain and manage listed buildings in its ownership.

What is the impact of legislation on the viability of maintaining listed buildings for public use?

- LPAs have to give consideration to the requirements of the DDA and Building Regulations and make every reasonable effort to adapt listed buildings to meet these requirements, but the duty to preserve listed buildings often outweighs these requirements. As stated above, negotiations between the LPA and the owner of a listed building can normally resolve problems and achieve a compromise that meets the requirements of legislation and preserves the listed building.

To what extent has PPG15 been successful in protecting our heritage?

- PPG15 has been very successful in protecting the historic environment and is often given considerable weight by LPAs and planning inspectors when determining planning applications affecting historic buildings and areas.

What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

- English Heritage normally support the LPA's views when dealing with proposed changes to a publicly owned listed building and will be happy to attend meetings to discuss how changes can be accommodated.

What best practice exists in the management of publicly owned listed buildings?

- Harrow Council has always positively engaged with public bodies regarding the management of publicly owned listed buildings. The Council has worked in recent years to improve listed train

stations (such as Harrow & Wealdstone where step-free access was installed), a magistrate's court (where repairs and alterations were carried out to allow the magistrates to continue using the building) and a former hospital site (which was sympathetically converted into residential use).

- The Council has successfully applied for grant aid to restore historic buildings and structure within its ownership (such as the recent Heritage Lottery Funded project for Canons Park, a Grade II Registered Historic Park in Edgware). There is also a Council officer whose role is specifically focussed on heritage projects and the management of Council-owned listed buildings.

What is the role of the Historic Environment Champion?

- Harrow Council's Historic Environment Champion promotes the preservation and enhancement of listed buildings and supports Council officers in their day-to-day work.

Should the Mayor of London have a role in the management and protection of listed buildings?

- There are already a number of organisations tasked with the management and protection of listed buildings, from building owners and LPAs to English Heritage and the DCMS. I am not sure that the Mayor should have the power to affect decisions made at the LPA level, as this could be in conflict with listed building legislation. The Mayor's involvement would have to be a proactive and positive one, not just reactionary, seeking to preserve and enhance listed buildings rather than force through changes that detrimentally affect the character and appearance of listed buildings in order to achieve other aims (such as DDA compliance).

I hope that the above comments are of use. If you require further details on any point, please let me know. I am happy for my comments to be viewed at the public session on 18 April 2007.

Yours sincerely,

Tom Wooldridge
Principal Conservation Officer

Direct Line: 020 8736 6101

Fax: 020 8424 1551

E-Mail: tom.wooldridge@harrow.gov.uk



ENGLISH HERITAGE

LB/008

Response To The London Assembly's Environment
Committee Investigation Into
London's Listed Buildings in Public Ownership

1. What contribution do listed buildings make to London's built environment?

Listed buildings are those parts of the historic built environment that are identified to be of national importance by virtue of their architectural interest, historic interest; close historical associations and group value, and are therefore deemed worthy of preservation. They are a finite resource and an irreplaceable asset.

Listed buildings, and the wider historic environment as a whole, are recognised to

- be the foundation for successful sustainable regeneration schemes. Historic buildings are often seen to be more desirable than their more recent equivalents, and historic residential and commercial buildings often carry a premium. They project a positive, high quality image, and attract high value jobs and businesses. Their retention in regeneration schemes helps in the transformation of failing areas into thriving sustainable communities. Every £10k of initial heritage investment in heritage-led regeneration schemes levers in £46k match funding from public and private sector sources¹ and helps to sustain and create jobs. In this way it can act as a catalyst for the repopulation of inner city areas.
- Promote local identity and a sense of place that fosters pride in the local area. London is widely acknowledged to owe some of its special character from the fact that it has developed from the historical growth and amalgamation of many smaller towns, villages and communities. It is a huge patchwork. In this context, historic buildings, with listed buildings to the forefront, provide essential waymarks for orientation and anchors around which the successors to the historic communities can find and develop local identity. Without the evidence for historic centres, London would be an unstructured, inchoate and overwhelming mass! Local civic buildings are a key factor in this.
- Fulfil the needs of existing communities and maintain and strengthen local cultural, social and economic networks. Historic buildings can provide diversity in the nature and affordability of commercial and industrial floorspace which benefits small businesses and local employment opportunities. They can also provide a focus for community activities and

¹ English Heritage, 2002, *Heritage Dividend 2002*

facilities for events, which in turn contributes to tackling social exclusion. An understanding of local history helps bring communities together and helps foster civic responsibility (e.g. *Brick Lane, Tower Hamlets, Sutton House, Hackney*)

- Be an educational resource – for social, economic and political history, architecture, planning and urban design, as well as by virtue of the specific qualities or merits of individual buildings or museums (e.g. *19 Princelet Street, Tower Hamlets*).
- Provide quality venues for leisure and cultural activity in local areas (e.g. *LSO St Lukes, Old Street, Himalaya Palace Cinema, Southall*)
- Provide a high quality context that encourages excellence in new design.
- Provide a world class context for tourism, as well as many visitor attractions.
- Contribute to the government's targets for achieving sustainability. Retaining and re-using historic buildings reduces waste by preserving embodied energy and avoiding demolition and construction waste. Re-use also involves the preservation of materials which were often of a far higher quality than those available today, and preserves the human capital – the skill and time which went into their creation.

Listed buildings in public ownership make a particular contribution as they reflect the history of local governance and public service, the ambitions and aspirations of the times being broadcast via the architecture. Their current level of care and maintenance presents a message to the wider public about how they are valued now.

In 2006 London had approximately 40,000 listed buildings. 657 of these were included on EH's Register of Buildings at Risk (of neglect or decay), and of these, 161 (one quarter) were publicly owned.

2. How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

Ownership of listed buildings does not result in a public body being any less able to *manage*, or *maintain* their property portfolio. However, they will be less well able to make the best use of this part of their asset if

- they do not understand the historic asset (i.e. its nature, extent and physical condition) and the legislative requirements for seeking consent for alterations;
- if they have not included special consideration of these assets in strategic plans, and

- if they do not avail themselves of relevant conservation expertise, either in-house, local authority, or EH

Best Value Reviews and the Asset Management Plan process for local authorities calls for, as a basic requirement, a thorough and up to date understanding of the asset. This is the basis of good practice management of all historic buildings, whoever their owner.

Heritage Assets need to be seen as an integral part of the whole estate, and be put to the optimum beneficial use compatible with maintaining their historic fabric, form and character. Matching appropriate uses to historic buildings will be more readily achieved through an overarching strategy for public buildings as a whole, which provides a framework for all planning, development and procurement activity, rather than by fragmented responsibility. Some examples of listed public buildings that have been kept in use are Harrow Magistrates Court - following a review of the building and operational requirements and disposal options, this building was kept in its current use and minor alterations to improve security were granted listed building consent; Swiss Cottage Library – recent refurbishment of the 1960s listed building that restored the original fabric and updated the building to cater for 21st century requirements, including a café, a gallery and IT facilities; Holmes Road Police Station, Camden - made internal alterations to provide required office accommodation and improved access for all by providing ramps to the front entrance.

The fact that a building is listed does not always prevent change required by operational factors or the introduction of new facilities. However, the impact on the listed building should be considered, the need for such changes justified, and a flexible and creative approach should be taken in achieving the goal. This approach can usefully be underpinned by a Conservation Management Plan, which is recommended for individual heritage assets (or groups of similar buildings). This should include an analysis of the building, assessment of significance; identification of elements vulnerable to change, and the issues driving change; policies or strategies to safeguard the asset; what needs to be done, and the means by which this will be achieved and results monitored.

Heritage Partnership Agreements (HPAs) are a major feature of reform set out in the Heritage Protection White Paper. There is a longstanding commitment to their introduction, since first recommended in “Review of Heritage Protection: The Way Forward” (DCMS 2004). They are a move away from a reactive, regulatory approach towards major historic assets, towards a more proactive, partnership based approach. HPAs are intended to cover large sites, complex sites or a number of similar but dispersed assets. Crucially the designated asset or assets need to be either in single ownership or the hands of a small number of owners (they are not intended for small, discrete assets or groups of assets in multiple ownership.) Large local authority owned buildings, or a portfolio of such buildings could be eligible for such agreements.

HPAs are conceived as the successor to management agreements, with statutory status, which will allow local authorities to grant advance consent for works. Parties to the agreement will have to include the owner or owners, the local planning authority, and English Heritage as appropriate.

Formats will vary according to the requirements of the individual agreement, but the White Paper suggests the following contents;

- Administrative information, including information about the parties, the site, lifespan of the agreement, arrangements for monitoring, review, renewal etc.
- An overarching conservation framework for the site that can act as the context for any decisions about particular works, and assist in preparing any detailed consent applications.
- Specified works, which may take two forms: an agreement of works that are agreed not to require consent; and works that would otherwise be covered by the new heritage consent but have been pre-agreed with a specification outlining the materials and methods to be used.

Heritage Partnership Agreements are a significant development in the management of historic assets, intended to promote constructive, ongoing dialogue between owners, LPA's and EH; better understanding of the nature of the building and the requirements for future change; and a greater level of understanding and sense of involvement in the statutory consent process.

HPAs were trialled in a number of English Heritage's 24 Pilot Projects, set up throughout the country to rigorously test the concepts behind the White Paper reforms. They proved a welcome and sound basis for the future management of a number of sites, including;

- **Cornish Bridges** – dispersed assets in single ownership (Cornwall County Council)
- **University of East Anglia** – large site
- **Piccadilly Line Stations** – dispersed assets, single ownership, (LUL) cross boundary
- **RAF Scampton** – large site, single ownership (MoD)
- **Foxton Locks** – complex site, single ownership (BWB)

Heritage Protection Reform staff at English Heritage will be very pleased to discuss HPAs with building owners who would like to further explore them as possible approaches to their own portfolio of properties.

3. What impact does the listing process have on public bodies to deliver a service fit for the 21st century?

Under the current listing process, owners of any asset considered for designation will be notified at the beginning of the assessment process. The relevant local

planning authority will also be notified. This gives them an opportunity to comment on the suitability of the asset for listing. Any representations are taken into account in the assessment processes; owners and local planning authorities often have important insights and facts to add to the process. Under the provisions of the Heritage Protection White Paper, published on 8th March, this process will continue, evolving into fully fledged consultation, where their views will be invited. This is a significant step, taken in 2005, to move away from previous, less open, processes where assessment was carried out without explicitly informing those affected.

Owners are also notified of the decision. The possibility of review of listing decisions also now exists, in which owners of a recently listed asset have the opportunity to ask DCMS for a review of the decision. This is strengthened in the White Paper as a formal appeal process.

The listing *process* could therefore be characterised as one of openness and clarity, where owners of the potentially listed asset are informed of what is happening, how the assessment is to be made, and the outcome of the assessment, with the opportunity to challenge that decision.

English Heritage now routinely produces clear and in-depth assessment reports on buildings, with any resulting list description expanded to make clear and explicit the reasons for designation. This is part of our existing imperative to open up the system to broader understanding and access, and to give those owning, managing and regulating the building the best possible tools to enable them to do so. This pre-empts and forms the foundations for the more engaged and open approaches to designation set out in the White Paper.

To assess the impact of a decision to list on the provision of a service requires a thorough understanding of the operational requirements and strategy of the service. The best use for a listed building will very often be the use for which the building was originally designed. However, the operational requirements, organisational structure, and short or long term strategy of the service may change over time so that the amount, nature or location of space that the buildings provide is no longer appropriate. To be able to properly assess how the listed buildings contribute to the operation of the public body's functions in the 21st century, the interests of both the operational needs, and the nature of the listed assets, need to be reconciled. Options for retention and alteration, or disposal, can then be made in an informed and strategic manner, having balanced the best interests of the functional requirements with the preservation of the listed buildings.

The high build-specification of many historic public buildings means that they remain high quality structures into the 21st century, and provide attractive and comfortable places to visit, live, or work in. Insertion of modern technology and facilities is usually possible if an informed and flexible approach is taken to where and how these are inserted (e.g. *Swiss Cottage Library re-fit*). Many civic

buildings had a distinct hierarchy in design and ornamentation between public (front) and service (back) areas for example, and understanding their relative importance can aid the design of alterations or new uses that minimise the harm to the listed building. This will often require the input of specialist conservation skills, and early liaison with local authority conservation staff, and EH, where appropriate, is recommended.

Disabled access is discussed below.

4. What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

The Byatt report² recommended that procurement practices should be integral to the way in which local authorities pursue Best Value – the imperative must be to achieve best value rather than the lowest price. This is particularly relevant to works to listed buildings where the quality of work can impact on the survival of the special interest of the building.

Time is required for consultations and the listed building consent procedure. All applications for listed building consent by Local Authorities, for Bridges across the Thames, and for Railway Stations (including Underground) whatever the grade, as well as applications for any building listed grade II* & I, must be referred to the Secretary of State, who is informed by advice from EH. This can be time consuming if the proposal is in any way contentious, or does not comprise good conservation practice. It is essential therefore that sufficient time is allowed in works programmes to obtain the necessary consents. EH is keen to be involved in the early stages of discussion, before an application is made to the LPA, and can help to design a scheme that minimises the harm to the listed building. This can also serve to avoid objections, delays and the need to redesign schemes at a later date.

Cost of repairs and alterations may be higher due to the need for specialist skills, both in the design process, and also in carrying out work to the building.

Conversely – it is significantly cheaper to retain and adapt a building than to demolish and rebuild (by 40 to 60% in the case of housing in the north west of England studied by English Heritage in the context of Pathfinder housing renewal schemes³), even more so when the embodied energy value of the building, and the disposal of demolition waste, is taken into consideration. This fact is underlined by the Sustainable Development Commission, (the government's independent watchdog on sustainable development) in their advice on the key role that re-use of historic building stock has in sustainable development⁴.

² DTLR, 2001, *Delivering Better Services for Citizens – a review of local government procurement in England*,

³ EH, 2005, *Low Demand Housing and the Historic Environment*

⁴ SDC, 2005, *Sustainable Buildings - the challenge of existing stock*

Research undertaken for RICS and EH compared the performance of listed and unlisted office buildings in England. The results showed that the performance of listed offices in London was very similar to unlisted offices, and followed the same market cycles. Over the long term, owners of listed offices incurred lower refurbishment costs than investors in more modern unlisted offices and had not had to spend more on refurbishment in order to attract and retain tenants⁵.

5. What risk assessment takes place before a public building is listed?

Buildings, public or otherwise, are listed if they meet the strict national criteria. These are: architectural interest; historic interest; close historical associations and group value. They are not listed because of risk of harm (e.g. demolition). Even in the case of 'spot listing' in the context of a threat, listing only occurs if the building meets the criteria. The risk to owners – e.g. financial implications - is not one of the considerations of the listing assessment. There is a helpful endorsement of this in the recent White Paper - "Designation is, and will continue to be, a stand-alone decision based on the intrinsic interest of a building or site rather than on wider planning criteria. This enables decisions about designation to be taken on their merits, rather than in response to short-term pressure. It is the right approach for a heritage protection system that seeks to secure the long-term future of our historic assets."⁶

The White Paper includes a commitment to producing a new, single set of statutory criteria for designation, to cover the full range of historic assets to replace the high level, statutory designation criteria contained in PPG15. These are to be supplemented by detailed, non-statutory selection criteria, based on the new Principles of Selections that have been issued for listed buildings under the current system, and subject to extensive public consultation. Detailed, non-statutory selection criteria for buildings were published simultaneously with the White Paper – available on the EH website – in the form of 21 "Selection Guides". They are intended to set out clearly and to make widely accessible understanding of the considerations that EH bring to bear when looking at listing assessments.

These selection guides are primarily intended to develop understanding of designated buildings and structures, and to offer insight into designation decision making. List descriptions were originally purely for identification purposes only: no attempt was made to explain significance or relative importance. Listing in recent times has gone to greater trouble to communicate special interest, but we are well aware that the great majority of list descriptions are still brief accounts of external architectural features, and it remains the local authority's responsibility to articulate just where special interest lies. It is our hope that these selection

⁵ RICS, 2005, *The investment performance of listed offices*

⁶ DCMS, 2007, *Heritage Protection for the 21st Century*

guides, and supporting information, will help to begin to explain the significance and special interest of the different categories of buildings.

Knowledge of the built historic environment is growing constantly and designation needs to keep abreast of this and as indicated above, it is our intention to carry out periodical reviews of the selection guides and improve their fitness for purpose.

The Selection Guides and commitment to a new set of statutory criteria are predicated on a commitment to the current and future principle of designation being an objective, stand-alone process. They are intended to support those designating, local planning authorities and owners alike in understanding the process and managing its impacts.

6. What constraints are placed on public listed buildings which affect their redevelopment or change of use?

- Listed Building Consent is required for works that affect the special architectural or historic interest of the building. Whilst this is not prohibitive, it does require a sensitive approach based on a thorough understanding of the significance of the building, and a flexible approach to what is required. Early liaison with the local authority's conservation staff is recommended.
- As well as consideration of the public body's functional requirements of the building, they also need to consider the impacts of alteration or extension, or change of use on the fabric, character and setting of the building. Whilst some buildings may be simple to convert to other uses, others may contain such specialised spaces that may be difficult to adapt to private sector use without the loss of much of their special architectural or historic interest. Their best future may lie in maintaining the mix of uses for which they were designed. Decisions to dispose of such buildings should be based on a careful assessment of whether they can be adapted to the public body's future uses, as well as alternative uses in the market.
- In the case of local authority owned properties being disposed of for re-use, less than the highest price may have to be accepted if the outcome promotes the economic, social or environmental wellbeing of the area⁷. The aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses⁸.
- Comparative costs between adaptation and alternative provision are relevant, but they should be based on whole life costs of the alternatives, including the cost of securing the future of the heritage asset concerned.

⁷ Local Govt Act 1972;

ODPM, 2003, *General Consent for the Disposal of Local Authority Land*

⁸ PPG15, para 3.9

- There are also benefits that arise by virtue of a building being listed – landmark or architecturally significant buildings are attractive to many potential new users, and a premium can be added for this very reason. Such buildings may be more attractive to community users due to their accessible locations, and also to others requiring small, or flexible spaces.

There are abundant examples in London of former public buildings that have been successfully converted to other uses. Prior to disposal, the long term future of the building should be secured by considering a variety of methods of sale, having realistic expectations of the building's development potential, and marketing the building and its setting as an entity to prevent the isolation of the building and the loss of its amenity value. This will mitigate against the building standing vacant and becoming derelict. Of the 38 current or former fire stations in London that are listed, only two are currently on the Register of Buildings at Risk (the former fire station at 306-312 Old Kent Road, Southwark, and the Fire Station cottages at 1-5 West Ferry Road, Tower Hamlets). This is indicative of their flexibility in adapting to existing or new uses. Many former fire stations have been put to new uses – e.g. the former Tottenham Fire Station, Haringey is now Tottenham Green Enterprise Centre, a business support organisation which offers advice and support together with small office accommodation; the former Waterloo Fire Station, Lambeth, now houses a popular bar and restaurant; the former Roman Road Fire Station, Bethnal Green now houses the London Buddhist Centre.

There are many examples of other civic buildings being put to beneficial new uses – for example, the former Renfrew Road Magistrates Courts, Lambeth, was successfully converted to the Jamyang Buddhist Centre; Kings Cross Magistrates Court and Police Station, 76 and 78 Kings Cross Road, Islington, is currently being converted into a backpackers hostel; the former Great Smith Street public library in Westminster was converted to a successful destination restaurant; Hornsey Road Baths, Islington and Tottenham Baths, Haringey, both have listed building consent to convert the listed frontage buildings into theatre and community uses with new build elements to the rear.

7. What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

EH has produced a guidance document for local authorities on managing their heritage assets⁹. Although other public bodies do not have the same statutory responsibilities towards listed buildings as do local authorities, the basis of this approach can be adopted by owners of all public buildings. It recommends 4 key objectives:

- Championing Quality – both in the care of the historic asset, and in new build;

⁹ EH, 2003, Managing Local Authority Assets

- Setting a good example to private owners of historic buildings through exemplary management of their own historic buildings;
- Making the most of heritage assets – although they may not need to remain in LA ownership, being generally well constructed they can be inherently sustainable and often capable of adaptation to meet an authority's changing needs.
- Providing access to everyone – a creative and flexible approach can usually achieve access for all members of the community without compromising the character or quality.

Management

- Good management planning must be based on a thorough understanding of what is owned, its extent, nature and physical condition.
- Public bodies should have an overarching strategy for property in their ownership, regularly reviewed and within overall strategic plan. This should form the basis of decision on to keeping assets in compatible use, or determining appropriate disposal.
- Long term maintenance and repair should be a strategic objective in corporate plans, not least because of their wider cultural, social and environmental value.
- The Asset Management Plan Process, or similar should provide the context in which managers can prioritise and set maintenance programmes & predict patterns of future maintenance. A higher standard of maintenance is likely to be needed for heritage assets than for the corporate property estate as a whole and maintenance programmes should make this explicit.

Disposals

- Current govt guidance urges local authorities to dispose of buildings that do not contribute to corporate objectives. The cultural, social and environmental value of historic buildings should be considered in addition to their functional use.
- Decisions on disposal should take into consideration the community interest in the building – and consider alternative uses and owners – e.g. community use, building preservation trusts, partnerships.
- The aim on disposal should be to achieve optimum value, rather than highest price, i.e. the best return for the tax payer that is consistent with govt policies for the protection of heritage assets. This may limit the realisation of potential development values, but the approach is supported by the *General Consent for the Disposal of Local Authority Land (2003, ODPM)* which enables local authorities to 'dispose of any interest in landwill contribute to the promotion or improvement of the economic, social or environmental well being of the area for less than the best consideration reasonably obtainable').
- The National Trust's recent research into the disposal of heritage assets by public bodies¹⁰ concludes that the impetus behind the majority of disposals of

¹⁰ National Trust, 2006, *The Disposal of Heritage Assets by Public Bodies*

heritage assets by LPA's is the lack of resources for maintenance. This is not routine ongoing maintenance, but the reversal of significant deterioration caused by a backlog of repairs not carried out over time. Better maintenance regimes would therefore reduce the need for these disposals, and save the LPA money. The research also showed that heritage assets were often not given special consideration in Asset Management Plans.

- Tools such as Management Agreements (e.g. those produced for Alexandra Road Housing Estate, Hackney Town Hall, and the Heritage Partnership Agreement pilot project on the Piccadilly Line) may be appropriate. (Heritage Partnership Agreements are discussed fully at section 2 above).
- Access to the skills of a specialist conservation professional will be important in all stages and aspects of management. TfL currently employs a Senior Heritage and Design Officer in their urban design team, 50% funded by EH. He has already completed a thorough assessment of all new over ground buildings and has started an audit of all TfL listed structures). An active relationship with English Heritage and local planning authority conservation officers will also be valuable.
- Archive – frequent changes and lack of continuity of staff makes it vital that a cumulative archive of information for each building is assembled and maintained in secure and accessible form, including reports, plans, drawings and photographs,. There should be contractual and organisational arrangements in place to ensure that the archive is updated as works undertaken. At very least this preserves expensive surveys for future use.
- Lower rate of VAT on repairs to all listed buildings (not just those in public ownership) would be an incentive to effective maintenance regimes, as well as supporting sustainable development and conservation led-regeneration. EH continues to press the government for changes to legislation that would achieve this.
- Requiring Local Authorities to maintain sufficient in-house conservation expertise, so as to be able to contribute to discussions at an early stage on proposals for publicly owned listed buildings.
- Public bodies are encouraged to develop their own in house conservation expertise to inform corporate decision making.

