



Subject:	Scheme of Delegation: amendments of powers delegated to the Director of Planning & Place
Date:	17 th January 2017
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Ed Baker, Development Engagement Manager

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of report or summary of main issues
1.1	The purpose of this report is to outline the proposed changes to the powers delegated to the Director of Planning and Place in the Council's Scheme of Delegation.
2.0	Recommendations
2.1	Members are asked to support the recommended changes to the Scheme of Delegation as set out at Appendix 3 . The views of the Planning Committee will be passed onto the Strategic Policy & Resources Committee, which has responsibility for agreeing changes to the Scheme of Delegation.
3.0	Main report
3.1	<u>Background</u> This report follows a Planning Committee Workshop on the proposed changes to the Scheme of Delegation held on 15 th December 2016. Article 31 of the Planning Act (Northern Ireland) 2011 requires a Council to prepare a scheme of delegation which enables a person appointed by the Council to determine Local applications.

Members will be aware that the Council’s Scheme of Delegation was approved in March 2015 as part of the Local Government Reform process. This enables the Director of Planning & Place to carry out a range of planning functions. A copy of the existing Scheme of Delegation in relation to the Director of Planning & Place is provided at **Appendix 1**.

Development Management Practice Note 15: Schemes of Delegation, published by the Department of Environment in April 2015, provides guidance on schemes of delegation. The Note cites the main benefits of a scheme of delegation as being:

- To enable the Planning Committee to devote its finite time to determining applications that present issues that the Committee are best served to determine;
- Delegation of planning applications to officers is critical to affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, costs are minimised and members have more time to concentrate on the most complex cases.

3.2 Key Issues

Rationale for proposed changes

Members are advised that in a number of instances, the threshold for requiring that an application is referred to the Committee under the existing Scheme of Delegation is relatively low. This means that a large proportion of Local applications must be referred to the Committee. The practical effect is that the average number of applications referred to the Planning Committee per meeting since April 2015 is around 17.

It is suggested that the Scheme of Delegation is reviewed to enable the Committee to focus its time on the most appropriate applications; and to improve the efficiency and performance of the planning service.

3.3 At present the Committee considers on average 17 applications (12 local and 5 major) each month. The proposed changes would reduce the average number of Local applications considered at each meeting from 12 to four. This would mean the Committee would deal with an average of 9 applications (5 major and 4 local).

	Current	Proposed
Local	12	4
Major	5	5
Total	17	9

3.4

Initial feedback from Members

A Planning Committee Workshop was held on 15th December 2016 to discuss the proposed changes to the Scheme of Delegation. The proposed changes, as originally put forward, are set out at **Appendix 2** including notes of comments made by Members at the Workshop about the changes (the notes are highlighted in red).

Following the Workshop, further changes to the Scheme of Delegation have been recommended and these are summarised at **Appendix 2** and provided in full at **Appendix 3**. The further changes include a number of alternative options for Members to consider.

The notes of the Workshop are generally self-explanatory. In summary, the main points raised by Members were:

- Concerns that some of the thresholds for deciding which applications are referred to the Committee are too high, including those relating to housing; retail; general industry, light industry and storage and distribution proposals. Further options should be provided for the Committee to comment on;
- Further options should also be made available in relation to applications for HMOs and Hot Food Bars;
- Concerns that applications involving demolition of a building or structure in a Conservation Area, or relating to a Listed Building, either whole or in part, should be considered by the Planning Committee. Further options required;
- That the provision for a Member to request that any application is referred to the Planning Committee is revised. Comments included the following:
 - That such a request should be made within 21 days of an application being publicly advertised (rather than the current 14 days) to give Members more time to make a request following the end of the 14-day consultation period;
 - That consideration be given to the Chairman and Vice Chairman of the Planning Committee having a role in the referral request process;
 - That consideration be given to a restriction on which applications a Member of can request a referral in terms of relationship with their District Electoral Area (DEA) and the City Centre;
 - That this provision (whereby a Member may request that an application be referred to the Committee) should be placed at the beginning of the Scheme of Delegation so that all other sections contained within it can be read in the context of this provision; and

	<ul style="list-style-type: none"> All other recommended changes were generally agreed.
3.5	<p>Members are advised that a cautious approach should be taken to making any changes to the existing Scheme of Delegation. Any radical departures from the way in which the existing Scheme of Delegation currently operates could give rise to higher numbers of applications being referred to Committee; and lead to a significant adverse impact on the efficiency and effectiveness of the Planning Service.</p>
3.6	<p>Members comments at the Planning Committee Workshop have been considered and a number of further made to the changes to the Scheme of Delegation. The changes originally considered by Members at the Workshop are provided at Appendix 2. The further changes are also shown at Appendix 2 and in full at Appendix 3. The further changes are summarised below:</p> <ol style="list-style-type: none"> 1) New paragraph 3.9.1 – the provision whereby a Member can request that an application is referred to the Planning Committee is moved to the front of the Scheme. Such a request may now be limited to an application within the Member’s District Electoral Area; within an adjoining District Electoral Area; or within the City Centre. The decision on whether the application is referred to the Committee now rests with the Director of Planning, Chairman and Vice Chairman of the Planning Committee. The majority view prevails; 2) New paragraph 3.9.2 (a) (i) Housing – alternative option for Members to consider whereby 12 units is an alternative to 15 units; 3) New paragraph 3.9.2 (a) (ii) Retail – alternative options for Members to consider whereby 500 sq. m. is an alternative to 1,000 sq. m. (outside town centres) and 2,500 sq. m. is an alternative to 5,000 sq. m. (within town centres); 4) New paragraph 3.9.2 (a) (iii) Offices – now a standalone sub-category 5) New paragraph 3.9.2 (a) (iv) Business, light industry, general industry and storage and distribution – alternative options for Members to consider whereby 2, 500 sq. m. is an alternative to 5,000 sq. m.; 6) Paragraph 3.9.2 (a) – use of the word “below” rather than “up to” so that thresholds do not conflict with the definition of Major development 7) New paragraph 3.9.2 (g) Changes of use – applications for HMOs now excluded unless they fall within an HMO node in the Belfast Metropolitan Plan 2015;

	<p>8) Paragraph 3.9.2 (g) – six weeks changed to 28 days;</p> <p>9) Paragraph 3.9.2 (k) – alternative option for Members to consider: “determining applications for Listed Building Consent, excluding demolition”</p> <p>The further changes are incorporated into a recommended revised version of the Scheme of Delegation which can be found at Appendix 3.</p> <p>Members are asked to endorse the recommended changes set out at Appendix 3.</p>
3.7	<p><u>Financial & Resource Implications</u></p> <p>None</p>
3.8	<p><u>Equality or Good Relations Implications</u></p> <p>None</p>
4.0	Appendices – Documents Attached
4.1	<p>Appendix 1 – Existing Scheme of Delegation for Planning & Place</p> <p>Appendix 2 – Summary of key changes to the Scheme of Delegation including notes from the Planning Committee Workshop held on 15 December 2016 (highlighted in red)</p> <p>Appendix 3 – Proposed revised changes to the Scheme of Delegation for planning (in full)</p>