

Planning Committee

Tuesday, 14th March, 2017

SPECIAL MEETING OF PLANNING COMMITTEE

Members present: Councillors Johnston (Chairperson);
Councillors Armitage, Dorrian, Garrett, Hutchinson,
Jones, Magee, McAteer and Mullan.

In attendance: Mr. P. Williams, Director of Planning and Place;
Mr. E. Baker, Development Engagement Manager; and
Ms. N. Largey, Divisional Solicitor;
Miss. E. McGoldrick, Democratic Services Officer.

Apologies

No apologies were reported.

Declarations of Interest

No declarations of interest were recorded.

Restricted Item

The information contained in the following report is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Scheme of Delegation - Draft Amendments

The Committee was reminded that, at its meeting on 17th January, it had agreed to defer consideration of the report so that the Committee could provide further feedback on the proposed changes to the Development Engagement Manager and that the following points could also be considered:

- 3.9.1 – Advising all Members within the DEA of any planning application request for referral to the Committee and the outcome of the request;
- 3.9.1 – The ability to trigger planning application referrals to Committee at any stage of the process;
- 3.9.2(a) i – Current housing scheme limits to remain (any developments over 4 dwellings to be referred to Committee); and
- Possibilities of how to deal with, or remove from the Committee agenda, those applications that fall outside of the Scheme of Delegation (such as employee applications, Council interests, etc.) but are not deemed to be controversial.

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The Committee considered the report which outlined the rationale for the proposed changes to the powers delegated to the Director of Planning and Place in the Council's Scheme of Delegation. This took account of feedback which had been provided by Members at the Planning Committee Workshop on 15th December, 2016, and individual feedback which had been received following the Committee meeting on 17th January 2017, together with the associated appendices.

The Development Engagement Manager informed the Committee of the proposed revised changes, as follows:

“APPENDIX 3 – PROPOSED REVISED CHANGES”

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 21 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 Town Solicitor shall determine whether the reason/s are material planning consideration/s and of significant weight to allow the application to be referred to 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. Democratic Services will notify all Members within the DEA to which the application relates as to the outcome of the request to refer the application to the Planning Committee. Where an application is referred to the Planning Committee under this provision the Planning Service shall notify the applicant and any objector at least five calendar days before the application is discussed by the Planning Committee.**

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

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. The thresholds set out at paragraph 3.9.2 (a) only apply where a representation² has been received which conflicts with the Planning Officer's recommendation. Where no representations have been received that conflict with the Planning Officer's recommendation, the thresholds do not apply and the decision is delegated to the Director of Planning & Place.

- (a) determining applications for the following categories of local developments³, including building, engineering and other operations and material changes of use:**
 - i. housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units**
 - ii. retailing below 500 square metres gross floor space outside town centres or below 2,500 square metres gross floor space 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 2,500 square metres gross floor space**
 - 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**

² Representation means a consultation response received during the consultation period including, but not limited to, responses from technical consultees, neighbours and the public. Conflict must be related to material planning considerations. Correspondence from an applicant is not deemed to be a Representation.

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

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- 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 partial or full 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;

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- (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;**
- (f) There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve**

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."

After discussion the Committee agreed to support the recommended changes to the Scheme of Delegation as set out, subject to approval by the Strategic Policy and Resources Committee and the following amendments:

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- 3.9.2. (a) ii. to substitute the term '*town centre*' for the term '*city centre*' or '*district centres*' as defined by BMAP;
- 3.9.2. (a) vii. to read '*hotels and hostels below 30 beds*';
- 3.9.2. (a) viii. removal of this provision with the effect that no applications for purpose built student accommodation shall be delegated;
- 3.9.2 (e) removal of the wording '*of 50 beds or more*' (as conflicts with 3.9.2. (a) viii) with the effect that no applications for change of use to student accommodation shall be delegated;
- 3.9.2 (g) possible removal of the wording '*without reasonable excuse*' in consultation with the City Solicitor;
- 3.9.2 (j) adding the wording at the end '*except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental).*'; and
- 3.9.2 (k) amending the wording to: '*determining applications for listed building consent, excluding partial or full demolition*'.

The Committee noted that Planning Applications deemed to be of a contentious nature by the Director of Planning and Place would be referred to the Committee for consideration and that the Scheme of Delegation would be reviewed periodically.

Chairperson