

Brighton & Hove City Council

Tourism, Equalities, Communities & Culture Committee

Agenda Item 67

Subject: Review of the Local List of Heritage Assets

Date of meeting: 9 March 2023

Report of: Executive Director Economy Environment & Culture

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report explains the process and outcomes of the recent periodic review of the council's Local List of Heritage Assets and seeks agreement to add those nominated heritage assets at Appendix 1 to the Local List. The report was deferred from the January meeting of this committee in response to a deputation in respect of 43 Dyke Road Brighton, which is now proposed to be included on the Local List

2. Recommendations

2.1 That Committee agrees those nominated heritage assets at Appendix 1 that are to be included in the Local List of Heritage Assets

2.2 That Committee notes those nominations at Appendix 2 that are not to be included on the Local List of Heritage Assets.

2.3 That Committee notes that the next periodic review will be undertaken in 2028.

3. Context and background information

3.1 The National Planning Policy Framework (NPPF) identifies the concept of non-designated heritage assets, which should as far as possible be identified by a local listing. This is reinforced by Historic England's good practice guidance on local listing. Local authorities are encouraged to be proactive in identifying these assets. Local listing does not confer any additional statutory controls, but the significance of a locally listed heritage asset is a material consideration in determining planning applications.

3.2 Policy DM28 in the recently adopted City Plan Part Two sets out the council's planning policy on the retention and conservation of locally listed heritage assets.

- 3.3 The existing Local List of Heritage Assets was agreed in 2015 following a comprehensive and wide-ranging review in which around 450 nominations were assessed. The committee report at that time set out that any future nominations received would be collated and reviewed on a 5 yearly cycle (except in urgent cases) and that approval would be sought from the relevant committee. This review process was also explained in the approved 'Planning Advice Note 07: Local List of Heritage Assets' (PAN07).
- 3.4 The 5 year review was due to be carried out in 2020 but was delayed due to the Covid pandemic, which prevented site visits, and subsequently due to other work programme priorities, but was completed by late 2022.
- 3.5 The PAN07 also set out the criteria against which all nominations are assessed - see Appendix 3. In total 40 nominations were received and assessed. Those recommended to be added to the Local List are at Appendix 1 and those that are considered not to meet the criteria for inclusion are set out in Appendix 2.
- 3.6 The committee report in 2015 also granted delegated powers to officers to remove entries from the Local List where they have been nationally designated or demolished and to correct any factual or historical references where new evidence is available. For information, a number of entries have been amended in the light of new information provided and three entries are to be removed from the list as follows:
- The Dyke Tavern, 218 Dyke Road, Brighton – this building was statutorily listed grade II in November 2017.
 - Former Infants School, 6 Lock Hill, Portslade – this building was demolished and replaced by housing with planning approval (2017).
 - K6 Red Telephone Kiosk, Church Road, outside St John's Church – this kiosk has been removed by BT since 2015.

4. Analysis and consideration of alternative options

- 4.1 *To not carry out a review now.* This option would diverge from the previous committee commitment and the process set out in PAN07. It could lead to the loss or inappropriate alteration of locally significant heritage assets and/or create adverse publicity for the council. Upfront and up-to-date identification of local heritage assets allows owners and developers to understand the constraints of a site at an early stage.

5. Community engagement and consultation

- 5.1 The approved review process as previously set out was simply intended to cover any nominations received since June 2015. However, it was decided to additionally invite further nomination from the local amenity societies and via the council's website and social media. A six week call for nominations took place between 26 October and 7 December 2020.
- 5.2 Following assessment of the resulting 40 nominations in 2022, all owners and occupiers of those heritage assets recommended for inclusion were contacted and were given six weeks in which to respond and to dispute the significance of the heritage asset or provide any information or evidence that would correct the assessment or potentially lead to a different

recommendation. In addition, all nominators were advised of the outcome of the assessments; the outcomes were reported to a meeting of the Conservation Advisory Group (CAG); and all ward councillors were notified of the proposed assets for inclusion within their wards (see Appendix 1).

