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**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

12th May, 2017

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

Please find attached Items 2(a) and 10(b) which were to follow and note the addition of Item 10(d) which will be considered at the meeting to be held at 5.00 pm on Tuesday, 16th May, 2017.

Please also note that Item 9(i) *LA04/2015/0598/O Residential development comprising 60 apartments at former Monarch Laundry Site, 451-455 Donegall Road* has been withdrawn from the planning process and, as a result, has been withdrawn from the agenda.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

- 2** (a) Notice of Motion - Housing Provision in Belfast (Pages 1 - 2)
- 10** (b) Protocol for Planning Appeals Commission Hearings (Pages 3 - 6)
- 10** (d) Development Management Operating Principles (Pages 7 - 14)

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Subject:	Notice of Motion - Housing Provision in Belfast
Date:	16th May, 2017
Reporting Officer:	Keith Sutherland, Development Plan and Policy Manager
Contact Officer:	Martyn Smithson, Senior Planning Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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 or Summary of main Issues
1.1	To bring to the Committee's attention the Notice of Motion re: Housing Provision in Belfast, referred to the Committee from the Council on 2 nd May, and the request from Participation and the Practice of Rights (PPR) to address the Planning Committee.
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> - note that officers will be submitting a report the Local development plan (LDP) Preferred Options Paper consultation to the June Committee following a workshop in May; and - consider the Participation and the Practice of Rights (PPR) request to address this Committee meeting in respect of the "Housing Provision in Belfast" Notice of Motion.

3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>The Council, at its meeting on 2nd May, considered the following Notice of Motion which had been moved by Councillor Collins and seconded by Councillor McCabe:</p> <p>“This Council recognises the severe shortage in social housing across the City, and the detrimental effect which this is having on many citizens in Belfast. It also notes the important work that Belfast housing rights organisations and campaigners have done to highlight this problem in some of the most socially deprived areas of Belfast, by working with the homeless and people in poor housing to identify solutions to the housing crisis. One such solution is to maximise the use of available land right across the City for new build social housing.</p> <p>In particular, the Council notes the concentration of housing stress in North Belfast and the ongoing campaign by residents and housing rights activists to ensure that a number of sites in North Belfast reach their full social housing potential. The Council calls for a reconsideration of the zoning of redevelopment sites to reflect the necessity to build social housing in North Belfast, in order to deliver a real reprieve to the acute housing crisis in this part of the City.”</p> <p>3.2 In accordance with Standing Order 13(f), the Motion was referred without discussion to the Planning Committee. Following the submission of the Notice of Motion, the Council received a request for the Participation and the Practice of Rights (PPR) to address the Council.</p> <p>3.3 As Members will be aware, the normal process for a group wishing to form a deputation to the Committee is for the request to be submitted to a meeting and, if agreed, they would be invited to a subsequent meeting. However, this request is linked to the Notice of Motion for Council and the Committee is asked to consider whether it wishes to accede to the request and that PPR be invited to address this Committee.</p> <p>3.4 The timing of the receipt of the request has not allowed adequate time for officers to compile a context and background report to address the issues that may be raised in relation to the Notice of Motion for this meeting. It should, however, be noted that the Local Development Plan (LDP) provides the normal planning process for the review of land use designations on a comprehensive basis for the city. The Committee may also wish to note that the result of the recent consultation for the LDP Preferred Options Paper will be outlined in a report that is scheduled to be presented to the June Committee following a workshop later this month,</p> <p>3.5 Though the LDP the objective will be to balance the potentially competing pressures for development and address the requirement to provide an adequate supply of land to meet the needs for all forms of development for the duration of projected 15 year life for the plan.</p> <p>3.6 <u>Financial & Resource Implications</u> There are no resource implications associated with this report</p> <p>3.7 <u>Equality or Good Relations Implications</u> There are no relevant equality or good relations implications attached to this report.</p>
4.0	Appendices – Documents Attached None.



