



# How we deal with a planning application

## Environment Directorate | Planning

**This information aims to help you understand what happens to an application following its submission to the Council.**

The process of dealing with a planning application can be separated into several stages which are largely governed by legislation and designed to allow the input of expert and interested parties into the decision eventually made.

The diagram in Appendix 1 gives an overview of the planning process.

### Who makes the decision?

Applications can be decided by the Planning Committee, or by delegated authority, depending on their nature and level of complexity. A short description of these is given below:

#### 1. Delegated decisions

Applications relating to householder and a wide range of developments are delegated to the Chief Planning Officer who may grant or refuse planning permission and related consents, where the proposal satisfies the policies contained within the Development Plan.

See Appendix 2 for the Scheme of Delegated Powers in Relation to Planning Applications.

2. Where an application would by definition be 'delegated' but where comments are made contrary to the recommendation of the Planning Officer a decision may be made at a meeting involving the chairman and vice chairman of the Planning Committee.

#### 3. Committee decisions

Applications which are not delegated to the Chief Planning Officer (as in 1 and 2 above) go to the Planning Committee for a decision. In such cases, a report is prepared by the Planning Officer detailing the application, identifying the issues raised, the responses of consultees, local residents and other interested parties and a recommendation whether to permit or refuse the application. The report is then considered by the Members of the Committee at one of its monthly meetings and the decision is taken by the Members.

#### Withdrawal of planning applications

An applicant or agent wishing to withdraw an application, before it is determined by either the Chief Planning Officer or the Planning Committee, must make the request in writing.

## How is a decision made?

The Councillors or Planning Officers who decide your application must consider whether there are any good planning reasons for refusing planning permission or for granting permission subject to conditions. The council cannot reject a proposal simply because many people oppose it. It will look at whether your proposal is consistent with the Development Plan for the area.

Other points that will be looked at include the following:

- » Number, size, layout, siting and external appearance of buildings.
- » Proposed means of access, landscaping and impact on the neighbourhood.
- » Availability of infrastructure, such as roads and water supply.
- » Proposed use of the development.
- » Potential traffic problems, the effect on amenity and the impact the proposal may have on the appearance of the surrounding area.

By contrast, moral issues, the personal circumstances of the applicant or the effect the development might have on nearby property prices are not relevant to planning. Only very rarely would planners be able to take account of an applicant's personal circumstances.

If your proposal is complex, there have been a substantial number of objections to it, or if there are serious problems which we have been unable to sort out, the decision on your application will usually be taken by the Planning Committee. If your application is straightforward and meets our policies, the final decision will probably be made by the Chief Planning Officer. Most applications (about 80%) are dealt with in this way.

## Consultation and publicity

There are several statutory consultations which the Council is required to undertake dependent on the category of application. Consultees include Engineering Services on highway and drainage issues, the Environment Agency, the relevant water board on drainage and sewage matters, Environmental Health if there may be noise or smells caused and the Forestry Unit if there are trees on the site.

All valid applications received each week are compiled in a weekly list and copies sent to Councillors, Community Council's, Civic Societies, Public Libraries and other individuals who have given prior notice of their interest (the current weekly list can be viewed from the Planning Applications Database). Notifications are sent out by post to neighbouring properties when an application is received. In addition certain types of application are advertised in the press and / or by means of a notice placed on, or adjacent to the site.

Staff visit the site, assess any consultee responses or public representations, and may discuss amendments with applicants or their agents before the application is determined.

## How long will it take?

We will deal with your application as quickly as possible. We endeavour to register and acknowledge valid applications within 3 working days. We try to deal with at least 70% of all applications from householders within 8 weeks. Larger and more complicated applications can take longer.

We will tell you as soon as possible if there are any problems with your application and whether you need to change your plans to overcome a problem or objection. We may need to tell your neighbours again if your proposal is changed.

If your proposal is one which needs to be considered by the Planning Committee you will be given notice of the date of the Committee meeting at which the proposal will be considered.

## Progress and delayed decisions

To find out how your application is progressing you can contact the Case Officer. You will find their contact details on the letter we send you to acknowledge registration of your application. Please tell us the reference number of your application when you call.

Alternatively you can track the progress of your application on the Planning Applications Database ([www.flintshire.gov.uk/planningapplicationsdatabase](http://www.flintshire.gov.uk/planningapplicationsdatabase)).

We suggest that you contact us to find out the progress of your planning application if you have not heard from us after eight weeks (from the date we registered your application). If we have not made a decision about your planning application by that time, the law entitles you to appeal to the National Assembly for Wales (Planning Inspectorate). However if you choose this course of action we will not be able to continue to consider your application.

