

Accommodating change

Listed buildings serving London

June 2007



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Chairman's foreword



Most of us have our favourite building in London, be it Westminster Abbey, St Paul's Cathedral, the Tower of London or something more local such as a Georgian house, a Victorian library, town hall, cinema or theatre.

We are all keen to preserve and protect our national heritage from the encroaching developers' tide of glass and steel and that is why we support English Heritage's efforts to protect buildings of special importance by "listing" them.

But historic buildings that are also places from which essential public services are delivered – such as fire, police or tube stations – pose some very difficult dilemmas.

These buildings need to change to reflect our demands for services to be delivered in different ways. They also need to change to meet the requirements of legislation from allowing access to those with disabilities or modern standards of health and safety. Even the Human Rights Act has some implications for service delivery in listed buildings.

In property terms location, location, location is important. Very often it is vital that the service is delivered in the same geographical place, close to the users, which means that moving to a new building miles away is just not practical.

This report explores some of the issues surrounding making modern public services compatible with the "living heritage" that is our historic public building estate.

It is not just a matter of more money, although to a certain extent this would help offset the additional costs of maintaining protected buildings. It is also about the balance to be struck between preservation and moving with the times.

We need to balance the desire to retain that which is good about our heritage with our right to have the best modern public services.

It is a difficult balancing act but one which we believe can be achieved with a little more flexibility and better engagement between all those involved in, as English Heritage put it, the process of managing change, not preventing it.

Tony Arbour AM

*Chairman of the London Assembly Planning and Spatial Development Committee
June 2007*

Executive summary

Historic buildings are an important part of our heritage. They bring many benefits to an area including acting as a focal point for community and as a source of education about the social, cultural, economic and political history of their part of the city. The amount of care, time and money given to preserving these buildings signals to the public the extent to which we value them.

The best examples of our built heritage are rightly protected through a process of “listing” and since 2005 the responsibility for administering the listing buildings in London has rested with English Heritage. While listing a building is no guarantee that a building is safe from alteration, or even demolition, it does offer some degree of protection from work that might damage the special architectural or historic qualities of that building.

In 2006 there were more than 18,000 entries on the London register of buildings of special architectural or historic interest.

Most public services are delivered to Londoners from buildings that are often more than one hundred years old. The public sector estate comprises our fire, police and tube stations, town halls, schools, libraries and hospitals.

Public services are changing as their users’ needs change, legislation brings more duties for public bodies and technology allows for different ways of delivering these services. But there is a tension emerging between the needs of modern public services and the ability of those protected buildings from which they have to be delivered from to adapt to those changes.

The providers of our public services face increasing challenges when trying to plan for future public service provision and having to work within the constraints that the listing system puts on the physical fabric of their buildings.

Maintenance and refurbishment costs can be up to 20 per cent higher and disposal costs 20 per cent lower for a listed building. This is a major factor for public bodies operating on budgets focussed on service delivery efficiency. Grants are limited and we urge the Department of Culture, Media and Sport to consider more financial assistance to kick-start the process of match funding for refurbishment programmes.

Planning becomes more difficult when the uncertainties about whether a building may be listed in the future, or are listed when development proposals are tabled, are included in the calculation.

Spot listing – when a building is listed as part of an emergency procedure rather than as part of a planned review of an area – can cause particular problems for public bodies. We recommend that spot listing is kept only for the most urgent cases and that English Heritage adopt “thematic” reviews aimed at different aspects of the public sector estate so that, when these are complete, public bodies can plan with more certainty. Longer term planning would also be assisted if buildings could be granted certificates of immunity from listing for longer than the current five-year period.

Gaining some longer-term certainty is not enough if the listing criteria makes no recognition of the operational requirements of public listed buildings. It may be time

for a review by the Department for Culture, Media and Sport of the guidance and criteria regarding the listing process to ensure that it is more flexible and takes account of the operational needs as well as the historic and architectural merits of a building.

In the past there have been some examples of less than perfect communication between those with interests in managing change within listed buildings. However, the foundations for better engagement between English Heritage and those concerned with the active future of public listed buildings are already there. We are aware of good working relations between English Heritage and organisations such as Transport for London and the London Development Agency but more can be done.

We support the Government's proposal to introduce Heritage Partnership Agreements, which will help to instigate more constructive dialogue between English Heritage and public bodies. The positive experiences of English Heritage's partnership working with public bodies should be included as a best practice model within future Heritage Partnership Agreements

The issue of managing change in publicly protected buildings deserves attention across the whole of the public service. The twenty London Boroughs and the GLA that have appointed a Borough Historic Environmental Champion have found them very useful in promoting and protecting listed buildings within their areas and facilitating discussions at a senior management level on the issues. All London Boroughs should appoint a Champion, if they haven't already done so, to promote and protect listed buildings within their area and prevent them from falling into disrepair

We believe that our recommendations will help improve engagement between English Heritage and some of our public organisations, so that our heritage is protected whilst at the same time allowing vital adaptations to be made to keep listed buildings in public use, as they were designed for, and providing essential services to Londoners.

1. Introduction

- 1.1 The origins of “modern” local government and public service provision might be said to go back to the Municipal Corporations Act of 1835. Effective democratic local government was essential to deal with the social issues and problems of an industrial society – the municipal provision of services such as education, housing, public health, fire and policing. And so throughout the 19th century and into the 20th, London, as with the rest of the country, saw a dramatic building programme to provide the physical ability to deliver these services.
- 1.2 Much of London’s public service estate¹ is more than a hundred years old; although some parts date back much further (for example parts of Bart’s and the London Hospital trust date back to the 1750s). London’s public estate faces great challenges to change to provide services more efficiently to a growing population both increasingly mobile and diverse. This report is about how the city preserves historical and architectural importance while adapting to meet modern needs.
- 1.3 Our report sets out to explain how the listing process – which protects historical buildings of interest – works, the implications of this protection for estate management and how we believe the system should change to allow the buildings to be used more flexibly to meet our Londoners needs while ensuring special architectural features do not vanish beneath the developer’s tide of glass and steel. Our report also seeks to influence the Government’s review into how best to shape national policy for heritage protection in the 21st century.
- 1.4 Due to the short duration of this investigation, the Committee decided to focus its terms of reference on listed buildings in public rather than private ownership – in particular, those buildings owned and managed by the London Fire Brigade, Metropolitan Police Service, Transport for London, NHS and local authorities.