8. **What is the impact of legislation, such as Health and Safety & DDA on the viability of maintaining listed buildings for public use?**

The Disability Discrimination Act requires service providers to '*take all reasonable steps to remove, alter or avoid physical features that prevent access to the service*'. Most historic buildings will require some intervention to achieve this objective, but, with thought and care, (and appropriate professional advice) the need to make public buildings accessible to all members of the community need not be a barrier to their continued use, nor materially damage their character and quality. EH's Easy Access to Historic Buildings, 2004, sets out a framework for considering the necessary alterations, which includes an access audit to assess barriers; a conservation assessment to establish the relative significance of

various parts of the site, and an access plan, that reconciles the needs of access and conservation. Examples – Ealing Town Hall access ramp; passenger lifts installed at the main foot bridge at Harrow and Wealdstone Station.

Building Regulations - Listed buildings are given particular consideration in the building regulations which in some cases effectively comprises a waiver. The 2006 edition of Part B (Fire Safety) for instance, allows some variation of the provisions where they would prove unduly restrictive in a listed building, and Part L (Conservation of Fuel and Power) gives an exemption to listed buildings¹¹. The regulations therefore do not have a prohibitive or obstructive impact on new works or alterations to listed buildings. However, alternative approaches can often be taken that achieve the aim of the regulations (i.e. retention of existing windows and provision of secondary glazing rather than replacement double glazing; alternative systems and management procedures to address fire safety) and early consultation with LPA conservation staff would allow exploration of the available options.

9. To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

PPG15 is a statement of Government policy, in this case for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. It is therefore imbued with considerable material weight in the planning process. It also sets English Heritage's top line guidance in respect of our designation and statutory casework activities. There is nothing to indicate that it has been less than successful in fulfilling these roles, and much anecdotal evidence is available from many practitioners that it is given due weight in the considerations of local planning authorities and by the inspectorate.

PPG15 has set the parameters for, and initiated, any number of documents and approaches, from local planning authorities' own development policies, conservation area appraisals and management proposals to English Heritage policy statements and guidance on issues as various as new development in historic areas, conservation area designation and appraisal, listing, enabling development etc. Its influence throughout the field of historic conservation is all-pervasive.

Government is currently engaged on a programme of updating and streamlining PPGs, converting them to PPSs. The future direction of travel may be altered as a result of the Barker Review, which suggests that there should be far fewer high level policy documents. We wait to see what the Government response to her recommendations is to be. However, it is heartening to note that Barker supports the existing plan to streamline policy in regard of the historic environment by

¹¹ The Building Regulations 2000 Part L - Conservation of Fuel and Power; Part B Fire Safety Communities and Local Government

merging PPG15 with PPG16 - concerning archaeology – to form a new PPS covering the whole of the historic environment. PPG15 is not one of the PPGs assessed by Barker as otiose and needing stripping out of the system. This can be taken as further affirmation of its effectiveness.

10. What are the recent developments in the relationship between EH and owners of listed public buildings?

- EH has part-funded a Heritage and Design Officer post at TfL since July 2006. The post-holder is currently carrying out an audit of street possessions and has regular liaison meetings with English Heritage, and contact with Local Authorities.
- EH's Government Historic Environment Unit is dedicated to providing advice and guidance to government departments and agencies, as well as other bodies such as the Royal Household, Historic Royal Palaces and the Parliamentary Estates Directorate. It is responsible for setting and monitoring standards for the care of departments' historic estates; producing the *Biennial Conservation Report on the Government's Historic Estate*; providing training for departmental property staff; publishing conservation guidance for departments; maintaining records of the government's historic buildings and monuments; advising departments on the selection of specialist conservation consultants; and liaising with government departments, agencies and other public bodies in relation to the management of their historic estates. It has recently contributed to the production of the Protocol for the Care of the Government Historic Estate, 2003, DCMS.
- Heritage Partnership Agreements (discussed in section 2).
- Training provided for Historic Environment Champions (see section 12 below).

11. What best practice exists in the management of publicly owned listed buildings?

- *Managing Local Authority Assets* (2003, EH) was published in response to a commitment by government in *The Historic Environment: A force for our future* (2001, DCMS) to issue advice to local authorities on the care of heritage assets in their ownership.
- Conservation Statements & Conservation Plans. The former is a basic statement on why and how the asset is important. The latter goes one step further in defining issues and vulnerability, and includes written conservation policies. These can form the background for a Management Plan which sets out how the policies will be implemented. e.g. Spa Green Estate, London Borough of Islington).
- Heritage Partnership Agreements (see above) e.g. Golden Lane Estate (City of London), Piccadilly Line (LU).
- *Protocol for the Care of the Government Historic Estate*, 2003, DCMS. The protocol sets out how the government should meet its commitment to set an example in the care of its historic estate. It states: 'The maintenance of

historic buildings in active use and good repair is part of a sustainable approach to the environment. By adopting a strategic approach to the management of their historic property, departments will ensure that available funds are allocated wisely. This will help to achieve better value for money in the long term as well as safeguarding the special interest of the historic environment.

- The Sustainable Historic Arsenal Regeneration Partnership (SHARP), led by EH with the support of LDA, has worked closely with partners in Spain, Malta and Estonia to share experience and knowledge gained during the regeneration of Woolwich Arsenal. The project, part funded by the European Regional Development Fund, brought together four countries to consider the challenges faced by difficult heritage sites, facilitated the exchange of ideas and developed a 'blue print' of best practice.
- EH has worked closely with the LDA project team for Crystal Palace Park in producing a draft masterplan for the Park and its listed structures. EH was delighted when this resulted in the LDA retaining the listed National Sports Centre in the scheme rather than pursuing its demolition.
- British Waterways – has developed a system of 'heritage data sheets' for its core historic estate of listed buildings. This brings essential current information and references about each asset together in one place, which can be added to or amended as time goes by. The information on these sheets is fed into the cyclical inspection and reporting regime required by the Protocol for the Care of the Government Historic Estate (see above) and provides useful background when condition surveys are undertaken by 'non-heritage' staff. The independent Waterways Trust works closely with British Waterways in maintaining a well organised archive of historic records that are often importance to the understanding and interpretation of historic properties on the waterways estate.
- EH has provided advice and grant aid to the Diocese of London in setting up the Gutter Maintenance Programme¹² – a service to a number of 'supported parishes' to clean their high level gutters twice a year after autumn leaf fall and spring blossom fall, paid directly by the Diocese. The service is also available at a cost to other churches and diocese. The regular maintenance and inspection prevents serious deterioration developing unchecked and therefore saves on costly repairs, and provides a valuable up-to-date level of information on the condition of the church at high level.
- In-house conservation expertise - TfL employs a Heritage and Design Officer who is currently carrying out an audit of street possessions. He has regular liaison meetings with EH and contact with local authorities. London Underground –employs a Design and Heritage Manager, who has produced '*Managing Underground Heritage – A good practice guide*'. They have regular liaison meetings with EH, and developed a Partnership Agreement for the Piccadilly Line. *'for LU, the opportunity to be involved in the {Partnership Agreement} trial was another example of the increasingly harmonious working*

¹² www.london.anglican.org/gutters

*relationship with EH.... We can bring our knowledge of our buildings and operational requirements to a forum that gives us access to EH's unique skills and assistance....we now have a better focus on our buildings and their long term futures than for many years'*¹³

- Historic Environment Local Management (HELM) is a partnership project led by English Heritage and supported by the DCMS, DCLG and DEFRA, set up in 2004. Its aim is to share best practice and build capacity and confidence in those dealing with the historic environment. HELM provides and funds written information and training. The HELM website is a source of wide ranging guidance, case studies and policy statements produced by English Heritage, HELM partners, Local Authorities, regional agencies and other key organisations.

12. What is the role of the London Borough Historic Environment Champions? What impact have they had in the protection and management of public listed buildings?

- Champions were a recommendation of The Historic Environment – a force for our future (DCMS 2001 p12).
- Just over half of the local authorities in London have appointed an elected member to act as the borough's Historic Environment Champion. This role can help to unlock the untapped cultural, social and economic potential of London's historic built environment. The Champions can be constructive in establishing improved working relationships between conservation staff, planning staff & estate managers, as well as championing the plight of some of London's most significant public buildings.
- An important aspect of the role is to co-ordinate effort across the authority, joining up different departments and combating organisational 'ghettos'.
- English Heritage continues to be involved in reviewing their needs and devising training initiatives. Successes include the Havering Champion's involvement in resolving the future of the Upminster windmill in Havering, and the significant lead taken by the Hackney Champion in launching their recent 'State of the Historic Environment' report.

13. Should the Mayor of London have a role in the management and protection of listed buildings? If so in what capacity?

- The principal Act (P(LB&CA)A 1990) does not provide an opportunity for government to intervene in the management of a listed building, apart from the statutory authorisation of works via the listed building consent procedure and the ability to serve Urgent Works and Repairs Notices. Apart from involvement in the management of buildings in the ownership of the GLA

¹³ Design & Heritage Manager, LU, quoted in Conservation Bulletin Issue 52, 2006, EH.

family therefore, there is currently no provision for the Mayor to have further involvement.

- The policies in the London Plan that relate to the historic environment (4B.10 – 15) were added as a result of representations by EH (amongst others) and as required by the Inspector. EH considers that the Mayor places relatively little weight upon implications for the historic environment in exercising his current powers to review applications for planning permission. Should the Mayor have a greater role, then it is crucially important that he pays proper regard to the outstanding contribution that the historic environment makes to London's quality of life, economy and reputation as a world city.
- Circular 01/2001 recognises that the London Boroughs and Cities have gained the experience and expertise to determine the majority of applications affecting grade II buildings. For the remainder, they rely on the expertise and specialist knowledge which EH provides. The current system of determining applications for listed building consent is therefore based upon high levels of experience and expertise. GLA currently has no in-house conservation expertise EH considers that including the Mayor in the established decision making process would result in a duplication of functions, and would neither add value nor allow sufficiently well-informed protection of the historic environment.

Dr Ian Dungavell
Director
director@victoriansociety.org.uk

Richard Davies
Assistant Scrutiny Manager
Planning and Spatial Development Committee
London Assembly
The Queen's Walk
LONDON SE1 2AA

19 March 2007

LB/009

Investigation into London's listed buildings in public ownership

Thank you for the opportunity to contribute to your investigation which does, however, seem more concerned with the negatives than the positives of listed buildings!

What contribution do listed buildings make to London's built environment?

Listed buildings make an enormous contribution to London's historic environment, and are a key ingredient in making our city what it is. They are enormously varied: from Westminster Abbey to horse troughs, from the Houses of Parliament to sewage pumping stations, from aristocratic mansions to the best examples of social housing. They are part of our rich urban landscape, offering an insight into past lives, and are testimony to the creative abilities of generations of Londoners. They contribute a distinctive sense of place which makes this city such a fascinating place to live or visit. And they are popular with the public: see English Heritage's annual publication, *Heritage Counts*.

How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

Listed buildings may sometimes be more complicated to maintain due to the higher standards required, and the need to obtain listed building consent for some alterations. But against this should be balanced civic pride and its importance for functioning communities. Local people want to see their heritage looked after and preserved for the benefit of future generations, and their reasonable expectation that local authorities should play their part in this, especially as public buildings are concerned. We expect local authorities to look after the artworks in their museums, but they should also look after the artworks on their streets. Listed buildings should not be sacrificed on the altar of bureaucratic convenience.

Public owners may have to accept that a listed building may have a lower market value than a cleared site, but they need to remind themselves of the public value of heritage and think more broadly than their narrow area of service delivery. To see it purely in financial

What impact does the listing process have on public bodies to deliver a service fit for the twenty-first century?

The *process* itself probably has very little impact, whereas the *fact* of listing may require public bodies to think a little more carefully about how the listed buildings they own can be adapted to suit modern requirements without robbing them of their special architectural and historic interest. But very rarely will the problems be insurmountable.

Public pressure in Kentish Town, for example, has forced Camden Council to commit to restore the Grade II-listed Kentish Town Baths (opened 1901) for continued use as a swimming pool. No doubt the same facilities could have been provided in a tin shed more cheaply, but local people

wanted 21st century swimming in a 19th century building that had been at the heart of their community for over 100 years. Closure would have also left the historic baths without a use.

Many schools are finding that their historic buildings are perfectly compatible with modern educational needs and, indeed, that the buildings themselves can be practical teaching aids. Through refurbishment and sensitive extension, many of these buildings can continue in their original use. Fitzjohn's School in Hampstead, and the Joseph Lancaster School in Southwark are two examples. Demolitions, such as that of Bonner Street School in Tower Hamlets, are shameful wastes of resources and run counter to ideas of sustainability. One doubts very much that the new buildings there will last half as long as the old.

It must be remembered that listing does not prevent change to buildings, merely that proposed changes are subject to more detailed scrutiny balancing needs with importance.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

That will depend on the nature of the buildings they own and the services provided in them, but do bear in mind the tremendous variety of listed structures. I have no specific information to offer.

What risk assessment takes place before a public building is listed?

There is no provision for 'risk assessment' in PPG15. Listing seeks to identify historic or architectural importance. Potential for change (or demolition!) is assessed through the listed building consent procedure. The two are kept quite separate, and deliberately so.

What constraints are placed on public listed buildings which affects their redevelopment or change of use?

That depends enormously on the individual listed building and the use proposed for it. But instead of focusing on the negatives, the Committee should investigate how the historic environment can be a spur to good modern design. You need only look around and see that many listed buildings are capable of maintaining their original use or sustaining uses far removed from that for which they were designed. Manor Place Baths in Southwark, for example, will become a Buddhist Centre, while the chapel at the former Claybury Hospital in Redbridge has been converted to a swimming pool. English Heritage produced a very good booklet, *Capital Solutions*, in 2004 with a number of inspiring case studies.

What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

Local authorities could take their responsibilities more seriously. A change in attitude is required so that local authority managers take into account the public's appreciation of historic buildings, and see that their preservation and enhancement is their responsibility alongside the task of service provision. Ownership by local or central government is a high risk factor in a building being on the *Buildings at Risk* register. There are 16 buildings owned by local authorities on the register in Greater London in 'very bad' condition; and a further 68 in 'poor' condition.

In London, there is little excuse for that. There is enormous potential for buildings being converted to beneficial use.

What is the impact of legislation, such as Health and Safety and the DDA on the viability of maintaining listed buildings for public use?

Again, this depends enormously on the nature of the building and the uses proposed. The DDA requires alterations to be 'reasonable'.

To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

The general feeling is that the system of heritage protection has worked well, but could be tidied up in terms of its administrative procedures and openness. This is evident in the limited number of changes proposed in the *Heritage Protection for the 21st Century* white paper, published recently.

What are the recent developments in the relationship between English Heritage and owners of listed buildings?

Again, see the proposals in *Heritage Protection for the 21st Century* which details English Heritage's new role in the listing system and its relations with building owners and the public.

What is the role of the London Borough Historic Environmental Champion? What impact have they had in the protection and management of public listed buildings?

I am not aware that there is a London-wide Historic Environment Champion. For individual boroughs, practice varies enormously. It is not always clear who the Champion is (the English Heritage website does not give names), and sometimes only dogged persistence on the telephone can establish whether there is one. For example, the name of Camden's historic environment champion does not appear on its website, and a telephone enquiry to the culture and environment department was met with the response, 'What is that?'. If there is one, I have never come across them despite campaigning vociferously for historic buildings in Camden.

There could be a role for the Mayor here, in encouraging the individual boroughs to take the role of Historic Environment Champion more seriously.

Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

No. I am not aware that the Mayor of London has any expertise in the management and protection of listed buildings, which are already protected through the planning system by local authorities. Changes are proposed to the system of heritage protection in the white paper to enable bodies such as Transport for London and the LFEPA to negotiate heritage partnership agreements to streamline consents for listed structures in their care. Indeed, TfL were involved in a pilot project for the Piccadilly Line.

Yours sincerely

Dr Ian Dungavell

LB/010

-----Original Message-----

From: Adam Wilkinson [mailto:adam@savebritheritage.plus.com]

Sent: 20 March 2007 16:18

To: Richard Davies

Subject: Investigation into London's listed buildings in public ownership

SAVE Britain's Heritage is grateful for the opportunity to submit a memorandum to this investigation.

London, as capital of the UK and a major world city, contains the most remarkable group of publicly owned historic buildings, dating back to the 11th century with the construction of the White Tower at the Tower of London, and carrying through to the present day. These reflect changing uses, fashions and thinking, yet they help form the backdrop to everyday life in the city, exerting a civilising influence through the visual continuity they provide, while also standing testament to civic pride. They range from the grand to the unexpected, from the great railway termini that announced London's position as first city of Empire, to the unexpected, such as public lavatories. All of them have a story to tell, and the vast majority are capable of use for their original purpose or careful adaptation to modern standards or new uses.

SAVE considers there to be a three key points in any discussion of publicly owned listed buildings - (1) maintenance (2) owner attitude (3) the public finance initiative; all in the context of a public that is sympathetic to the cause of threatened historic buildings, evinced through the popularity of TV shows such as Restoration and the strong campaigns for threatened historic buildings across London, whether well known cases such as Dalston Lane or the Bishopsgate Goodsyard, or less well known fights, such as St George's Circus (a group of Georgian houses left to rot by South Bank University). Public bodies are subject to the vagaries of the public purse, which swings irregularly from munificence to penury. Whenever cuts strike, the first area that is cut is building maintenance. This is the most illogical move given that a lack of maintenance builds up over time to the need for expensive repair, but this attitude pervades public bodies, in spite of the investment that these buildings represent. Given that some of them have served the public for over a century, they have to be considered to have offered the public exceptional value for money. It is worth bearing in mind that buildings are now constructed with a life of between thirty and sixty years and that life costs are based on a thirty year life. Proper (regular and systematic) maintenance of historic and listed buildings in public ownership avoids the need for expensive repair or, if owner is not willing to repair, abandonment. It also sets a good example to the private owners of listed buildings - if Government is setting a good example it is in a position to enforce the system properly.

The attitude of public authorities to their historic buildings stock is vital. It is worth contrasting the NHS with Defence Estates in this respect - the NHS has been only to willing to allow its buildings to fall to rot and ruin once vacated - such as with Cane Hill Hospital or Hither Green Hospital, in spite of the very great potential such buildings offer for alternative use, most particularly housing. One positive example is Colney Hatch Asylum at Friern Barnet (now "Prince's Park Manor"), and a current historic hospital threatened with demolition is the East Dulwich hospital, a fine pavilion plan hospital which could easily be converted and make a profit for the NHS Trust - instead it is seeking a cleared site to market to developers. Defence Estates typically takes the opposite view of its historic building stock and maintains it in excellent condition. The Royal Military Academy at Woolwich has been passed on to a developer, intending to convert it to housing with minimal intervention into the historic fabric, in excellent condition. The result will be a very special development with a clear sense of identity. Another positive example is the Scottish Courts Service, that made the decision to retain and adapt all of its historic courts to modern needs on the grounds that it has a moral obligation to retain listed buildings in its ownership in good repair, and the best way to do that is through retaining the buildings in use - a most refreshing attitude for a public body and one we hope the GLA would encourage other public bodies to follow.

The private finance initiative is in many ways one of the greatest threats to publicly owned listed buildings. PFI has become the preferred form of procurement for services by public authorities. However, it is enmity biased against historic buildings. Most contractors involved with PFI simply do not understand historic buildings and are only able to provide life cycle costs for new buildings. It is more profitable for these contractors to provide the services from one building rather than many - for example if a contract covered 5 traditional court centres, with say 5 court rooms each, the PFI route would most likely result in a new court centre with 25 court rooms as it would be more profitable to run - although other costs would be passed on to court users, having to travel further to access the service - along with the associated environmental cost. Then there is the problem of the redundant historic buildings that result.

In the 1960s the Foreign office was deemed unsuitable for modern use and its demolition was seriously considered. It was only after a battle that it was retained and gradually repaired and adapted as part of a thirty year programme. The result is one of the finest buildings of the Victorian era retained in its intended use and meeting modern needs.

London's fire stations, hospitals, post offices, underground stations, railway stations, swimming pools, town halls, public lavatories, court houses, schools and many many others are a blessing not a curse, and represent a most remarkable legacy, which can and indeed must be passed on to the next generation intact. Commercial organisations understand the value of listed building in their ownership, so must public authorities. It is not a simple question of whether listed building in public ownership present an

image of a city that is forward or backward looking, it is a question of what they can contribute to society and the city beyond their basic functions.

SAVE would be delighted to give further evidence if required to do so.

Yours sincerely,

Adam Wilkinson
Secretary
SAVE Britain's Heritage
70 Cowcross Street
London EC1M 6EJ

t: 020 7253 3500

f: 020 7253 3400

www.savebritainsheritage.org

registered charity no 269129

NEXT EVENT: An Evening with Griff Rhys Jones, 11th April at the Cadogan Hall, London. Doors open 6.15pm

Tickets: <http://www.cadoganhall.com/showpage.php?pid=342> or 020 7730 4500

LB/011

-----Original Message-----

From: MacSweeney Mortimer [mailto:Mortimer.MacSweeney@haringey.gov.uk]

Sent: 20 March 2007 18:47

To: Richard Davies

Cc: Cooke Sue; Nisancioglu Sule

Subject: Investigation into London's Listed Buildings in Public Ownership

Mortimer MacSweeney

Design & Conservation Team

639 High Road, London N17 8BD

Date ; 20/03/2007

Tony Arbour

Chair, Planning & Spatial Development Committee

London Assembly, City Hall

The Queen's Walk, London SE1 2AA

Investigation into London's Listed Buildings in Public Ownership

Dear Mr Arbour,

Thank you for your letter dated 06/02/2007 investigating public buildings in Public ownership. I regret that due to a range of priority commitments my observations can only be very brief ;

You raise a wide series of diverse issues relative to the management, protection and adaptability of buildings in public ownership, and many of these questions would benefit from a considered response. The Council has a variety of listed buildings, many of which are local landmarks which play a crucial role in anchoring local visual and historic identity. By their very nature listed buildings vary greatly, from an Edwardian School to Victorian Swimming Baths. Whilst many of these are fully in use, some have already gone through the cycle of redundancy and have been converted / redeveloped for alternative uses. Some, by their nature cannot be converted for alternative use, and must be properly maintained, i.e, a listed monument in a public park.

The Council faces specific challenges with what to do with its former civic buildings ; new uses have to be found for Tottenham and Hornsey Town Halls. Whilst they are partially in office use they are effectively redundant as they no longer serve the specific purpose for which they were designed. Their layout and principal spaces are proving difficult to adapt to new uses. Development Briefs have been prepared for these sites and we are in the process of investigating options for their future use. The issue of redundancy and change of use is an ongoing dilemma for all listed buildings, whether in private or public ownership. The challenge is to secure new viable uses compatible with their special architectural and historic interest. In all these issues English Heritage have been very supportive in providing expertise and guidance, and their independent role is crucial in the case of considering proposals for alterations affecting Council owned listed buildings.