- 5.3 Following deferral of the report to the January meeting of this committee, the original assessment for 43 Dyke Road Brighton has been reviewed against the criteria in the light of further information and evidence provided by the Montpelier and Clifton Hill Society. This building is now recommended for inclusion on the Local List. The property owner has been consulted and no objection to its inclusion has been received.
- 5.4 An objection was received on behalf of the owner of St Catherine's Lodge, St Catherine's Terrace to its proposed inclusion. The submission argued that the property does not meet the criteria and is not of special interest. It also argued that 'townscape interest' should not be one of the criteria. The submission further argued that the assessment is subjective and lacks supportive evidence; that the historic connections are not of sufficient importance; and that the property is too altered to warrant the architectural interest attributed to it. Finally, it argued that that the condition of the building is such that the scale of repairs and works to upgrade it for energy efficiency would be disproportionate.
- 5.5 In response, officers carried out further research into the history and development of the property and the revised assessment is considered to be supported by the available evidence. Officers remain of the view that it meets the criteria for local listing set out in PAN07. It should be noted that matters such as the condition of the property and its scope for re-use and upgrading for greater energy efficiency are ones to be considered as part of any planning application, weighed against the heritage significance of the building. Nevertheless, a further objection was received on behalf of the owner and is included at Appendix 4. Officers have considered this objection but remain of the view that the property warrants inclusion on the Local List.
- 5.6 No other owners or occupiers have objected to the proposed inclusion of any heritage assets or disputed the assessment and recommendation for their heritage asset. No information or evidence has been received that would alter any of the other recommendations, but some minor changes were made to descriptions as a result of information provided.
- 5.7 Supportive responses were received from; three residents of Ventnor Villas in respect of the rear flint boundary wall; and from the owners of St Margaret's Flats in High Street Rottingdean. The owner of Hollingbury Barn responded by telephone to state that he had no objection to its inclusion. The owners of John Howard Cottages in Roedean Road sought clarification that local listing would not place any additional controls over internal maintenance. The owner of numbers 4 and 6 Windlesham Road provided further information on the houses' history and architectural detailing.
- 5.8 Supportive responses were received from Cllrs Allbrooke, Childs, Druitt, Ebel, Fishleigh, Platts and Yates in respect of heritage assets in their wards.

6. Conclusion

- 6.1 The 5 year review of the Local List has produced 22 further heritage assets that are recommended to be added to the List from the 40 nominations. All assessments and recommendations have been made in line with the criteria set out in 'Planning Advice Note 07: Local List of Heritage Assets'. This includes the re-assessment of 43 Dyke Road Brighton. Only one objection to the inclusion of a property has been received, in respect of St Catherine's Lodge, but the recommendation remains unchanged in that case.

7. Financial implications

- 7.1 The costs of officer time and consultation associated with the recommendations in the report have been met from existing Policy, Projects and Heritage team revenue budget. Any further costs associated with future management and review of the Local List of Heritage Assets, including publicity, will also be met from existing revenue resources.

Name of finance officer consulted: Jill Scarfield. Date consulted: 09/02/23

8. Legal implications

- 8.1 Although local listing is not a statutory procedure and a locally listed property will not be afforded statutory protection, the fact that a building is on the Local List will be a material planning consideration in the determination of any planning application. Such determinations will need to take into account both local plan policy and relevant policy in the National Planning Policy Framework.

Name of lawyer consulted: Katie Kam Date consulted: 09/02/23

9. Equalities implications

- 9.1 The Local List of Heritage assets is not in itself a policy or strategy and is a small part of a much wider service provision in planning policy and heritage. Further, this is a periodic 5 year review and not a comprehensive revisit of the criteria and approach. Therefore, no specific EIA was undertaken. The Local List supports policy DM28 of City Plan Part Two. A Health and Equalities Impact Assessment (HEQIA) was carried out on the draft City Plan Part 2 and the Main Modifications prior to adoption.

10. Sustainability implications

- 10.1 The Local List supports policy DM28 of City Plan Part Two and seeks to retain existing historic buildings and to keep them in use. This accords with the circular economy principle of, as first step, to seek to avoid demolition and waste.
- 10.2 Local Listing does not impose any additional statutory controls over works that can be carried out without planning permission. In accordance with policy CP15 of City Plan Part One, where proposals that are promoted for their contribution to climate change objectives have a potentially negative effect on a heritage asset, the council will wherever possible help the applicant to identify feasible solutions that deliver similar climate change

objectives but with less or no harm to the heritage asset and its setting. As non-designated heritage assets, locally listed buildings do not carry the same high degree of significance as statutorily listed buildings and there will generally be greater scope for retrofit measures.

Supporting Documentation

1. Appendices

1. Proposed Additions to the Local List
2. Nominations not to be included on the Local List
3. Selection criteria for Local Listing (extract from approved PAN07)
4. Second objection in respect of St Catherine's Lodge, St Catherine's Terrace

2. Background documents

1. Draft Local List assessment entries for each heritage asset.
2. Planning Advice Note 07: Local List of Heritage Assets
3. First submission opposing the inclusion of St Catherine's Lodge