¹ The public sector estate includes fire stations, tube stations, local authority buildings, police stations, schools, libraries and hospitals.

2. What are listed buildings and why are they important?

The contribution of listed buildings to the built environment

- 2.1 “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.”²
- 2.2 Listed buildings can bring many benefits to an area. Listed buildings in public ownership reflect the history of governance and provision of public service. The amount of care and maintenance given to preserving the architecture of these buildings, signals to the public the extent to which we value these buildings today.³ In terms of aesthetics they have a high quality image, which helps to attract people, jobs and businesses to a particular area. Their inclusion in regeneration schemes can assist in the transformation of deprived areas into more thriving and successful communities.⁴
- 2.3 Well known local listed buildings can be used as a focal point for community activities and events, which encourages engagement, tackles social exclusion and helps to bring communities together. They can be used to educate the local population and tourists about the social, cultural, economic and political history of their area. Retaining and re-using historic buildings is more sustainable in that it avoids demolition, reduces waste and preserves the heritage of the building for future generations.⁵
- 2.4 More information about the protection of listed buildings can be found at Annex B.

² English Heritage written submission

³ English Heritage written submission

⁴ English Heritage written submission

⁵ English Heritage written submission

3. Why do buildings need to change?

Modern technology and service delivery

- 3.1 As service users' needs change so the public sector has to change the way services are provided –examples include the move from single-handed GPs to health centres, from hospital wards to en-suite rooms and the need for police custody accommodation to maintain CCTV coverage. There are many examples across the public sector and we have highlighted some of these in the report such as the modernisation of fire stations, police stations and NHS hospitals.
- 3.2 The challenges facing the fire service, for example, demonstrates the variety of issues concerned with accommodating changing service delivery requirements within old buildings. It is vital that the London Fire Brigade is able to adapt and modernise its buildings in order to provide life saving services to London. The size of modern fire appliances is much larger in the modern era because of the amount of hi-tech fire fighting equipment they carry. This means that some of the older listed buildings dating back to the 1930s, and beyond to the Victorian era, are simply not big enough to contain the modern fire appliances and equipment.
- 3.3 Accommodating the physical changes to buildings that this requires is often complicated by the consequences of operating from listed buildings. The London Fire Brigade has been critical of the listing process, which it claims prevents it from adapting their buildings so they are fit for purpose. Whilst in the future this may mean that the Fire Brigade needs to consider the location of fire stations, as some stations may not be able to be used if they cannot be updated. Older fire stations may be sold and equipment and staff moved to other more suitable modern buildings at other locations. This causes additional difficulties in planning to ensure there is always proper fire service cover across London.⁶ We will discuss this issue in greater detail later in the report.

The impact of new legislation

- 3.4 The requirements of new legislation have also had an impact on the way the public sector manages its property portfolio. The Disability Discrimination Act (DDA), first introduced in 1995, applies to all employers and everyone who provides a service to the public. The Act requires owners of buildings to “take all reasonable steps to remove, alter or avoid physical features that prevent access to the service.”
- 3.5 Physical features include steps, stairways, building entrances and exits (including emergency escape routes), internal and external doors, lighting and ventilation, lifts and escalators. The law gives a choice. A physical feature can be removed or altered – or the service can be provided in another way. The Disability Rights Commission strongly recommends employers consider removing the physical feature or altering it.⁷

⁶ Planning & Spatial Development Committee meeting 18 April 2007

⁷ http://www.drc-gb.org/employers_and_service_provider/services_and_transport/what_are_reasonable_adjustment.aspx

- 3.6 Most historic buildings, whether in public or private ownership, will require some changes to be made to comply with the DDA and, with sensitivity and care, these changes can be accommodated to make listed public buildings accessible to everyone in the community.
- 3.7 The legislation should not be a barrier to the continued use of listed buildings however it is often challenging to ensure that any changes do not damage the quality and character of the buildings. English Heritage have helpfully produced their “Easy Access to Historic Buildings 2004”, which sets out a framework for considering necessary alterations.⁸
- 3.8 Other legislation, concerned with a range of issues from building regulation to human rights, pose different but equally challenging problems for public services that are provided from listed buildings.
- 3.9 The requirements of legislation do not have to be prohibitive or obstructive in terms of any new works or alterations to listed buildings. Listed buildings, for example, are given particular consideration in the Building Regulations, and in some cases are given a waiver. For instance Part B of the Regulations on fire safety allow some variation of the provisions where they would prove unduly restrictive in a listed building. Alternative approaches can also be taken that have the same objective as the regulations, such as the retention of existing windows and provision of secondary glazing rather than replacement double glazing.⁹
- 3.10 Evidence submitted to the Committee’s inquiry highlighted the following issues of concern with the impact of legislation:
- The London Fire Brigade has found some difficulty when attempting to adapt their buildings to comply with the DDA and health and safety legislation. If a building is listed then they have found that there is limited scope to make changes. The functionality and effective use of floor space is compromised; designs and spaces are contrived; and, the costs are higher. The costs for sympathetic adaptations, especially for access to upper floors, can be prohibitive and permission unobtainable.¹⁰
 - The NHS has also found it difficult to improve some of its buildings in order to meet the requirements of DDA and health and safety legislation. Compliance with enhanced fire and safety regulations has also made the cost of improvements to listed buildings prohibitively expensive. This has led to many listed NHS buildings being left vacant because they are unable to update them to the required modern standards.¹¹
 - The Metropolitan Police Service (MPS) has encountered particular problems when trying to make changes to custody areas within their listed accommodation in order to comply with the Human Rights Act. The police need to ensure that custody areas are maintained in a condition which meets legislative requirements aimed to reduce the risk of accidents or