Finally the London Plan policies for heritage protection are crucial, and it is essential that in any review of heritage assets the recognition of their special historic and architectural interest, and the securing of their future for the generations that follow us, remains the imperative.

Yours sincerely,

Mortimer MacSweeney

Principal Conservation Officer
(020) 8489 2841

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the system administrator at Haringey Council. Although this e-mail and any attachments are believed to be free of any virus, or other defect which might affect any computer or system into which they are received and opened, it is the responsibility of the recipient to ensure that they are virus free and no responsibility is accepted for any loss or damage from receipt or use thereof.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>



INSTITUTE OF HISTORIC BUILDING CONSERVATION

LONDON BRANCH

102 Victoria Road,
Alexandra Park,
London,
N22 7XF
20 March 2007

Richard Davies,
Assistant Scrutiny Manager,
GLA,
City Hall,
The Queen's Walk,
London SE1 2AA

Dear Mr Davies,

Investigation into London's Listed Buildings in Public Ownership

Thank you for the letter dated 13 February 2006 to Dr Sean O'Reilly, Director of the Institute of Historic Building Conservation (IHBC), which has been passed to me for reply. The IHBC is the professional body for building conservation practitioners and historic environment experts working in the United Kingdom. The Institute exists to establish, develop and maintain the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Having carefully read the long list of questions, I believe that the majority can be dealt with better by the London Boroughs and English Heritage. Indeed, you need look no further than English Heritage's publications, 'Changing London – An Historic City for a Modern World' and 'Capital Values' which set out the benefits of London's built heritage. I shall, however make some general comments and particularly deal with the issue of the need to employ suitably qualified staff.

Planning Policy Guidance Note 15 'Planning and the historic environment' emphasises the need for local authorities to set an example in the management of their historic estate: "3.37The Secretaries of State ask authorities to deal with their own buildings in ways which will provide examples of good practice to other owners. It is particularly important that every effort should be made to maintain historic buildings in good condition, and to find appropriate new uses for buildings in authority ownership which are no longer in active use."

The message of good management is repeated in 'Managing Local Authority heritage assets some guiding principles for decision makers' was published in June 2003 by DCMS, ODPM & English Heritage. This comprehensive document advises public bodies in management planning for historic assets, including Listed Buildings, in their ownership. It advises that: "It is essential to local authorities' credibility as stewards of the historic environment that they set a good example in the management of their own

heritage assets. This means demonstrably achieving the standards they expect of others. The benefits of good governance in managing local authority heritage assets and the repercussions of failure to utilise or maintain them adequately, especially historic buildings of long-standing civic importance (such as town halls, assembly rooms and swimming baths) should not be underestimated. Credibility in action to secure the future of heritage assets in private ownership depends on responsible stewardship of council-owned heritage assets.” In citing exemplars of good practice in public building management the guidance refers to the work of the Westminster City Council asset management group and also includes a number of London examples of the reuse of public buildings

In autumn 2006 Heritage Counts, the Annual State of England’s historic Environment report highlighted the challenges facing public buildings as a result of changes in the way public services are delivered. Many public buildings have become redundant or are facing an uncertain future. Iconic public buildings endow a sense of distinctiveness on a place as well as helping to shape its character. They often have an emotional resonance for local people that goes far beyond their very bricks and mortar. Their loss has a dramatic impact on the look and feel of a local area. The report argued for the need to find innovative new uses for these buildings and gave evidence of examples where this has been done successfully.

In essence, there may be challenges for local authorities in managing their portfolio of listed buildings, but these can be overcome if the right systems are in place to keep them in a good state of repair, and changing needs are dealt with by imaginative adaptation and re-use.

Turning to your final question about whether the Mayor of London have a role in the management and protection of listed buildings, I would like you to consider the following issues. As you will be aware, the majority of applications affecting grade II listed buildings are dealt with by the London Boroughs. Applications affecting grade I and II* buildings along with certain categories of grade II applications are referred to English Heritage. Applications affecting the London Boroughs’ own properties are determined by the Government Office for London which seeks advice from English Heritage before reaching its decision. These arrangements depend on both the Boroughs and English Heritage having suitably qualified and experienced staff to deal with the applications.

If the Mayor were to have a role in the process, it would add another layer of control to an already complex system. Crucially, it would mean that appropriately skilled and experienced staff would have to be employed to deal with applications. You have to consider whether this will add value to the process or merely make it more cumbersome. I would suggest that it might be more productive for the Mayor to use his influence to ensure that the Boroughs and English Heritage have sufficient resources to administer the existing system effectively.

Yours sincerely,

David McDonald

Chairman, IHBC London Branch,

Tel 020 7361 3352



Royal Institute
of British Architects

Mr Richard Davies
Assistant Scrutiny Manager
London Assembly
Planning & Spatial Development Committee
City Hall
The Queen's Walk
London SE1 2AA

21 March 2007

Dear Mr Davies

Investigation into London's Listed Buildings in Public Ownership

We have received Tony Arbour's letter of 6 February regarding the above matter. In order to reply I have consulted our membership, and in particular some of the members of our Conservation Architecture Group.

I attach a separate memorandum detailing our reply. As you will see there are some general comments first, followed by more specific responses to those of your questions which are relevant to RIBA members. Please note our response is not confidential and may be circulated as detailed in your letter.

I hope these comments are useful and I look forward to seeing the committee's report on the outcome of this investigation.

I note from Mr Arbour's letter that I may be asked to attend as a witness to provide further information to the committee. I will be nominating an appropriate RIBA representative to attend in my place should you wish to call a witness from the RIBA.

Yours sincerely

Jack Pringle
President

Memorandum

To London Assembly Planning and Spatial Development Committee
 Cc
 Date 21 March 2007
 From Jack Pringle, President
 Subject Investigation into London's Listed Buildings in Public Ownership

General comments

- The scope of the investigation appears very broad. A more focused enquiry would be easier to respond to. Although some generalisations can be made, the effect of listing on individual buildings will be specific to each individual case. There will be examples of good service being offered from complex listed buildings and poor service coming from rather more straightforward modern facilities. A well adapted high quality working environment, be it historic or modern, should be able to support good services.
- The last thing local authorities, building owners, architects and contractors need is further bureaucracy adding additional layers to the consultations that already need to be carried out when using or modifying existing buildings – if anything, a streamlining of the processes would be desirable.
- Ideally all listed buildings should be monitored or controlled by one body to ensure consistency of approach and efficiency.

Questions and RIBA responses

- *What contribution do listed buildings make to London's built environment?*
 Listed buildings are a significant part of London's heritage; their historic and architectural interest enables us to understand and appreciate our past, and provides a cultural identity for our future. London's identity as a historic city adapted for modern use is an important part of its appeal for locals, international business and tourists alike.
- *How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?*
 Naturally, this is challenging but the responsibility for ownership and management of listed buildings by public bodies is essentially the same as those in private ownership. Care will have to be taken and expertise deployed in managing listed buildings, over time, to remain relevant and useful facilities.
- *What impact does the listing process have on the ability of public bodies to deliver a service fit for the twenty first century?*
 The listing process ensures that works of alteration do not harm the special interest of the building. An example of how challenging this can be comes from an RIBA member working on a listed health centre – how does the Primary Care

Memorandum

Trust reconcile the demands of a Grade 1 building with emerging developments in health care practice, hygiene control, DDA within a strict budget? Good examples of historic buildings adapted for modern use can be seen at the GOGGS building (Treasury etc), the conversion of many of London's galleries and Museums, e.g. the British Museum. Listed buildings need not be fossilised but should be intelligently adapted for contemporary needs.

- *What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?*
There will be additional costs, but the financial impact of listing on public bodies in terms of maintaining their property portfolio is neither more nor less than buildings in private ownership. Conversely, the cultural and architectural value of historic buildings should not be dismissed when counting the cost.
- *What risk assessment takes place before a public building is listed?*
Risk assessment is not part of the listing process.
- *What constraints are placed on public listed buildings which affect their redevelopment or change of use?*
The redevelopment or change of use for public listed buildings are assessed by the same criteria as privately owned listed buildings.
- *What improvements could be made, if any, to the protection and management of publicly owned buildings?*
All Local Authority's have a management strategy for listed buildings. However, improvements could be made through the use of quinquennial surveys similar to those of the National Trust and the Church of England.
- *What is impact of legislation such as Health and Safety and the Disability Discrimination Act (DDA) on the viability of maintaining listed buildings for public use?*
English Heritage guidance documents have been useful in advising how to adapt public listed buildings, to comply with DDA and other legislation.
- *To what extent has the government's PPG15 guidance been successful in protecting our heritage?*
PPG 15, has established good conservation practice and clear guidance on the protection of the historic fabric which is welcomed.
- *What are the recent developments in the relationship between English Heritage and the owners of listed public buildings?*
For English Heritage response.
- *What best practice exists in the management of publicly owned listed buildings?*
Best practice for the management of listed buildings is similar, be it for public or privately owned properties. Again English Heritage publishes guidance documents.

Memorandum

- *What is the role of the London Borough Historic Environment Champion? What impact have they had on the protection and management of public listed buildings?*
The London Borough Historic Environment Champion can raise the profile of listed buildings, which is welcomed.
- *Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?*
The London Boroughs and English Heritage have appropriate expertise in the conservation and care of listed buildings. The Mayor of London's office does not have this resource, and its duplication would be both costly and unnecessary.

LB/014

Ealing Council
Perceval House
14-16 Uxbridge Road
London W5 2HL

Tel: (020) 8825 6395

Fax: (020) 8825 6610

Richard Davies
Assistant Scrutiny Manager
Scrutiny Team
Greater London Authority

Dear Mr Davis,

This is in response to the letter dated 6 February 2007 from Tony Arbour on the **Investigation into London's Listed Buildings in Public Ownership**. Responses by Ealing Council are set below for your attention¹.

- What contribution do listed buildings make to London's built in environment?

London's built environment is a living record of its history. Listed buildings, in London as elsewhere, provide a vivid and precious record of the past identity of places and contribute greatly to their present value and character. Listed buildings not only play an important role as prime examples of architectural styles, types and design and have direct links with aspects of social, cultural, economic or military history, but they also contribute to the quality of London's urban spaces.

- How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

Recent listing of Acton Town Hall required disposal and redevelopment proposals to be abandoned and further analysis of the site and buildings to be undertaken. No further proposals have been formulated as yet.

The process of listing has also been shown to galvanise local community groups to assist the Council in considering future uses for listed public buildings and increased the desire of these groups to protect the historic fabric.

Listing has opened up avenues for identifying alternative uses, eg. the current conservation plan exercise for Pitzhanger Manor and allowed a wider stakeholder

¹ Responses have been compiled by Gavin Leonard (Council's Architect) and Iride Rosa (Council's Conservation Officer)

group to 'take ownership' of the direction in which the listed public building is to be developed.

The presence of listed status causes a slight 'blurring' of the lines of what would be considered 'basic repair' and 'conservation' often leading to repairs not being undertaken to avoid unauthorised works.

- What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

Listing has created particular problems in terms of buildings' accessibility and energy conservation. In the case of the former, whilst access statements and service re-provision are useful tools in avoiding discrimination, the Council has been anxious not to deny the experience of listed buildings to customers with disabilities. However addressing access by means of physical adaptation is often a long and potentially costly process – which has led in specific cases to services being relocated to more suitable buildings.

- What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

Repairs costs have historically been greater due to the higher standards of craftsmanship and materials however public listed buildings have attracted higher levels of inward investment due to their prominence within the community and interest at a national level.

It is often difficult to take advantage of unforeseen or unplanned investment (eg. the re-allocation of 'underspends') due to the timescale of listed building consents in addition to the planning processes.

The Council has experienced some success in the past in accessing grant funding (eg. from the Heritage Lottery Fund and English Heritage).

- What constraints are placed on public listed buildings which affects their redevelopment or change of use?

Aside from the administrative constraints that listed building consents make upon proposed developments, the single greatest impact is the involvement of local community and national amenity groups. In certain cases difficulty in achieving consensus has led to the Council abandoning plans for re-use or disposal.

- What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

To date these constraints have had a positive effect upon usage in that they have encouraged more innovative proposals than might otherwise have been brought forward, helped by the Council's commitment to improving, for example, accessibility within all public buildings. The higher costs associated with listed buildings (see above) has however made implementing improvements under legislative changes more expensive and reduced the spread of spending in these areas to fewer properties.

- To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

This PPG 15 lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. The PPG 15 is fundamental for the protection of Listed Buildings and CAs through the local government planning system. It provides a link between the control of listed buildings and related development decisions. The policies contained within the PPG 15 informed the policies for Listed Buildings and CA detailed in Ealing UDP 2004 and in other documents of the Local Development Framework, e.g. the Supplementary Planning Document for Ealing's Listed Buildings and CAs 2007 and Urban Design Guidance for CAs in the borough. The easy accessibility of the PPG 15 also improved the exchange of information between local authorities officers, central government officers and the parties acting on behalf of applicants.

- What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

English Heritage officers advising on Listed Buildings and CAs in the borough are consulted also in cases where the work proposed is for historic buildings in the Council's ownership.

- What best practice exists in the management of publicly owned listed buildings?
- What is the role of the London Borough Historic Environmental Champion?

na

- What impact have they had in the protection and management of public listed buildings?

na

- Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

The Mayor of London could further promote the protection of listed buildings by strengthening relevant policies for conservation within The London Plan.

Sincerely,

Iride Rosa

Conservation Officer



City of Westminster

Gordon Chard: Director of Planning and City Development

Please reply to: David Clegg

Direct Tel. No: 020 7641 3014
Direct Fax No: 020 7641 2338

David Clegg
Head of Design and Conservation (North)

Richard Davies
Assistant Scrutiny Manager
Greater London Assembly
City Hall
The Queen's Walk
London
SE1 2AA

Development Planning Services
City of Westminster
City Hall
64 Victoria Street
London SW1E 6QP

RECEIVED

21 MAR 2007

SECRETARIA

Your ref:
My ref:
Date: 20/03/07

Dear Mr. Davies

INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC OWNERSHIP.

Thank you for consulting me on the above.

I have looked carefully at your enclosed documentation and I am struggling somewhat to understand the rationale or premise of the proposed study. There seems to be an inbuilt assumption in the study that the public ownership of listed buildings is different in some meaningful way from those listed buildings that are in private ownership. I am not sure that this is the case. The legislation and controls apply equally to listed buildings irrespective of ownership. It may be that there are some types of listed buildings that have specific issues, particularly buildings that have a significant amount of public access, but these are not necessarily limited to buildings in public ownership. Also, many listed buildings in public ownership will not fall into this category of "public access buildings" and it is difficult to see how the issues affecting these would differ from listed buildings in private ownership.

You refer to the Heritage White Paper in paragraph 3.9. Now that this document has been published, I would suggest it would be helpful to incorporate a summary of the proposals as it indicates the direction that Central Government intends to move heritage protection. It is worth noting that the Heritage White Paper makes no reference to listed buildings in public ownership as a separate issue.

You state that there is no separate list of listed buildings owned by the public sector, but there is an expectation that Local Authorities and other public bodies should maintain a list of the Historic Assets that they manage. This list should form the basis for ongoing management and maintenance regimes for

these assets. It appears to me that this would be good practice for all public bodies.

Paragraph 4.5 makes a reference to PPG 15, which sets down national guidance with regard to listed buildings and conservation areas. This is the framework within which all other policies and decisions are framed. I am not sure it is possible or reasonable to "examine the extent of its success in protecting our heritage" within the remit of this study. It also seems to be beyond the scope of this study which is looking at listed buildings in public ownership. I am not sure what the reference to the "controversial approval" to works to Middlesex Guildhall means and I do not see how it relates to the "success" or otherwise of PPG 15. As this matter is subject to judicial review in the near future, it seems inappropriate to refer to it in this manner.

With regard to the specific questions you have asked, I can comment, as below:

- The contribution of listed buildings to London's built environment is immense. English Heritage, DCMS and Visit London would be able to provide figures regarding the importance of London's historic assets to the cultural and educational welfare of its citizens and visitors. The value of tourism to London, which is inextricably linked to its historic townscapes, is enormous.
- The ownership of listed buildings raises no particular issues for public bodies' property portfolios that would not apply to other private bodies. Depending on the type of building, it may reduce some flexibility of use, may have slightly higher maintenance costs and may be more problematic in terms of energy conservation, although the worst performing buildings in this respect tend to be air-conditioned buildings from the 1970's. There is evidence to show that the physical and structural robustness of most listed buildings will allow them to embrace the new demands for energy conservation better than many more recent buildings.
- I am not sure that the "listing process" has any impact on delivering a 21st century service.
- There may well be a financial impact on maintaining listed properties, but I have not quantified such and am not aware of any other public body that has either. It would obviously vary with the building type, age and structure. The increased cost has to be weighed against the benefits of maintaining our historic environment.
- I am not sure what you mean about "risk assessment" before a public building is listed. Listings are now carried out by English Heritage and I assume this is a question for that body.
- The only "constraint" on a listed building is to maintain its special architectural or historic character. The great majority of listed buildings are capable of conversion to other uses. Redevelopment in the form of demolition is obviously not an option other than in the most extreme situations.
- I am not convinced that publicly-owned listed buildings require any different "protection and management" than privately-owned buildings. Good maintenance and repair regimes are essential in both cases.

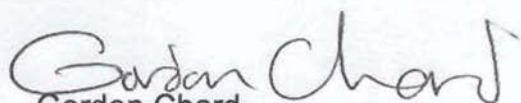
It is generally more difficult and costly to adapt listed buildings to DDA and H&S requirements, although the level of additional cost has not been quantified. Public bodies are more likely to have buildings open to the general public and therefore the implications for such buildings may be greater. However, nearly all listed buildings can be adapted successfully and there are many examples of where this has been done.

- See my comment above, regarding PPG 15. It seems to be beyond the scope of this study.
- In my experience, the relationship between English Heritage and the owners of listed public buildings is sound. They produced Guidelines for the Management of Publicly Owned Heritage Assets that was considered as a potential BVPI. For the time being the Government has deferred its introduction.
- For those authorities with Historic Environment Champions they play a more or less proactive role. As Champions they receive training and support from English Heritage in the role and responsibilities they undertake.
- The Mayor of London's role in the management and protection of listed buildings is contained within his two roles as the Strategic Planning Authority for London and as the Head of numerous public bodies that own considerable numbers of listed buildings, such as Transport for London, London Fire Brigade, etc. This involvement seems appropriate and relevant. I am not sure I see any scope for extending this role with regard to listed buildings.

Under 4.21 may I commend the Cinnamon Club restaurant, Gt Peter Street SW1 which is a very successful conversion of a redundant listed library previously owned by this Council.

I hope this information is useful to your study. If I can be of any further assistance please contact me as required.

Yours sincerely,



Gordon Chard
Director of Planning and City Development





RECEIVED 20 MAR 2007

Mr. Tony Arbour,
London Assembly,
City Hall,
The Queen's Walk,
London SE1 2AA



19th March 2007

Dear Mr. Arbour,

INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC OWNERSHIP

Thank you for your letter, received on 12th February 2007, and the invitation to provide a written note of experience relating to listed buildings in this Council's ownership.

Listed buildings of course make an incalculable contribution to the built environment of Greater London. They provide a sense of place and identity in a vast conurbation; an historic link with suburbia's past as a collection of villages; a focus for civic pride and a generator of investment and tourism; an educational resource for understanding social history and technological advance and they provide an opportunity for the sustainable re-use of buildings of quality and character.

The ownership of listed buildings by any organisation brings with it a responsibility to guard and care for the nation's heritage. Listing may bring some restrictions in terms of how a building can be used, but then other planning constraints, may bring restrictions too. However, through close liaison with the Council's Conservation Team, solutions to problems of accessibility, internal alterations or the servicing of offices can usually be found. One major advantage a listed building brings is a high quality environment for those living, working or at school there. A listed town hall, or other civic building will provide prestige as a flagship building for the Council.

Team: Strategy Group
Department: Planning and Community Services
T.01895 250553 F.01895 277086
Name: jrangeley@hillington.gov.uk
www.hillingdon.gov.uk
London Borough of Hillington,
Location, Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

The financial impact of listing is difficult to assess : very few buildings are added to the Statutory List of Buildings of Special Architectural or Historic Character each year (none for example in this Borough in 2006) and only a tiny minority of these will be publicly owned. This Council owned a number of farmsteads which had listed barns. When these became surplus to requirements, they were sold to the private sector with good schemes in place for their conversion and repair.

Listing of course is undertaken by the DCLG upon the recommendation of English Heritage. There is no right of appeal by owners, no warning of listing, and risk assessment is not, and cannot be, an issue. Discussions over just how much of a public building should be preserved, and how, take place at a later stage when proposals are put forward for a scheme through the listed building consent process. Councils cannot, of course, decide applications for listed building consent for their own properties.

Listed buildings are usually versatile, capable of re-use and extension, and often capable of re-ordering internally, without damage to their historic character. Redevelopment will rarely be an option, but there are usually many options for sensitive conversion and modernisation, together with careful repair. This Council has recently put together a scheme for a listed swimming pool and associated buildings in Uxbridge, with extensions and conversions to comprise a first class leisure centre with an additional pool for competition use.

The key to the protection and management of publicly owned buildings is close liaison between the Council's Property Services Group and the Council's Conservation Team, English Heritage and local amenity groups. Financial resources for maintenance and repair may be an issue. However, the Heritage Lottery Fund has supported an important scheme of repair, upgrading and interpretation at an important Council owned site in Ruislip, containing four listed buildings and a Scheduled Ancient Monument. This will provide this Council with an important educational resource, as well as many other community attributes.

The DDA has had an impact on the use and management of listed buildings, though not on the viability of their remaining in public use. Exemptions can of course be made to making listed building fully accessible, and management plans need to be put in place if adaptations cannot reasonably be made.

PPG15 has been highly successful and underpins current conservation policy and practice.

English Heritage is able to offer an objective view as to a building's architectural and historic worth and provide valuable input as to how it may be modernised and repaired. The relationship between this Council and English Heritage has been a positive one, established over many years.



INVESTOR IN PEOPLE

This Council has a Historic Environment Champion, who is keen to see the protection and enhancement of the Borough's heritage and has been active in promoting specific projects.

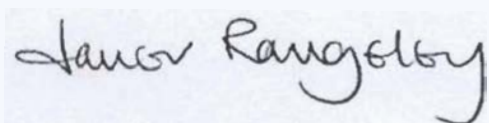
The management and protection of listed buildings is best dealt with at the local level, by officers qualified in conservation policy and practice. Listed buildings are protected under planning legislation, and it is important that conservation officers are also town planners, and work as part of the planning team. It is essential that officers are able to respond quickly, that they hold an in-depth local knowledge of the listed buildings in their Borough and the history of their area, and that they have access to a network of contacts within the Council.

English Heritage brings a London wide view, a thorough knowledge of building types and specialist technical knowledge, which is most useful in advising owners and architects.

The system has operated since the 1970's, and works well. It would be difficult to see how the GLA could add value to this process.

I hope that this response will be of assistance. If you would like any further information, please do not hesitate to contact my Planning Specialists Manager, Charmian Baker, on cbaker@hillington.gov.uk.

