Ministerial Advice

To: 1.Gwilym Hughes

2. Ken Skates AM, Cabinet Secretary for Economy and Infrastructure

From: Matthew Coward

Historic Environment Service (Cadw), Nantgarw

Tel. 01443 336005

Date: 3 August 2016

Subject: POLICY - FORMER GROVE PARK SCHOOL, WREXHAM

Reference number: MA - P/KS/5795/16

When is a decision required from the Minister? In the normal course of business

1. What is the issue you are asking the Minister to consider?

1.1 To agree a decision on the spot-listing request in relation to the former Grove Park School, Wrexham, considering the merits of listing the building against the criteria for listing and in light of all the representations and advice that have been submitted.

2. What action(s) are you recommending to the Minister?

2.1 Consider afresh the merits of listing the building as one of special architectural and/or historic interest in light of the listing criteria and the representations that have been submitted.

3. Deputy Director, Statement of Assurance

☒ I, Gwilym Hughes confirm that I have quality assured this advice.

3.1 I am satisfied that the recommended decision or action, if agreed, would be lawful and affordable. Welsh Government policy priorities and cross portfolio implications have been fully considered.

Advice

4. Context - What is the situation that has led to this advice?

Background

4.1 The background, our assessments of the merits of the case for listing and the outcome of a peer review undertaken by Historic England have previously been provided to you via emails dated 15 March 2016 and 24 May 2016 which are copied at doc 1 and 2 respectively. Doc 1 now also includes a letter from Mr Marcus Jones promoting the listing of the building and which you will not have seen previously. Photographs taken of the building during the site visit of 2 March 2016 are at doc 3. Additional information that has been submitted in support of listing, and our assessment of it, is at doc 4.

4.2 You have previously indicated that you were minded to list the building and we

have since consulted on the proposed listing with the owner, the local planning authority and the Royal Commission on the Ancient and Historical Monuments of Wales. We provided consultees with a copy of a draft list description which explained the building's features and the reasons for listing.

4.3 The reasons for listing were explained to be 'Listed for its special architectural interest on the grounds of its quality and character as a key example of an interwar girl's grammar school in the neo-classical tradition (in a 1930s interpretation) which survives largely intact, and in view of its aesthetic merit as an ambitious building, which demonstrates stylistic flair in features such as the quality of the double sweep stair and the external brickwork'.

4.4 In accordance with normal practice, we provided the consultees with 28 days in which to reply to the consultation which commenced on 6 June 2016 and expired on 4 July 2016. Wrexham County Borough Council were given extra time to reply to the consultation in order to consider additional information pertinent to the case.

Consultation Summary

4.5 The replies and other representations that have been submitted as a consequence of the consultation are copied at doc 5.

4.6 Wrexham County Borough Council – The Council strongly resists the proposed listing decision as it is said to be contrary to the weight of expert opinion suggesting that the building does not meet the criteria to be listed. This view is supported by the Council's own independent expert who used to work for Cadw assessing buildings for listing, and whom is a co-author of the Pevsner Architectural Guides to Buildings of Wales. Given the weight of expert opinion, the Council considers that the proposed decision to list is irrational and lacks credibility as it says that there is a consistent failure by the Welsh Government to consider the expert assessments and to take due account of its own published listing criteria in arriving at its conclusion. The Council does not consider the building to be a key example of its type and says that to list it would be inconsistent with the outcome of the survey of historic buildings in Wales when those key examples were listed. The Council does not agree that the building has aesthetic merit as an ambitious building as it is said to fall short of real aesthetic quality when compared to the design of other listed schools from that period. Furthermore, the Council considers that the building's stylistic flair has been exaggerated. The Council says that it has been advised that there are compelling grounds for seeking judicial review should the building be listed as is currently proposed. In order to avoid protracted and costly Court proceedings the Council respectfully asks for the proposed decision to be reconsidered. However, the Council is not aware that we have also received representations from the Twentieth Century Society and SAVE Britain's Heritage, both of whom support the proposed decision to list.

4.7 The Campaign Group (Save Our Heritage) – The group comment that the building is rather unique, with an overall appearance and style that is forward looking. The use of patterned brickwork is said to be an ornate touch that adds to the building's attractiveness. The twin sweep staircase is said to bring a touch of elegance to what would otherwise be a very utilitarian entrance hall. The cloistered quadrangles are also mentioned as enabling the pupils to move around the school regardless of the weather conditions. The group agrees with the proposed listing.