⁸ English Heritage written submission

⁹ English Heritage written submission

¹⁰ LFEPA written submission

¹¹ NHS London written submission

self-harm to anyone in detention and avoid being sued under human rights legislation.¹²

- Transport for London (TfL) believes that DDA legislation and listed building legislation can be difficult to reconcile. It has found it difficult to make the necessary changes to modernise stations so that they comply with DDA legislation. Some of the solutions to such issues can often have a fundamental impact on the appearance of a listed station. This problem may get worse as further improvements are made to the transport network, which can involve significant work to the historic fabric of listed stations.¹³

¹² MPS, Planning & Spatial Development Committee meeting 18 April 2007

¹³ TfL written submission

4. What is the listing process?

Listing responsibilities

- 4.1 This chapter outlines the main listing responsibilities of organisations who own listed buildings, the number of listed buildings and those buildings at risk from dilapidation or collapse. It also explores some of the main problems encountered by public bodies through the listing process, particularly through the emergency spot listing of buildings within their portfolios. This can significantly affect their asset management plans by delaying and adding costs to proposed refurbishment and maintenance of buildings.
- 4.2 The concept of listed buildings was introduced during World War II as a way of determining which buildings should be rebuilt if bombing damaged them. Shortly after the war the Town and Country Planning Act 1947 led to the compilation of the first list of buildings of special historical or architectural importance.¹⁴ By 1970 almost every local authority area had a statutory list.
- 4.3 The Department for Culture, Media and Sport (DCMS) is responsible for the listing of historic buildings and scheduling of ancient monuments.¹⁵
- 4.4 English Heritage is a public body with responsibility for all aspects of protecting and promoting the historic environment. In April 2005 the responsibility for administration of the listing system in England was transferred from the DCMS to English Heritage. When buildings are listed they are placed on statutory lists of buildings of “special architectural or historic interest” compiled by the Secretary of State for Culture, Media and Sport under the Planning (Listed Buildings and Conservation Areas) Act 1990, on advice from English Heritage.
- 4.5 Buildings can be nominated to English Heritage for listing by anyone, and if they meet certain specific criteria, they will be added to the statutory list. Listing does not guarantee that the building will never be altered, demolished or developed. Listing is not intended to fossilise a building. It is important to keep a building in use and if this cannot be the one it was originally designed for then another use for it should be found. However by requiring the owner to obtain listed building consent for any planned work and to consult with interested parties on the proposals, this ensures that the special historic and architectural qualities of the building are taken into account in any planning decisions relating to the building.¹⁶
- 4.6 Listed Building Consent is required in order to carry out any works to a listed building, which will affect its special value for listing purposes. This will almost certainly be necessary for any major works, but may also be necessary for minor alterations, repairs, maintenance and change of use of the property. Listed Building Consent is required in addition to planning permission before any alterations can begin on a listed building. Planning permission is required from

¹⁴ <http://www.victorian-society.org.uk/adv5.html>

¹⁵ PPG15 provides guidance on Government policies for the identification and protection of historic buildings, conservation areas and other parts of the historic environment. It explains the role played by the planning system in their protection. It also sets English Heritage’s top line guidance in respect of their designation and statutory casework activities.

¹⁶ Victorian Society <http://www.victorian-society.org.uk/adv5.html>

a local authority to erect or convert a building or to change the use to which a building or piece of land is put.

- 4.7 There is no appeal against listing, although an owner can make representations to the Secretary of State to have his/her building de-listed if he/she disagrees with the listing of the building by English Heritage.
- 4.8 The main criteria used for listing are:
- Architectural interest: all buildings which are nationally important for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques, and significant plan forms.
 - Historic interest: this includes buildings which illustrate important aspects of the nation's social, economic, cultural or military history.
 - Close historical association with nationally important buildings or events.
 - Group value, especially where buildings comprise an important architectural or historic unity or are a fine example of planning (such as squares, terraces and model villages).
- 4.9 The older and rarer a building is, the more likely it is to be listed. All buildings built before 1700 which survive in anything like their original condition are listed, as are most built between 1700 and 1840. After that date, the criteria become tighter with time, because of the increased number of buildings erected and the much larger numbers which have survived, so that post-1945 buildings have to be exceptionally important to be listed. Buildings less than 30 years old rarely listed are only if they are of outstanding quality and under threat.¹⁷
- 4.11 The buildings are graded to show their relative architectural or historic interest:
- Grade I buildings are of exceptional interest e.g. Buckingham Palace;
 - Grade II* are particularly important buildings of more than special interest e.g. BBC Broadcasting House; and,
 - Grade II are of special interest, warranting every effort to preserve them e.g. the BT Tower.
- 4.12 In addition to the protection of listed buildings the Town and Country Planning Act 1990 requires that local authorities manage and enhance their built environment through their development plans which must include policies in respect of, "... the conservation of the natural beauty and amenity of the land", as well as "the improvement of the physical environment". Secondly, government guidance is provided by Planning Policy Guidance 15: Planning and the Historic Environment (or PPG15 as it is more usually known), which was issued in September 1994.
- 4.13 Local Authorities are responsible for managing and enhancing the built heritage in their area and they map and record all listed buildings in their borough. The property portfolios of TfL, London Fire & Emergency Planning Authority

¹⁷ <http://www.english-heritage.org.uk/server/show/nav.1374>

(LFEPA) Metropolitan Police Authority (MPA) and Metropolitan Police Service (MPS) contain listed buildings such as tube, bus, fire and police stations as well as buildings located in conservation areas or locally listed by the local planning authorities. These organisations manage and operate these buildings, within the constraints imposed by listing, to deliver important public services.