Yours sincerely,



Janet Rangeley,
Head of Strategy,
Directorate of Planning and Community Services.



INVESTOR IN PEOPLE

RECEIVED 19 MAR 2007



HERITAGE of LONDON TRUST
38 Ebury Street, London SW1W 0LU
PATRON: His Royal Highness The Duke of Gloucester, KG, GCVO.

Tony Arbour, Esq.,
Chair, Planning and Spatial Development Committee,
London Assembly,
City Hall,
The Queen's Walk,
London, SE1 2AA.

15th March, 2007

Dear Mr. Arbour.

Investigation into London's Listed Buildings in Public Ownership

Thank you for your letter of the 6th February asking for our opinion on the listing of London's public buildings.

The Heritage of London Trust endorses the views of English Heritage on this matter. We feel that public buildings are a very important focus for the local communities in the London boroughs and play a large part in providing an historic link to the past. Historic buildings are very much valued locally and indeed we feel that there are many buildings which are at present unprotected by listing, and which should be included on the National List.

Listed buildings can always be adapted and changed to meet the needs of modern city life by going through the Listed Building Consent procedure.

The Heritage of London Trust would welcome more resources and funding being invested in historic buildings owned by public bodies, so that they are not at so much risk of deterioration of standards of building maintenance.

Yours sincerely, *Diana Beattie*

Diana Beattie
Director

Investigation of London's Listed Buildings in Public Ownership

I am writing in response to Mr Arbour's letter of 6 February 2007 inviting comments for the Environment Committee's investigation on listed buildings in public ownership. I know that Andrew Wright, NHS London's Head of Strategic Investment has spoken to you to explain that we are not able to comment on all the questions raised, however, the NHS estate across London includes a number of listed buildings and I therefore wished to contribute to the Committee's investigation.

I will outline the response to the questions raised in order:

- *What contribution do listed buildings make to London's built environment?*

This is not directly relevant to the NHS, however, parts of a number of London's hospitals and other health facilities are listed and these reflect London's historic heritage, its great healthcare institutions and the long history in healthcare provision, medical research and teaching / training in London.

- *How does ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?*

There are not significant numbers of listed healthcare buildings in operational use delivering patient care any more in London. This is principally because in the vast majority of cases, they are unsuitable for the provision of modern healthcare services due to the significant restrictions and limitations on refurbishing, modifying or redeveloping listed buildings. In most cases, listed buildings which remain part of a hospital or other NHS facility are now used for office or other administrative purposes. A good example is the Great Hall of St Bartholomew's Hospital, which is only used for meetings and conference use, not for any direct healthcare purposes.

One of the difficulties facing the NHS in maintaining listed buildings is the additional costs involved. The requirement to maintain old and architecturally complex buildings has a significant cost premium, which results in NHS resources being diverted from the provision of patient services into maintaining old buildings.

- *Impact on delivering a twenty first century service*

As outlined above, almost without exception these buildings are not suitable for the delivery of twenty first century healthcare. The listed features often constrain the space available and the ability to install medical equipment for example. In addition, the listing process, whilst protecting the architectural heritage, can constrain the NHS' ability to modernise its facilities as significant changes can be prevented by spot listing or listing brought about during the planning process.

- *Financial Impact of Listing on Public Bodies in terms of maintaining their property portfolio*

These buildings often require specialist maintenance such as to ornate stonework, ceilings, lead detailing or decorative ironwork. Significantly many have been poorly maintained in the past leading to disproportionate repair and maintenance costs today. As well as higher maintenance costs, running costs are often also higher than in new facilities, with greater heating and cleaning costs for example.

- *What risk assessment takes place before a public building is listed?*

NHS organisations take into account the potential limitations that could result, should it be proposed a building be listed. In many cases, alternative uses, such as office space, are sought that seek to limit the affect on the existing building.

- *What constraints are placed on public listed buildings which affects their redevelopment or change of use?*

NHS organisations have to satisfy often onerous conservation requirements before a listed building can be considered for redevelopment or change of use. NHS facilities are required to comply with stringent regulations and specialist healthcare design standards that are often incompatible with the conservation wishes of the Listing authorities.

- *What improvements could be made, if any, to the protection and management of publicly owned listed buildings?*

Grant support would assist in maintaining these buildings. Greater flexibility by conservation officers would enable a broader range of uses for these buildings.

- *What is the impact of legislation, such as the Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?*

The NHS continually seeks to improve its facilities in order to meet the requirements of legislation, including Health and Safety legislation and the Disability Discrimination Act. This has been extremely difficult where listed or historically significant buildings are involved, either requiring additional work or even making the building unsuitable for continued use. Compliance with enhanced fire and safety regulations has made some improvement projects prohibitively expensive, for example, where it requires compartmentalising buildings or adding additional fire escape staircases without compromising architectural details. The latest building regulations concerning enhanced insulation can affect windows, bringing compliance with these regulations into direct conflict with heritage concerns.

The other questions are less relevant to the NHS and therefore I will not comment on these. In terms of best practice in the management of listed buildings, as explained, the NHS tends to view listed buildings as limiting the ability to provide modern facilities to meet modern standards and therefore generally listed buildings are restricted to non patient use, where the constraints of being listed can be more easily accommodated. The NHS in London does not have a particularly good record of maintaining listed buildings, mainly because of the additional costs, which are difficult to justify for NHS healthcare providers.

I hope that my comments have been helpful. If you would like any further information on these points, please contact Andrew Wright, Head of Strategic Investment on 020 7932 3746 or e-mail andrew.wright@london.nhs.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ruth Carnall', with a stylized, flowing script.

Ruth Carnall
Chief Executive

LB/019
TfL response to questions raised by the London Assembly Planning & Spatial Development Committee

What contribution do listed buildings make to London's built in environment?

Transport for London (TfL) own and/or occupy a number of listed buildings and structures, many of which are still used for their original purpose. Their diversity results in enriching the appearance of London and in telling the story of the expansion of London to become a World City. This benefits both Londoners and visitors from home and overseas.

The listed buildings are those that have been identified as being of architectural or historic interest at a national level. There are also locally listed buildings that are identified by the Boroughs (and City/District Councils outside Greater London) however these do not enjoy the statutory protection granted to listed buildings. TfL owns and operates from a number of locally listed buildings however, it is understood that these do not fall within the scope of the Investigation.

The largest group of listed buildings are the 53 railway stations owned and operated by London Underground Limited (LUL). These range from stations of the original Victorian, and worlds first underground railway of 1863 with platforms by Sir John Fowler, such as Baker Street Station, through the Edwardian stations of Leslie Green, such as Holloway Road Station, to the 1930s expansion and the Modernist stations of Holden, such as Arnos Grove.

There are also 4 stations that are not in themselves listed but where one or more entrances are located within listed buildings, such as Bank. Additionally there are 6 Network Rail owned stations where the station is served by LUL trains, such as Barking, or where the LUL station is wholly or partly with in the listed station, such as the Paddington (H&C) Station which is located within the Grade I listed Paddington Mainline Station.

The LUL portfolio also includes a variety of 22 other structures ranging from the Brunel Engine House which is a Scheduled Monument and built to serve the listed Thames Tunnel, built by both Brunels, to the South Kensington pedestrian subway and LULs own offices at 55 Broadway.

Whilst LUL owns and operates from the vast majority of the listed buildings in the TfL Estate there are a number of other listed buildings where TfL has some form of interest. The majority of these are bridges and other structures that form part of the Transport for London Road Network under the control of TfL London Streets. This includes some of the road bridges across the River Thames, such as Twickenham and Westminster Bridges, and elements of the Rotherhithe and Blackwell Tunnels.

How does ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

On a general basis, the listing of buildings does influence the way that TfL deals with its property portfolio as requires it to devote a greater degree of care and attention. The accurate replication of tiling to listed station passageways or concourses to meet the requirement of preserving the special interest of a listed structure is an example of this. However, the greatest effect has been where there are proposals to redevelop a station or where listing impacts on a major project of refurbishment or the provision of new routes. In such cases there can be considerable effect on the project programme, risk and costs either from a building being listed or from the timing of that building being listed.

The recent listing of South Kensington station which precluded proposals for its redevelopment is an example of this. However, there are other examples where a high quality refurbishment of a listed building has been achieved such as the remodelling of 55 Broadway to create a new shopping arcade leading to the main St James Park Station ticket hall or the recent sympathetic upgrading of listed stations on the Northern line.

What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

The listed buildings under the care of TfL cover a range of architectural styles and construction methods all of which have inherent problems arising from ongoing maintenance along with the need to keep such aging assets in operational use as railway stations, compliant with modern day safety and highway and railway legal requirements and in line with the public's expectation of a World Class transport system.

TfL, as a whole, is a proud custodian of its heritage structures which are showcases for the different stages of the system's evolution. There have however, been some cases in the past where the listing of structures has resulted in significant delays and cost implications for projects. The emergency listing of the Thames Tunnel on the East London Line in 1995 on the day before contractors were due on site resulted in delays of approximately one year and this incident still resonates across LUL. Additionally, the proposed listing of the whole of the Bishopsgate Goods Yard prior to its demolition under Transport & Works Act powers for the East London Line Extension when the heritage issues had already been assessed and English Heritage originally stated they were not worthy of listing. The subsequent revision of their view and the partial listing of the structure (confined to the Network Rail owned Braithwaite viaduct) in 2002 caused considerable additional delays and cost. The Docklands Light Railway, as part of its extension to Woolwich, has had to dismantle and record the façade of a locally listed building. This is to allow its eventual reconstruction at some later date, which is an unusual demand especially for a locally listed building.

The greatest problem remains the uncertainty arising from emergency listings. Despite the guidance within PPG15 which sets out the criteria for listing the listing process can still be somewhat subjective. Whilst TfL can seek a Certificate of Immunity from listing (and has recently done so for the proposed redevelopment and upgrade of Camden Town Station), which can clarify the situation (at least for the five year period this certificate remains valid). However, if such an application results in the building being listed it can preclude or significantly increase the cost and duration of the project. It is, therefore, infrequently used as it can encourage objectors to seek listing so as to seek to prevent development that could enable capacity improvements.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

The process of gaining listed building consent has cost implications through staff time involved, the complexity of the design solutions required, the timescales for the receipt of a decision following an application (Local Planning Authorities have a target of eight weeks), approval of details (again an eight week target) if conditions are attached to the consent or if consent is refused then a redesigned submission. Work to listed buildings also often requires the use of specialist contractors or the sourcing of products from specialist suppliers.

Many of the TfL buildings have interesting elements to them even if they do not merit listing. Therefore, the financial impacts have to be offset against the fact that TfL wish to give their public buildings the best possible appearance, regardless of whether they are listed or not, as part of their commitment to providing a “World Class” transport system.

What risk assessment takes place before a public building is listed?

There is no formal risk assessment taking place prior to listing taking place. TfL are now consulted by English Heritage as part of the listing process and given an opportunity to make representations concerning the proposed listing. This will not always result in the building being listed however, if a building is listed, TfL would be informed of the change in legal status the day of the listing or within a few days.

What constraints are placed on public listed buildings which affects their redevelopment or change of use?

The majority of the listed TfL buildings are still used for their original purpose and thus the problems associated with listing relate to the installation of modern equipment such as ticketing machines, CCTV cameras or One Person Operation equipment to enable the continued use of that building, often in response to Health and Safety requirements or other legislation.

The cost of providing a modern transport service and improving the environment for the travelling public is large and this can sometimes be offset by income raised through the redevelopment of existing assets. The listing of buildings can fundamentally alter the capacity for such works as has been illustrated by the listing of South Kensington Station, a site that had previously been earmarked for comprehensive redevelopment.

What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

English Heritage has instigated a pilot project on formulating Management Agreements and one of these pilots has been with LUL and Tube Lines covering a number of the listed "Holden" stations on the eastern part of the Piccadilly Line. Depending upon the conclusions of this pilot such agreement may be a way forward for TfL. These agreements identify the works that would need LBC and those that do not require consent provided they are carried out in to an agreed specification (e.g. repairs to tiling, lighting or signage renewals) – this has the potential to streamline many projects affecting listed buildings. They work best with groups of buildings that have similar characteristics, such as the "Leslie Green" or the "Holden" stations. The problem then arises that not all such groups are in a particular geographical area or on the same LUL line and therefore not under the care of the same Public Private Partnership (PPP) contractor. For LUL in practice this may not result in a reduction in the number of listed building consents required. However, there is scope for using such agreements and, due to the set up of LUL and the PPP contractors this may ease the path of the many projects whose scheme will impact on the listed buildings.

It appears that the decisions can still take a significant amount of time. For instance TfL was informed of the proposal to extend the extent of the listed Waterloo Station (Victory Arch) to include the whole station, and thus potentially the LUL station, in a letter dated 13th June 2006. To date TfL have not been notified of any decision.

The notification of the result of a proposed listing also needs regularising. This is particularly true where the decision is to not list a property as the procedure for notifying the owners appears haphazard. Often TfL have to chase the Dept. for Culture, Media & Sport or English Heritage for some form of notification. It would also be interesting to know whether there is any form of screening between a request for listing and English Heritage undertaking a formal review process.

Finally, some of the structures under the care of TfL, especially some LUL stations, are very complex involving street level buildings, passageways, platforms and sometimes links to other buildings. In many cases only part of the overall structure is of historic or architectural interest and it is often difficult to ascertain the curtilage of the listed building which may in effect only relate to, for instance, the ticket hall and not the platforms. We understand that English Heritage is to re-issue listed building descriptions that will hopefully go

someway to clarifying this aspect of the listed status – this would be most welcome.

For example, the new western Ticket Hall at Kings Cross is located beneath the ramped forecourt of the Grade I St. Pancras Station/Chambers. Only the external forecourt façade walls, entrances and the internal northern wall have any historic interest the remainder of the ticket hall being new. However, the whole ticket hall is believed to be listed which means that potentially unnecessary expense and delay will be incurred when carrying out maintenance or renewal of the new parts of the ticket hall.

The interpretation of the extent of listing of a building is also subject to the view of the local authority conservation and planning officers which can lead to inconsistencies. Again, greater clarity as to exactly which parts of a listed structure have special interest which needs to be protected, and those which have less or no special interest, would be welcomed. Indeed, the introduction of plans (utilising both Ordnance Survey maps and internal station layout plans) illustrating the curtilage of a listed structure would be extremely beneficial. This could perhaps be introduced for newly listed buildings with the curtilage of existing listed buildings being determined upon the request of the owner. TfL would be happy to assist as much as possible in this process.

What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

Legislation such as the DDA and the listed building legislation can be difficult to reconcile. For instance, due to their age and method of construction the Thames bridges do not meet modern standards for Health and Safety especially due to the size and volume of modern traffic. Problems can arise where, for instance, parapets do not conform either in height or crashworthiness or where it is required to increase the load bearing of a bridge. The LUL stations similarly often do not meet modern requirements of the HM Railway Inspectorate or the DDA. Solutions to such issues can often have a fundamental effect on the appearance of a listed station. For instance, it is difficult to arrive at an acceptable solution to step free access from platform to train at a station that is served by two different types of rolling stock where the internal level of each stock differs from that of the platform.

When carrying out substantial works of reconstruction or renewal to a LUL station it is normally the case that the HMRI will require the whole station to comply with current standards. It may be possible to get concessions but any conflict can be difficult to resolve. This is likely to become a greater problem as LUL seeks to provide improvements to the transport system that can involve significant intervention to the historic fabric. Such projects can include step free access, proposals to increase passenger volume flows or schemes to produce sustainable energy efficiencies. The often complex configuration of stations and form of construction often results in more discrete solutions not being available. Nevertheless, along with the views of “managing change” and

the “sustainable management of the historic environment” set out in the current English Heritage consultation on their “Conservation Principles, Policy & Guidance”, other recent guidance produced by English Heritage such as “Easy Access to Historic Buildings” issued in 2004 has assisted in negotiations to resolve some of these issues.

To what extent has the Government’s guidance PPG15 been successful in protecting our heritage?

This is not within the realm of operation for TfL and a transport authority is probably not best qualified to answer. In any case, work by bodies such as English Heritage, the National Trust, local Civic Societies and programmes such as Restoration have done more to enhance the public perception of the benefits of protecting our heritage. The Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15 have obviously provided the legal and policy basis that has established a comprehensive framework to guide both local planning authorities and the owners of listed buildings in the management of the historic environment.

What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

The resolution of day to day issues affecting listed buildings has much improved over the years with the development of a closer working relationship between TfL and English Heritage. There are quarterly meetings between TfL Group Property, LUL, the PPP contractors and English Heritage which have greatly assisted in this process although there are still some challenging issues arising from some of the station refurbishment works as part of the PPP contract.

Certainly the current system of consulting owners prior to listing is a great improvement although the subsequent length of time for some decisions to be made is not helpful as it leaves the owners in limbo as to what works they can undertake. Also the issues relating to emergency listing still apply.

What best practice exists in the management of publicly owned listed buildings?

LUL has created “Railway Heritage Features” lists for the vast majority of the stations in its ownership identifying those architectural items or fixtures that are of heritage interest. Additionally, last year LUL introduced the “Design Matters” forum for general design management issues including guidance manuals on the care and enhancement of both the listed buildings and those other unlisted historic buildings with features of interest.

In fairness, there have previously been cases where the designs put forward by TfL and/or its PPP contractors have not been well considered. The

pressure to avoid “project creep” or provide the cheapest/easiest option rather than the best designed resulted in some proposals that were not of the highest standard. The Features lists and “Design Matters” should help to address this issue and inform projects across LUL and the PPP contractors. Additionally, LUL has a full time Design & Heritage Manager with the expertise to advise on heritage issues whilst TfL has a recently appointed Senior Heritage Advisor who is part funded by English Heritage.

As mentioned above there has been a joint LUL, Tube Lines Ltd. and English Heritage pilot project on a prototype Management Agreement for a number of the listed “Holden” stations on the eastern part of the Piccadilly Line.

What is the role of the London Borough Historic Environment Champion? What impact have they had in the protection and management of public listed buildings?

This appears to be more a question related to the Boroughs rather than TfL. As previously mentioned, LUL does have a Design & Heritage Manager (Mike Ashworth) whilst TfL has a Senior Heritage Advisor (Edmund Bird) whose post is part funded by English Heritage.

Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

The circular issued by the then, Dept. of Environment, Transport & the Regions and the Dept. for Culture, Media & Sport, Circular 01/2001 directs which applications for listed building consent must be referred to English Heritage for consultation prior to the Borough issuing a decision. These include, amongst others, all works to a Grade I or Grade II* building, works relating to railway station in Greater London, (including works to a building in the curtilage of a station) and works relating to a bridge across the Thames. Thus, works to the vast majority of the listed buildings in the ownership of TfL are referable to English Heritage.

The Mayor is involved in the protection and management of listed buildings through the implementation of his London Plan which recognises the contribution they make to London. He seeks to protect and enhance that contribution through both the development plan process and in consideration of referred planning applications. The latter often includes developments within conservation areas and works to or close to listed buildings. The Mayor takes note of the advice of English Heritage and Borough conservation officers in regard to these developments and has within his existing planning team officers with considerable experience of conservation and heritage issues who are able to help resolve these often complex issues.

Planning and Spatial Development Committee

Investigation into Public Listed Buildings

London Development Agency Response

March 2007

What contribution do listed buildings make to London's built environment?

Listed buildings and all building and places of historic or architectural importance make a valuable contribution to London's built environment. They contribute to defining what is recognised as London – its buildings, both large and small, and its public places and spaces, both grand and intimate. Listed buildings also set the context for future development in the Capital. Modern architecture and public space proposals are continually responding to London's historic built environment and reinforcing the image of the capital internationally as a dynamic, well-designed sustainable world city.

How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

As a regeneration agency, the listed buildings that we manage in our portfolio are those to be brought forward for development and to be sold on for either residential or commercial use. We do not occupy listed buildings for our own use as an organisation.

The listed buildings coming into the portfolio are mostly in a poor state of repair. In estate management terms, our practice would seek to prevent further deterioration of the building fabric while the site is being brought forward for redevelopment. A good example of this is Building 11 (The Officers Mess) at the Royal Arsenal. The building was inherited in a poor state of repair having stood empty for many years and it has serious structural problems. The building is currently being supported by scaffolding with a temporary corrugated roof across the top to prevent further deterioration of the building (Photograph RA01 refers). Building 11 is now under a development agreement with Berkeley Homes and will form part of the next phase of development.

Without LDA intervention and leverage it is unlikely that a building in the condition of Building 11 would be either commercially or economically viable to the private sector. By being parcelled as part of a much larger major redevelopment scheme, refurbishment has been made possible. The developer can take advantage of economies of scale to make the refurbishment project feasible.



RA01 – Building 11

The Royal Arsenal is a good example of how listed buildings can be brought back into beneficial use and shows how sympathetic design can blend the old with the new (Photographs RA02/03 refer). These photographs show the new Building 50 standing alongside the refurbished buildings that once comprised the Grand Stores but have since been converted to residential use.



RA02 – Building 50 alongside the refurbished Grand Stores looking East



RA03 - Building 50 alongside the refurbished Grand Stores looking West

What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

What risk assessment takes place before a public building is listed?

The LDA has not been involved in the process of obtaining “Listed” status for any buildings or properties it owns. In general, the LDA takes ownership of buildings that are already listed and are a part of a regeneration scheme.

As such the listing process itself has little or no impact on the work of the LDA or on its ability to deliver on its core remit.

Clearly, the LDA has not carried out risk assessments related to the listing of buildings.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

Financial impact of listing can occur in four primary areas: -

1. **Listed Building Consent** – often before work can be undertaken an application for listed building consent will need to be made and consent obtained before the work can begin. The consent may be conditional. This process has a cost, administration and time factor attached.

2. **Increased Cost of Repairs/Dying Trades** – the cost of repairs is usually higher as only certain types of materials may be specified, sourcing of second-hand materials may be necessary and there may be a lack of specialist skilled craftsmen (an example would be the restoration of an ornate stone corbel or perhaps stone cleaning that would require a specialist contractor).
3. **Construction Costs/Deleterious Materials** – construction costs would generally tend to be higher than for new build due to the method of construction and the flexibility or the lack of it, within a listed building. In addition, original materials such as horse hair, lead paint, asbestos and lime wash are now classified as deleterious. The potential health risk posed by the presence of this type of material requires specialist treatment and/or removal. This is not only an added cost of development but this will also ultimately impact on the level of financial returns.
4. **Conservation Area Consent** – it is also likely that a listed building may be in a conservation area and this will also entail an application for conservation area consent being required for any works. This process has a cost, administration and time factor attached.

On a positive note, for the past three years the historic listed buildings at the Royal Arsenal have been showcased through their inclusion in London Open House, and feature as part of a walking tour through the common areas of the site.

What constraints are placed on public listed buildings which affects their redevelopment or change of use?

Constraints on listed buildings may be many-fold, some examples would be:-

- the type of materials that can be used
- the property may only be painted white in keeping with its locality
- only replacement softwood sash windows may be used
- no extra floors may be added to the building
- height restrictions in the immediate vicinity may be imposed to protect views of the building
- enforcement notices may be served on owners to ensure that the listed buildings are prevented from falling further into disrepair
- the construction of the building may not easily lend itself to conversion to another use
- listing of a feature or part of the building, etc.