4.8 The Twentieth Century Society (a body that specialises in the architecture and design in Britain from 1914 onwards) – The Society fully support the proposed listing and considers the building to be an architecturally and historically significant one with national interest due to its war-time role, and its unique status as the only grammar school to be built in Wales during the inter-war period. The Society comments that the building has a plain but handsome exterior of red brick, is modestly decorated between ground and first floor windows with herringbone brickwork. Furthermore, that the main entrance hall boasts an elegant, marble staircase in the art-deco style, and is flooded with natural day light by roof lanterns. The Society considers that other key internal features include the parquet and terrazzo flooring, the sleek timber mouldings, the main hall being well proportioned and well lit, and the wooden seating on the upper balcony.

4.9 Save Britain's Heritage (an independent body campaigning to save threatened historic buildings) – support the recommendation to list the building and welcomes the draft list description which acknowledges the building's special architectural interest and its quality and character. They consider that the main entrance hall with its double sweep stair is a particularly handsome feature.

4.10 RCAHMW - welcomed the proposed listing.

4.11 Cadw officers have carefully considered the content of all these representations and I can confirm that they do not change the substance of the earlier advice concerning the merits of the building.

Listing criteria

4.12 By law, under the Planning (Listed Buildings and Conservation Areas) Act 1990, a listed building must be of special architectural or historic interest. The legislation is supported by guidance which explains the criteria against which candidate buildings will be assessed. The emphasis in these criteria is on national significance, though it explains that this cannot be defined precisely. Decisions to list must therefore confirm that the listing criteria are met otherwise the decision could be the subject of a successful legal challenge.

4.13 The listing criteria (doc 6) explain that the principal factors to be taken into account are:

- Architectural interest - the lists are meant to include buildings which are of importance to the nation for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) 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 people or events of importance to Wales; and

- Group value - especially where buildings contribute an important architectural or historic unity or are fine examples of planning (e.g. squares, terraces or model villages).

4.14 Age and rarity are relevant, particularly where buildings are proposed for listing on the strength of their historic interest. The approach adopted for post 1840 buildings is to identify the best examples of particular building types, and only buildings of definite quality and character are listed. Twentieth century listing is to identify key examples for each of a range of building types - industrial, educational, hospitals, etc - and to treat these examples as broadly defining a standard against which to judge proposals for additions to the lists.

4.15 The external appearance of a building - both its intrinsic architectural merit and any group value - is a key consideration in judging listing proposals, but the special interest of a building, for example those which are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, will not always be reflected in obvious visual quality.

4.16 The state of repair of a building is not normally taken into account in a listing decision (otherwise owners could avoid listing simply by neglecting buildings) – issues of whether alternative uses and repairs are realistically achievable can instead be taken into account in considering listed building consent applications.

4.17 It is, however, appropriate to consider (a) whether alterations made to a building have affected its architectural and historic character and (b) whether there are design flaws in the building, i.e. consideration of the architectural and historic interest of the building can take into account how effectively the building has fulfilled the functions for which it was commissioned.

4.18 Factors such as the costs of the repairs to the building and a listing being considered to compromise future alternative uses for the site are not relevant to consideration of architectural or historic interest. Such factors take into account matters beyond the architectural and historic merits of the building and would present a strong risk of a successful legal challenge. The proper mechanism for considering future uses of the site would be through the requirement for planning permission and listed building consent. A listing would not in itself prohibit a change of use, sympathetic adaptation or, for that matter, demolition, provided an application for listed building consent could demonstrate that a wholesale redevelopment of the site would produce benefits for the community which would decisively outweigh the loss resulting from demolition.

5. What is your advice to the Minister?

Options

5.1 The decision on whether or not to list the building will hinge on a judgement about whether it has special architectural and/or historic interest at the national level. The decision is one of balance and must also be based on the criteria for listing, which are well established and provide the framework against which to make a rational and reasonable decision. It is also important to consider the arguments made on both sides of the case. However, having carefully considered all of the advice and representations against the listing criteria you can either:

i. list the former Grove Park School, Wrexham for its special architectural interest if you consider that the building has definite quality and character as a key example of an interwar girl's grammar school in the neo-classical tradition (in a 1930s interpretation) surviving largely intact. If you also

consider that the building is a key example of its type, with a number of features exhibiting stylistic flair. This being demonstrated by the handsome red brick exterior, the decoration between ground floor and first floor windows with herringbone brickwork. Internally, with such quality features including an impressive elegant double sweep staircase being flooded with natural daylight by roof lanterns, the parquet and terrazzo flooring and the sleek timber mouldings. The main hall being similarly well proportioned and well lit. You may consider that these features give the building considerable aesthetic merit.