- 4.14 English Heritage argues that listing does not actually block redevelopment or change of use of the building.

“Listed building consent and the whole regime that surrounds that is about managing change, it is not about preventing change.”¹⁸

Listed Buildings in London

- 4.15 Listed buildings are a valuable resource for Londoners. They add value to the townscape of an urban area and have been described as familiar old friends that humanise the city and give local identity. They also help to promote tourism.

- 4.15 At April 2006, there were 18,528 listed building “entries” in London, an increase of 18 on 2005. A single “entry” might cover several buildings and it is estimated that individual listed buildings in London may exceed 40,000.

- 4.16 Listing does not protect a building from physical dilapidation. English Heritage’s annual “Register of Buildings at Risk in Greater London” records all listed buildings identified as at risk from neglect, decay, under-use or redundancy. In 2006, the number of buildings at risk in London was 585, of which 147 were publicly owned.¹⁹

- 4.17 Although, a lower percentage of London’s listed buildings are at risk than the other regions, it is still important to find a solution to save these buildings and find an alternative future for them wherever possible. Conversion to beneficial use has been the best way of securing the future of 80 per cent of listed buildings in London that are on the Register.²⁰

- 4.18 Unfortunately, English Heritage does not keep a separate list of listed buildings owned by the public sector. However, we were provided with limited data for some types of public buildings in London.

Listed Buildings in Public Ownership in London

Building Type	Total Number in London				
	Total:	Grade I	Grade II	Grade II*	Still in original use
Fire Stations	24	0	23	1	67%
Court Houses	19	1	16	2	53%
Libraries	56	1	51	4	71%
Police Stations	26	1	23	2	38%
Town Halls	49	1	44	4	67%

¹⁸ Planning & Spatial Development Committee meeting 18 April 2007

¹⁹ Planning & Spatial Development Committee meeting 18 April 2007

²⁰ English Heritage written submission

*These figures were produced by the English Heritage policy team as part of the background information for the Heritage Counts 2006 launch. They are not comprehensive and provide only a 'snapshot' of the current situation with regard to new or original uses for listed public buildings.

- 4.19 The issue of identifying exact figures in relation to listed buildings is complicated. English Heritage databases categorise buildings by original use and do not reflect subsequent changes of use. Therefore while the English Heritage figures above show that 24 fire stations are listed and 67 per cent are still in use (meaning there are 16 operational listed fire stations). However LFEPA figures claim to show that there are 14 listed fire stations still in use.
- 4.20 Similarly, English Heritage figures show that there are 26 police stations listed and just 38 per cent are still in use, which equates to just 10 listed police stations. However, police data shows that there are 14 listed police stations in use in London. English Heritage did not provide us with data regarding tube stations but we are aware that about 7 per cent of the 255 tube stations that TfL own and manage are listed.
- 4.21 In terms of this investigation the Committee is disappointed that neither English Heritage nor the building owners themselves have been able to provide more definitive information on the total number of listed buildings in public ownership in London. English Heritage of course may not need to know the current ownership of listed buildings for their work. However for public bodies, as we discuss later in this report, listed status has a financial impact on their operation. There is a need for more detailed information about the number of listed buildings in public ownership.
- 4.22 Therefore, English Heritage and public bodies need to establish a mechanism where they can liaise with public bodies to obtain data on their property portfolios. This data can then be monitored, analysed and reviewed on an annual basis by English Heritage.

Recommendation 1

English Heritage should assume the responsibility for collating and updating data on listed buildings in public ownership.

5. Key issues with the listing process

Spot listing

- 5.1 As described above English Heritage use a range of criteria to list buildings and buildings have often been added to the list as a result of surveys of the built environment and nominations to English Heritage by local authorities, amenity and historical societies, and individual members of the public.
- 5.2 On occasion English Heritage's notice is brought towards buildings that have become threatened by demolition or substantial alteration. The building is then assessed and, if it qualifies, added to the statutory list. This emergency procedure is known as "spot" listing.
- 5.3 We have heard that there is a particular concern about emergency spot listing and the constraints this puts on public bodies such as the fire brigade and police. The problem for the fire brigade is through spot listing, particularly when it is contemplating updating, demolishing or selling buildings because they no longer meet operational needs. Barbara Riddell from the London Fire & Emergency Planning Authority (LFEPA) argued that:
- "The issue for us around listing is being able to plan effectively about the provision of fire cover for London and particularly issues of spot listing and listing in general do constrain our ability to modify our fire stations or change them to meet modern needs."*²¹
- 5.4 TfL also raised the issue of uncertainty arising from emergency spot listings.²² This can impact on proposals to redevelop or refurbish a station or from plans to provide new routes. Listing can increase the cost and duration of a project. The recent spot listing of South Kensington station, which precluded proposals for its development, is one example of the impact of listing on a refurbishment programme.
- 5.5 Similar concerns were raised by the MPS and MPA who stated that listing can mean that the police will vacate the listed building if they can't make any changes and instead seek new modern premises for their purposes.
- 5.6 NHS London also believes that the listing process can constrain the ability of the NHS to modernise its facilities. NHS organisations have to satisfy onerous conservation requirements before a listed building can be considered for redevelopment or change of use and, as a result, in most cases listed buildings which remain part of a hospital or other NHS facility, are now used for office or other administrative purposes.²³

A thematic approach rather than spot listing

- 5.7 The Planning & Spatial Development Committee supports the principle of listing in order to protect the historic and architectural importance of buildings. We also accept English Heritage's role of managing and not preventing change to listed buildings. However, it is certain aspects of the listing process that we

²¹ Planning Committee meeting 18 April 2007

²² TfL written submission

²³ NHS London written submission

have concerns about. In particular it can be frustrating for public bodies when they take time in preparing their long term asset management plans only to face a last minute spot listing of their building, which further complicates and delays their planned refurbishment of the buildings.

