

**APPENDIX 2 – SUMMARY OF CHANGES TO THE SCHEME OF DELEGATION FOR PLANNING
CONSIDERED BY THE PLANNING COMMITTEE WORKSHOP ON 15TH DECEMBER 2016**

3.9 DIRECTOR OF PLANNING AND PLACE (V0.8)

Existing Scheme of Delegation (March 2015)	Proposed changes presented to workshop	Proposed changed following feedback from workshop
The exercise of the following functions, in line with relevant Council policies , is delegated to the Director of Planning and Place:	The exercise of the following functions, in line with relevant Council policies , is delegated to the Director of Planning and Place and the relevant reporter:	No change
		3.9.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre ¹ is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 14 days of the application being publicly advertised. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee,

¹ City Centre as defined by the Belfast Metropolitan Area Plan 2015

Existing Scheme of Delegation (March 2015)	Proposed changes presented to workshop	Proposed changed following feedback from workshop
		<p>which must be material planning considerations. The Director of Planning and Place, Chairman and Vice-Chairman of the Planning Committee shall determine whether the reason/s are of significant weight to allow the application to be referred to Committee. The majority view of the Director of Planning and Place, Chairman and Vice-Chairman shall prevail in the decision whether or not to refer the application to the Planning Committee. The Director of Planning and Place will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee then the decision shall be delegated to the Director of Planning and Place.</p>
<p>3.9.1 The functions listed below in relation to the legislation set out in Appendix B and legislation made thereunder for which the Planning Committee has responsibility:</p>	<p>No change</p>	<p>No change. Re-number as 3.9.2</p>

Existing Scheme of Delegation (March 2015)	Proposed changes presented to workshop	Proposed changed following feedback from workshop
<p>(a) determining applications for small scale office development (up to 200sq metres);</p>	<p><u>Planning</u></p> <p>(a) determining applications for the following categories of local developments² , including building, engineering and other operations and material changes of use:</p> <p>i. housing schemes up to and including 15 units other than proposals for change of house type on an approved scheme below 50 units</p> <ul style="list-style-type: none"> • 15 is a lot for City Centre • 15 too high • What about 12 or multiples of 3 options • Inner city versus urban – variations of categories • Refusal should go/no objections shouldn't • Define what's important • Objection limit – can they be 	<p>(a) determining applications for the following categories of local developments³ , including building, engineering and other operations and material changes of use:</p> <p>i. housing schemes up to and including 15 units other than proposals for change of house type on an approved scheme below 50 units (Alternative option: 12 instead of 15 units;)</p> <p>ii. retailing below 1,000 square metres gross floor space outside town centres or below 5,000 square metres</p>

² The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

³ The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

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	<p style="text-align: center; color: red;">flagged up to Committee?</p> <p>ii. retailing up to 1,000 square metres gross floor space outside town centres or up to 5,000 square metres gross floor space within town centres</p> <ul style="list-style-type: none"> • Need more options <p>iii. office, business, light industry, general industry and storage and distribution up to 5,000 square metres gross floor space</p> <ul style="list-style-type: none"> • Generally happy re office space • Need more options for others - separate Industrial Use/ business use classes <p>iv. community-related scheme up to 500 square metres gross floor space</p> <ul style="list-style-type: none"> • Generally happy <p>v. recreation and culture up to 1,000 square metres gross floor space</p>	<p>gross floor space within town centres (Alternative option: 500 square metres instead of 1,000 square metres outside town centres; and 2,500 square metres instead of 5,000 square metres within town centres)</p> <p>iii. office space below 5,000 square metres gross floor space</p> <p>iv. business, light industry, general industry and storage and distribution below 5,000 square metres gross floor space (Alternative option: 2,500 square metres instead of 5,000 square metres)</p> <p>v. community-related scheme up to 500 square metres gross floor space</p> <p>vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space</p>

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	<p>outside town centres or up to 5,000 square metres gross floor space within town centres</p> <ul style="list-style-type: none"> • Caution re monuments and sculptures <p>vi. hotels and hostels fewer than 50 beds</p> <ul style="list-style-type: none"> • Generally happy <p>vii. purpose-built student accommodation fewer than 50 beds</p> <ul style="list-style-type: none"> • Generally agree 	<p>within town centres</p> <p>vii. hotels and hostels below 50 beds</p> <p>viii. purpose-built student accommodation below 50 beds</p>
(b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;	Remove as incorporated into (a) above	
(c) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc;	No change Re-order as (b)	
(d) determining applications for the alteration and extension for residential purposes to existing residential units to include residential garages or sheds within the curtilage of an existing	(b) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;	

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dwelling;	Re-order as (c)	
(e) determining applications for developments of up to four dwellings;	Remove as incorporated in (a) above	
(f) determining applications for the display of advertisements;	No change Re-order as (m)	
(g) determining applications for change of use excluding those relating to purpose built student accommodation, houses of multiple occupation, amusement arcades and hot food bars;	(e) determining applications for change of use excluding those relating to purpose-built student accommodation of 50 beds or more and amusement arcades; Re-order as (e) <ul style="list-style-type: none"> • Options for including or excluding HMO's and Hot Food Bars 	(e) determining applications for change of use but excluding those relating to purpose-built student accommodation of 50 beds or more; houses in multiple occupation unless the site is located within an HMO node in BMAP; and amusement arcades.
	(h) NEW: determining applications for discharge of conditions <ul style="list-style-type: none"> • Generally agree 	
	(i) NEW: determining applications for a non-material change <ul style="list-style-type: none"> • Generally agree 	

