



# **Residential Listed Buildings and Conservation Areas**

**A Work Plan Study by the  
Communities Scrutiny Panel**

**February 2015 – June 2015**

## Contents

<b>Section</b>	<b>Page</b>
<b>1. Chair’s Commentary .....</b>	<b>2</b>
<b>2. Summary .....</b>	<b>3</b>
<b>3. Introduction .....</b>	<b>3</b>
<b>4. Membership.....</b>	<b>3- 4</b>
<b>5. Deliberations.....</b>	<b>4 - 7</b>
<b>6. Summary of Key Findings .....</b>	<b>7 - 8</b>
<b>7. Recommendations to Cabinet .....</b>	<b>8 - 9</b>
<b>8. Corporate Management Team Commentary .....</b>	<b>9 - 10</b>
<b>Appendix A - Scoping Document</b>	
<b>Appendix B - Feedback from Site Visit to Preston Vocational Centre</b>	

## 1. Chair's Commentary

The Panel looked at various issues prior to this study based around the theme of conservation areas within the city. It was agreed that the report and the issues it scrutinised would be complimentary to the excellent work the Council is already doing in this area and that it be supportive and complimentary to this work.

The Panel met with several people, including council officers who provided very informative presentations. Open and honest discussions took place, and debate led to suggestions on how we, as a Council, could be more supportive in assisting this growing community.

Members were very enthusiastic and found the presentations very informative. We were very well supported by officers and other councillors. We hope that following on from this study, Preston will work to establish better policy and links with our partner organisations and the wider communities to ensure we are the city that others benchmark.

May I take this opportunity to thank everyone involved in this study.



**Councillor Gale**  
**Chair of the Communities Scrutiny Panel**

## 2. Summary

This report gives details of a study undertaken by the Communities Scrutiny Panel (“the Panel”) on Residential Listed Buildings and Conservation Areas. The topic was identified by members who wished to examine how residents were affected by listed and conservation area status and how the Council could better support them.

The Panel gathered relevant information and carried out interviews with officers and external organisations, the details of which are outlined in the report.

## 3. Introduction

3.1 This topic was selected by the Panel as the subject of its next work plan study at its meeting held on 25 February 2015.

3.2 The Panel’s deliberations were conducted over the course of three meetings held on 25 February, 15 April and 3 June 2015.

The Panel interviewed the following:-

Mr Nigel Roberts -	Principal Urban Design Officer (Preston City Council)
Mr D Barry - Mr M Grayston -	Preston Vocational Centre Preston Vocational Centre
Mr A Upton –	Community Gateway Association

## 4. Membership

The Panel was chaired by Councillor Gale, the full membership being:-



Councillor Gale  
(Chair)



Councillor Coupland  
(Vice Chair)



Councillor B Cartwright



Councillor Corker



Councillor Eaves



Councillor Faruki



Councillor Kelly



Councillor Leach



Councillor Leeming



Councillor Mullen



Councillor Mrs Thomas



Councillor Thompson-Ortega

**Note:** At Annual Council 21 May 2015, Councillors Borrow, Desai, Hull, R Yates, Dewhurst and Seddon joined the Panel, replacing Councillors Coupland, Corker, Eaves, Leach, Leeming and Thompson-Ortega.

## **5. Deliberations**

5.1 The following paragraphs give outline summaries of the key points/information gathered and discussed at each meeting together with links to the minutes of that meeting.

### **5.2 25 February 2015**

5.2.1 The Panel considered the scoping document and selected the persons and/or organisations they wished to interview as part of the study.

5.2.2 Mr Nigel Roberts, Principal Urban Design Officer gave a brief introduction to the subject matter. He indicated that there were restrictions on the types of improvements to buildings that were listed or within conservation areas that could be carried out without the appropriate consents and that there was clear case law and guidance on

what could/should be approved within the relevant legislation. However, he acknowledged that the Council could do more to support residents by providing information about alternatives to changes that they wanted to make in cases where those changes were unlikely to be permitted.

5.2.3 Members raised a number of key issues / information that they wished to consider as part of the study:-

- Existing legislative framework
- Benchmarking with other Local Authorities
- Enforcement – proportionality
- Explore partnership working with external providers and identify skills requirements
- Scrutinising English Heritage
- Listed Buildings/Conservation Areas by ward.

### **5.3 15 April 2015**

#### **5.3.1 Interview with Preston Vocational Centre**

The Panel interviewed Mr D Barry and Mr M Grayston representing Preston Vocational Centre and Mr A Upton (Director, Community Gateway Association).

Mr Grayston indicated that Preston Vocational Centre (PVC) was open to discussions regarding a potential partnership with the Council in respect of carrying out of work on residential listed buildings and / or homes in conservation areas. He referred to previous projects such as 'Preston Remembers' involving work on the Cenotaph. He stressed, however, that currently his students were trained to BTEC Level 1 and the sort of specialist work required on historic buildings for e.g. sash windows would require additional training at a higher level.