The additional costs and constraints associated with a listed building can sometimes have the effect of creating a “value gap” making these properties harder to bring back into a beneficial and sustainable use. However, notwithstanding the negative cost implications and constraints associated with a

listed building this has to be weighed against the social benefit of preserving our heritage for future generations to enjoy.

What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

The LDA can only comment on the properties it is responsible for, and the ways in which we manage and protect our listed buildings are demonstrated throughout this response.

What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

The Disability Discrimination Act 1995 includes a duty on all who provide a service to the public to make reasonable adjustments to ensure disabled people can access employment, goods, facilities, services, functions and premises. This duty does not necessarily mean that all premises must always be physically altered to be fully accessible to all disabled people (although this is usually the preferred and least 'discriminatory' option) - there are a variety of ways in which the service can be provided but any alternative way of providing the service must be 'reasonable'.

The Disability Discrimination Act (DDA) 2005 extended the 1995 duty for public authorities such as English Heritage. The new duty means that a public authority must, in carrying out its functions, have due regard to:

1. promoting equality of opportunity between disabled people and other people;
2. eliminating discrimination which is unlawful under the Act;
3. eliminating harassment of disabled people that is related to their disabilities;
4. promoting positive attitudes towards disabled people;
5. encouraging participation by disabled people in public life; and
6. taking steps to take account of disabled people's disabilities even where this involves treating disabled people more favourably than other people.

Like all public authorities English Heritage have published a Disability Equality Scheme which sets out how they are meeting their duty under the DDA 2005 to promote disability equality (see link http://www.English-heritage.org.uk/upload/pdf/esscheme006_v9.pdf). The foreword to their scheme states that:

'The historic environment can be perceived as inaccessible. English Heritage knows that this need not be the case and has seen and been involved with some amazing solutions to addressing all types of barriers, physical and otherwise. Our experience is that with some thought and discussion, a beneficial solution can be found to almost any barrier. We also recognise that there will be a constant evolution of opportunities and expectations such that our work to develop access

to all our services will be ongoing and informed by our growing awareness of the issues.

We want to see the broadest possible public access to the historic environment and to the interpretation that makes it come alive. We believe that the historic environment can contribute to positive change in the lives of individuals and communities and we will continue to promote best practice in providing access while meeting conservation needs. English Heritage seeks a more inclusive approach to the historic environment which is celebrated with excellent, high quality modern design solutions. Our publications such as *Easy Access to Historic Landscapes* and *Easy Access to Historic Buildings* are fundamental to this work and expand on these ideas.'

The English Heritage action plan includes an action to improve the quality of site access audits by:

1. Reviewing existing audits
2. Creating a standard audit template
3. Prioritising key sites for revisiting
4. Ensuring 100% access/action plan coverage
5. Consultation with users at major sites.

To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

The London Development Agency holds a relatively small number of listed buildings in a limited number of locations. A full list of the listed properties held by the LDA had been included in this submission.

The LDA's limited interaction with listed buildings with means that it is not in a position to comment on the effectiveness of PPG15.

What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

In terms of the LDA's relationship with English Heritage, we have a close working relationship with them on individual sites where we are the owners of listed property. Evidence of our relationship with English Heritage is illustrated through our work at the Woolwich Arsenal which is covered in the next question

At a strategic and policy level, the LDA meets on occasion with English Heritage to update each other and discuss issues of shared interest. These include policy and development priorities toward buildings and public realm, design quality, ongoing and future projects.

What best practice exists in the management of publicly owned listed buildings?

Our role in the best practise of managing publicly owned listed buildings is largely governed by our relationship with English Heritage and their role in the preservation and conservation of sites of historic or cultural importance. The LDA's main experience of this has been at the Royal Arsenal Woolwich.

On a general level English Heritage has provided:

- Advice on the historic context of the buildings, their previous use and significance
- Advice on their condition and structure
- Advice and support on surveys to be undertaken
- Advice on repairs and maintenance

English Heritage also comments and provides input into the development agreements for the site advising on options for reuse and restrictions for redevelopment purposes. They are also a statutory body consulted via the planning process and have worked with us on defining appropriate planning conditions both on LDA applications and developer led applications for the redevelopment of the site as a whole and for the refurbishment of individual buildings.

Often this has included supervision and inspection of works to ensure agreed standards and also their supervision of investigations and watching briefs on works which impact on the archaeology of the site.

In regard to the Royal Arsenal project, we have been involved most recently in co writing a book with English Heritage to look at the development potential of historic arsenals.

The book was written focusing on the experience of redeveloping the Royal Arsenal and comparing and contrasting this with 3 other sites of a similar nature which are at earlier stages of redevelopment. The idea being to share best practise developed at the Royal Arsenal with others on a wider European stage.

The other partner sites were;

The Real Carrenaro in Cadiz, working with the University of Cadiz.

The Cottonara Waterfront in Valetta Malta, working with the Malta Heritage Trust.

The Battery sea Fort in Tallinn Estonia, working with the Estonian National Academy of Arts

The book focused on 6 main themes common to the regeneration of large heritage sites for mixed uses -

Master planning

Public Private partnerships

Heritage

Tourism

Education

Sustainable Regeneration

It links all this into a blue print of lessons learnt to give general guidance to others seeking to deliver similar projects. The book was published this year and

launched at conference at the Royal Arsenal in February. There will be similar launches in the other partner countries this year.

Please refer to the enclosed publication “Regeneration through Heritage”

What is the role of the London Borough Historic Environmental Champion? What impact have they had in the protection and management of public listed buildings?

The LDA has had no dealings with the London Borough Historic Environmental Champion and so is not able to comment on the impact they have had in the protection and management of the public listed buildings.

This might suggest that awareness of the Champion and their role needs to be improved.

Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

The Mayor is involved in the protection and management of listed buildings through the implementation of his London Plan which recognises the contribution they make to London and seeks to protect and enhance that contribution through both the development plan and referred planning applications process. The latter often includes developments within conservation areas and works to or close to listed buildings. The Mayor takes note of the advice of English Heritage and Borough conservation officers in regard to these developments and has within his existing planning team officers with considerable experience of conservation and heritage issues who are able to help resolve these often complex issues.

LB/021 – ACES (Association of Chief Estates Surveyors and Property Managers in Local Government)

Listed Buildings in Public Ownership

As I previously advised, your initial letter, addressed to London Authority Chief Executives, was subsequently circulated amongst colleagues within ACES London Branch.

ACES is a national organisation which seeks to represent senior property and asset managers in local government and the wider public sector. As such, as well as replying on behalf of our individual authorities the subject was discussed last week as an agenda item at one of the regular London Branch meetings. It was decided it may be beneficial to provide a collective response which would give a broader balanced view taking into account perspectives from a range of officers (both members of ACES and other colleagues) involved in asset management ranging from property managers, valuers and planners.

In general terms listed buildings in Council portfolio evoke a variety of emotions ranging from Civic Pride through to a drain on limited resources and a barrier to regeneration. Perhaps the most recent high profile example of showing the need for a more open approach to balancing the need to protect our heritage with ensuring London continues to be a living City is possibly best seen as the recent solution to the Twin Towers at Wembley Stadium debate. Although controversial at the time, the de-listing of this structure has undoubtedly contributed to the development of an iconic replacement in the new stadium and arch which has received wide acclaim. A clear example of dynamic regeneration.

I attach specific comments primarily built upon the response received from Derek Barnden, who essentially captured most of the points made by other contributors. Where they have significantly differed I have added these comments.

For the record comments circulated within the response have been provided by:

Derek Barnden – Director of Property & Strategic Projects, City of Westminster

Tunde Ogbe – Corporate Property Manager, Lambeth

Edward Jarvis – Design and Conservation officer – Brent

Lee Dawson – Director of Property - Hounslow

Roman Prychidko – Property Manager - Tower Hamlets

Dave Towers – Corporate Property Officer -Hillingdon

David Tullis – Director of Property - Camden

Richard Barrett – Head of Property & Asset Management, Brent

Martin White – Asst. Head of Property - Hillingdon

Ian Doolan – Borough Valuer – Royal Borough of Kensington & Chelsea

Steve Howe – Deputy Borough Valuer – Royal Borough of Kensington & Chelsea

In conclusion, unsurprisingly, Council officers involved in property and asset management are aware of the valuable contribution Listed Buildings can make to the environment of London. However this is balanced with concern over financial viability and the inherent higher costs, both in maintenance and running costs associated with owning Listed Buildings. In this context the message is that we need to look after our assets but be ready to look at ways and means of ensuring that assets do not simply become a burden which is ignored and becomes, at best, an eyesore which reflects badly upon the stewardship role of Local Authorities to protect our heritage.

I trust this response from colleagues around London and brought together by ACES is useful.

Yours Sincerely

Q:mjh\SDBMarch\Investigation into Londons
Listed Buildings in Public Ownership.doc

Richard Barrett
ACES London Branch Hon. Sec.

Head of Property & Asset Management
London Borough of Brent

GREATER LONDON ASSEMBLY

INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC OWNERSHIP

Property response to questions raised by GLA

What contribution do Listed Buildings make to London's Built Environment?

Listed Buildings make an enormous contribution to London's Built Environment. London's best-known landmarks are a key factor in attracting visitors and contributing to the City's quality of life. It is equally the case that where buildings of only marginal quality are Listed, this may prevent the normal cycle of obsolescence from replacing them with superior quality alternatives.

Without Listed buildings London would have no character or value.

They make a considerable contribution where they are un-maintained and have a clear demonstrable use and benefit to the community

How does the ownership of Listed Buildings impact on the ability of Public Bodies to manage and maintain their property portfolio?

Listing affects the management of buildings in the following ways:

- **Flexibility of use:** Local authorities' ways of delivering services constantly change. Office work places have moved from predominantly cellular space, with individual desks, to increasingly open plan space with shared workstations. Libraries are also increasingly seeking to move to flexible open plan layouts. All services to a greater or lesser extent, from cleansing to day care, are constantly evolving and changing in terms of best practice methods of delivery.

Listing places limits on the ways that buildings can be altered and converted to respond to these changes and this results in Listed Buildings, over time, showing less suitability for their services than non-Listed alternatives.

- **Maintenance:** Listed Buildings on average are likely to have higher maintenance costs than non-Listed alternatives, because of the cost of like-for-like replacements of specific elements of the building fabric, and because replacement of plant items is likely to be more difficult to achieve.
- **Energy Conservation:** Historic buildings generally display poorer energy conservation performance than modern alternatives. Having said this, it is a case that Victorian and Edwardian buildings sometimes display superior design features in such matters as day-lighting and natural ventilation than more contemporary alternatives. The worst buildings from an energy conservation point of view will tend to be air-conditioned buildings designed in the 1970's.

Listing will place limits in certain areas on the options that can be used to increase the energy conservation performance of buildings. For example, additional wall insulation, double-glazing and to some extent installation of new services may be restricted in Listed Buildings.

Clearly, listing will tend to prevent old buildings that are inefficient in layout maintenance cost and energy efficiency from being replaced by new buildings, thereby preventing these shortcomings from being effectively addressed.

Listed Buildings which do not have a beneficial use may often be given a lower priority in funding terms for repairs and maintenance as Council's look to achieve the best return on their portfolios. Therefore buildings or structures such as cemetery gatehouses, dovecotes etc. tend to be given a low priority to maintain.

What impact does the listing process have on public bodies to deliver a service fit for the 20th Century?

The above paragraph sets out ways in which listing can restrict flexibility, maintenance performance and energy efficiency. Generally, older buildings are poorly suited to modern ways of working, although there are obviously some exceptions, and some refurbished historic buildings offer good accommodation. However, flexibility and imagination are needed. An old factory or dock warehouse may convert to excellent office accommodation. An old office building only rarely will.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

Financial efficiency depends on local authorities and other public bodies being able to use the value of their property portfolio as a dynamic resource to be used among other resources in upgrading their stock and improving premises for service delivery. Resources to deliver new or refurbished buildings for services may come from a variety of sources, including:

- Targeting of existing capital programme resources.
- Borrowing financed by lower running costs.
- Grants and other matched funding.
- Capital funding financed by service efficiencies resulting from better premises.
- More efficient use of under used sites and under used floor space, resulting in targeted disposals.

Listing has two effects on this process. It may restrict a public body's attempt to convert premises to accommodate new or additional uses. Secondly, it will tend to depress market value for properties which public bodies no longer need through these processes and decide to dispose of.

What risk assessment takes place before a public building body is listed?

No one who responded to this question appeared to have any knowledge of any risk assessment process.

What constraints are placed on public Listed Buildings which affect their redevelopment or change of use?

This question elicited a difference of opinion amongst respondents. Planners felt it has little affect as the legislation is there to ensure work is carried out in character and not to prevent development or change of use.

However, most property managers agreed with the view expressed by Derek Barnden of Westminster who suggested that clearly, listing will in most circumstances prevent redevelopment. Listing will not normally have an effect specifically on an application for a change of use, but it may restrict the ability to convert buildings and enable them to be made suitable for a different use.

What improvements could be made, if any, to the protection and management of publicly owned Listed Buildings?

A change in mind set from perhaps seeing the buildings as something to be protected and an asset rather than a tiresome burden.

Firstly, English Heritage could make a more positive and flexible response to attempts by landowners to give new lives to Listed Buildings, in new uses, by sensitive conversion. There are some indications that English Heritage are making moves in this positive direction.

Secondly, the negative financial effects of Listed Building ownership could be made more tolerable by the availability of more grant funding. Dave Towers of Hillingdon referred to their success in obtaining external funding.

What is the impact of legislation such as Health & Safety and the Disability Discrimination Act on the viability of maintaining Listed Buildings for public ownership?

It will generally be more costly and more difficult to convert Listed Buildings, for changes such as installing disabled access, than non-Listed alternatives. These problems are normally not insuperable but the solution may be more costly, less operationally satisfactory, or some combination of the two. This will somewhat increase the financial burden on public bodies from such legislation.

To what extent has the Government's guidance PPG15 been successful in protecting our Heritage?

It is regarded as a most important document

What are the recent developments in the relationship between English Heritage and owners of Listed Public Buildings?

It is our understanding that English Heritage are taking a slightly more flexible view of some conversion works on Listed Buildings to secure their long-term viability.

Generally the response is that there exists a good relationship between the Council's and E.H.

What best practice exists in the management of publicly and Listed Buildings

What is the role of the London Borough historic environmental champion. What impact have they had in the protection and management of public Listed Buildings

It is essentially seen as a role which should promote the value of historic buildings. Generally, although some Boroughs are aware of this role, it appears to have had little impact.

Should the Mayor of London have a role in the management of protection of Listed Buildings? If so, in what capacity?

The overall view was that there did not seem to be a particular need due to the existence of a number of other public bodies in this area already. A direct relationship exists between London Boroughs and EH, particularly amongst Conservation Officers and EH which is felt is particularly beneficial. However it was also acknowledged that the Mayor of London is the strategic planning and strategic transport authority for London. As part of these strategic planning and transportation processes the Mayor may identify some areas which would particularly benefit from comprehensive redevelopment. If the Mayor had powers to influence Listed Building Applications to demolish in some cases where the Listed Building is not of particularly high quality, this may well benefit the overall planning and quality of London in the 21st Century.

Until this role was fully thought through the general view was that there did not appear any pressing need for the Mayor for London to become directly involved.

INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC OWNERSHIP

A RESPONSE BY THE LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

1 Introduction

- 1.1 This note has been prepared in response to an invitation by the London Assembly's Environment Committee to provide information about the experience of the London Fire and Emergency Planning Authority regarding listed buildings in its ownership, in connection with the Assembly's investigation into London's listed buildings in public ownership. The invitation (6 February 2007) sets out twelve questions, which are addressed below insofar as it is within our experience and expertise to comment upon them, following a brief review of our estate, and our experience of both listing and listed building consent.

2 The Authority's estate

- 2.1 What is now the LFEPA was first established as a local government organisation (the Metropolitan Fire Brigade) by act of parliament in 1865. It was responsible first to the Metropolitan Board of Works, and from its establishment in 1889, to the London County Council. In 1867-71, the Brigade commissioned what were the probably the earliest purpose-built fire stations in England. Since accommodation had to be provided for firemen as well as appliances, these early stations tended to be large buildings, and especially under the London County Council, many achieved a high architectural standard. The form of the stations was radically changed with the introduction of the shift system in 1922. Thereafter they became smaller and more functional buildings, or parts of larger buildings housing a mix of uses.
- 2.2 Many pre-1922 stations no longer serve their original purpose, having been sold off as functional and locational needs have changed. But of the Authority's 111 currently operational fire stations, 16 are statutorily listed, all from the pre-1922 period except its headquarters on Albert Embankment (1935-7). In addition 11 are locally listed, and 25 are within conservation areas. Thus almost 50% of the estate is subject to some level of conservation designation and the additional controls that flow from it, either at national or London borough level.

3 The listing process

- 3.1 If a building is listed, we know that we must take account of the fact in our planning. Our problems with the process of listing (rather than its consequences for updating our buildings to meet current operational requirements, considered below) arise when our buildings are proposed for spot-listing just at the point when we are contemplating updating, demolition and replacement, or sale because they no longer meet our operational needs.
- 3.2 A particular concern is the potential for listing thresholds to drift, through 'spot-listing' of buildings previously not considered to be listable, lowering the threshold and so creating an argument for the listing of comparable examples also previously considered unlistable. The listing, in 2006, of one of our operational stations at High Street, West Norwood, following a 'spot listing' request by the London Borough of Lambeth, provides an example. It was not listed in the London resurvey of 1973-8, despite being known to the authorities, and is clearly not of comparable quality or interest to the contemporary fire stations (of 1910-16) that were listed at that time including one of the same type. The implication of the papers was that another former fire station, no longer in the ownership of the Authority, would also be listable, and listed, if West Norwood was deemed to be above the threshold.
- 3.3 The modest number of currently-listed operational fire stations should make possible a reasonably clear definition or description of where the threshold lies for the listing of this building type. We do of

course recognise that such thresholds need to be periodically reviewed, as research advances understanding, and as perceptions of what is 'special' change with the passage of time. But, following the precedent established through the thematic review of post-1945 buildings as the basis for their listing, this should, in our opinion, be a public process in which all with an interest can participate. If the threshold for inclusion in the statutory list of a particular building type is changed, this should normally be a deliberate decision, and once taken, sustained until the next comprehensive review.

- 3.4 In October 2005, in a response to the DCMS consultation document on *Revisions to Principles of Selection for Listing Buildings: Planning Policy Guidance Note 15*, published by the Department for Culture, Media and Sport, the Authority generally welcomed the changes proposed in the consultation paper, particularly if, through establishing clearer and more transparent criteria for the inclusion of buildings on the statutory list, the present level of uncertainty that surrounds the possibility of spot-listing can be reduced.
- 3.5 The Authority also expressed its willingness to engage in constructive dialogue with English Heritage in the drafting of the then proposed 'detailed selection guide' for the selection of fire stations within proposed detailed guidance for the listing of 'Law and Government' buildings. Given that Greater London accounts for about 30% of the national total of listed stations (although only 16 of the 36 in London remain in their original use), and that the capital set the pace for the rest of England in their design, London seems a very good place to start. Indeed, given that the data is easily available to consider all London fire stations, such an exercise should aim to define the threshold for listing of this building type with more precision than is possible for other building types of which very large numbers exist. After due consideration and consultation, such a judgement should stand for some time.
- 3.6 In the sixteen months since our submission, there has been no public response from DCMS in terms of any changes to policy following the consultation, nor any specific response from DCMS or their advisors English Heritage to our expressed willingness to engage in dialogue about the listing of Fire Stations.
- 3.7 We are well aware of the long-established principle that the operational considerations of the Authority or any other owner are not taken into account in the process of selection for listing. The decision is made, in accordance with legislation, on the basis of the 'special architectural or historic interest' of the building. Thus the answer to the Committee's question *'What risk assessment takes place before a public building is listed?'* is none whatsoever. But we are aware that the selection for listing of military buildings, most recently Air Force buildings, has been a more participatory process, involving some degree of debate between the military, English Heritage, DCMS and indeed key local authorities about what is sufficiently 'special' to warrant listing and all that flows from it, and to achieve a degree of certainty across their estate. Spot listing or thematic review are essentially about determining the threshold for listing – but this is, arguably, the line above which public benefit is perceived to be greater than public cost (although neither fully expressible in monetary terms) ie we think operational considerations should be specifically taken into account.
- 3.8 In conclusion, we believe that the current approach to 'spot listing' operational emergency services buildings is fundamentally unreasonable, primarily because of the uncertainty that it inflicts on our operational planning. There is no mechanism by which we can achieve certainty about the status of our buildings even for a period of say 5 years. The lack of detailed criteria in the public domain, the lack of opportunity for constructive engagement with English Heritage, and the absence of a transparent and timely appeals system, make the whole process unacceptably opaque. We hope that these issues will be addressed in the long-delayed White Paper, and we remain willing to engage constructively with English Heritage in the matter of the threshold for listing Fire Stations.

4 The consequences of listing

- 4.1 Listed building consent is required for the demolition of a listed building, or any alteration to it that would affect its character as one of special architectural or historic interest. PPG 15, *Planning and the Historic Environment*, sets out a national 'presumption in favour of preservation' of listed buildings and their setting, and this is reinforced and elaborated at both regional (GLA/ London Plan) and local (Borough UDPs, LDFs, supplementary guidance) levels.
- 4.2 The physical form of fire stations has developed primarily in response to changing operational needs. Appliances and equipment evolve to meet new demands, IT and other services become more complex, the organisation, composition and role of the fire Authority changes. An increasing emphasis on fire prevention makes it necessary for Stations to be accessible to the public, for example, and rising numbers of women firefighters have necessitated changes to accommodation facilities plus more and more complex equipment. As well as these changes particular to the Authority, the requirements of the DDA and health and safety apply to us as much as any other organisation. Indeed as a public body concerned with safety we aim to set an example.
- 4.3 Listing effectively rules out complete redevelopment of a station on the same site. The criteria for demolition in PPG 15 are quite clear; if a listed building cannot continue in the use for which it was constructed, it must be offered in the market for other uses; only if there is no market for it at all is there a prospect of consent for demolition and replacement. Our pre-1922 stations were constructed effectively as flats over a large space fronting a major street, and so tend to be adaptable to the current market needs of others. So if an existing listed station cannot reasonably be adapted to our evolving needs, our only choice is to rebuild elsewhere and sell the old building. This is now our intention with the recently-listed Station at West Norwood.
- 4.4 In this we are, of course, in the same position as any other owner; and given the civic presence of many of our early stations, which make a major contribution to London's historic environment, it would not be realistic to expect exemption. But in many parts of London, finding an alternative site is difficult, and its cost likely to be much higher than the sale value of the old station. What we need is a more flexible approach to updating our existing listed stations, which, after all, lose some of their special interest just by ceasing to be used for their intended purpose, just as much as by physical change.
- 4.5 Listed building consent applications are made to, and in most cases determined by, boroughs. The interpretation of policy inevitably varies between particular officers and authorities, but there is a tendency to see all change as inherently undesirable, to be minimised and wherever possible made visible and reversible. For example, in one recent conversion of a grade II listed Station in central London, the local planning authority demanded that a partition separating one appliance bay from the remainder, to serve as a public and office entrance to the building, and the partitions within that bay, be fully glazed, to reflect the former unity of the space. The cost of structural glazing was high, added to which was the cost of fire shutters to protect that glazing; but because of the fire shutters, the approach is contrived and much of the intended effect will be lost. Retaining ordinary 1950s tile fireplaces in the offices (formerly flats), and marking the lines of former partitions with ceiling battens as if laying out lost walls on an archaeological site, is perhaps taking the idea of 'curating' the interior of an already much altered 1900s fire station a little far. The resulting compromise – mainly in terms of the interior – tends to be poor both operationally and architecturally, and on recent experience around 20% more expensive than a more functionally rational and cost-effective approach possible to the interior of an unlisted building. Part of this cost is due to the delays both in obtaining consent and in resolving the details of discharging conditions during the contract.
- 4.6 In our perception problems arise from seeing all parts of all listed building as being equally important. An approach which seeks to understand what elements contribute, and to what extent, to the *special* interest of our stations, and using that understanding to inform responses to proposed change, is

essential. As the recent *Barker Report on Land Use Planning* (1.24) puts it, there is a need for 'proportionality'. Given that our listed Stations have many similarities, both in original design and issues relating to their adaptation to meet changing functional needs, we believe there is scope to work with English Heritage to develop guidelines for change that will enable some, at least, of our historic stations to continue in their original use in an efficient manner. Of course we also recognise the need to involve relevant boroughs in that process.

