



Subject:	LA04/2023/4194/F - 2 Storey side and rear extension with single storey flat floor flat roof extension to rear and additional site works. - 2 Lead Hill Park, Belfast, BT6 9RW
Date:	17 June 2025
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number <input type="text"/>	
<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. Information relating to the financial or business affairs of any particular person (including the council holding that information)4. Information in connection with any labour relations matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To update Members on Planning permission LA04/2023/4194/F which was granted on 31 March 2025 under delegated authority.
2.0	Recommendation
2.1	<p>The Committee notes the contents of the report, the status of the permission and the requested call in and determine whether:</p> <ol style="list-style-type: none"> 1. The Committee is satisfied with the assessment of the application and the issuing of the permission and therefore no further action is required. 2. The Committee is not satisfied with the assessment of the application and the issuing of the permission and therefore wishes to revoke the permission under s.68 of the Planning Act (NI) 2011 or 3. The Committee is not satisfied that proper procedure have been followed or with the assessment of the application and issuing of the permission and therefore wishes to apply to the High Court for Judicial Review seeking an order to quash the permission and return the application to the Council for fresh consideration. <p>Members are also asked to note the revised call-in procedures set out in the report.</p>
3.0	Main Report
3.1	<p><u>Planning application LA04/2023/4194/F</u></p> <p>Planning application LA04/2023/4194/F was initially received in October 2023, with revised plans submitted in January 2024. Neighbour Notifications were issued on the 22 January 2024 and the press advert published on the 19 January 2024.</p>
3.2	The application took some time to progress with further minor alterations made to the proposals to address concerns from objectors and officers throughout 2024. Whilst a total number of 13 objections were received to the application, these were all from 3 individuals (or their representatives).
3.3	Under the Council's scheme of delegation, the application could be determined under delegated authority. The Development Management Officer Report is included in Appendix 1. The application was determined, and the permission issued on the 31 March 2025. The Decision Notice is included in Appendix 2 and includes a number of conditions to minimise and mitigate the impact on the residential amenity of nearby properties.
3.4	<p><u>Request for call-in</u></p> <p>The Council's Scheme of Delegation sets out:</p> <p><i>"3.8.1 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 [Footnote 1] is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 28 days of either: the date that the application is publicly advertised in the newspaper; or the date of Neighbour Notification, whichever is the later. 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 Strategic Director of Place and Economy shall determine whether the reason/s are material planning consideration/s and of sufficient importance for consideration by the Planning Committee. Democratic Services will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision</i></p>

	<p><i>shall be delegated to the Strategic Director of Place and Economy. Democratic Services will notify the Member that made the request of the outcome of their request to refer the application to the Planning Committee. Where the application is to be referred to the Planning Committee, Democratic Services will notify all Members. Where an application is referred to the Planning Committee under this provision the planning service shall notify the applicant at least five calendar days before the application is discussed by the Planning Committee."</i></p>
3.5	<p>On the 26 September 2024, an elected member emailed the Director of Planning and Building Control and requested that the application come before Committee <i>"as I believe that the planning would have an negative impact on street scene or on the amenity and privacy of neighbouring properties."</i></p>
3.6	<p>Whilst the request had been made significantly beyond the 28 of the newspaper advert and neighbour notification, the request was acknowledged, and the Director of Planning and Building Control responded that they would get an update on the application from the planning team. A number of emails were then exchanged between officers outlining the request for a call in and giving updates on the processing of the application.</p>
3.7	<p>The call-in request however was not confirmed with the elected member and was not recorded on the back-office system. The application therefore moved to be determined under delegated authority on the 31 March 2025.</p>
3.8	<p>Just before the application was determined and the Decision Notice was issued the same elected member emailed to enquire on a matter of processing detail for the application and neighbour notification. The call-in request was not reiterated at that time or followed up.</p>
3.9	<p>Whilst it is unfortunate that the call-in request was neither formally confirmed or refused, it should be noted that the request was made out of time and that the matters raised by the elected members are considered to be addressed in the delegated report and through the conditions attached to the permission. Any call-in request is also subject to consideration by the Strategic Director who shall determine whether the reason/s given by the elected member for call-in are material planning consideration/s <u>and</u> of sufficient importance for consideration by the Planning Committee. A request for a call-in does not therefore automatically mean that an application will be considered by Committee.</p>
3.10	<p>For application LA04/2023/4194/F the issues raised by the elected member in the call-in request would have been material, but the importance of the issues raised may not have warranted consideration by the Planning Committee.</p>
3.12	<p><u>Possible courses of action</u></p> <p>Given that the requested call-in was neither confirmed or refused, the Committee should consider three possible courses of action:</p> <ol style="list-style-type: none"> 1. Members may consider that the decision taken under delegated authority is appropriate as all material considerations and representations to the application were considered before the decision was made. This decision would require no further action from the Council and the planning permission would remain. 2. Members may consider that they may have determined the application differently if it had come before Committee. A decision could therefore be made to revoke the permission under S.68 of the Planning Act (NI) 2011. The Council would have to serve Notice on the land owner affected and they would have the opportunity to oppose the revocation. If they choose to oppose the revocation, then a hearing will be scheduled before the Planning Appeals Commission and there are costs implications for the Council and no guarantee that the Order will be granted.

	<p>3. Members may consider that the Council has not followed its own procedures and that they may have determined the application differently if it had come before Committee. A decision could therefore be made to apply to the High Court for Judicial Review seeking an order to quash the permission and return the application to the Council for fresh consideration. The Council would have to serve Notice on the applicant affected of the Council's intention to seek to quash the permission and they may seek to challenge the Council's application which would result in a hearing before the Judicial Review Court. There are costs implications and no guarantee that an Order quashing the permission would be granted.</p> <p><u>Revised call-in procedures</u></p> <p>3.13 The ability for elected members to call-in applications to Committee that would normally be determined under delegated authority is an important part of how the Planning Service operates. Following the missed call-in officers have been considering how to ensure the call-in process is as robust as it can be and that call-in requests are considered and confirmed or refused in a timely manner.</p> <p>3.14 There are currently a number of ways that elected members request a call-in; whether that is by emailing the case officer, the Director of Planning and Building Control or Committee Services. It is considered that this is a potential weakness of the system and that requests must be sent to one place which would have contingency cover and follow up processes in place.</p> <p>3.15 Officers are currently revising the internal call-in procedures and revised instructions including a pro-forma for members to use will be circulated in the coming weeks.</p> <p><u>Financial and Resource Implications</u></p> <p>3.16 The report sets out that any action to revoke the permission or apply to the High Court for Judicial Review could have cost implications for the Council.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.17 There are no equality or good relations implications associated with this report.</p>
4.0	Appendices - Documents Attached
	<p>Appendix 1 – Case Officer Report</p> <p>Appendix 2 – Decision Notice LA04/2023/4194/F</p>