- 5.8 As set out above, English Heritage reviews the potential for listing buildings from surveys of areas as well as using spot listing in urgent circumstances.
- 5.9 English Heritage is now adopting a “thematic listing” approach where it focuses attention on particular building types that are under-represented in the lists. Recent and current areas of work include:
- Industrial heritage
 - Pubs²⁴
 - Industrial cities
 - The defence of Britain²⁵
- 5.10 We believe that it would be more helpful if a thematic rather than a spot listing approach could be used to identify in advance those publicly owned buildings with the potential to be listed. For instance, English Heritage could review all fire stations in London at the same time to determine which ones should be listed. This would avoid the constraints placed upon owners of listed buildings by last minute emergency spot listings. English Heritage should work with property asset managers of public bodies to review their building portfolios to determine through a thematic approach which buildings are likely to be listed. This would provide the owners with greater certainty about listing when preparing their long-term asset management plans.
- 5.11 A thematic approach would warn owners in advance of listing and enable them to apply for certificates of immunity. A certificate is a legal guarantee that the building or buildings named in it will not be statutorily listed as being of special architectural or historic interest during the five years from the date on which the certificate is signed.²⁶ This is a way of providing certainty to owners of listed buildings but for a limited time.
- 5.12 At the moment, if an application for immunity fails then a building automatically becomes listed. Also, even if a certificate of immunity is issued, it will last for only five years. This is simply not long enough for public organisations that prepare asset management plans for periods in excess of ten years. We would like to see certificates of immunity extended beyond the current five years.

²⁴ Pubs have become increasingly standardised in recent years, and although many hundreds of pubs are already listed for their age or architectural qualities, very few have been listed for their importance as pubs. This means that the importance of many pub interiors has not been fully appreciated.

²⁵ The significance of many buildings associated with national defence, including barracks, dockyards, and airfield structures, has only recently been fully understood. Surveys are carried out with the co-operation of the Ministry of Defence.

²⁶ <http://www.culture.gov.uk/NR/rdonlyres/D2F4F07B-941F-4487-BF97-E108F99E6A4E/0/CertificateofImmunityGuidefromListing.pdf>

Recommendation 2

English Heritage should adopt a thematic rather than case-by-case approach to listing and work with property asset managers of public bodies to review their property portfolios and develop a long term listing strategy.

Recommendation 3

English Heritage should consider extending certificates of immunity from listing beyond the current five years to allow public organisations to prepare asset management plans.

Flexibility in listing

- 5.13 The Committee also believes that there needs to be an element of flexibility in the listing process. We understand that at present the operational requirements of a building are not taken into account at the point of listing but at the point of proposed change. This has resulted in creating operational problems for public bodies. It is particularly relevant to the police and fire services which are required to refurbish their buildings to provide emergency services for Londoners and they are facing difficulties adapting their buildings by a process that does not adequately take account of their operational requirements.
- 5.14 The police have told us that they occasionally have to sell their listed buildings to the private sector because they cannot comply with the listing criteria.²⁷
- 5.15 It may be worth English Heritage adopting a higher degree of flexibility and compromise on adaptations to listed public buildings, which would ensure that these buildings continue to be used for the purpose that they were originally constructed – providing vital public services to Londoners.
- 5.16 It may also be time for a review by the Department for Culture, Media and Sport of English Heritage's technical and legal remit regarding their role in making judgements on the refurbishment of listed buildings owned by public bodies. Similarly, in order to maintain listed buildings in public use, there should be a review of the guidance and criteria regarding the listing process to ensure that it is more flexible and takes account of the operational needs as well as the historic and architectural merits of a building.

Recommendation 4

In order to maintain listed buildings in public use, the Department for Culture, Media and Sport should review the guidance and criteria regarding the listing process to ensure that it is more flexible and takes account of the operational needs as well as the historic and architectural merits of a building.

²⁷ Planning and Spatial Development Committee, 18 April 2007

Recommendation 5

The Department for Culture, Media and Sport should review the technical and legal remit of English Heritage regarding their role in making judgements on the refurbishment of listed buildings owned by public bodies.

6. What is the financial impact of listing on public bodies?

- 6.1 We are aware that there is limited funding available for owners to refurbish and maintain their listed buildings. We explore some of the issues for owners and the financial burden that listing can put on them. This has resulted in some public buildings falling into disrepair or being sold off. We believe that the Government should provide more financial assistance through grant funding to these owners to assist with the refurbishment and maintenance costs for their properties. This would ensure that important public buildings are maintained to a high standard and remain in public use.
- 6.2 English Heritage London Region's secular grant budget in 2006/07 is £1,083,000 and to date they have offered a total of £902,106 from this budget. This includes:
- £388,326 (43 per cent), which has been offered towards buildings at risk;
 - £250,000, which has been offered towards Partnership Schemes in Conservation Areas (PSiCAs) that are geared towards regeneration; and,
 - £264,000 which has been offered for the Campaign for London Squares, which is regenerating London's 600 squares; and supporting initiatives such as the two Thames Landscape Strategies, the London Parks & Green Spaces Forum and Heritage of London Trust.
- 6.3 English Heritage believes that ownership of listed buildings does not result in a public body being less able to manage or maintain their property portfolio. It states that it is significantly cheaper to retain and adapt a building than to demolish and rebuild.²⁸
- 6.4 English Heritage has produced a guidance document for local authorities on managing their heritage assets which argues that better maintenance regimes by local authorities would mean that buildings are repaired regularly and reduce the risk of them falling into a state of neglect and disrepair. It would also reduce the need for them to be disposed of by authorities.
- 6.5 Boroughs should give more consideration of the particular issues surrounding maintaining listed buildings in their asset management plans. Local authorities should always ensure that there is sufficient in-house conservation expertise so that they can contribute to proposals on publicly owned listed buildings.²⁹ The