Subject:	Protocol for Planning Appeals Commission hearings
Date:	16 May 2017
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Nora Largey, Divisional Solicitor

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time 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 or Summary of main Issues
	To present for consideration a protocol for appeals to the Planning Appeals Commission ('the PAC').
2.0	Recommendations
	It is recommended that the Committee notes the proposed protocol.

3.0	Main report
3.1	<p>The PAC has a wide range of appeal functions which include:</p> <ul style="list-style-type: none"> • appeals against the refusal or conditional grant of planning permission, consent, agreement or approval; • appeals in default of a planning decision; • listed building consent appeals; • conservation area consent appeals; • appeals concerning lawful development certificates; • appeals concerning consent to display an advertisement; • appeals concerning consent to cut down, uproot, top or lop a protected tree.
3.2	<p>An appeal to the PAC or the WAC may be made only by the person who submitted the application for permission or consent. Appeals must be lodged within four months from the date of receipt of the planning authority's decision; appeals in default of a planning decision must be lodged within four months from the date the authority should have given its decision. The PAC has no power to extend the period for appealing.</p>
3.3	<p>On receipt of a valid appeal, the PAC will write to the authority concerned and ask for a set of background documents relating to the application. These documents may include representations in favour of or against the proposal. The PAC will write to all third parties and invite them to participate in the appeal process.</p>
3.4	<p>The PAC is also required to publish notice of planning appeals in the local press. People who respond to the press notice within 14 days of publication will also be listed as third parties and their letters of objection or support will be copied for information to the appellant.</p> <p>Appeals can be considered in either of the following ways:-</p> <ul style="list-style-type: none"> • by a hearing, whether formal or informal; or • by exchange of written representations, with or without an accompanied site visit. <p>The PAC will ask the appellant and the authority which type of procedure they wish to use. If a hearing is requested, the PAC will decide whether it is to be formal or informal, taking into account the preferences of the appellant and the authority, the nature and scale of the subject matter of the appeal, the likely complexity of the legal and technical issues and the number of third parties. The PAC tend to favour informal hearings as they represent, in its view, an effective and efficient method of gathering information in a non-confrontational atmosphere.</p>
3.5	<p>An informal hearing is intended to be a round-table discussion led by the Commissioner, who will invite comments on what appear to be the main issues and matters requiring further clarification. Cross-examination and formal legal submissions are not supposed to take place at informal hearings but that has not always been the experience of officers who routinely face situations in which applicants are represented by senior counsel, solicitors and other experts.</p>
3.6	<p>The PAC has no procedure or process which requires the parties to give prior notification that they will be legally represented at an appeal hearing. The failure to put in place a process or procedure which requires parties to give prior notification that they will be legally represented at an appeal hearing creates situations where there is an inequality of arms at what are supposed to be informal hearings.</p>

3.7	<p>Legal Services has lodged an application for leave to judicially review the PAC in respect of a hearing where the Council officer was not aware that the appellant was represented by senior counsel, a solicitor and several other expert witnesses until he attended on the morning of the hearing. One of the grounds of relief sought in respect of that application is that the PAC put in place a procedure which requires the parties to indicate in advance whether they will be legally represented.</p>
3.8	<p>In the interim however, it is proposed that Legal Services continue to be advised of all appeals in relation to major applications, or other applications where officers believe the appeal relates to a site or type of application that is strategically important, as soon as they are received. It is envisaged that legal representation will be provided at most of these appeals whether that be a representative from Legal Services or counsel. In deciding whether to instruct counsel officers will have regard to the nature of the proposal and the issues relevant to the case. Consideration will also be given to the use of other experts, for example design consultants and commercial real estate agents, in the preparation of Statements of Case and if necessary to attend the hearing. Planning Service will also ensure that a senior or principal planning officer attends to represent the Council, unless the Director of Planning and Place is of the view that another appropriately experienced officer should attend.</p>

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Subject:	Development Management Operating Principles
Date:	16 th May 2017
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Ed Baker, Development Engagement Manager

