

Subject:	University of Sussex – Listed Building Heritage Partnership Agreement		
Date of Meeting:	12 March 2015		
Report of:	Executive Director Environment Development and Housing		
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Ward(s) affected:	Hollingdean and Stanmer		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 New legislation came into force in April 2014, under the Enterprise and Regulatory Reform Act 2013 (the ERR Act), which introduced new optional powers for listed building control. These include the power to make Listed Building Heritage Partnership Agreements to manage alterations to major listed buildings or groups of listed buildings in the same ownership.
- 1.2 At this committee's meeting of 15 January 2015 a draft Listed Building Heritage Partnership Agreement (LBHPA) was approved for the eight grade I and grade II* listed buildings at the University of Sussex campus, for the purposes of publicity and consultation.
- 1.2 This report seeks approval for the final LBHPA following that consultation.

2. RECOMMENDATIONS:

- 2.1 That the Committee enters into a Listed Building Heritage Partnership Agreement with English Heritage and the University of Sussex for land at the University of Sussex under The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) (England) Regulations 2014.
- 2.2 That authority to sign the Listed Building Heritage Partnership Agreement be delegated to the Chief Executive and the Head of City Planning and Development.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 Listed Building Heritage Partnership Agreements may be entered into between local planning authorities and owners of large scale listed buildings or major groups of similar listed buildings, setting out works for which listed building consent is granted (excluding demolition). The Council considers it appropriate to enter into an agreement with the University of Sussex, together with English Heritage, in respect of the eight high-grade listed buildings on the campus. Such an agreement would replace and review the current non-statutory Listed Building

Guidelines, which have been in place since 1997 and were last reviewed in 2002. The proposed Agreement has been very much welcomed by the University.

- 3.2 The listed buildings at the University of Sussex designed by Sir Basil Spence in the early 1960s have many design features in common and it is considered important that these features should be safeguarded as a major contributor to the significance of the buildings, including their group value. These common features include the use of flat roofs; the use of a good quality red brick set in a slightly cementitious mortar of a yellowy buff colour; the use of board-marked concrete; segmental arches, particularly in concrete, both externally and internally; the use of exposed brickwork internally; and purpose-designed internal fixtures and fittings, such as found in laboratories in science buildings, in lecture theatres and in the library.
- 3.3 The main function of the LBHPA is that it would grant Listed Building Consent for certain types of work. These Consented Works (the type 2A works) are set out in Part 7 and Annex E of the Agreement and are generic and repetitive works that apply similarly to a number of the listed buildings at the University. They are works for which Listed Building Consents have previously been granted by the Council and satisfactorily implemented for specific listed buildings. They include works to repair or replace external historic fabric; works to original internal fixtures and finishes to enable the University to meet modern teaching expectations; and works deemed to be required for safety and/or accessibility reasons. They are works that would affect the special architectural or historic interest of the buildings and which could potentially cause harm to the special interest of the buildings, including the loss of important features, if not so managed.
- 3.4 In the absence of an LBHPA the University would need to apply for Listed Building Consent for each building and may need to make several applications for each building, to address issues as and when they arise in each case. This LBHPA enables the University to plan strategically for the carrying out of the Consented Works, thus avoiding the need for repeated applications of an individually minor nature, thereby saving time and resources for the University, the Council and English Heritage.
- 3.5 The LBHPA would further ensure that the Consented Works are carried out in an appropriate manner or design and/or using appropriate details and materials so that the special interest of the buildings is conserved. They would ensure that such works are carried out in a consistent manner across all of the listed buildings referred to for each of the Consented Works, thereby conserving the group value of the buildings. In order to meet the objectives outlined above, each of the Consented Works would be subject to particular conditions; these are set out in Part 7 of the Agreement.
- 3.5 In addition the LBHPA clarifies, for the benefit of all three partners, the position with regard to other types of work as follows:
 - Type 1 works, are works which can be categorised as 'de minimis'.

- Type 2B works are those for which it has been agreed that the University may apply in each case for a Certificate of Lawful Proposed Works (CLPW). Such certificates were also introduced by the ERR Act 2013, to provide greater certainty over works that are judged to not require Consent provided they are carried out in a certain way. The University has long been carrying out best practice for such works. Details of these works are included at Annex F of the LBHPA for information until such a time as the University is able to submit applications for CLPWs to the Council.
- Type 3 works are those kinds of works which will always need Listed Building Consent and do not currently fall within this LBHPA. These will require rigorous scrutiny and the usual consents.

3.6 It is proposed that the LBHPA would run for a period of ten years, with a review period at year five and year nine. All Consented Works would have to be completed by the end of year nine. In addition to the review meeting at the mid-point of the term of the LBHPA, the Council would co-ordinate regular (bi-annual) meetings with the all partners, as an informal opportunity to review the running of the LBHPA and address any issues arising.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The only alternative option would be to continue with the current arrangement whereby a non-statutory set of guidelines is in place and the University would have to continue to apply for individual Listed Building Consent to address issues as and when they arise in each case. The University currently makes several such application annually (for which no fee is payable to the Council) and the LBHPA would therefore be a more cost effective solution for both the Council and the University (and for English Heritage as a statutory consultee).

5. CONSULTATION

5.1 The Regulations that accompany the legislation require that the Council must publicise the LBHPA on its website for a minimum of 28 days and such publicity was carried out on the draft document, including the necessary statutory notices on site. Local amenity societies were notified of the draft via the Conservation Advisory Group and invited to comment. The 20th Century Society was consulted as the national society with a specific interest in buildings of this period.

5.2 The Regulations also require that English Heritage had to be consulted on the draft Agreement, though in this case they are one of the partners to it and have been greatly involved in its drafting.

5.3 Representations were received from English Heritage and the 20th Century Society. English Heritage has endorsed the Agreement as an exemplar. In response to the one minor issue raised by the 20th Century Society a little more detail has been provided on the concrete repair specification at paragraph E1.3. In addition the LBHPA has been revised from the draft version to include additional exemplar drawings and details in respect of the Consented Works. The document has also been re-ordered for clarity and a contents page introduced.

6. CONCLUSION

- 6.1 The LBHPA would provide for a consistent, carefully controlled and cost effective means of managing future changes to the listed buildings at the University of Sussex. The University very much welcomes the Agreement.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of officer time associated to producing the Listed Building Heritage Partnership Agreement (LBHPA) has been met from existing Planning & Building Control revenue budget. Any further costs to the council associated to producing the final agreement and compliance with the agreement will be met from existing revenue resources.

Finance Officer Consulted: Steven Bedford Date: 23/02/15

Legal Implications:

- 7.2 The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014 require that where a local planning authority proposes to make a listed building heritage partnership agreement it must consult the Commission and make the agreement available for public inspection for a period of not less than 28 days.

Lawyer Consulted: Alison Gatherer Date: 18/02/15

Equalities Implications:

- 7.3 An Equalities Impact Assessment (EQIA) of the Conservation service in Planning was undertaken in 2010.

Sustainability Implications:

- 7.4 The proposals in this report have no substantial impact upon the four priorities of the UK's Sustainable Development Strategy.

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

1. Listed Building Heritage Partnership Agreement relating to land at the University of Sussex

Background Documents

Representations received from English Heritage and the 20th Century Society.