- 4.7 The Authority of course receives no funding specifically to reflect the additional capital costs of adapting listed buildings or relocating where listing makes adaptation unrealistic; nor the additional revenue costs resulting from their functional and environmental inefficiency. Unlike commercial or private owners, there are no compensating benefits for the authority in terms of value added by the attraction of listed buildings as places to live or do business.

5 The Committee's specific questions

5.1 What contribution do listed buildings make to London's built environment?

- 5.2 We accept in general terms the validity of the relevant policies in the *London Plan* (4B.10, 11, 12) and the justification for them in terms of the contribution of listed buildings to the character and quality of London's townscape.

5.3 How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

- 5.4 It introduces uncertainty and additional costs into our ability to manage and maintain our listed Fire Stations, as explained in section 4 above.

5.5 What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

- 5.6 We assume that this question refers to the addition of further buildings to the statutory list; in which case, this point is covered in detail in section 3 above.

5.7 What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

- 5.8 There is a need to balance resistance to change, particularly to functional parts of interiors, with the benefits of maintaining public buildings in the uses for which they were designed. English Heritage could play a key role in achieving an effective balance between preservation and change (see 4.6 above) by issuing guidance / communication on the need for balance.

5.9 What best practice exists in the management of publicly owned listed buildings?

- 5.10 We are aware that English Heritage published, in 2003, *Managing local authority heritage assets*, whose advice has some relevance to publicly owned buildings generally. It states that (p9), for buildings 'whose historic importance rests largely on their character as public buildings', 'every effort should be made to continue their core civic/ public uses'. This demands, as we state above, some flexibility in allowing change to allow continuing, efficient, public use.

5.11 What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

- 5.12 Very considerable, both in terms of the impact of listing (often involving a one-off reduction in asset value, for example it is estimated that the disposal value of our HQ premises has been affected by up to 20% due to listing), and the cost of repair and adaptation to modern needs (see above, 4.5).

- 5.13 **What constraints are placed on public listed buildings, which affects their redevelopment or change of use?**
- 5.14 See, in relation to the Authority's buildings, Sections 3 and 4 above.
- 5.15 **What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?**
- 5.16 Most buildings (other than very recently constructed ones) need modification to meet the requirements of this legislation, although in general terms, the older the building, the greater the need for intervention. In listed buildings the scope for radical intervention is usually more limited. Functionality and effective use of floorspace are compromised; designs and spaces are contrived, and costs higher. Costs of sympathetic adaptations especially for access to upper floors, can be prohibitive and permission unobtainable.
- 5.17 **To what extent has the Government's guidance PPG15 been successful in protecting our heritage?**
- 5.18 That is perhaps for others to judge; but in our experience it, and particularly Appendix C, can be used to resist any change. The document dates from 1994 and is long overdue for review.
- 5.19 **What are the recent developments in the relationship between English Heritage and owners of listed public buildings?**
- 5.20 This authority has seen no signs of any such recent developments though there has not been a case since before the change in consultation arrangements, but we suggest at 3.8 and 4.6 above, ways in which a relationship with the Authority might develop.
- 5.21 **What is the role of the London Borough Historic Environmental Champions? What impact have they had in the protection and management of public listed buildings?**
- 5.22 We have had no experience of their role. But it might reasonably be to ensure that policy concerned with the preservation of listed buildings is applied with flexibility to listed fire stations and other operational public buildings, to allow them wherever possible to continue to serve their historic purpose.
- 5.23 **Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?**
- 5.24 The statutory process for determining listed building consent applications in Greater London is already complex. English Heritage has an enhanced role, including a 'power of direction' over listed building consent applications, and the right to serve statutory notices. However should a role be found for the Mayor in this process that will simplify the procedure, this would be welcome. Indeed any new arrangements should include for English Heritage to work with organisations like the LFEPA to develop guidelines for listed building types specific to London.

LB/023
Tony Arbour
Chair, Planning & Spatial Development Committee
City Hall
The Queen's Walk
London
SE1 2AA

19 March 2007

Dear Mr Arbour

INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC OWNERSHIP MPS / MPA RESPONSE

I am writing in response to your letter dated 6 February 2007. In this correspondence the Planning & Spatial Development Committee invited interested parties to comment on the matter of listed buildings within public ownership, addressing specific points and sharing our experience with the Mayor's office.

The Metropolitan Police Authority owns in excess of 40 statutory listed buildings. The majority of these are located in the capital. Our property portfolio contains police stations, offices, police housing, car pounds and other miscellanea. Statutory listed status generally relates to "buildings" such as our police stations, and will extend to pre-1948 structures on the same site that are considered to be listed by virtue of being within the curtilage or attachment to the "listed" building. There are also some quite unique situations / structures such as wartime facilities.

In response to the specific set of questions set out in your letter,

- The Metropolitan Police appreciates the significance of listed buildings and the contribution they make to the tapestry of the London streetscene. In many cases they serve as a reminder of the capital's rich past and can be examples of quality architecture. In many instances listed police buildings are an important part of the heritage of policing itself.
- As the owners of a varied property portfolio, with continued demands and limited funding available, the Metropolitan Police Authority is generally inclined to focus efforts on making improvements to those buildings that will encounter less resistance in the planning process. This makes more economic sense and maintenance/works to listed buildings are tackled as necessary and on a less frequent basis. Overall many listed buildings owned by the MPS are very challenging in terms of "fitness for purpose" in the 21st century and are beyond the finance envelope available. Consequently our preference is to seek these building put to alternative, more suitable (in relation to their listed status) uses rather than retained in police use wherever possible.

- As the owner of many listed buildings, the Metropolitan Police is sometimes hindered by the constraints posed by their heritage status. Old buildings, whilst perhaps attractive or interesting, are often not fit for purpose in a contemporary policing environment. To achieve the highest standards of policing, there is often a requirement for modernisation. This may be best achieved by adaptation and alteration, or sometimes partial demolition/demolition and redevelopment. Naturally the demolition and redevelopment of a listed building is usually challenged and refused, and even alterations to make better use of the building can often be a costly and time consuming encounter. Hence listing underlines the need for the MPS to exit the buildings as detailed in the previous paragraph.
- The maintenance costs and running costs of older buildings and listed buildings is generally far greater, and more disruptive to a 24/7 emergency service, than that of modern structures. As we do not have infinite finances, the upkeep and maintenance of listed buildings is likely to occur on a 'necessity' basis or to address a particular problem. There have been certain listed structures in our portfolio that have run into a degree of disrepair, owing to a lack of funding to address maintenance issues. Funding disrepair is presently only possible by moving funding away from policing priorities or front line policing and this creates an inherent conflict of priorities.
- The Metropolitan Police undertakes its own assessment prior to acquiring any building and would consider the constraints involved in the acquisition of a listed structure. If an application is made to English Heritage to spot-list a police building, we are informed by way of letter from English Heritage. This letter invites us to submit a representation on whether the building should or shouldn't be listed and English Heritage will take this response into consideration when making their decision. It is our normal policy to seek to make representations against listing (new).
- The Metropolitan Police Property Department engages a specialist adviser, a firm with Historic Building expertise and an understanding of the Planning Process, to advise on our designs etc. for any listed buildings. We are aware of constraints set out in Local Policy and National Policy Guidance (PPG15) addressing works to listed buildings and works affecting the setting of listed buildings. In our experience there are no areas where these policies or attitudes are relaxed for listed buildings in public ownership. The local authority in question ultimately makes the decision on the merits of the case but the constraints and protective guidance apply equally for public bodies and private developers.
- Publicly owned listed buildings are already well protected in administrative and procedural terms. The management of change (changes of use, alterations etc) could be speeded up by effective adoption and implementation of management plans for individual buildings, along the lines proposed by English Heritage.

- Legislation relating to Health and Safety and DDA has a financial cost implication in terms of viability and the commitment of resources, but it can also keep public buildings in public use and encourages access to them (albeit limited for police buildings due to security and other considerations), in accordance with best practice. Other regulations, e.g. the Building Regulations, have a greater cumulative impact in terms of viability and maintenance. Broadly speaking this legislation creates comparable costs (for newer unlisted sites) far higher than normal and implementation can be problematic and resource intensive. This is not seen as unreasonable but is a natural consequence and hence reinforces our aspiration to avoid police use of most listed buildings.
- PPG15 has been, and remains, extremely effective and successful in protecting our heritage, both public and private.
- Best practice is set out in PPG15, BS 7913 (1998), and documents issued by English Heritage, such as “Guidance on the Management of Conservation Areas” 2006. It applies equally to public and private buildings, and paragraph 1.7 of PPG15 states that the responsibility of stewardship is shared by everyone. This is accepted but can lead to the decision that continued police uses are unviable.
- The role of the Champion is to provide leadership for heritage issues. To date, we are not aware of any significant protection or management impacts, or changes, arising from the Champion scheme in relation to Metropolitan Police projects. Broadly the role remains reactive, however, which is unfortunate.
- Listed buildings already enjoy a high degree of protection, so it is difficult to see how the Mayor of London could have a further role in this regard unless through a more proactive approach. The latter would be welcome. With respect to the management of listed buildings, both public and private, it may be that there is scope for the Mayor to be more involved. Strategic management of change in the historic environment, alongside localised management of change on a building-by-building basis, is a key objective.

We would like to return to the three introductory paragraphs in your letter please:

- Without forgetting the wider environmental objectives of legislation we would observe that the factors that impact on the police uses will be many and varied. In broad terms listed buildings require us to offer poor value for money in use terms as they are not fit for purpose, offer poor levels of utilisation and demand higher costs of maintenance as the exterior is complex to look after (as well as offering a poor gross to net ratio of space and in turn usable space is poorly configured for use in the 21st century). Overall we believe listed buildings in our police estate (with c 40% of buildings pre dating 1945) are best found, in collaboration with stakeholders, alternative uses and the police use relocated to modern buildings that are affordable.

- The organisation is committed to sharing best practice as long as this is seen in the wider context of best practice “asset management” and does not require the redirection of funds away from front line policing and to the maintenance of listed buildings.
- In terms of protecting the continued viability of London’s listed buildings we would recommend that:
 1. Appropriate regulatory bodies work in a collaborative and co-ordinated manner pan London.
 2. The police use issues (as outlined above) be understood; and the cessation of police use not be seen as a disregard (by the MPA / MPS) of the importance of listed buildings.
 3. That a pan London pro active stance would assist in balancing the “case by case” analysis. It may well be that the GLA / Mayor could facilitate and add value in this respect.

Regrettably, in the time available, it has not been possible to produce more in depth data but we would be pleased to work with the GLA / Mayor going forward to assist. Also due to time constraints it has not been possible for this response to be placed formally in front of the MPA but we intend to do this in April 2007 and will feed back any MPA comments that arise.

We have noted in our diaries the meeting on the 18th April and would be pleased to attend. Early notice would be much appreciated.

Yours sincerely

Ian Blair
Commissioner of the Metropolitan Police Service

Catherine Crawford
Chief Executive & Clerk to the Metropolitan Police Authority

28 March 2007

LB/024

Richard Davies
Assistant Scrutiny Manager
London Assembly
City Hall
The Queen's Walk
London
SE1 2AA

Our Ref: DR/2/4

Dear Richard Davies

**INVESTIGATION INTO LONDON'S LISTED BUILDINGS IN PUBLIC
OWNERSHIP BY THE LONDON ASSEMBLY'S ENVIRONMENT COMMITTEE**

Thank you for consulting CABE about the investigation by the London Assembly's Environment Committee into listed buildings in public ownership.

CABE is primarily involved with listed buildings in two ways. The main role of CABE's design review programme is to give design advice to local authorities, architects and clients on development schemes. Some of these include proposals for alterations to listed buildings. In addition, since June 2002 the DCMS have consulted CABE, via the design review programme, on listing cases for post war buildings. These are proposals already researched by English Heritage and put forward with a recommendation as to whether or not to list the building. CABE effectively provides a second opinion on the English Heritage recommendation to the DCMS.

The scope of this investigation by the London Assembly's Environment Committee seems to us to relate primarily to the ongoing management of listed buildings. As our role does not extend beyond providing comments on schemes which include listed buildings and advising on listing decisions, we feel our ability to comment on the implications of listing for the management and protection of listed buildings in public ownership is limited.

We therefore wish to make two observations only. The first is that listing should not be seen as preventing the effective management and adaptation of buildings. It is there to ensure that the special architectural or historic qualities that make a building listable are dealt with in an appropriately thoughtful manner when change is envisaged. The second is that the key factor in ensuring that the recognised qualities of the buildings are maintained during the process of change is the availability of specialist skilled people to design, assess and manage proposals. Our feeling, based on anecdotal evidence, is that the system is under pressure in this regard.

Should you feel that CABE is able to provide any further relevant input, please do not hesitate to contact me.

Yours sincerely

Dan Thomson
Design review advisor

LB/025

-----Original Message-----

From: Philip Wealthy [mailto:P.Wealthy@richmond.gov.uk]

Sent: 28 March 2007 14:11

To: Richard Davies; Nicolette Duckham

Subject: London Assembly: Listed Buildings Investigation

Richard,
my apologies for the late response below on this matter,
regards,

Philip Wealthy
Head of Policy and Design

Tel: 020 8891 7320

Fax: 020 8891 7768

Email p.wealthy@richmond.gov.uk

Environment Directorate
Civic Centre
44 York Street,
Twickenham
TW1 3BZ

· What contribution do listed buildings make to London's built in environment?

Listed buildings makes a very significant contribution to London's built environment and even more so in the case of our Borough. In the case of Richmond the best known and loved buildings in the borough are all listed.

· How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

The ownership of listed buildings creates certain management challenges in relation to management and maintenance, as it can limit the opportunity to convert and refurbish a building to match service needs, a good example of this is a listed building which houses a youth club. The building cannot really be made ideal for this purpose, but this is the only purpose which the authority has for that building. Furthermore the listing status imposes a maintenance strategy on the council, which it might not otherwise adopt. However notwithstanding this, it also creates opportunities, such as the opportunities to ability of apply of Heritage Lottery funding to refurbish and bring back into use the Orleans Hse Gallery stable block, which has enabled the expansion and improvement of arts and cultural services delivered by the gallery. Without access to this funding it is unlikely that these buildings could have been repaired.

· What impact does the listing process have on public bodies to deliver a service fit for the

twenty first century?

Although Listing can make it more difficult to make DDA compliant and things like ICT can be difficult to integrate into the historic fabric[Philip Wealhy] imagination and technology can normally provide solutions.

- What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

There is no measured financial impact of listing a public building.

- What risk assessment takes place before a public building is listed?

There is no risk assessment undertaken, as far as I known when considering listing a public building.

- What constraints are placed on public listed buildings which affects their redevelopment or change of use?

Only the legislative requirements

- What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

DDA act and fire safety are the two areas of legislation which have had the biggest impact in terms of the viability of maintaining public buildings for public use. Access level changes and fire compartmentation being issues which have in the past proved difficult to adequately achieve. The inability to economically achieve level access in one instance is one of the factors which is contributing to the possible sale of one listed building.

LB/026
Tony Arbour
Chair
Planning & Spatial Development Committee
City Hall
The Queen's Walk
London, SE1 2AA

29 March 2007

Dear Tony Arbour,

London's Listed Buildings in Public Ownership Consultation

Thank you for your letter of the 26 February 2007, inviting the Theatres Trust to respond to the 'Investigation into London's Listed Buildings in Public Ownership'.

The Theatres Trust is the National Advisory Public Body for theatres and a statutory consultee on planning applications affecting land on which there is a theatre. This applies to all theatre buildings, old and new, in current use, in other uses, or disused. It was established by The Theatres Trust Act 1976 '*to promote the better protection of theatres*'. Our main objective is to safeguard theatre use, or the potential for such use, but we also provide expert advice on design, conservation, property and planning matters to theatre operators, local authorities and official bodies.

We would welcome inclusion in any register you may hold of statutory consultees and ask if you could include us in future planning related consultations that may cover theatres in London.

The Trust is aware of over 20 performing arts venues in London which are statutorily listed and publicly owned. The most obvious include the *Royal Opera House*, the *Barbican* (listed grade II) and the *Royal National Theatre* (listed grade II*) but there are also smaller operations such as *The Place*, Camden and *Theatre Royal Stratford East* in Newham. The Theatres Trust would be pleased to supply a full list of Listed Theatres to the Investigation on request.

There is no doubt that the listing of London's theatres has in many cases helped to save these fine buildings for future generations. We would like it to be noted that theatres are unique buildings, with high design values and architectural integrity, whether purpose built, or converted. Whilst there are already many listed theatres in London, there are also others that are likely to become so at some future time. While we address our responses to those currently listed we are also mindful to the many theatres that will be listed in the future.

For the purpose of this exercise I have taken the definition of 'public ownership' to include ownership of freeholds of theatres by local authorities and independent trusts, both of whom present public programmes, in some cases with the support of public subsidy. In addition the nature of the theatre industry in London is such that, in the West End, a commercial lease may be offered or a commercial management may be invited operate a theatre where it is commercially feasible to do so, in a building in public ownership. Otherwise the operation of most of London's publicly owned theatres is in the hands of charitable or non-profit distributing companies and most West End theatres are in commercial ownership.

The publicly owned theatres in the West End include the *London Coliseum*, the *Royal Opera House*, and The Theatres Trust's own freehold interests in the *Garrick*, the *Lyric* and the *Lyceum*. The latter three were given to The Theatres Trust to secure their future on the dissolution of the Greater London Council in the 1980s. At the time, the Lyceum was in a very poor condition and through the efforts of The Theatres Trust and others, a commercial operation was successfully established at the Theatre, and it now hosts the musical, *The Lion King*.

I am pleased to provide a response to the bullet points listed at paragraph 4.14 (page 7) which relate to The Theatres Trust work.

What contribution do listed buildings make to London's built environment?

London is exceptionally fortunate to have a wealth of buildings and sites whose heritage is valued, admired and even envied around the world. Many listed buildings are triumphs of design and workmanship. They touch our lives and bring pleasure to communities every day as well as to millions of visitors. They contribute to national pride, remind us of London's history and provide a springboard for regeneration and economic prosperity. Overall, the listed theatres in London contribute over £1 billion a year to London's economy, and over half the overseas visitors cite the opportunity of going to the theatre as one of the deciding factors of coming to London. Clearly, theatres are key to London's vitality, as well as its rich heritage.

How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

The Theatres Trust does not consider that ownership of a listed building impacts on its ability to be managed. Rather it is the quality of the manager's understanding of the heritage asset they are responsible for, and their investment in conservation and heritage expertise that has greatest impact.

In most cases of public ownership of theatres, there is one owner of one asset. However some West End theatres have multiple freeholds, which may variously be in the hands of public and private/commercial owners.

In general ownership of a listed building, whether freehold or leasehold means that a greater degree of sensitivity is required. Listed theatres are usually considered as assets, something to promote, and many have conservation plans in place to consider which parts can be sensitively altered.

What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

Listing a theatre is undertaken when the architectural and heritage value of a theatre is recognised and where there could be some future threat to the continued existence of the theatre as a heritage and cultural asset. However, this beneficial course of action, which ensures that the theatre continues to be available for future generations also impacts on its ability to deliver shows and performances that meet the expectations of twenty first century audiences. A listed theatre has to consider compliances that a non-listed theatre

does not. For already listed theatres, these compliances are generally understood and accepted.

However, the listing of a theatre, which has previously been unlisted can have implications for its financial sustainability. These are largely to do with the time and related costs of running the building and performances.

Any theatre in public or charitable ownership will be seeking to reduce its losses and ensure it can generate income to plough back into its activities and achieving its charitable objectives. A commercially managed theatre, in public ownership, will be seeking to generate a profit for its shareholders. A listed theatre costs more to run as repairs and maintenance are more costly. Further investment in refurbishment and restoration is often limited unless supported through public grants.

The Act Now! Report, published by The Theatres Trust in 2003 (a pdf is attached) gives more details of the management implications of listed theatres in the West End of London.

What improvements could be made, if any, to the protection of publicly owned listed buildings?

Compulsory requirement for Conservation Management Plans and Statements when applying for Listed Building Consent to undertake work to a listed building.

Greater availability of grants and loans for repairs from a range of sources.

Return the VAT charges incurred by publicly owned listed theatres unable to recover the VAT on repairs and maintenance through grants or other schemes.

What best practice exists in the management of publicly owned listed buildings?

N/A

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

See our answer above to the question on delivering a service fit for the twenty-first century.

What risk assessments take place before a public building is listed?

None as far as we are aware.

What constraints are placed on public listed buildings, which affect their redevelopment or change of use?

A listed theatre will have a *sui generis* use class, unless a change of use has been given. The constraints of a *sui generis* use class help to protect the theatre because the best use for a listed theatre is the one for which it was originally intended.

For example, a listing will ensure that the decorative features, size and relationships within the central auditorium space are retained; that the stage is able to retain its fly tower and

dressing rooms; and that bars, foyer and ancillary spaces built as part of the theatre are not sold off separately.

Any change of use for theatres should be considered in light of further theatres use. Theatres have been successfully used as public houses, nightclubs, casinos, music venues, churches, and film and recording studios where the features listed above have been retained.

What is the impact of legislation, such as Health and Safety and the Disability Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

Theatres, like fire stations and tube stations need to operate in 21st century conditions and making a listed theatre DDA and Health & Safety compliant, and licensable requires care and diligence on the part of the owner.

If this is evident, we have not normally found there to be any significant issues. Most theatres can be adapted in some shape or form to accommodate Health and Safety or DDA requirements as with most other buildings. The implications are largely financial.

Adaptations can be accommodated within a listed theatre building and compromises successfully achieved between operational and heritage aspects of theatre buildings. For example, exterior signage is required by all theatres to promote their shows and has to remain contemporary in design and impact if it is to be competitive. Achieving this whilst not detracting from the historic architecture on the listed exterior is in most cases manageable through discussion and negotiation between conservation and planning officers and applicants. Indeed many theatres seek to retain and enhance their heritage value as it supports their efforts to attract audiences who are drawn to the particular appearance and ambience of a listed theatre.

