

3.93.8 DIRECTOR OF PLANNING AND PLACE

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14th March 2017
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 unless otherwise stated:
	<u>3.9.53.8.1</u> NEW: 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 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

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

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
	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.
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:	3.9.6 <u>3.8.2</u> 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 representation ² 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 small scale office development (up to 200sq metres);	<p><u>Planning</u></p> <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 12 units other than</p>

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

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
	<p>proposals for change of house type on an approved scheme below 50 units</p> <ul style="list-style-type: none"> ii. retailing below 500 square metres gross floor space outside town-centre<u>the City Centre or District Centres</u>; or below 2,500 square metres gross floor space within town-centre<u>the City Centre or District Centres</u> 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 50-30 beds viii. purpose-built student accommodation below 50 beds
(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)

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
(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 dwelling;	(c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;
(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 build student accommodation, houses of multiple occupation, amusement arcades 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; Re-order as (e)
	(h) NEW: determining applications for discharge of conditions
	(i) NEW: determining applications for a non-material change
(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, <u>except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental)</u> Re-order as (j)

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
(j) determining applications for listed building consent, excluding demolition;	(k) determining applications for listed building consent, excluding partial or full demolition; Re-order as (k)
(k) 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)
(l) 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)
(m) instituting legal proceedings, in consultation with the Town Solicitor, on behalf of the Council;	(t) instituting legal proceedings, in consultation with the Town-City Solicitor, on behalf of the Council; Re-order as (t)
(u) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;	No change Re-order as (u)
(v) issuing and serving certificates of lawful development;	(n) determining applications for certificates of lawful development (existing and proposed); Re-order as (n)
(w) 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	Remove as is not required

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
refusal) of permits and licences except those permits or licences that relate to, or constitute, a major development	
(q) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;	(w) administering statutory 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 <u>Town-City</u> 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)
	(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)
(t) 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;	No change Re-order as (s)

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
(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-City 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)
(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 28 days from the date of the request; Re-order as (g)
(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

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
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
<p>3.9.3 The delegated functions set out above do not apply to the following planning applications:</p> <ul style="list-style-type: none"> 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. 	<p>3.8.3 The delegated functions set out above do not apply to the following planning applications:</p> <ul style="list-style-type: none"> (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; <u>(f)</u> There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve; (g) <u>Purpose built student accommodation</u>
<p>3.8.4 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.</p>	<p>3.8.4 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.</p>
<p><u>3.9.5</u> Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee,</p>	No change

Scheme of Delegation 2015	Proposed changes recommended by the Planning Committee on 14 th March 2017
that application will be referred to the Committee.	
<u>3.9.6</u> The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.	3.8.6 The Town-City Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.