The Panel enquired as to the possibility of external funding for a project involving a range of works, e.g. repairing sash windows, or the manufacture and installation (including upskilling as appropriate) of replica windows. Mr Barry explained that very often funding bids required a demonstration of the need for the project. He provided an example of a project the PVC were currently delivering which had a multi trade framework providing skills / training for the long term unemployed (and not only younger people).

Other suggestions / observations for a potential project included:-

- Training for trainers – possibly involving DIG IN North West

- Set up a charity / Community Interest Company
- As areas of deprivation were often a funding priority, perhaps if the project were aimed at preserving Preston's heritage funding could be made available for more affluent wards as well – 'heritage' being a unique selling point for Preston
- The need to identify a strong business case – i.e. how many sash windows would be required?

### 5.3.2 Interview with Nigel Roberts, Principal Planning Officer

Nigel Roberts gave members the background and history of conservation areas. He explained that the concept was introduced in the 1960s to protect buildings from wholesale development of an area. Building on this concept the Planning (Listed Buildings and Conservation Areas) Act 1990 defines them as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. He indicated that Local Authorities have a statutory duty to identify and designate conservation areas under S69 of the Act.

Mr Roberts circulated maps of Preston's conservation areas that included residential properties, which included Winckley Square, Avenham, St Augustine's, Inglewhite, Deepdale enclosure, St Ignatius, Moor Park, Fishergate Hill, Ashton and Fulwood. Mr Roberts explained that householders can normally make minor alterations to their houses without requiring planning permission such as changing doors or windows. This is called 'permitted development'. However in some conservation areas these 'permitted development rights' had been removed by making an "Article 4 Direction". The Council had made "Article 4 Directions" in respect of Avenham, Fishergate Hill, Fulwood and St Ignatius.

Members noted that some areas such as Avenham and Fishergate Hill were located in more deprived areas of the city. Mr Roberts indicated that previously grant aided schemes had been operated via English Heritage (now known as Historic England), but these schemes had now ceased due to budget cuts, particularly since 2008. He further indicated that the Heritage Lottery Fund supported economic regeneration schemes rather than schemes that gave grants to individual householders.

Members expressed concern during the course of the study that in some cases, living in a conservation area presented a financial burden on residents because there were limitations on the type of improvement work that could be carried out on residential properties i.e. if the area was subject to an Article 4 Direction. It was noted that, for example, sash windows were expensive and difficult to obtain in comparison to uPVC windows and that stained glass was not as efficient at insulating the building as double glazing. If residents are unable to afford the costs of

improvements, homes can fall into disrepair and actually have a detrimental effect on the character of the area. Residents can also slide into fuel poverty due to an inefficiently insulated house.

Members therefore raised the issue of proportionality as regards the enforcement of restrictions on residential properties affected. Mr Roberts explained that officers must operate within the legislation regarding conservation areas and had a duty to enforce it accordingly. However, he acknowledged that the Council could adopt a more proactive approach to supporting residents affected, e.g. providing more information about alternative improvements, energy efficiencies and renewable energies. It was suggested that information and guidance be produced for residents in relevant areas and be supplied via mailshot.

Members noted that previous conservation areas (e.g. Fulwood Conservation Area) were introduced after significant levels of consultation involving all residents being supplied with sufficient information to make a judgment on the benefits or otherwise of the proposal. More recently, some areas of Preston (in particular the Fishergate Hill area) were sent a letter. This did not detail what would be expected of them nor did it offer help prior to returning the tear off slip.

Finally, Mr Roberts indicated to members that there were plans in the new municipal year to introduce a 'local list' in addition to buildings currently on the national list and designated conservation areas. He further indicated that Parish Councils were to be invited to suggest buildings to be placed on that local list. The Panel enquired as to the practicalities of maintaining such a list. In relation to managing Preston's historic assets Mr Roberts said that in his view, the local list should not include residential properties due to the lack of resources to manage the additional number of buildings that could potentially be placed on it.

### **5.3.3 Information provided by Diane Vaughton, Conservation Officer**

Information provided by the Council's Conservation Officer was circulated to members regarding energy efficiency in homes with traditional timber sash windows, such as draught proofing and secondary glazing with a low emissivity coating.

## **6. Summary of Key Findings**

1. The concept of 'Conservation Areas' was introduced in the 1960s to protect buildings from wholesale development of an area. Building on the concept the Planning (Listed Buildings and Conservation Areas) Act 1990 defined them as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Local Authorities have a statutory duty to identify and designate conservation areas.