5.2 While there are already some key examples of this type of building already listed, you may consider that this building also has (for the above reasons) sufficient quality and character to be listed in its own right as one of those key examples of its type. While some may argue that the quality of this building may not be quite as high as those that are already listed, you may come to different conclusion. There is a margin of judgement on this point and there is inevitably a line that has to be drawn. Although this building could be interpreted as a marginal candidate for listing, you may consider that the features that we have identified tip the balance in favour of listing.

5.3 The above wording has been altered from that included within the draft list description as it is considered to more accurately reflect what could be interpreted as architecturally special about the building in light of the comments provided by the Twentieth Century Society and Save Britain's Heritage. The RCAHMW has also welcomed the proposed listing. Some may attempt to argue that the Twentieth Century Society is unduly biased toward the protection of buildings from this period but we are mindful that the correspondence from the Society introduces some balance by explaining that they consider that the building fulfils the requirements of the listing criteria. While the critique is not as detailed as counter arguments from other experts, it is nevertheless notable that it is submitted by a body that specialises in buildings of this particular period.

5.4 A listing would introduce a requirement for listed building consent to demolish the building or alter, or extend it in a way which affects it character as one of special architectural or historic interest.

5.5 Or you may decide:

ii. Not to list if you consider that the building is not of special architectural or historic interest as it lacks definite quality and character and is not one of the best examples of its type. You may consider that the building is rather typical for the period; that it is what would be expected in terms of construction, layout and fittings and that it is not particularly innovative in its design or planning. Furthermore, that better examples of such schools of its period have been listed elsewhere and that these should set the benchmark for listing, against which this school does not compare favourably.

5.6 This approach is consistent with our previous advice (docs 1 and 2) and is supported by Wrexham County Borough Council and its own independent expert (doc 5). The peer review undertaken by Historic England also points to this option being the more appropriate outcome.

5.7 Cadw officials have carefully considered all of the representations following the consultation. We do not consider that significant new evidence has been presented to change our original assessment of the merits of the building. Consequently, we do not consider the arguments in favour of listing are particularly strong.

6. What legal or policy obligations are relevant to this advice?

6.1 **Planning (Listed Buildings and Conservation Areas Act 1990 -**The relevant legal powers to include a building in the list of buildings of special architectural or historic interest are contained in Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The functions were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 and the functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of the Government of Wales Act 2006.

6.2 Well-being of Future Generations (Wales) Act - A decision to list would have the effect of introducing a regulatory consent regime to manage works to the building

and would therefore support the goal of creating a Wales of vibrant culture that promotes and protects culture and heritage. A decision not to list would retain the existing position.

6.3 Welsh Language - There are no specific issues relating to the Welsh Language as a result of this Ministerial Advice.

6.4 Equality and Human Rights - There are no specific issues relating to Equality and Human Rights as a result of this Ministerial Advice. This is confirmed by the Stage 1 Equality Impact Assessment that has been undertaken in relation to this case, and listing more generally (doc 7).

6.5 The United Nations Convention on the Rights of the Child (UNCRC) - There are no specific issues relating to the UNCRC as a result of this Ministerial Advice.

6.6 Tackling Poverty -This submission raises no issues concerning the tackling poverty agenda.

7. What are the financial implications of Ministers agreeing to this advice and which budget will this be paid through?

7.1 The recommendation contained in this submission does not give rise to any direct additional costs to the Welsh Government.

7.2 Economy & Infrastructure (E&I Corporate Finance has cleared the financial implications set out in this paragraph under number EI/CF/16/263. As there are no issues of regularity or propriety, nor are the proposals novel or contentious, this submission does not need prior approval by the Corporate Governance Unit (CGU). In accordance with FN 01/2015 this advice has been copied to the CGU and SB mailboxes for monitoring purposes.

8. What communication or media activity is planned following this decision?

8.1 There has been some press interest in the possible listing of the building as it is earmarked for demolition by Wrexham County Borough Council. Officials will therefore work with your press team about publicising the final decision.

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Annex A:

Mandatory CC (MA – Policy Advice)

E&I Ministerial Advice List

Additional Copy recipients

Kate Clark
Andrew Johnson
Huw Griffiths
Huw Davies
Linda Belton
Andrew George