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

1.0	Purpose of report or summary of main issues
1.1	The purpose of this report is to update the Planning Committee on on-going improvements to the Development Management (planning applications) part of the Planning Service. Appended to this report are a series of Operating Principles that have been informed by feedback from the development industry at stakeholder workshops in 2016, feedback from staff and best practice from around the UK. The Planning Service will be working to these Operating Principles to support an enhanced service to customers.
1.2	The Operating Principles will inform the development of Customer Guidance which will set out to customers how the Development Management service operates.
2.0	Recommendations
2.1	That the Committee notes the 10 Operating Principles and “Purpose” of the Development Management (planning applications) service at Appendix 2 . These will underpin Customer Guidance on how the Planning Service operates.
3.0	Main report
3.1	<u>Background</u> Members will recall that an Improvement Plan has been prepared for the Development Management (planning applications) part of the Planning Service. An updated copy of the

<p>3.2</p> <p>3.3</p> <p>3.4</p>	<p>Improvement Plan is provided at Appendix 1. The purpose of the Improvement Plan is to identify areas of the service that need enhancing to improve the customer experience.</p> <p>Two key actions in the Improvement Plan are to review internal processes in line with best practice and to finalise and publish service standards. The Council does not currently publish how it deals with planning applications and what customers can expect. This needs to be rectified and Customer Guidance is required to set out service standards and how the planning process operates.</p> <p>A series of engagement events were held with the development industry in Spring 2016. Alongside feedback from staff and good practice from the UK, this has informed the creation of 10 “Operating Principles”, which underpin a good planning service. These can be found at Appendix 2.</p> <p>The Operating Principles represent good practice in how a Development Management service should be provided. The Operating Principles will inform the development of Customer Guidance that clearly sets out to customers how the planning service operates, what the service standards are and what they can expect from the service.</p>
<p>3.5</p> <p>3.6</p>	<p><u>Key issues</u></p> <p>The Improvement Plan is aimed in part at improving application performance. Unofficial figures for 2016/17 show an average processing time of 62.1 weeks for Major applications (target of 30 weeks) and 15.4 weeks for Local applications (target of 15 weeks). Members should note that these performance returns include Legacy applications and permissions subject to a Section 76 planning agreement. These have the effect of increasing average processing times without the ability to agree an extension of the determination period, unlike in England and Wales. Moreover, it should be noted that recent performance has been strong. During 2016/17 Q4, the average processing time for Major applications was 29.8 weeks (within target). Excluding those applications that required a Section 76 planning agreement, the average processing time was 22 weeks.</p> <p>The statutory targets are set by the Department for Infrastructure (DFI). A new performance framework is expected from the Department which will create a more level playing field with UK local planning authorities and will further assist the achievement of targets. The Department is due to consult councils on the new performance framework and the consultation will be reported to the Committee in the coming months.</p>

3.7	<p>The Operating Principles will support the following outcomes:</p> <ul style="list-style-type: none"> • A customer focused and business approach to delivery of the service; • Timely and quality decisions by frontloading the application process; • Good communication with customers; • Reducing the amount of conflict between what the customer wants and the type of service that is provided; • Focused decision-making
3.8	<p>The Committee is asked to note the Operating Principles, as well as the suggested “Purpose” of the Development Management service, at Appendix 2. The Operating Principles will then underpin Customer Guidance on how the Planning Service operates and what customers can expect from the service.</p>
3.9	<p>It is essential that the Planning Service is appropriately structured, and has sufficient resource at the right level, if the Operating Principles are to be effectively implemented. This is under review. Further improvements need to be made including lean-management of detailed processes and introduction of fit for purpose replacement back-office computer software, including the ability for customers to submit planning applications online. Evolution of the Planning Service is a continuous process and further actions will be implemented as part of the on-going improvement programme. Members will receive further updates on the implementation of the Improvement Plan at key milestones.</p>
3.10	<p><u>Financial & Resource Implications</u></p> <p>Implementation of the Operating Principles will ensure that the Planning Service is efficient in its handling of planning applications, creating capacity to provide a better planning service.</p>
3.11	<p><u>Equality or Good Relations Implications</u></p> <p>None identified.</p>
4.0	Appendices – Documents Attached
4.1	<p>Appendix 1 – Development Management Improvement Plan</p> <p>Appendix 2 – Recommended Operating Principles</p>