To what extent has the Government's guidance, PPG15 been successful in protecting our heritage?

PPG 15 in our view is divided into two sections with no distinction between the areas of responsibility of the two Government Departments involved. Part 1, concerns itself with conservation policy, which interacts with the planning system and is the responsibility of the DCLG and particularly explains policies on alterations and extensions to listed buildings. Part 2 relates to policy less linked to planning, being the responsibility of the DCMS, and includes guidance on how buildings are identified for listing and the principles of upkeep and enforcement, including a technical annex giving detailed advice on the appropriate alteration of component parts of listed buildings. There is a solid relationship between planning and heritage and there should be special regard paid to preserving listed buildings, with demolition only as a last resort.

What are the recent developments in the relationship between English Heritage and the owners of listed public buildings?

As far as The Theatres Trust is concerned, the task of administering the listing system was transferred from the DCMS to English Heritage in 2005, although the decisions on listing still remain with the Secretary of State.

What is the role of the London Borough Historic Environmental Champion?

The Theatres Trust has had no contact with the London Borough Historic Environmental Champion and therefore has no comment to make. We would be pleased to have contact and develop a relationship with them.

Should the Mayor of London have a role in the management and protection of listed buildings?


The Mayor of London should consider more fully the benefits of protecting listed buildings in the context of wider regeneration and redevelopment plans for London. There is a risk that individually listed or historic buildings will slowly disappear, such as the recent case of Dalston Theatre, which was demolished to create a clear site for redevelopment of the East London Line, rather than be incorporated into schemes.

The manifesto included in '*Heritage Works*' should be taken on board fully by the Mayor and considered whenever listed or historic buildings are include in regeneration plans across London.

Local Authorities are generally best placed to look after the management and protection of listed buildings with the assistance of statutory consultees. We do not think that the Mayor of London should have a role in the day-to-day management and protection of listed buildings. Where his planning powers may over-ride a local authorities decision, the London Assembly should have an enforcable scrutiny role to offer further protection to listed or historic buildings that may otherwise be demolished.

Please don't hesitate to contact me if you have any further queries,

Yours sincerely



Mhora Samuel
Director

Policy & Partnerships Directorate

City Hall
The Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

Tony Arbour
c/o Richard Davies
Assistant Scrutiny Manager
Greater London Authority
Secretariat Directorate
6th Floor
City Hall
The Queen's Walk
London, SE1 2AA

Our ref:
Your ref: LB/027
Date: 30 March 2007

Dear Mr Arbour

London Assembly investigation: London's Listed Buildings in Public Ownership

Thank you for your letter dated 6th February 2007, regarding the Assembly's Environment Committee investigation into listed buildings in public ownership and a request for a written response to a number of questions. Please find attached responses to the questions raised.

Yours sincerely



Debbie McMullen

Head of the London Plan Team

Attachments: 0703 Response_Listed Buildings in Public Ownership_LondonPlan

Cc: Jane Carlsen
Dan Hawthorn
Colin Wilson
Ceciel DelaRue
Rhianon Jenkins
Julie Fleck
Anne Crane
Ian Gilbert
Alexandra Reitman

Re: Investigation into London Listed Buildings in Public Ownership

1. What contribution do listed buildings make to London's built environment?

London's built heritage contributes to London's environmental quality, to the economy, both through tourism and the beneficial use of historic assets, and to the well-being of Londoners. London has over 18,528 entries on the statutory list, including 569 Grade I listed, 1,410 Grade II* and 16,539 Grade II listed entries. These entries represent approximately 40,000 listed buildings. Many of these are sites of national importance that add to the capital's identity and cultural richness, including the World Heritage Sites, Trafalgar Square and Parliament Square which are internationally important public spaces with special historical and cultural significance.

The London Plan highlights and emphasises the valuable contribution the historic environment makes to the character and identity of the city. These buildings can make a crucial contribution to *local identity and distinctiveness*. They help to enhance the quality of Londoners' lives through their use for cultural, educational, leisure and operational purposes and service provision. The historic environment is a source of commonality for all Londoners, and their understanding of it can be one tool for improving social cohesion, particularly where they affect London's ethnic and cultural diversity. London's listed public buildings can play a role in defining London's communities by representing shared experiences or simply as familiar landmarks, contributing to a sense of place.

The Lyons Inquiry into Local Government referred to the 'distinctiveness' of a place as being important in attracting skills and investment. That distinctiveness is shaped by the historic environment, which gives communities a source of identity. London's listed buildings therefore are seen as among the elements of the capital's local distinctiveness, which reflect the changing cultural, ethnic and historical make-up of the city and contribute to the social, physical, cultural, historical, environmental and economic distinctiveness of the Capital.

2. How does ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

Under the Greater London Authority Act 1999, the GLA is responsible for the care, control, management and regulation of the Square and its ornaments and accordingly the built fabric and listed buildings/features of the squares. Both squares are in conservation areas and require special planning permissions for any works to the squares or affecting the setting of the squares.

3. What impact does the listing process have on public bodies to deliver a service fit for the 21st century?

The listing process, which allows for the protection and management of the historic environment and resources, can provide a platform for public bodies to deliver on

regeneration imperatives. For example, the distinctive qualities of the local historic environment can be a key element in attracting investment and revenue, either directly because of the impact on the tourist economy or indirectly because it enhances the 'image' and quality of life of a place that in turn may help attract and retain economic activity.

The changes proposed in the Heritage White Paper to the listing process will streamline the consent process to improve efficiency in planning; introduce tools for local authorities to reduce uncertainty in the planning process for major developments; enhance the ability of public bodies to manage their portfolio heritage assets responsibly and efficiently; and improve access to information for all stakeholders.

4. What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

There is a cost to maintain Trafalgar Square, and its features including the fountains, Nelsons Column, and the historic listed fabric, for example. There are also costs incurred to ensure that historic squares get the maintenance they need, consisting of essential maintenance on the fountains and Nelsons column for instance.

5. What risk assessment takes place before a public building is listed?

English Heritage and DCMS are the bodies responsible for the consideration and listing of a building.

The DCLG and DCMS issued a circular with Revisions to the Principles of Selection for Listing Buildings in March 2007, with the aim of providing greater clarity on the general principles used in a listing decision as set out in PPG15. However, it does not appear that a risk assessment is proposed to be part of the process or consultation.

6. What constraints are placed on public listed buildings which affect their redevelopment or change of use?

Public Listed buildings are subject to the same protections afforded to all listed buildings in Planning Policy Guidance 15: Planning and the Historic Environment (PPG15). This policy notes that the listing of a building should "not be seen as a bar to all future change," however, it does instruct that

there should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition.

In terms of change of use, paragraph 2.18 of PPG15 highlights the fact that
New uses may often be the key to a building's or area's preservation, and controls over land use ...and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life...

and that

...in general, the same provisions on change of use should apply to historic buildings as to all others.

Further to the advice in PPG15, *The Disposal of Heritage Assets by Public Bodies* (September 2006) from the National Trust provides best practice advice to public bodies with regards to the management and disposal of Heritage Assets. This encourages public bodies to take a positive attitude to disposal of heritage assets, and suggests that disposal may provide the best solution for such properties where they are easily adaptable to other uses:

Government guidance urges local authorities only to continue to hold property assets if they fit the authority's current requirements in terms of achieving its objectives, including financial. In the current climate, there needs to be good reason to retain council property. A distinction should be made, however, between those assets whose historic importance rests largely on their character as public buildings and those that are only in public ownership by chance. For the former, every effort should be made to continue their core civic/public uses. If that is not reasonably achievable, disposal should take account of the community interest in the public spaces, perhaps through a partnership arrangement (say with a private sector partner, or a building preservation or community trust).

The guidance also advises that the aim in such cases must be to obtain optimum value, rather than the highest price.

Policy 4B.6 of the London Plan states that the Mayor will encourage the re-use of land and buildings wherever possible as a means of promoting the principles of sustainable design and construction. This applies to all buildings, and includes public listed buildings; the presumption would therefore be that public listed buildings be re-used rather than redeveloped.

7. What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

The London Plan notes that merely designating historic buildings is an insufficient strategy for the protection and management of listed buildings, and encourages the sensitive management of the historic environment in tandem with the promotion of the very best of modern architecture and urban design.

The DCLG and DCMS issued a circular with Revisions to the Principles of Selection for Listing Buildings in March 2007, with the aim of providing greater clarity on the general principles used in a listing decision as set out in PPG15. These revisions maintain the two statutory criteria used by the Secretary of State when considering whether a building should be listed: whether the building has architectural or historic interest. In tandem with the above circular, English Heritage have introduced supplementary information to the Principles of Selection for specific building types (public buildings are covered by the guide for Law and Government Buildings). These guides demonstrate what features are considered significant and likely to make a building meet the selection criteria for listing. However, as these changes to the system are very recent, it is not possible to assess their impact on the protection and management of publicly owned listed buildings.

Further to these revisions, the DCMS is currently consulting on a White Paper on Heritage Protection that proposes a unified and simpler heritage protection system

which will be more open, accountable and transparent. The current proposal states that designation will continue to be “a stand-alone decision based on the intrinsic interest of a building or site rather than on wider planning criteria,” however, whereas the current designation system does not invite consultation responses from stakeholders the proposed system will be formally consulted on applications to add items to the national Register.

These changes are a move towards the closer integration of strategic planning and heritage policy in London, and a simplification overall to the protection and management of listed buildings, however it is still too early to understand whether these go far enough in addressing the appropriate balance between the objectives of conservation and of sustainable communities. The GLA will be responding to this consultation in more detail in the coming weeks.

8. What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA) on the viability of maintaining listed buildings for public use?

It is not appropriate for the GLA to comment on the viability of maintaining buildings for public use.

However, with regards to the DDA, the London Plan commits all future development to meet the highest standards of accessibility and inclusion, as outlined in policy *4B.5 Creating an Inclusive Environment* and SPG Implementation Point 23 in Accessible London Supplementary Planning Guidance. The Mayor of London has also published draft Supplementary Planning Guidance on Diversity and Equality that reinforces his commitment to addressing the needs of London’s diverse population throughout the built environment.

There are now many examples of listed buildings that have been made accessible to disabled people without compromising their viability, in fact many access improvements can make the building easier to use for all of us. It is often a matter of how this issue is approached. English Heritage advises that with thought and care, historic buildings can usually be made accessible to all members of the community without compromising their character and quality. A creative and flexible approach can often provide the key to finding appropriate access solutions for historic buildings, and this outcome is generally achieved following close consultation and discussions with English Heritage.

The Disability Discrimination Act 1995 includes a duty on all who provide a service to the public to make reasonable adjustments to ensure disabled people can access employment, goods, facilities, services, functions and premises. The Disability Discrimination Act (DDA) 2005 extended the 1995 duty for public authorities such as English Heritage. The new duty means that a public authority must, in carrying out its functions, have due regard to:

1. promoting equality of opportunity between disabled people and other people;
2. eliminating discrimination which is unlawful under the Act;
3. eliminating harassment of disabled people that is related to their disabilities;
4. promoting positive attitudes towards disabled people;
5. encouraging participation by disabled people in public life; and

6. taking steps to take account of disabled people's disabilities even where this involves treating disabled people more favourably than other people.

This duty does not necessarily mean that all premises must always be physically altered to be fully accessible to all disabled people (although this is usually the preferred and least 'discriminatory' option) - there are a variety of ways in which the service can be provided but any alternative way of providing the service must be 'reasonable'. For heritage assets that do not have a functional use, and where physical access is not possible for all, other methods should be considered to promote public understanding and appreciation of the cultural significance of the asset (i.e. through presentation and interpretation). For example, there are implications for the regeneration of Parliament Square in terms of listed statues.

Like all public authorities English Heritage has published a Disability Equality Scheme which sets out how it is meeting its duty under the DDA 2005 to promote disability equality (see link http://www.English-heritage.org.uk/upload/pdf/esscheme006_v9.pdf) and to ensure that it does not discriminate against disabled people.

9. To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

PPG15 has provided local planning authorities with the legal and policy basis for the stewardship and management of London's heritage, and has provided owners of listed buildings with a comprehensive framework to guide both local planning authorities and the owners of listed buildings in the management of the historic environment.

10. What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

The GLA has no comment on this question.

11. What best practice exists in the management of publicly owned listed buildings?

The GLA has no comment on this question.

12. What is the role of the London Borough Historic Environmental Champion and what impact have they had in the protection and management of public listed buildings?

Historic Environment Champions provide leadership for heritage issues within their local authority. They also work with officers to ensure that the historic environment makes a positive contribution to the work of the authority, such as acting as the cornerstone for regeneration initiatives, and ensuring that departments that deal with cross cutting issues such as regeneration and transport will also be aware of relevant developments. As of 12th February 2007, 20 of London's 33 authorities had a Champion plus one at the

Great London Authority (Jennette Arnold, London Assembly Member for North East London).

13. Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

The Mayor is involved in the protection and management of listed buildings through the implementation of his London Plan, which recognises the contribution they make to London and seeks to protect and enhance that contribution.

Specifically, policy 4B.7 *Respect local context and communities*, commits the Mayor to work with local communities to recognise and manage local distinctiveness ensuring proposed developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Policy 4B.10 *London's built heritage* focuses on the Mayor's work with strategic partners to protect and enhance London's historic environment. Policy 4B.12, *Historic conservation-led regeneration*, emphasises that the Mayor will support schemes that make use of historic assets and stimulate environmental, economic and community regeneration where they:

- bring redundant or under-used buildings and spaces into appropriate use
- secure the repair and re-use of Buildings at Risk
- help to improve local economies and community cohesion
- fit in with wider regeneration objectives
- promote inclusiveness in their design.

Finally, in policy 4B.13 *World Heritage Sites* the Mayor commits to working with the relevant boroughs, English Heritage and site owners and occupiers to prepare management plans for London's World Heritage Sites.

The Mayor is also involved in the management and protection of listed buildings through both the review of local borough development plans and referred planning applications. The latter often include developments that are within or affect the setting of conservation areas and listed buildings. The Mayor takes note of the advice of English Heritage and Borough conservation officers in regard to these developments and has within his planning team officers with considerable experience of conservation and heritage and who are able to work effectively with our partners and advise the Mayor on these often complex issues.

LB/028
Planning and Spatial Development Committee of the London Assembly
Investigation into London's Listed Buildings in Public Ownership

Memorandum from the City of London Corporation

Submitted by the City Remembrancer's Office

Introduction

1. The City of London Corporation welcomes this opportunity to contribute to the Committee's investigation into listed buildings in public ownership. The City Corporation owns property, within and outside the City boundaries, in a number of capacities but for the purposes of this paper, no distinction has been made between them.
2. Historic Buildings¹ are an important asset for the City of London and essential to its fabric. Its unique and complex environment owes as much to its historic buildings as to the distinctive new architecture. The concentration of historic buildings in the Square Mile is unlikely to be rivalled anywhere else in the UK given the central role the geographical 'City of London' has played in the development of the nation. There are approximately 600 Listed Buildings in the City of London comprising 85 Grade I buildings, 77 Grade II* and 428 Grade II. In addition, there are 49 Scheduled Ancient Monuments, 3 entries on the Register of Historic Parks and Gardens (two of which – the Barbican and Finsbury Circus – are owned by the City Corporation), and 26 conservation areas which in total cover approximately 250 acres or 30% of the area of the City.
3. Under current designations the City owns and manages 350 historic properties² in its operational 'Heritage Portfolio', in and around the area defined by the M25 motorway. Within the Square Mile these include Mansion House, the Monument and the Guildhall which are Grade I listed, and the Barbican Estate which is Grade II. Of the Scheduled Ancient Monuments in the City, the City Corporation owns most of the historic City Wall and of the Historic Parks and Gardens, both the Barbican and Finsbury Circus are owned by the City Corporation. It is relevant to note however that not all of the City's properties fall within the boundaries of Greater London³.
4. As well as those properties that have been formally Listed, there is a history of Private Acts of Parliament sponsored by the City, especially since the mid 19th century, which have resulted in either the associated protection or the explicit protection of historic property. One of the most important examples of this is the Epping Forest Act, 1877, which requires the preservation of Queen Elizabeth's Hunting Lodge as an "...object of antiquarian interest". This statutory provision pre-dated the first Scheduling of Ancient Monuments by many years.
5. The City of London has a history of successful regeneration particularly since the Second

¹ When managing and analysing the City's historic estate, the term 'historic property' is used in preference to any other designation because it is inclusive and takes appropriate account of Listed Buildings, Scheduled Ancient Monuments, Registered Parks & Gardens and properties in Conservation Areas. In addition, it includes properties which are not subject to external statutory protection, but which are of sufficient cultural value that decisions about ownership and management should take that factor into account.

² This figure of 350 historic properties should be compared and contrasted with the total of some 450 historic properties owned and managed by English Heritage across the whole of England.

³ Further detail of the City's use of historic properties in the City of London, across Greater London and the wider South East is set out in Appendix 1.

World War, not only in areas that suffered from heavy bomb damage, but also more recently, where opportunities have presented themselves to utilise the airspace above railway lines. Consequently areas such as the Barbican, London Wall, Broadgate and Paternoster Square (twice) have been the subject of comprehensive redevelopment. All these schemes have, to a varying degree, successfully integrated public open spaces and important historic buildings within new developments.

What contribution do listed buildings make to London's built environment?

6. As a generality, the impact of historic buildings is well understood by the development and regeneration sectors. The professional and wider press, together with the publicity work of a whole range of organisations, is constantly highlighting examples of successful or less than successful regeneration schemes. This level of awareness, together with the statutory planning background surrounding listed buildings, ensures that proper regard is paid by all to these aspects.
7. Historic buildings can provide important catalysts to regeneration and can provide opportunities for the sensitive integration of new and old. This can be particularly important on waterside sites and in the provision of retail premises such as at the Royal Exchange in the City. Successful regeneration of an area, however, needs to be timed to take into account both economic and property life cycles. Life cycles of buildings in the City, for example, have a much shorter span than would be the case elsewhere due to the dynamic nature and demands of businesses in the area. More than half of the City has been redeveloped in the last 15 years, and some buildings less than 20 years old have been redeveloped in response to the rapidly changing needs of City businesses. Schemes should be flexible enough to enable an area to respond to the changing needs of the business or local community. Equally, schemes seeking to integrate historic buildings must be both commercially viable and attractive to end users. Although there is evidence that many City occupiers are satisfied in occupying listed buildings, it is also true to say that listing requirements may be onerous and could jeopardise developments causing delay, or withdrawal, to the detriment of both the area and local business/residential communities.
8. Whilst some businesses in a vibrant urban economy, particularly smaller ones, can operate from older listed buildings, most prefer the technological efficiencies of modern purpose built premises. Listed buildings tend to impose additional costs on business occupiers which can impact on their competitive advantage.

How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

9. Historic properties form part of the City's property portfolio for different reasons. Some were commissioned historically such as the Guildhall and Mansion House, some more recently such as the Barbican and other were acquired to protect their cultural value such as Queen Elizabeth's Hunting Lodge and Keats House. In all cases the City Corporation recognises the importance of keeping the condition of its listed buildings under review. Whilst ownership can arise for a number of reasons, the management and maintenance of their property portfolio requires the same standard of care. Although it should be recognised that differing properties might require additional specialist input and extra effort to resolve problems and conflicts.

What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

10. The listing process is currently slow and should be speeded up to provide greater certainty. Listed buildings are listed for their architectural or historic interest. Architectural and historic factors should not be confused with economic considerations given the changeable market and the importance of taking a longer term view. There may be rare occasions where the future of a building should be taken into account as part of the listing considerations. This would require a defined procedure for consideration of the architectural and historic factors and any economic factors to be carried out in a clear structured and systematic way. The current situation is that economic and viability factors, which are subject to change, are properly a material consideration in determining applications for listed building consent as set out in PPG15 and are an entirely different process from that of assessing whether a building should be listed or not.
11. The principle of a more open listing process is to be supported. Consultation should be open to anyone, including the local planning authority, who should be given the opportunity to deal with broader regeneration and development issues, owner and interested parties such as amenity societies. Issues such as the timescale for consultation and level of information provided needs to be set out.

What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

12. Before the financial impact can be assessed, it is necessary first to have detailed knowledge of what is in the portfolio, its historic value and why it is in institutional ownership. Only when such basic information is available can the analysis be undertaken to assess the financial implications. There have been many instances of Local Authorities undertaking expensive works to historic properties, when more traditional repair procedures may have been more economical.

What constraints are placed on public listed buildings which affect their redevelopment or change of use?

13. A major constraint, as set out in legislation and Government advice, is that any proposed works should not affect the special architectural or historic interest of the building. As a consequence owners are required to obtain high quality professional advice before making any decisions about works to the property. This can give rise to high costs which may prohibit redevelopment in the short term. In the long term, an owner should prepare a Conservation Management Plan and a planned maintenance programme, which will enable expenditure and action to be anticipated throughout the redevelopment process.

What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

14. The City Corporation supports access to the built environment, where this can be achieved in a manner which is inclusive to all. When originally envisaged, accessibility was clearly not at the forefront of many designers' minds and in the 21st Century, special care needs to be taken in the case of listed buildings to provide an inclusive approach to accessibility. The City has published a number of Planning Advice Notes that relate to access both for listed buildings and in planning more generally.
15. *Improving Access to Listed Buildings*, which was prepared in consultation with the City

Corporation's Access Team, illustrates some of the issues that concern owners, developers and architects when considering access and access alterations to listed buildings. It also provides information on relevant legislation, policies and guidance is included with case studies to highlight examples of what has been achieved⁴. Similarly, *Designing an Accessible City*⁵, now in its third edition contains information on statutory and legal obligations relating to access for disabled people as well as outlining the City of London's planning policies on the provision of access and facilities in developments in the Square Mile.

To what extent has the Government's guidance PPG15 been successful in protecting our heritage?

16. The City fully supports the principles and advice set out in PPG15. The document has provided very good guidance, supplemented by many other publications and organisations, but there is a case to suggest that its revision is long overdue. The extent to which it has been successful so far is difficult to measure because there is no mechanism in place for monitoring it.

What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

17. In terms of its 'civic' historic property estate, the City of London has in some instances had difficulty in developing a satisfactory co-ordinated and efficient working relationship with English Heritage. The City, as a large organisation with a considerable amount of mixed historic property assets spread over a wide area of London and beyond. In this context, it would be a major efficiency to have a principal officer at English Heritage as our regular liaison reference point. Such an officer would mirror and complement the concept of Conservation Champion in the public realm. The City considers that this could bring efficiencies in managing historic property.

What best practice exists in the management of publicly owned listed buildings?