²⁸ English Heritage written submission

²⁹ English Heritage written submission

Victorian Society believes that local authorities need to take their responsibilities more seriously.³⁰

- 6.6 We have heard that listing can add an extra 20 per cent on to the costs of maintenance and refurbishment of the building, and the disposal value of a building can also be affected by up to 20 per cent.³¹ Because of these implications LFEPA would like to see a more flexible approach to listing.³²
- 6.7 It is not just those public bodies that provide a direct service that are experiencing difficulties. Theatres in public ownership can also be affected by listing, with have implications for its financial sustainability, particularly with the additional costs of repairs and maintenance.
- 6.8 Loss of these assets is detrimental to the local community. This is evident in the case of Dalston Theatre, which was recently demolished to create a clear site for the re-development of the East London Line rather than be incorporated into the scheme.³³

The role of the Mayor

- 6.9 The Civic Trust would like to see the Mayor have more responsibility for protection of the historic environment if the aim were to promote public knowledge and better care by owners of listed buildings.³⁴ The National Trust believes that the Mayor might be able to establish some grant funding regime for the maintenance and preservation of listed public buildings.³⁵ Overall the view of boroughs is that there isn't a need for the Mayor to have a greater role in the management and maintenance of listed buildings. Although it is acknowledged that he has a strategic role on planning and transport for London.³⁶
- 6.10 Our view is that the Mayor should **not** take on the heritage role currently held by English Heritage but should maintain his strategic role on heritage protection through the London Plan.
- 6.11 In November 2007 the Committee will be undertaking a short review on Design for London. The Mayor has created Design for London by combining GLA, LDA and TfL teams to support delivery of well-designed projects across London for all projects commissioned or funded by the Mayoral agencies. This unit seeks to influence all relevant design and development bodies to improve urban design, architecture and sustainable development.
- 6.12 The Committee will be exploring further the possibility of Design for London making available their resources to functional bodies, which are faced with difficult architectural and design issues when considering the need to adapt listed buildings for future public service use.

³⁰ Victorian Society written submission

³¹ MPA/MPS and NHS written submissions

³² LFEPA written evidence

³³ Theatres' Trust written submission

³⁴ Civic Trust written submission

³⁵ National Trust written submission

³⁶ ACES written submission

- 6.13 For all the positive sides to listing, we believe that the designation does put a financial burden on the owner. The situation is not helped because of the reduced funding to English Heritage and the lack of grants available to owners of listed buildings to help them with their maintenance costs.
- 6.14 We believe that a special case should be made for publicly owned listed buildings and would urge that the Government provide more financial assistance through small grant funding to these owners to assist with the refurbishment and maintenance costs for their properties. This would help to ensure that these important public buildings are refurbished to a high standard and which will help deliver essential public services.

Recommendation 6

The Department for Culture, Media and Sport should provide more financial assistance through small initial grants to kick-start the process of match funding for the owners of public listed buildings to assist with the refurbishment and maintenance costs for their properties.

7. How well does English Heritage engage with public bodies?

- 7.1 The foundations for better engagement between those concerned with managing the future of public listed buildings are already there. We are aware of good working relations between English Heritage and organisations such as TfL and the LDA but more can be done.
- 7.2 English Heritage has done some excellent work with TfL on the refurbishment of listed underground stations. English Heritage instigated a pilot project on formulating management agreements and one of these has been with London Underground and Tube Lines on the Piccadilly Line. One of their employees has gone on secondment to TfL and this has helped improve the working relationship and engagement between the organisations.³⁷
- 7.3 Most organisations that submitted evidence believe that English Heritage is helpful and that it has a good relationship with partner organisations including the boroughs. Civic Trust members perceive English Heritage to be a positive body and open to consultation.³⁸ The LDA also has a good working relationship with English Heritage as we witnessed when we visited Woolwich Arsenal to see and hear about the redevelopment of that site.³⁹
- 7.4 However, not all relationships have been quite as successful and this has evidently been recognised by DCMS that is proposing to introduce Heritage Partnership Agreements (HPAs), which are a major reform set out in its Heritage Protection White Paper.⁴⁰ HPAs are to be the successor to management agreements and will allow local authorities and other organisations to grant advance consent for works. They are also intended to promote constructive dialogue between English Heritage and property owners.
- 7.5 Some public bodies have not had such positive experiences in their dealings with English Heritage. Decisions required from English Heritage can still take a significant amount of time and owners can be left in limbo waiting for a listing decision.⁴¹ As shown below, LFEPA has encountered problems in dealing with English Heritage and the local planning authority when trying to refurbish the listed fire station in Kensington (case study 1).⁴²

Case study 1: Kensington Fire Station

In one recent conversion of a grade II listed fire station in Kensington, central London, the local planning authority demanded that several partitions within the appliance bays should be fully glazed to reflect the former unity of the space. The cost of both the structural glazing and

³⁷ English Heritage written submission

³⁸ Civic Trust written submission

³⁹ Site visit to Woolwich Arsenal 11 April 2007

⁴⁰ <http://www.official-documents.gov.uk/document/cm70/7057/7057.pdf>

⁴¹ Since contributing to a DCMS heritage consultation sixteen months ago, LFEPA have not received an invitation from either the DCMS or English Heritage to engage in dialogue about the listing of fire stations.

⁴² LFEPA written submission

fire shutters to protect the glazing were high.

