

Subject:	Report on Hove Library Listed Building Application in response to the Notice of Motion agreed at Council on 19 April 2018		
Date of Meeting:	21 June 2018		
Report of:	Executive Director of Environment, Economy and Culture		
Contact Officer:	Name:	Liz Hobden	Tel: 01273 29504
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Ward(s) affected:	Hove Central		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report has been prepared in response to the Notice of Motion agreed at full Council on 19 April. It sets out how the listed building application at Hove Library (BH2017/03940) was advertised and determined under delegated authority. In addition a petition with 222 signatories was presented to the same meeting and referred to TDC Committee.
- 1.2 The report goes on to consider how best to respond to the concerns of councillors and recommend all future applications for Hove Library be determined by Planning Committee.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the background information on how the listed building application BH2017/03940 was consulted on and determined and that all future applications relating to Hove Library will be referred to Planning Committee for determination.
- 2.2 That the committee requests that the cross-party Planning Committee Members' Working Group considers the scheme of delegation and whether all planning and listed building applications made in respect of all or certain Council owned buildings should be determined by the Planning Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The notice of motion requests:

'The Chair of the Tourism, Development & Culture Committee to call for an officer report on the way in which application BH2017/03940 for works to the Library was advertised during the Christmas period and granted planning permission without either resident, councillor or CAG scrutiny, that includes

specific proposals on both consultation period and councillor intervention to ensure that such an event does not happen again.'

- 3.2 The 222 signatory petition relating to Hove Library also went before April Council and was referred to this committee and the report addresses the petition which states:
"We the undersigned, deplore the fact that the Council made a Planning application to truncate the ground-floor book shelves at Hove's Carnegie Library without informing the Cross-Party working panel (set up after the untrustworthy 2015 plan collapsed) that this Application would be a part of current proposals. This behaviour goes against the democratic process by which Councillors are elected to act in the public interest. As such, we insist that the current proposal be halted - and an explanation be given why Councillors were treated in a high-handed way, for, of course, the ramifications of such an attitude are considerable."
- 3.3 The listed building application for Hove Library (reference BH2017/03940) was received on 29 November 2017. The application was submitted by the city council's Architecture & Design Team and was for – *Installation of a ventilation grille to the rear elevation. Internal alterations to layout to facilitate the creation of new staff workrooms at ground floor and first floor levels, new toilet facilities to lower ground floor and associated alterations including new surface mounted waste pipe to basement.*
- 3.4 Consultation was carried out in accordance with the established practice for listed building applications which is to display a site notice and place an advert in the Brighton & Hove Independent newspaper. Consultations are not carried out with neighbours as many LBC applications relate to internal works only. In this case it included a 44cm by 44cm terracotta grill which was considered de minimis and not requiring planning permission. If a LB application is accompanied by a planning application, where external works are involved and represent 'development', then neighbour consultation is carried out. This approach exceeds the statutory requirements.
- 3.5 In addition, councillors receive a weekly list of all planning and listed building applications. This application was on the list dated 11 December (weekly lists are published on Mondays).
- 3.6 The consultation period for this application started on 8 December with the site notice and the expiry date for this was 29 December. The subsequent advert in the weekly Brighton & Hove Independent on 15 December (first date possible) expired on 5 January. As a result an additional week was given for comments, amounting to 28 days rather than the standard 21 days. It is acknowledged, however, that this was not ideal as it was carried out over the Christmas and New Year period. This was a consequence of the date the application was submitted (29 November).
- 3.7 Under the scheme of delegation (see appendix 2) the trigger for a listed building application going to Planning Committee for determination is that one of the following requirements needs to be met:
- There are 5 or more objections received by nearby residents within the 21 day consultation period ; or

