

3.9 DIRECTOR OF PLANNING AND PLACE

The Director of Planning and Place will be the principal advisor on all planning related matters for the Council.

The Director will develop, lead and manage the planning functions of the Council to ensure that the planning service fulfils its potential in shaping the future of the City and delivering the Council's aspirations for urban development and design.

The Director will develop the Local Development Plan, and associated local policy documents, so as to deliver the Council's strategic priorities in relation to place shaping, economic growth, regeneration and the inter-connection of spatial planning with community planning.

In conjunction with the Director of Organisational Development, the Director will develop and implement a capacity building programme for elected members and officers in relation to decision making and strategic planning.

The exercise of the following functions, in line with relevant Council policies, is delegated to the Director of Planning and Place:

3.91 The functions listed below in relation to the legislation set out in Appendix D and legislation made thereunder for which the Planning Committee has responsibility:

- (a) determining applications for small scale office development (up to 200sq metres);
- (b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;
- (c) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc;
- (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;

- (e) determining applications for developments of up to 4 dwellings;
- (f) determining applications for the display of advertisements;
- (g) determining applications for change of use excluding those relating to purpose built student accommodation, houses of multiple occupation, amusement arcades and hot food bars;
- (h) determining applications for works to buildings or structures in conservation areas and areas of townscape character;
- (i) determining applications for listed building consent, excluding demolition;
- (j) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;
- (k) enforcing all regulations, orders and bye-laws made under the said legislation;
- (l) in consultation with the Town Solicitor, instituting legal proceedings on behalf of the Council;
- (m) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (n) issuing and serving certificates of lawful development;
- (o) the variation and removal of conditions except when the variation and removal relates to, or constitutes, a major development;
- (p) exercising all powers in relation to the issue and renewal (but not 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;
- (r) registering notices and charges in the Statutory Charges Register;

- (s) exercising the Council's powers in relation to the preservation of trees;
- (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;
- (u) the temporary listing of buildings in urgent cases;
- (v) in consultation with the Town Solicitor, lodging objections in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme;
- (w) entering into planning agreements pursuant to Section 76 of the Planning Act (NI) 2011 up to the value of £30,000;
- (x) 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;
- (y) generally enforcing all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council.

3.92 The delegated functions set out above do not apply to the following planning applications:

- (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.

3.93 All other applications or permissions which are not specifically listed in paragraph 3.91 shall be deemed to be delegated unless otherwise provided for within this Scheme.

3.94 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.

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

Legislation to be inserted in Appendix D

- Planning (Northern Ireland) Act 2011
- The Planning Reform (Northern Ireland) Order 2006
- The Planning (Amendment) (Northern Ireland) Order 2003
- The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995
- Planning (Compensation, etc.) Act (Northern Ireland) 2001
- Planning (Northern Ireland) Order 1991
- The Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990
- The Planning (Amendment) (Northern Ireland) Order 1982
- The Land Compensation (Northern Ireland) Order 1982
- The Planning Blight (Compensation) (Northern Ireland) Order 1981
- The Enterprise Zones (Northern Ireland) Order 1981
- The Private Streets (Northern Ireland) Order 1980
- The Planning (Amendment) (Northern Ireland) Order 1978
- The Land Acquisition and Compensation (Northern Ireland) Order 1973
- The Planning (Northern Ireland) Order 1972
- Planning and Land Compensation Act (Northern Ireland) 1973
- The Land Development Values (Compensation) Act (Northern Ireland) 1965
- Lands Tribunal and Compensation Act (Northern Ireland) 1964
- Caravans Act (Northern Ireland) 1963