LFEPa believes that because of the fire shutters, the approach is contrived and much of the intended effect will be lost. They believe that 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. LFEPa argues that listing requirements has made the refurbishment around 20% more expensive than for work undertaken on 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.⁴³

- 7.5 TfL has experienced similar issues. It was informed in a letter from English Heritage in June 2006 of the proposal to widen the extent of the listed Waterloo Station (Victory Arch) to include the whole station and potentially the underground station too. To date, TfL has not been notified of any decision on this matter.⁴⁴
- 7.6 TfL has also experienced problems through the last minute emergency listing of some of its heritage structures (case study 2). This has led to some delays and costs for TfL projects.⁴⁵ Evidently problems can still occur despite English Heritage having staff working on secondment at TfL.

Case study 2: Various Transport for London heritage structures

Transport for London has referred to several instances where the listing of structures has resulted in significant delays and cost implications for their projects.

One example is the emergency listing of the Thames Tunnel on the East London Line in 1995 on the day before contractors were due on site. This resulted in delays of approximately one year.

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 caused significant problems for TfL. This occurred after the heritage issues had already been assessed and English Heritage had originally stated it was not worthy of listing. The subsequent revision of English Heritage's view and the partial listing of the structure in 2002 caused considerable additional delays and cost.

⁴³ LFEPa written submission

⁴⁴ TfL written submission

⁴⁵ TfL written submission

The Docklands Light Railway, as part of its extension to Woolwich, has had to dismantle and record the façade of a locally listed building, to allow its eventual reconstruction at some later date. TfL believes this is an unusual demand.⁴⁶

- 7.7 Boroughs have suggested that English Heritage could be more positive and flexible in response to attempts by owners to bring old listed buildings back to life by sensitive conversion.⁴⁷ Some have experienced difficulty in developing a satisfactory working relationship with English Heritage and suggest that English Heritage should have a principal officer as their regular liaison reference point.⁴⁸
- 7.8 We would support the introduction of Heritage Partnership Agreements between English Heritage and owners of listed buildings. We have witnessed some examples of good partnership working when visiting sites at Poplar Library and Bromley Hall (case study 3), Woolwich Arsenal (case study 4) and Middlesex Guildhall (case study 5), where English Heritage is working with the owners and Boroughs to ensure that the buildings are kept in public use whilst also protecting the important historical and architectural features.

Case study 3: Poplar Library and Bromley Hall

Both of these buildings were at risk and redundant. They are good examples of where English Heritage, Leaside Regeneration and London Borough of Tower Hamlets have worked together to save the buildings and redevelop them for use by the local community.

The redevelopment of Old Poplar Library and Bromley Hall, making up the Leaside Business Centre, is the first stage of the regeneration of the area known as Poplar Riverside. The developments are bold and imaginative and build on the tremendous potential generated by its strategic location, particularly the natural asset of the River Lea and excellent accessibility.

Old Poplar Library, built in 1904, addresses the needs of local communities currently suffering high levels of physical, economic and social deprivation, by providing affordable space for start-up businesses. This is a flagship project to promote the development of underused sites along both sides of the River Lea ensuring that the river will become a centre of attraction. Leaside Regeneration currently has their offices at Poplar Library.

The 15th century residence of Bromley Hall has not only been restored to its former glory but has been redeveloped into much needed office space for local businesses.⁴⁹

⁴⁶ TfL written submission

⁴⁷ ACES written submission

⁴⁸ Corporation of London written submission

⁴⁹ Site Visit 11 April 2007

Case study 4: Woolwich Arsenal

The LDA invested £1.1 million towards an ambitious redevelopment of the Royal Arsenal at Woolwich. It has involved private sector investors to transform a disused, contaminated site into an attractive, mixed-use development of housing, industry, heritage and leisure facilities.

The LDA believes that it has been successful for the following reasons:

- 1000 residential units completed;
- 350,000 sqft area for commercial use completed;
- 13 listed buildings brought back into use;
- Over 90 businesses on site;
- Firepower Museum opened 2001; and,
- An exemplar for heritage regeneration.

Although the heritage potential of the site has been developed to a certain extent and there has also been some generation of new employment opportunities. Further work is planned between the LDA and partner organisations on the regeneration of Woolwich town centre and creating links between the town centre and the river.⁵⁰

Case study 5: Middlesex Guildhall

Middlesex Guildhall is a Grade II* listed building. The Department for Constitutional Affairs (DCA) aims to create suitable, yet imaginative, accommodation for the Supreme Court, while respecting its historic architectural importance.

DCA believes that its design offers an exciting opportunity to reinvigorate an historic London building by retaining and restoring some of its original features and introducing some that are new.

The main changes to the building are to:

- Restore the original light wells that have been filled in during subsequent renovation;
- Adapt existing historic courts to the function of the Supreme Court;
- Create a new court in the south wing of the building;
- Provide a new library for the Supreme Court; and,
- Clear the basement to provide public facilities and an exhibition space

The current Crown Court rooms at Middlesex Guildhall ceased sitting on 30 March 2007. The UK Supreme Court is scheduled to open in October 2009.

⁵⁰ LDA written submission and Site Visit 11 April 2007

English Heritage fully supports the refurbishment of the Middlesex Guildhall and highlighted the great deal of attention that has been given to retaining and enhancing the original architectural scheme wherever possible. English Heritage believes that the approved scheme has the potential to greatly enhance the significance of the building.⁵¹

- 7.9 The Committee supports the refurbishment of any listed building in order to ensure that it remains in public use wherever possible. However, safeguards still need to be undertaken to protect historical and architectural features. Where it is not possible to do this then these features should be kept and displayed in a suitable public space or building.
- 7.10 Partnership working between English Heritage and other owners of listed buildings could be improved and developed further. We would like the management agreement between English Heritage and TfL to be replicated as a model of best practice with other public bodies that own listed buildings.
- 7.11 Better partnership working should also lead to resolving issues around spot listing. Organisations should work with English Heritage to develop long term management plans, which would help give advance notice of any listings.

Recommendation 7

English Heritage should seek to replicate its partnership working with organisations such as TfL and the LDA as a best practice model within future Heritage Partnership Agreements between English Heritage and other organisations across London.