- A ward councillor has requested for it go to committee for determination within the 21 day consultation period: or
 - Conservation Advisory Group (CAG) has requested that it be determined by Planning Committee.
- 3.8 This has been reviewed and none of these were triggered and as a consequence the application was determined under officer powers. In summary – only four of the 13 objection were received on or before 5 January. The representation from Cllr Wealls seeking the application to be determined by committee was received on 17 January outside the consultation period. In addition, CAG objected to the proposal but did not request determination by Planning Committee. All objections though were outlined in the officer report (see appendix 1).
- 3.9 Based on the information set out above it can be concluded that officers correctly followed the scheme of delegation and the decision cannot be revisited. .
- 3.10 Officer delegations can, of course, be reviewed and so far as matters relating to the Planning Committee are concerned any review would initially be considered by the cross- party Planning Committee Members’ Working Group (“PCMWG”). It is therefore recommended that the committee request the PCMWG to consider whether planning and listed building applications in respect of all or certain Council owned buildings should be determined by Planning Committee.
- 3.11 In terms of the timing of the publicity on this application over the Christmas and New Year period, it is acknowledged that this was not ideal. There is a concern, however, if longer periods of publicity were allowed over recognised holiday periods (such as Christmas, summer and Easter) that this would have a negative impact on the ability of the local planning authority to deliver an efficient and timely planning service. In practice because of the sequence of publicity given to applications (site notice followed by an advert) often more than 21 days of consultation is given for applications. For the reasons set out above it is proposed that this part of the Scheme of Delegation should remain unchanged.
- 3.12 The application was determined under officer authority and the report is attached in appendix 1. The proposal was carefully considered following the submission of additional evidence and comments from Heritage officers.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option is not to ask the Planning Committee Members Working Group to consider the scheme of delegation and whether applications on Council owned buildings and sites be determined by Planning Committee. However in view on the public interest and concerns raised by residents and councillors in relation to the Hove Library LB application that option is not considered to be acceptable.
- 4.2 The option of extending the time for consultation during holiday periods such as Christmas has been discounted on the basis that this will lead to challenges in providing timely planning decisions.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The report sets out details of how the listed building application for Hove Library was publicised.

6. CONCLUSION

- 6.1 The report sets out how the listed building application for Hove Library (reference BH2017/03940) was determined under officer powers under the scheme of delegation. It is concluded that officers followed the scheme of delegation correctly, however, that the timing of consultation was not ideal and that given the significant public interest in the site that future applications in relation to Hove Library should be referred to Planning Committee for determination
- 6.2 The report goes on to recommend that the committee requests that the cross-party Planning Committee Members' Working Group considers the scheme of delegation and whether all planning and listed building application made in respect of all or certain Council owned buildings should be determined by the Planning Committee.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no significant financial implications from the report recommendations.

Finance Officer Consulted: Gemma Jackson

Date: 22/05/18

Legal Implications:

- 7.2 The decision on the Hove Library listed building application (reference BH2017/03940) was lawfully made both in terms of publicity and the period allowed for representations, and also as being within the officer delegations set out in the Council's Constitution.

Should the Planning Committee Members' Working Group agree that the current officer delegations be amended such that all planning and listed building applications relating to all, or certain, Council-owned buildings are determined by Planning Committee the proposals will then be considered by the Constitution Review Working Group and Leaders' Group. Any changes to officer delegations must be agreed by Policy, Resources and Growth Committee.

Lawyer Consulted: Hilary Woodward

Date: 11/5/18

Equalities Implications:

- 7.3 Equalities issues are relevant to how residents are consulted on planning and listed buildings applications and the scheme of delegation.

Sustainability Implications:

7.4 None

Any Other Significant Implications:

7.5 None

Corporate / Citywide Implications:

7.6 Broadening the scheme of delegation for planning applications to require planning decisions on council owned properties to go to Planning Committee will have implications for the timing of decisions.

SUPPORTING DOCUMENTATION

Appendices:

1. Officer Report for the Hove Library Listed Building Application reference BH2017/83940
2. Executive Director Economy, Environment and Culture Town and Country Planning delegations

Documents in Members' Rooms

None

Background Documents

None