18. For many years the City Corporation's policy and practice has been to encourage applicants to carry out pre-application discussions at the earliest possible stage with planning and design officers on all proposals that are likely to lead to planning and listed building applications. This not only provides certainty for developers about the likely acceptability or otherwise of any proposal, it also ensures the input of officers' professional skills and knowledge through the design and planning process in a complex and historic environment. In turn this is reflected in the high quality of buildings and spaces in the City, as recognised in numerous awards, including for the reconstruction of Temple Bar, the Merrill Lynch Headquarters, street scene enhancements at Old Bailey and Monument, the Millennium Bridge and the Swiss Re tower.
19. Pre-application negotiations are particularly important in the case of proposals for listed buildings and it should be stressed that this requires a commitment from the applicant or owner and the local planning authority to ensure that sufficient resources are available to undertake this work. This work should be carried out by officers and consultants with the appropriate specialist skills and experience (such as historic building conservationists and architects) and on a team or project-based approach.

⁴ A copy of the note is available on the City of London's website and can be accessed at www.cityoflondon.gov.uk/nr/rdonlyres/86e81cc6-743a-4ac3-bb7b-d33e1aa58e5f/0/dp_pl_accessadvicenote.pdf

⁵ Available on the City's website at www.cityoflondon.gov.uk/Corporation/our_services/access/designing_accessible_city.htm

20. Local planning authorities are also encouraged by English Heritage to prepare listed building management guidelines to help manage change to listed buildings, particularly where there are likely to be complex planning and listed building issues to resolve. Local planning authorities should always be involved in producing this sort of guidance as they often are more familiar with the building and the local issues which need to be addressed. They are also most likely to take responsibility for monitoring the implementation of guidance and its effectiveness through the planning process. It is essential that the document should be consulted upon and that all parties affected have an opportunity to comment. It should also be demonstrated that management plans are produced by people with a range of specialist skills appropriate to the building.
21. Examples where the City Corporation, in its capacity as local planning authority, has taken the initiative to prepare such guidelines include the Barbican and Golden Lane Estates⁶, both of which are owned by the City. The preparation of these guidelines has required considerable resources and cross departmental working in order to address listed building, property and housing management issues likely to affect the future of these buildings, such as repairs, maintenance and the Government's 'decency standards'. An innovative 'traffic light' system has been adopted for both sets of guidelines to indicate the likely acceptability of different types of work to the buildings. The guidelines are subject to five yearly reviews and annual reviews for the first two years. In this way they are built into the LDF planning process and accorded weight as a material planning consideration.

What is the role of the London Borough Historic Environmental Champion? What impact have they had in the protection and management of public listed buildings?

22. Unlike in some other planning authorities, where the Champion is the Chairman of the Planning or Environment Committee, officers fulfil the role in the City of London. These individuals play a key role in negotiating development proposals within the City (for both listed buildings and new buildings) and producing guidance and management guidelines. Their role is to encourage and raise awareness of good design and conservation within the City, including liaison with elected Members, other City Corporation Departments and the City Conservation Area Advisory Committee.

Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

23. As already highlighted elsewhere in this paper, it is the City Corporation's view that it should be the responsibility of the local elected bodies to take the overall decisions by balancing the needs of the communities and commercial realities with the need to preserve historic fabric.
24. The key feature of this responsibility should, however, be to ensure an appropriate balance is achieved in each case, i.e. that any one aspect, including historic buildings, plays a reasonable part but does not dominate to the detriment of other elements. The City Corporation's experience indicates that those in favour of listing buildings may sometimes be seeking to pre-empt the whole regeneration process before it has started, reducing options for consideration and constraining the possible outcomes. Listed buildings must be taken into account but should be evaluated with other aspects and not allowed to pre-determine the scale of regeneration and thereby often reduce significantly the scale of benefits which could be achieved for local communities.

⁶ Further details of these guidelines can be found in Appendix 2.

What good examples are there of listed buildings which have been adapted for new uses?

25. The listing of buildings can sometimes act to delay the process of regeneration, increasing costs and risks and often reducing returns to investors. It can, therefore, sometimes make seemingly viable projects unviable. Nevertheless, there are occasions where listing of historic buildings can provide certainty with respect to their future and provide a trigger for imaginative re-use which enhances the character of the area. Examples are the use of the Public Records Office by King's College Library and many of the City's Banking Halls for A3 (food and drink) planning use. Listing buildings can also prevent protracted debates as to whether buildings are or are not worthy of retention.
26. It is important to have a balanced view on the role that listed buildings play in a given regeneration project. In the City, there are good examples where the historic environment has played a positive role, including the Merrill Lynch headquarters in Newgate Street (recipient of the RTPI Building in Context Award 2004) and the Lloyds Register of Shipping headquarters in Fenchurch Street. In both instances, redevelopment provided for both sizeable headquarters in modern office accommodation, whilst retaining listed buildings on the site. In each case, compromises needed to be made on how much of the original historic fabric was retained. If the City Corporation had not been prepared to be flexible then it is likely that these areas would not have made the contribution to the vitality of the area evident today. In addition, the City may not have been able to satisfy the needs of two key businesses which make an important contribution to this financial and business services cluster.
27. At the other extreme, listing or the threat of listing, can reduce regeneration options and cause severe delays to projects. The City Corporation has previous experience in this regard. Underlying the approach of many conservation groups is the presumption that historic buildings must be preserved. A rigorous cost benefit analysis is not usually applied to this approach. Often the wider benefits which might accrue from their removal are not considered in an objective and timely fashion. Over time, indeed, more buildings thought worthy of retention are identified and others, thought possibly the target of change, have their listing increased to frustrate the possibility of such change.

April 2007

Sensitive use/re-use of City owned historic properties in the City of London.

On the whole, the historic properties owned and managed by the City continue in more or less the use originally intended. Inevitably, there have been many ‘uncontrolled’ changes and modifications during the period following their completion and first use and this process has continued in a ‘controlled manner during the post Second World War period.

The Mansion House is a Grade I Listed Building and is the official residence and office of the Lord Mayor of the City of London. Until 1991, it was also his Magistrate’s Court. It was necessary to move the Court to another building during the refurbishment of the Mansion House in 1991-1993 in order to create space for modern facilities. The former safe-deposit building at 1 Queen Victoria Street, itself a Grade II Listed Building opposite the Mansion House, was successfully converted to house the new and expanded Magistrates’ Courts.

The Guildhall complex consists of the late 15th Century Great Hall and Crypts and the various associated adjacent buildings that have from time-to-time been added, often replacing earlier buildings. Considerable expansion and redevelopment took place during the 19th century, including the creation of a large new Council Chamber to the north and the Guildhall Library and Museum to the east. These buildings were either destroyed or damaged during the Second World War, but have since been redeveloped and repaired. The North Block of the Guildhall, built in the 1950s to a pre-war design by Gilbert Scott, is a mixed structure of reinforced-concrete internal frame and load-bearing masonry external walls, very much in the external ‘mass-brick’ brick style of Battersea and Bank Power Stations. This wing of the Guildhall is not a Listed Building in its own right, but is physically integrated with the Grade I Listed Great Hall. Redevelopment of the North Block is now underway in order to provide better modern office and associated accommodation, high BREAM standards for energy conservation, improved public access and an enhanced treatment to the rear of the Great Hall.

The Old Guildhall Library & Museum is a Grade II* Listed Building, which was repaired and subsequently converted to provide additional ceremonial and storage space, following the completion of a new Library in the new West Wing and the Museum of London on London Wall. The Old Library and Museum is now being converted to provide a higher standard of ceremonial space and associated conference and Livery accommodation, while at the same time improving circulation for the Great Hall and the overall Guildhall complex, improving the existing services, conserving the fabric of the historic building and restoring its formal entrance on Basinghall Street to formal use.

Wood Street Police Building is a Grade II* Listed Building designed and built in the 1950s in an innovative re-invention of the traditional classical style of architecture. It was built to provide operational facilities for the City of London Police, together with associated offices and police housing accommodation in the ‘high-rise’ part of the building. Various alterations have taken place since the Listing of the building, the most radical being the change of use of the housing element to expanded office accommodation.

Sensitive use/re-use of City owned historic properties outside the City of London

More modest examples can be identified where appropriate changes, including change of use, have helped to maintain both the historic property and the service provided, including the service provide to the local community and London as a whole.

The Woodridden Estate Coach-house and Stable Building, Essex is a traditional early 20th century operational structure for which the original use had long disappeared by the 1990s, when its use was sensitively changed to a house and office for one of the local Epping Forest Keepers.

The Rangers Road Coach House, Chingford, originally provided commercial coaching and stabling services from its yard and buildings, associated mainly, but not solely with the large adjacent public-house. It evolved from an earlier agricultural use in the late 19th century and its then change of use took advantage of the City's purchase and protection of Epping Forest. It was later poorly converted to a garage and repair-shop for a mini-bus and car-hire company and the site deteriorated. The site is immediately next to the building called 'Queen Elizabeth's Hunting Lodge' (Scheduled Monument & Grade II* Listed Building). Consequently, when the opportunity and funding arose, the process of recovery of the property was started with the aim of repairing it and converting it to a Visitor Centre for the Tudor building and that part of Epping Forest. The project is ongoing, but is in partial use and the process of completion falls within the Heritage Strategy for Epping Forest. The building itself is not statutorily protected, but is clearly contributes to the historic character of the overall site and is a property asset that provides a resource for enhancing public enjoyment, improved access, educational inspiration, audience building and local financial activity.

The Stable Block, City of London Freeman's School, Surrey is an architectural set-piece with the Grade II* Ashted House, set within a Grade II Registered Park and Garden. Having been poorly converted to alternative school use 50 or so years ago, it was converted again at the turn of the millennium into a Sixth-Form Suite, as part of a planned improvement and expansion of the school, in accordance with a strategy approved by the Local planning Authority and the School's Business Plan.

Rogers Almshouses in Brixton is a short terrace of Grade II Listed small houses set within a small enclave of almshouses. In pursuit of what were, in the 1960s, perceived to be the housing needs and appropriate standards for the elderly occupants, these houses were closed-up, with the intention that they should be demolished and redeveloped to 'Parker-Morris' standards. Despite the refusal of Listed Building Consent, the buildings were kept empty and deteriorated until they were eventually added to the first edition of the English Heritage 'Historic Buildings at Risk Register'. It then became apparent that positive action had to be taken to put this historic property asset back into positive economic and social use. Consequently, an appropriate refurbishment project was implemented to bring the buildings back into very attractive and successful housing use. Whilst this example is not strictly a change of use, the circumstances are such that it well illustrates the problems that a lack of perception and imagination can bring to the successful economic re-use of a Listed building.

The Temple, Wanstead Park, Wanstead is a Grade II Listed Building set within the Registered, Grade II* remains of the very important 17th and 18th century 'formal' landscaped park in London E11. Wanstead Park, which is also in a Conservation Area of the same name, is part of the City's Epping Forest holdings, protected by Private Act, Statutory designations and London Borough of Redbridge policies. In the mid 1980s, notwithstanding the best intentions of Act, national legislation and Government policy, this historic property was perceived to be without any use. Consequently, it began to suffer from structural decay as the result of a lack of investment. Over

the previous 250 years, the building had been, at various times, an eye-catcher in a double avenue of trees, a garden pleasure-pavilion, a pheasantry, housing for keepers, public lavatory, meeting and entertaining rooms and finally, a store and general dumping place. Following the Great Storm of 1987, a review of the value and management of the park was undertaken and its special value was recognised in a Conservation Plan. Included in that plan were proposals for the repair and conversion of the building in several phases. Over a number of years, after the basic repair work and in parallel to the restoration programme, the future use of the building developed and continues to do so. It and its restored garden now houses meetings, receptions, concerts and other events, historic display and interpretation with educational visits and tours of the grounds. The rear garden is awaiting restoration and interpretation of its well and pond and other associated supporting development.

The City of London Cemetery and Crematorium, Manor Park, E12 is next to Wanstead park, is a very large (300 acres) and beautiful green space and provides a key service of high standard to the local and regional community of east London. It is located in the London Borough of Newham one of the most deprived boroughs and is run on a business model in relation to investment. It contains a number of Grade II Listed buildings and is on the Register of Parks & Gardens, Grade II*. The Gatehouse, a prominent Grade II Listed Building which previously housed an elderly member of staff, recently became available for re-use. It was converted to host a business related commercial office and meeting room, a flower shop and a tea-room for the public. The scheme has been a successful change of use, putting a valuable part of the overall historic property into a financially beneficial use and complimenting the business plan for the service. The important lesson to be learnt from the delays and problems with obtaining the necessary Listed Building Consent and Planning permission, is that such works require the input of specialist professionals at an early stage, a realistic and comprehensive brief and the appointment of a project design team that has identifiable and appropriate skills, including those of being able to work positively with the Local Planning Authority and its policies.

Commentary

The above examples illustrate successful alterations to and changes of use of City owned Listed Buildings where such works have been part of the ‘natural’ or rational evolution of an operational historic property in order to ensure the continued use of the building in its historic role which in itself can be considered to be adding inherent long-term historic interest.

The economic management of historic properties need not be as problematic as may sometimes be believed, provided always that appropriate and thorough effort is made to acquire a full understanding of the issues arising and the potential for beneficial change, followed by a professional approach to the necessary works.

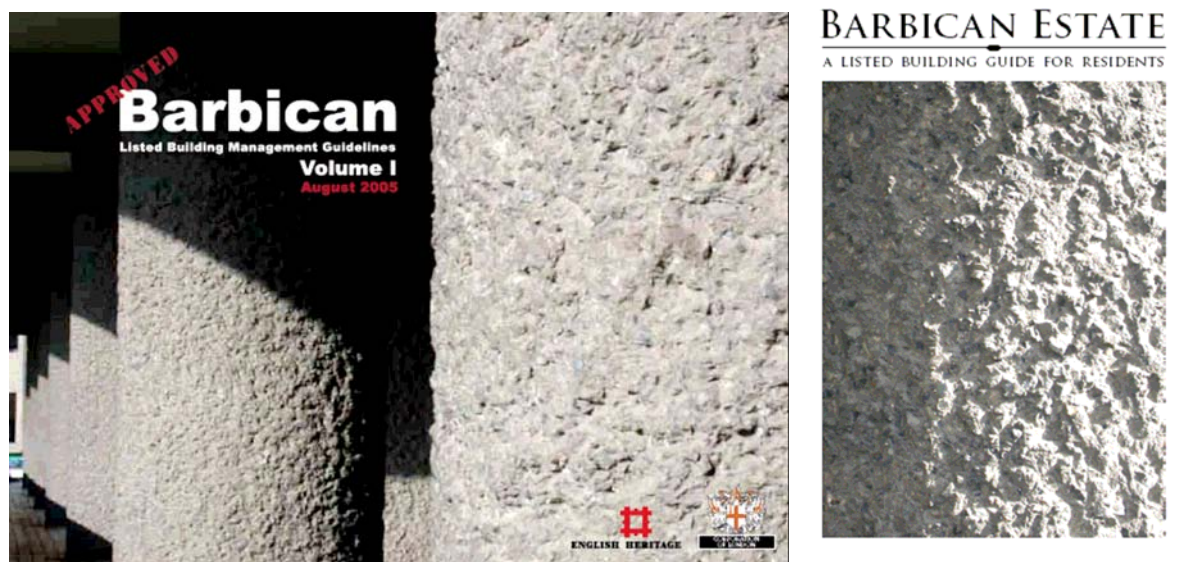
April 2007

THE BARBICAN ESTATE

The Estate was completed in 1982 and is probably the largest protected structure in Europe. As well as over 2,000 flats in 20 residential buildings housing about 4,000 residents, the Estate contains two schools, a YMCA, and the largest arts centre in Europe with a theatre, concert hall, cinemas, library, restaurants and art gallery.

Following the listing of the Barbican Estate in 2001, the City recognised that management guidelines should be prepared to provide certainty and guide future change. The greatest pressure for advice related to the residential buildings and the preparation of management guidelines for these buildings and flats was therefore given priority. No additional resources were provided by government to undertake this work when the estate was listed. The City was able to secure a £20,000 contribution from English Heritage towards the costs, but this was a small proportion of the total cost. No charge was made to residents on the Estate.

The guidelines were prepared by consultants in consultation with a working party comprising Members of the Common Council, Planning and Estate officers, English Heritage, Twentieth Century Society, and six residents representing the Barbican Residential Consultation Committee. The guidance is in two volumes – a general volume on the Estate as a whole and a volume on the residential buildings. They took two years to produce and were adopted as Supplementary Planning Guidance of the UDP in 2005. Unlike other published management guidelines, this was the first attempt to draw up such a document for an estate with a significant number of individual stakeholders and where a general consensus was required before their adoption. The full guidelines are available on CD and can be viewed on the City of London website.



An integral part of the Management Guidelines has been the preparation of a Conservation Strategy for the Estate. This strategy, which has been the subject to consultation and the preparation of a business plan includes initiatives such as creating Heritage Flats, a Barbican Drawings Archive, an Aural History Archive, a Resource Centre and Salvage Store. The City Corporation's Planning and Transportation Committee has instructed officers to facilitate the setting up an independent charitable body to be called 'Barbican Heritage' whose role will be to develop, secure funding and to implement these projects. This is an innovative project outside the regulatory process and has strong support from Barbican residents.

The greatest lesson from the exercise is the level of resources required to develop the guidelines in terms of officer and consultant time, the need to undertake additional consultation at an early stage and to secure additional resources to meet these unforeseen costs. Resources have not yet been identified to prepare the remaining five volumes of guidance for other parts of the Estate, including the Arts Centre, YMCA, Guildhall School of Speech and Drama, Girls School and the Landscape (which is separately listed Grade II*)⁷.

THE GOLDEN LANE ESTATE



Following the completion of the management guidelines for the residential buildings of the Barbican, the City has prepared guidelines for the Golden Lane Estate, an estate built by the City in the late 1950's. Drawing from experience gained from the Barbican, stakeholders, including residents, were involved at an earlier stage of the process and these guidelines will be reported to committee for adoption in April 2007. A conservation strategy is also proposed for the Estate and, if agreed, will form part of an area strategy for enhancements to the area.

April 2007

⁷ Further information about the project and the lessons to be learnt from the guidelines can be found in *Management Guidelines for the Barbican*, published in 'Context' Volume 91, September 2005, Journal of the Institute of Historic Building Conservation. http://www.ihbc.org.uk/context_archive/91/barbican/barbican.htm

LB/029

London Assembly investigation into London's Listed Buildings in Public

Ownership: to ascertain what factors affect the management, protection and adaptability of listed buildings in public ownership; to share best practice across London; to make appropriate recommendations to improve the protection and continued viability of London's listed buildings.

Q: What contribution do listed buildings make to London's built environment?

Listed Buildings make an invaluable contribution to London's built environment. They provide a sense of place for continuity and public confidence; they are valuable as visitor attractions and so stimulate the economy. The quality of materials, design and craft-work provide a richness to the environment which is difficult to match today. The buildings are sustainable and their retention and continued use makes a positive contribution to the sustainability agenda.

Q: How does the ownership of listed buildings impact on the ability of public bodies to manage and maintain their property portfolio?

Ownership of a building enables control over the building, but listed buildings have statutory restrictions for owners whether public bodies or private owners. For any owner of large or complex listed buildings it would be helpful to have a Management Plan with periodic reviews, a dedicated budget and specialist advice.

Q: What impact does the listing process have on public bodies to deliver a service fit for the twenty first century?

The listing process does not have to detract from the service delivery objective of public bodies, but can in fact easily do so if there is poor comprehension of the obligations inherent with listed buildings or a lack of clarity of process, or a lack of pragmatic specialist advice. If these are in place then listed buildings can actively lead in the 21st century with sustainable construction and natural materials enriching the environment with craft-working, and individual design and providing a firm historic perspective from which to move forward into the new century.

Q: What is the financial impact of listing on public bodies in terms of maintaining their property portfolio?

There are three problems – firstly, cheaper options for repair are normally not available because traditional buildings need traditional repair as modern materials are incompatible with natural materials and will hasten their decay; secondly, the additional costs and scarcity (ie. time costs) of specialist advice, natural materials and craft workers; thirdly, the difficulty public bodies have in justifying maintaining specialist budgets for individual buildings. But efficiency savings can be achieved through proactive work by skilled specialists building on capacity, if support and guidance is in place.

Q: What risk assessment takes place before a public building is listed?

Public Bodies in common with all other owners have no control over whether a building will be listed. It is rare for any owner to seek listing of their own building and public bodies are no exception, presumably because additional restrictions are perceived as costs – either as direct costs or as time constraints, and public bodies in particular are required to give value for money.

Q: What constraints are placed on public listed buildings which affects their redevelopment or change of use?

Public listed buildings are in common with all listed buildings restricted by the listed building legislation in respect of their potential for redevelopment or change of use. It is therefore essential to have good advice at the earliest stage of any proposals in order to be able to build in and capitalise on any possible flexibility – to the physical alterations which the building may be able to accommodate, and/or to the choices available within the public bodies' proposals.

Q: What improvements could be made, if any, to the protection and management of publicly owned listed buildings?

Specific guidance to public bodies would be beneficial to encourage them to produce management plans, to carry out quinquennial reviews, to set aside specific budgets to provide for the additional costs of listed buildings, and to access pragmatic specialist advice at the earliest stage in the process.

Q: What is the impact of legislation, such as Health and Safety and the Disability and Discrimination Act (DDA), on the viability of maintaining listed buildings for public use?

Health & Safety and the Disability Discrimination Act do not have to pose great difficulties provided issues are addressed early in the process, pragmatic specialist advice is taken to provide the best H/S and DDA solutions as possible without harming the specialist interest of the listed building. Design, materials and craft-working can all contribute to easing the process.

Q: To what extent has the Government's guidance PPG 15 been successful in protecting our heritage?

The guidance in PPG15 has been invaluable in setting a standard and showing how it can be achieved by adopting a positive 'can-do' attitude to the whole historic environment. The built heritage is a national asset which PPG15 identifies, enabling it to be capitalised on, rather than lost through inadequate planning or through thoughtlessness, ignorance or ineptitude or by deliberate act.

Q: What are the recent developments in the relationship between English Heritage and owners of listed public buildings?

English Heritage has been vulnerable to accusations of delay or too high standards. But in fact there is a two-way process involving close cooperation and good working practices between the public bodies' own specialist staff and English Heritage together with the ability the specialist staff have of representing the public body knowledgeably. Again some guidance for public bodies to encourage them to set up and maintain such systems would help avoid misunderstandings and delay.

Q: What best practice exists in the management of publicly owned listed buildings?

Continued devolution of work to, and empowerment of London local authorities in particular is a welcomed burden. However lack of adequate compensatory support through inadequate finance, coupled with inadequate capacity to manage this work load with sufficient specialist skills, is problematic.

Q: What best practice exists in the management of publicly owned listed buildings?

Very little existing best practice – public bodies are ripe for some guidance to encourage them to adopt a proactive approach and to instil confidence.

Q: What is the role of the London Borough Historic Environment Champion? What impact have they had in the protection and management of public listed buildings?

The Historic Environment Champion post has proved enormously successful in focussing attention on opportunities, promoting capacity building, and maximising the potential of the whole historic environment under the Culture banner.

Q: Should the Mayor of London have a role in the management and protection of listed buildings? If so, in what capacity?

The Mayor of London could usefully take an active role in producing guidance to raise equality of standards for publicly owned buildings across London, publicising for Visitor Attraction, maximising educational opportunities including for archaeology, archives and museums, and recreational developments including historic parks & gardens, and showing support for the historic environment in order to instil confidence which is the basis for achieving the aims laid down in PPG16.