Existing Scheme of Delegation (March 2015)	Proposed changes presented to workshop	Proposed changed following feedback from workshop
(i) determining applications for works to buildings or structures in conservation areas and areas of townscape character;	(j) determining applications for works to, or demolition of , buildings or structures in conservation areas and areas of townscape character; Re-order as (j) <ul style="list-style-type: none">• These need to go to Committee – options needed	
(j) determining applications for listed building consent, excluding demolition;	(k) determining applications for listed building consent, including partial demolition but excluding full demolition ; Re-order as (k) <ul style="list-style-type: none">• Options and definitions needed – threshold options	(k) determining applications for listed building consent, including partial demolition but excluding full demolition (Alternative option: determining applications for listed building consent, excluding demolition)
(l) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;	No change Re-order as (d)	
(m) enforcing all regulations, orders and bye-laws made under the said legislation;	(r) enforcing all regulations and orders made under the said legislation and issuing and serving of notices; Re-order as (r)	
(n) instituting legal proceedings, in consultation	No change	

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with the Town Solicitor, on behalf of the Council;	Re-order as (t)	
(o) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;	No change Re-order as (u)	
(p) issuing and serving certificates of lawful development;	(n) determining applications for certificates of lawful development (existing and proposed); Re-order as (n) • Generally agree	
(q) varying and removing conditions except when the variation and removal relates to, or constitutes, a major development;	(f) varying or removing conditions except when the variation or removal relates to, or constitutes, a major development; Re-order as (f)	
(p) exercising all powers in relation to the issue and renewal (but not refusal) of permits and licences except those permits or licences that relate to, or constitute, a major development	Remove as is not required	
(q) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory	(w) administering statutory registers;	

Existing Scheme of Delegation (March 2015)	Proposed changes presented to workshop	Proposed changed following feedback from workshop
registers;	Re-order as (w)	
(r) registering notices and charges in the Statutory Charges Register;	(x) registering and removing notices and charges in the Statutory Charges Register, in consultation with the Town Solicitor; Re-order as (x)	
(s) exercising the Council's powers in relation to the preservation of trees;	No change Re-order as (o)	
	(p) NEW: determine Pre-Application Notifications Re-order as (p) <ul style="list-style-type: none">• Generally agree	
	(q) NEW: the making of a screening opinion or scoping opinion under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 (or any order legislation re-enacting that legislation with or without modification) Re-order as (q) <ul style="list-style-type: none">• Generally agree	
(t) executing works in default of compliance with any notice or order and in an emergency	No change Re-order as (s)	

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where empowered by statute and recovering the costs of so doing;		
(u) temporary listing of buildings in urgent cases;	No change Re-order as (l)	
(v) lodging objections, in consultation with the Town Solicitor, in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme;	(v) lodging representations including objections, in consultation with the Town Solicitor, in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme or where the Council's interests are likely to be affected by the application; Re-order as (v) • Generally agree	
(w)deeming as refused, any application where all of the necessary supporting documentation has been reasonably requested but not provided, without reasonable excuse, to the Council within six weeks from the date of receipt of that application;	(g) refusing, any application, other than an application for major development, where all of the necessary supporting documentation has been reasonably requested but not provided, without reasonable excuse, to the Council within six weeks from the date of the request; Re-order as (g)	(g) refusing, any application, other than an application for major development, where all of the necessary supporting documentation has been reasonably requested but not provided, without reasonable excuse, to the Council within 28 days from the date of the request;

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(x) generally enforcing all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council.	Remove as not used	
	(y) NEW: Conducting of appeals to the Planning Appeals Commission and planning-related public inquiries • Generally agree	(z)
3.9.2 Negotiating contributions from developers subject to obtaining Committee consent in respect of those agreements in which the contribution exceeds £30k.	No change	
3.9.3 The delegated functions set out above do not apply to the following planning applications: (a) Those made by elected members; (b) Those made by Council staff; (c) Those made by the Council; (d) Those in which the Council has an interest or estate.	3.9.3 The delegated functions set out above do not apply to the following planning applications: (a) Those made by elected members of the Council; (b) Those made by Council staff at senior management grade (PO12) or above and all staff in Planning and Place Department and Legal Services; (c) Those made by the Council;	3.9.4

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	(d) Those in which the Council has an estate; (e) Proposals for major development. <ul style="list-style-type: none"> • Generally agree 	
3.9.5 All other applications or permissions which are not specifically listed in paragraph 3.9.1 shall be deemed to be delegated unless otherwise provided for within this Scheme.	3.9.4 All other applications or permissions which are not specifically listed in paragraph 3.9.1, and which are not applications for major development shall be deemed to be delegated unless otherwise provided for within this Scheme.	3.9.5
3.9.5 Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee, that application will be referred to the Committee.	No change	
3.9.6 The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.	No change	
	3.9.7 NEW: An elected Member of the Council may request that an application is referred to the	3.9.8

Existing Scheme of Delegation (March 2015)	Proposed changes presented to workshop	Proposed changed following feedback from workshop
	<p>Committee provided that a request is made in writing or by email to Democratic Services within 14 days of the application being publicly advertised. Members shall clearly state their reasons, which must be material planning considerations. Democratic Services will then liaise with the Town Solicitor's office and the Director of Planning and Place to determine whether the reasons which have been set out are material considerations and are of significant weight to allow the application to be referred to Committee. The Town Solicitor or Director of Planning and Place will advise the relevant member of their decision.</p> <ul style="list-style-type: none"> • Option for 21 days to respond • Chairperson screening • DEA restriction – what about City Centre? • Options surrounding DEA – such as adjoining DEA's • Notifications for those Members in the DEA • Criteria and flexibility would 	

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	<p>be useful</p> <ul style="list-style-type: none">• Objection limit referral cap• Issue with finding out what recommendation is? When can we see this?• Move this point to the start of the protocol	