

3.9 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, unless otherwise stated:

Planning

- 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 Centre¹ 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, 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.
- 3.9.2 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:
- (a) determining applications for the following categories of local developments², including building, engineering and other operations and material changes of use:
- 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;**)
 - ii. retailing below 1,000 square metres gross floor space outside town centres or below 5,000 square metres 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**)
 - iii. office space below 5,000 square metres gross floor space
 - 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**)

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

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

- v. community-related scheme up to 500 square metres gross floor space
 - vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space within town centres
 - vii. hotels and hostels below 50 beds
 - viii. purpose-built student accommodation below 50 beds
- (b) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc.;
 - (c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;
 - (d) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;
 - (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.
 - (f) varying **or** removing conditions except when the variation **or** removal relates to, or constitutes, a major development;
 - (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;
 - (h) determining applications for discharge of conditions
 - (i) determining applications for a non-material change
 - (j) determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character;
 - (k) determining applications for listed building consent, excluding full demolition (**Alternative option: determining applications for listed building consent, excluding demolition**)
 - (l) temporary listing of buildings in urgent cases;
 - (m) determining applications for the display of advertisements;
 - (n) determining applications for certificates of lawful development (existing and proposed);
 - (o) exercising the Council's powers in relation to the preservation of trees;
 - (p) determining Pre-Application Notifications
 - (q) 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)
 - (r) enforcing all regulations and orders made under the said legislation and issuing and serving of notices;
 - (s) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;

- (t) instituting legal proceedings, in consultation with the Town Solicitor, on behalf of the Council;
- (u) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (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;
- (w) administering statutory registers;
- (x) registering and removing notices and charges in the Statutory Charges Register, in consultation with the Town Solicitor;
- (y) conducting of appeals to the Planning Appeals Commission and planning-related public inquiries

3.9.3 Negotiating contributions from developers subject to obtaining Committee consent in respect of those agreements in which the contribution exceeds £30k.

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;
- (d) Those in which the Council has an estate;
- (e) Proposals for major development.

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 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.

3.9.6 The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.