- 7.12 The twenty London Boroughs and the GLA that have appointed a Borough Historic Environmental Champion have found them very useful in promoting and protecting listed buildings within their areas and facilitating discussions at a senior management level on the issues. We would like to see every London Borough have a Historic Environmental Champion for their area to ensure that listed buildings are adequately protected so that they do not end up on the buildings at risk register.

Recommendation 8

London Councils should ensure that all London Boroughs appoint a Historic Environmental Champion, if they haven't already done so, to promote and protect listed buildings within their area and prevent them from falling into disrepair.

⁵¹ Site Visit 2 May 2007

Annex A - List of recommendations

Recommendation 1

English Heritage should assume the responsibility for collating and updating data on listed buildings in public ownership.

Recommendation 2

English Heritage should adopt a thematic rather than case-by-case approach to listing and work with property asset managers of public bodies to review their property portfolios and develop a long term listing strategy.

Recommendation 3

English Heritage should consider extending certificates of immunity from listing beyond the current five years to allow public organisations to prepare asset management plans.

Recommendation 4

In order to maintain listed buildings in public use, the Department for Culture, Media and Sport should review the guidance and criteria regarding the listing process to ensure that it is more flexible and takes account of the operational needs as well as the historic and architectural merits of a building.

Recommendation 5

The Department for Culture, Media and Sport should review the technical and legal remit of English Heritage regarding their role in making judgements on the refurbishment of listed buildings owned by public bodies.

Recommendation 6

The Department for Culture, Media and Sport should provide more financial assistance through small initial grants to kick-start the process of match funding for the owners of public listed buildings to assist with the refurbishment and maintenance costs for their properties.

Recommendation 7

English Heritage should seek to replicate its partnership working with organisations such as TfL and the LDA as a best practice model within future Heritage Partnership Agreements between English Heritage and other organisations across London.

Recommendation 8

London Councils should ensure that all London Boroughs appoint a Historic Environmental Champion, if they haven't already done so, to promote and protect listed buildings within their area and prevent them from falling into disrepair.

Annex B - The protection of listed buildings

English Heritage has produced guidance for local authorities and other public bodies on protecting and managing the listed buildings in their portfolios. It recommends four key objectives:

- Championing quality;
- Setting a good example through exemplary management of historic buildings;
- Making the most of heritage assets and adapting them to meet an authority's changing needs within English Heritage's criteria; and,
- Providing access to everyone, where appropriate.⁵²

Authorities should keep strategic asset management plans and review the properties within their portfolio on a regular basis. The long-term maintenance and repair of these buildings should also be included in these plans. This will enable managers to plan and predict future maintenance of buildings and ensure that buildings do not fall into a state of disrepair and neglect. Also, requiring Local Authorities to maintain sufficient in-house expertise in conservation ensures that they are able to contribute to discussions on any proposals for public listed buildings.⁵³

Research by the National Trust into the disposal of heritage buildings by public authorities confirms that the main reason for the disposal of these buildings is the lack of resources for maintenance.⁵⁴ Better maintenance regimes by owners of listed buildings and additional grant funding from Government would certainly assist owners to refurbish their buildings and help keep them in public use.

The Mayor of London is also involved in the protection and management of listed buildings through the implementation of his London Plan, which recognises the contribution that listed buildings make to London and seeks to protect and enhance them. The Mayor's London Plan, published in February 2004, and the proposed altered version includes three relevant policies:

Policy 4B.10 London's built heritage

Policy 4B.11 Heritage conservation

Policy 4B.12 Historic conservation-led regeneration⁵⁵

There is also international protection for heritage sites of importance. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and National Heritage, adopted by UNESCO in 1972. UNESCO provides support and funding to many countries each year to help them with the management and protection of their historic sites. London has the following UNESCO World Heritage sites:

⁵² English Heritage written submission

⁵³ English Heritage written submission

⁵⁴ English Heritage written submission

⁵⁵ Footnote details....

- Westminster Palace, Westminster Abbey and St Margaret's Church;
- Tower of London;
- Maritime Greenwich; and,
- Royal Botanic Gardens, Kew.⁵⁶

⁵⁶ <http://whc.unesco.org/>

Annex C - List of organisations contributing views and information

Association of Chief Estates Surveyors and Property Managers in Local Government
City of London Corporation
City of Westminster
Civic Trust
Commission for Architecture and the Built Environment
English Heritage
Greater London Authority
Heritage of London Trust
Institute of Historic Building Conservation
London Borough of Ealing
London Borough of Haringey
London Borough of Harrow
London Borough of Havering
London Borough of Hillingdon
London Borough of Richmond
London Borough of Waltham Forest
London Development Agency
London Fire & Emergency Planning Authority
Metropolitan Police Authority
Metropolitan Police Service
NHS London
Royal Borough of Kensington & Chelsea
Royal Institute of British Architects
SAVE Britain's Heritage
The Theatre Trust
Transport for London
Victorian Society

Annex D - Principles of London Assembly scrutiny

An aim for action

An Assembly scrutiny is not an end in itself. It aims for action to achieve improvement.

Independence

An Assembly scrutiny is conducted with objectivity; nothing should be done that could impair the independence of the process.

Holding the Mayor to account

The Assembly rigorously examines all aspects of the Mayor's strategies.

Inclusiveness

An Assembly scrutiny consults widely, having regard to issues of timeliness and cost.

Constructiveness

The Assembly conducts its scrutinies and investigations in a positive manner, recognising the need to work with stakeholders and the Mayor to achieve improvement.

Value for money

When conducting a scrutiny the Assembly is conscious of the need to spend public money effectively.

Annex E - Orders and translations

How to Order

For further information on this report or to order a copy, please contact Richard Davies, Assistant Scrutiny Manager, on 020 7983 4199 or email richard.davies@london.gov.uk

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