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APPENDIX 1 – Development Management Service Improvement Plan 2016 - 18

Priority	2016/17 target	Action	Lead	By when	Progress
Processing planning applications	Improve performance in processing of planning applications to meet statutory targets	<ul style="list-style-type: none"> Review DM policies and processes in line with Best Practice Review performance and reporting framework Eliminate legacy backlog Review Delegation Scheme Review Committee Operating Protocol Develop Pre Application Charging framework Implement Planning Performance Agreements Implement Audit recommendations 	<ul style="list-style-type: none"> Ed Baker Ed Ed Ed Ed Ed Ed Ed 	<ul style="list-style-type: none"> 2017 Q2 2017 Q1 2017 Q1 2017 Q1 2017 Q2 2016 Q4 2016 Q3 2017 Q1 	<ul style="list-style-type: none"> Operating Principles to underpin an efficient DM processes drafted Internal validation and consultation checklists being prepared Model Planning Conditions drafted Reporting framework updated and evolving. DFI to consult on new performance framework for planning <30 legacy application transferred from DoE. Work continuing to eliminating Legacy applications Changes to Scheme of Delegation agreed by Planning Committee. Decision to be taken by SP&R in May 2017 Feedback from "critical friend" on operation of Committee to be reviewed. Legal services to draft amended Protocol Pre-Application Discussion service, including charging, relaunched in April 2017 PPA template drafted. Planning Service in discussion with applicants about entering into a PPA Ongoing
Enforcement	Process enforcement cases to meet statutory target	<ul style="list-style-type: none"> Implement Enforcement Charter Adopt a proactive approach to enforcement 	<ul style="list-style-type: none"> Ed Ed 	<ul style="list-style-type: none"> 2016 Q1 Ongoing 	<ul style="list-style-type: none"> Implemented Planning Committee agreed to a complete ban on To Let signs within proposal area. Submission to DFI on removal of deemed rights being drafted
Corporate Working	Support Council priorities and objectives	<ul style="list-style-type: none"> Implement revised arrangements for advertisement of planning applications Implement Section 76 framework Development of Section 76 monitoring strategy Review the use of NI Direct for call handling Set up improved monitoring and management of calls and other communications Establish joint reception for Planning and Place Ensure corporate team approach to important city-wide project 	<ul style="list-style-type: none"> Ed Ed Ed Jane/Helen Jane/Helen Jane/Helen Ed 	<ul style="list-style-type: none"> 2017 Q2 2017 Q4 2017 Q2 2017 Q2 2017 Q2 2016 Q3 Ongoing 	<ul style="list-style-type: none"> Tender process being reviewed Draft economic report from consultants received. Framework being drafted. Matter due to be discussed by Planning Committee in June 2017 Study visit to Cardiff taken place. Action Plan for monitoring planning agreements finalised and in the process of being implemented. Contract with NI Direct to end 30.6.17. Calls to be dealt with by Planning Service in-house from July 2017 Arrangements for in-house call-handling by Planning Service from July 2017 being set up Implemented. Further synergies under consideration Meeting held with City Centre team. City Centre team now consulted on PADs and Major applications
ICT Solutions	Provide effective IT system for Planning	<ul style="list-style-type: none"> Improve short term operation of 	<ul style="list-style-type: none"> Ed 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Ongoing liaison through Portal governance groups