2. Preston's conservation areas that include residential properties are Winckley Square, Avenham, St Augustine's, Inglewhite, Deepdale enclosure, St Ignatius, Moor Park, Fishergate Hill, Ashton and Fulwood.
3. According to English Heritage, there are 473 listed buildings in Preston, 3 at Grade I, 19 at Grade II\* and 451 at Grade II.
4. Householders can normally make minor alterations to their houses without requiring planning permission such as changing doors or windows. This is called 'permitted development'. However in some conservation areas these 'permitted development rights' had been removed by an Article 4 Direction. The conservation areas affected were Avenham, Fishergate Hill, Fulwood and St Ignatius.
5. Previously grant aided schemes for more deprived areas had been operated via English Heritage, but these have now ceased due to government budget cuts, particularly since 2008. The Heritage Lottery Fund supports economic schemes rather than individual householders.
6. There are plans in this municipal year to introduce a 'local list' in addition to buildings currently on the national list and designated conservation areas. Parish Councils were to be invited to suggest buildings to be placed on that list. The Panel enquired as to the practicalities of maintaining such as list. Mr Roberts said that in his view, the local list should not include residential properties due to the lack of resources to manage the additional number of buildings that would potentially be placed on it.
7. That Preston Vocational Centre is open to discussions regarding a potential partnership with the Council in respect of carrying out of work on residential listed buildings and / or homes in conservation areas, subject to securing appropriate funding for such a project.

### **7. Recommendations to Cabinet**

1. To explore a potential partnership with Preston Vocational Centre to deliver improvements to homes in conservation areas/listed buildings, subject to identifying appropriate external funding, including training for higher level skills.
2. Not to include residential properties on the planned 'local list' unless very long term funding can be secured to support the residents and officers.
3. That the Council's planning department, housing officers and appropriate advice teams within the Council:-

- i) take ongoing, pro-active and concerted steps to understand the challenges and burdens faced by residents of domestic heritage buildings and the impact on Preston's housing situation, and to revise conservation boundaries when necessary (any change must follow consultation procedure).
  - ii) pro-actively research, support and advise residents regarding insulation methods and renewable energy generation for domestic heritage buildings.
  - iii) seek S106 agreements for improvements in conservation areas.
4. That officers produce a regularly updated guidance document to assist residents living in listed buildings and/or conservation areas.
  5. That the Council's planning department allow the use of heritage grade 'replica' sash windows (as appropriate) as they maintain the desired look for longer and cost significantly less.
  6. That in budget planning on an annual basis the Council looks to set up a means tested fund to assist those affected within conservation areas (accepting this is unlikely to occur in the near future and that if the position improves we can look to set this up)
  7. That the council officers when consulting with Historic England and the Department of Communities and Local Government, ensure that policies are mindful of the needs of residents and not just the historic character of buildings.
  8. That any future consultations for proposed conservation areas should be meaningful and effective and clearly explain the full implications e.g. possible extra cost of compiling planning applications, possible loss of permitted development rights, extra cost of heritage sensitive repairs, reduced options for energy conservation, and any reduced scope for extensions to properties.

## **8. Corporate Management Team Commentary**

1. It would be possible for the Vocational Centre Board to consider this proposition perhaps by sending the report to the Vocational Centre for their view. However beyond that facilitation it is not clear what Preston City Council would contribute to a partnership.
2. The intention of the local list was not to include private residential properties as a general principle and to focus on more public buildings such as churches, schools or pubs. The issue might be where former public buildings which contribute to the character of the locality have been converted to residential use. The Council will therefore need to retain some flexibility on this if we progress the local list.
3. i) The Planning (Listed Buildings and Conservation Areas) Act 1990 places the Council under a duty to review its designated conservation areas and whether any parts or further parts of its area should be designated as conversation areas. Any assessment must be based on relevant historic environment issues and on character and appearance.

ii) The Council's Environmental Health Department already offers advice in general on home energy efficiency and where energy efficiency schemes are focused in conservation areas then that advice is tailored to take account of the specific requirements of the area. In addition, there is already a lot of research already undertaken by Historic England and others which could be signposted on an information page on the Council's website (see comments on 4 and 8 below).

iii) Agreements made under section 106 of the Town and Country Planning Act 1990 are a mechanism which makes a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. The Town and Country Planning Act 1990 sets down the terms in which an agreement under section 106 can be entered into; thus any commuted sums provided under a section 106 agreement must benefit the development proposal.