APPENDIX 1 – Development Management Service Improvement Plan 2016 - 18

Priority	2016/17 target	Action	Lead	By when	Progress
		Planning Portal <ul style="list-style-type: none"> Secure effective Planning Portal replacement 	<ul style="list-style-type: none"> Ed 	<ul style="list-style-type: none"> 2019 Q1 or before 	<ul style="list-style-type: none"> DFI-led Discovery Projected delayed and to commence June 2017. Business case to be reported by September 2017 with options to replace Portal. Planning Service to participate in Discovery in addition to exploring options for replacing the Portal independently
Member Engagement	Provide effective support for members	<ul style="list-style-type: none"> Finalise member engagement protocol Implement ongoing capacity building programme 	<ul style="list-style-type: none"> Ed Ed 	<ul style="list-style-type: none"> 2017 Q2 Ongoing 	<ul style="list-style-type: none"> Draft Protocol being reviewed ahead of referral to Planning Committee and final decision by SP&R. Planning Committee agreed a capacity building programme for 2017/18. Workshop on the Planning application process already taken place
Staff Engagement	Improve engagement and communication with staff	<ul style="list-style-type: none"> Implement effective engagement framework 	<ul style="list-style-type: none"> Ed 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Key messages from management meetings implemented Quarterly team meetings implemented “Brainstorming” box available for new ideas and comments
Customer Engagement	Improve accessibility/understanding of the planning process to all users of the planning system	<ul style="list-style-type: none"> Consider options for further customer engagement Finalise and publish service standards Review website and ongoing use of other suitable media 	<ul style="list-style-type: none"> Ed Ed Ed 	<ul style="list-style-type: none"> Ongoing 2017 Q2 2017 Q3 	<ul style="list-style-type: none"> Workshop with agents and architects on the PAD process held. Further options being reviewed Draft Customer Guidance on the planning process to be prepared following adoption of Operating Principles for Development Management Ongoing. Lead Communicator for Planning & Place appointed to support the development of an improved planning website

Version: 1.1; 4.5.17

APPENDIX 2 – KEY OPERATING PRINCIPLES

Recommended Purpose of the Planning Service – “To help our customers get a timely and quality permission within the planning rules”

1. We make sure that we have the right information in support of an application at the start of the process

- We tell our customers what information we need with their application before they submit it. We do this by publishing an **Application Checklist** that sets out what information is required and when
- We check the information required to properly assess an application on receipt and ask for the information if it is missing
- If the information that we need and ask for is not provided we may refuse permission

2. We make sure we consult the right people

- We consult the right people at the beginning of the process and follow the correct consultation procedures
- We will use a **Consultation Checklist** to help us do this

3. We get on site as soon as possible

- We can only properly assess a proposal once we have been on site. We therefore get on site no later than 21 days after an application is valid
- We record on the back-office system when we visit the site so that we can measure our ability to get on site quickly

4. We make sure that we understand our customers' requirements

- We need to understand why our customers have submitted their proposal and the timescales required for their project. This will enable us to help our customers achieve their objectives, if this is possible, within the planning rules

5. We decide the “path” of an application as soon as possible (i.e. whether it will be approved, refused or changes are needed)

- This means that any problems with an application are dealt with at the outset, where it possible to do so, and that our customers know at an early stage about how we will deal with their application

6. We inform the applicant/agent as soon as we know that there is a problem with an application and try to find a solution

- Our customers need to know our views on their application; and opportunity should be given to address problems as soon as possible, where there is a solution

7. We provide a Pre-Application Discussion service so that issues can be identified at the beginning of the process, before the application is made

- This leads to better quality planning applications which should be determined in a more timely manner
- If applications do not accord with officer advice given pre-application, we may refuse permission because it otherwise undermines the PAD process and our ability to process applications quickly and efficiently

8. If there is a fundamental problem with an application which cannot be resolved following discussion with the applicant, we will refuse the application straightaway

- Unacceptable applications should be determined as quickly as possible in the interests of the efficiency of the overall service

9. We take into consideration advice from technical consultees but always ask: “Must we follow this advice in this particular situation?”

- While we are obliged to consult and take account of the advice from the relevant technical consultees, we will take a proportionate approach to the handling of each planning application
- If we do not receive a response from technical consultees in time, we may need to ask ourselves whether we can go ahead and make the decision without them

10. We keep the working moving at all times!

- Any blockages in the process cause delays. We make sure that the blockage is never at our end. We constantly manage our work to make sure that the “ball is always in the applicant’s court, not ours”. We keep the work constantly moving!