4. The idea of providing advice and guidance to residents is supported, but rather than produce a guidance document, it is recommended that the Council create a page on the Council's website that provides information and links to existing guidance documents which will be easier to update. This is likely to be more accessible, cost effective and will be much easier to update.
5. The replacement of original windows (whether an original or a later replacement) must not harm the character of the building. Each listed building or planning application (in respect to works in a conservation area) must be considered on its own merits. The Planning Department must ensure that in granting listed building or planning consent that it complies with legislation and any relevant guidance issued in relation to such matters.
6. This is a matter for Cabinet.
7. The Council can raise the issue of economic impacts of Historic England and DCLG policies when being consulted but unless the legislative context changes the weight given to historic character issued will generally outweigh that of the individual circumstances of residents. The decision to designate conservation areas is a Cabinet decision which, according to legislation, should be based on relevant historic environment character.
8. This is a reasonable request which could be set out on the Council's website, but would need to be balanced against some of the positive aspects of conservation area designation such as potentially increased property values and an improved quality of the environment.

**Scoping Document****Residential Listed Buildings and Conservation Areas**

Scrutiny Chair: Councillor Drew Gale  
[cllr.d.gale@preston.gov.uk](mailto:cllr.d.gale@preston.gov.uk)

Scrutiny Support Officer: Clare Gornall  
 Ex.6475  
[c.gornall@preston.gov.uk](mailto:c.gornall@preston.gov.uk)

Departmental Link Officer: Nigel Roberts  
 Ex.6594  
[n.roberts@preston.gov.uk](mailto:n.roberts@preston.gov.uk)

1. Which of our Corporate Priorities does this topic address?

Your City  
 Your Future  
 Your Neighbourhoods  
 Your Council

2. What are the overall aims and objectives in doing this work?

- Better understand and improve the Council's understanding of the personal, administrative, socio-economic and environmental consequences of listing and conservation area status on residents, families and communities
- Improve the Council's policy to better support residents who face extra burdens as a consequence of listing and conservation areas
- Understand and improve the process for new listings and designating conservation areas to ensure good householder understanding and support before listing

3. What are the possible outputs/outcomes to this review?

Outputs:

- i) Evidence from residents, architects, interest bodies (English Heritage, green energy/energy efficiency experts)
- ii) Review of capacity/capability of council resources
- iii) Identify good practice from other planning authorities

Outcomes:

- i) Identify improvements for local and national policy

- ii) Reduce cost and time of improving, extending or altering homes to both residents and to the Council
- iii) Reduce cost of heating homes and address fuel poverty
- iv) Increase use of renewable energy generation

What specific value can Scrutiny add to this work area?

- i) Working closer with elected members
- ii) Improving officer support for residents living in residential listed Buildings and conservation areas

5. Duration of the Review?

3 – 6 months

6. What category does the review fall into?

Policy Development  
External Partnership

7. What information do we need to undertake the Scrutiny Review

Invite representatives for interview:

PCC Planning Dept  
English Heritage  
Green/renewable energy and energy efficiency specialists

Information requested:-

How many domestic buildings in Preston are listed and/or are in a conservation area and where are they located? (Data showing no. homes by ward, conservation area, listed/not listed)  
What is the correlation to areas of deprivation?

What are the extra costs /demands/restrictions (Above and beyond a non-listed building) in:

- improvements, alterations and extensions
- Energy efficient windows and doors
- Renewable energy generation (solar/wind/ground source, other)

8. What processes can we use to feed into the review (site visits/observations, face to face questioning, telephone surveys, written questionnaires etc?)

Presentations to the Panel – background, relevant data, how the process works  
Interviews with the Panel – officers and external organisations/statutory bodies

9. Equality and Diversity – How will we address the equalities and human rights impact of the project?

The Public Sector equality Duty requires the council to eliminate discrimination, advance equality of opportunity and foster good relations.

**Feedback from Site Visit to Preston Vocational Centre – 6th July**

Three members of the Communities Scrutiny Panel visited the Preston Vocational Centre, by invitation, on Monday 6th July at 5pm.

The members were given a tour of the Centre and provided with comprehensive information about the work of the Centre.

Written feedback from the visit indicated that the tour was very informative, that the Centre was in a position to assist regarding the windows for conservation area(s), and that we as a Council are missing a great opportunity to involve the local community and workforce.

The Chair of the Communities Scrutiny Panel also visited the Centre on a separate occasion and endorsed feedback from the visit.

## **Residential Listed Buildings and Conservation Areas**

### **Work plan study by the Communities Scrutiny Panel**

#### **Response by Cabinet – Minute CA61 - 11.11.15**

Cabinet noted the contents of the report including the recommendations.

Cabinet endorsed the following:-

- i) To explore the potential for Preston Vocational Centre to assist on individual home improvement schemes.
- ii) Not to generally include residential properties on the planned local list (although there may be exceptions).
- iii) To create a page on the Council's website that provides information and links to existing guidance documents on domestic improvements within heritage areas.
- iv) To consider the use of heritage grade replica sash windows as an alternative to heritage timber framed sash windows where appropriate. However, each listed building or planning application will continue to be determined on its own merits.
- v) That future consultations on new or extended conservation areas set out the potential implications for designation on householders, both positive and negative.