## When will I be notified of the decision?

A few days after the Chief Planning Officer or a Planning Committee has decided your application, we will send you or your agent the official planning decision notice. Read the decision carefully and in particular any conditions imposed on it. It is very important that you fully meet any stipulated requirements.

A copy of the decision notice will be available for public inspection at the Environment and Regeneration Reception in County Hall within three working days of the issue of a formal decision letter. The decision will also be included in our published weekly list of decisions which you can view on the Planning Applications Database ([www.flintshire.gov.uk/planningapplicationsdatabase](http://www.flintshire.gov.uk/planningapplicationsdatabase)).

If the applicant has an agent the applicant will receive nothing directly from us. All correspondence, including decision notices, will be sent directly to the agent who should keep the applicant updated on the application.

## What types of decision can be made?

The decision notice you receive will give you more specific information about the decision made on your planning application.

Below is a list of the types of planning application decisions that can be made.

### **Approved (subject to conditions)**

Most approvals of planning permission are subject to conditions i.e. things which must be done (or not done) when carrying out the development. The information accompanying the decision notice will

explain the conditions. There is no appeal against an approval by persons who may have objected, though the applicant can appeal against any of the conditions imposed.

### **Approved (subject to Sec. 106)**

This is where, in addition to conditions, an approval will only be given if the applicant signs a legally binding agreement with the Council committing themselves to do certain things. For example a Section 106 can be used to make sure that a developer will provide road improvements or open space. The approval will not be issued until this agreement has been signed by the applicant.

### **Approved (subject to Sec. State)**

If an approval is recommended, but the development is not in accordance with the current development plan or is for a large scale retail development, then the application may need to be referred to the (Secretary of State) for the approval to be confirmed (or otherwise).

### **Refused**

Planning permission has been refused. The reasons given for this refusal are detailed on the decision notice. The applicant however has the right to appeal against refusal to the National Assembly for Wales (Planning Inspectorate). If you made a representation to us on the application you will automatically be informed if an appeal is made. The applicant could also put in another planning application making changes to overcome the reasons for refusal. If a new application is made it will be advertised in the same way as the original application.

### **Withdrawn**

The applicant has asked for the application to be withdrawn. The Planning Department will stop all work on processing the application, therefore no decision will be made.

## **What happens after the decision?**

It is very important that you read the decision notice thoroughly as soon as possible after receiving it and clarify any points you are unsure about with our Planning Officers.

If the decision is an approval, it will clearly set out any conditions, which you have to meet. Some planning conditions must be complied with before you start work, other conditions may have significant long-term implications. If you have started work before receiving permission or you have disregarded planning conditions, this could mean that any decision made could not be acted on and the Council will consider taking enforcement action.

If the Council refuses permission or imposes conditions, the reasons for this will be stated on the decision notice. If you are unhappy or unclear about the reasons for refusal or the conditions imposed please contact the Case Officer dealing with your application (their name and telephone number is given on the acknowledgement letter you received when the application was submitted). You can get advice from us about whether changing your plans would make a difference. If your application has been refused, you may be able to submit another application with modified plans free of charge within 12 months of the decision on your first application. Alternatively if you think the Council's decision is unreasonable, you may wish to consider an appeal.

## Making changes

Development must be carried out exactly as the plans, even minor changes may mean that a further planning application is required.

It may be possible for you to make minor changes as you proceed but you should check the position with the Council first. Any significant variation would require a further planning application.

## Who can use the permission?

Planning permission runs with the land. This means that land or buildings can usually be sold or let with the benefit of planning permission. Occasionally, however, planning conditions may limit the use or occupation of land or premises to a named person or company. If you wish to sell or let a building or land which is subject to a conditional permission you will need to apply to the Council to remove or vary the condition.

## Starting work

Generally, unless your permission says otherwise, you can begin the development at any time within five years of the granting of planning permission, providing any conditions imposed have been fully dealt with before the development can begin. If you have not started work by then, you will probably need to reapply.

If outline permission has been granted, you will need to submit a further application for approval of 'reserved matters' before starting work. This must be done within 3 years of the grant of outline permission.

It is your responsibility to ensure that any other necessary approvals such as listed building or conservation area consent are obtained before you start work. You may also need approval under Building Regulations.

## Enforcement

If the development is found not to be in accordance with the approved plans or planning conditions the Council will formally request compliance within a time period in writing. Failure to comply with this request may result in enforcement action being taken.

## How to contact us

Visit our website: [www.flintshire.gov.uk/planning](http://www.flintshire.gov.uk/planning)

Write: Chief Planning Services Officer, Environment Directorate, County Hall, Mold, Flintshire, CH7 6NF

General contact / Reception

Tel: 01352 703331 Fax: 01352 756444

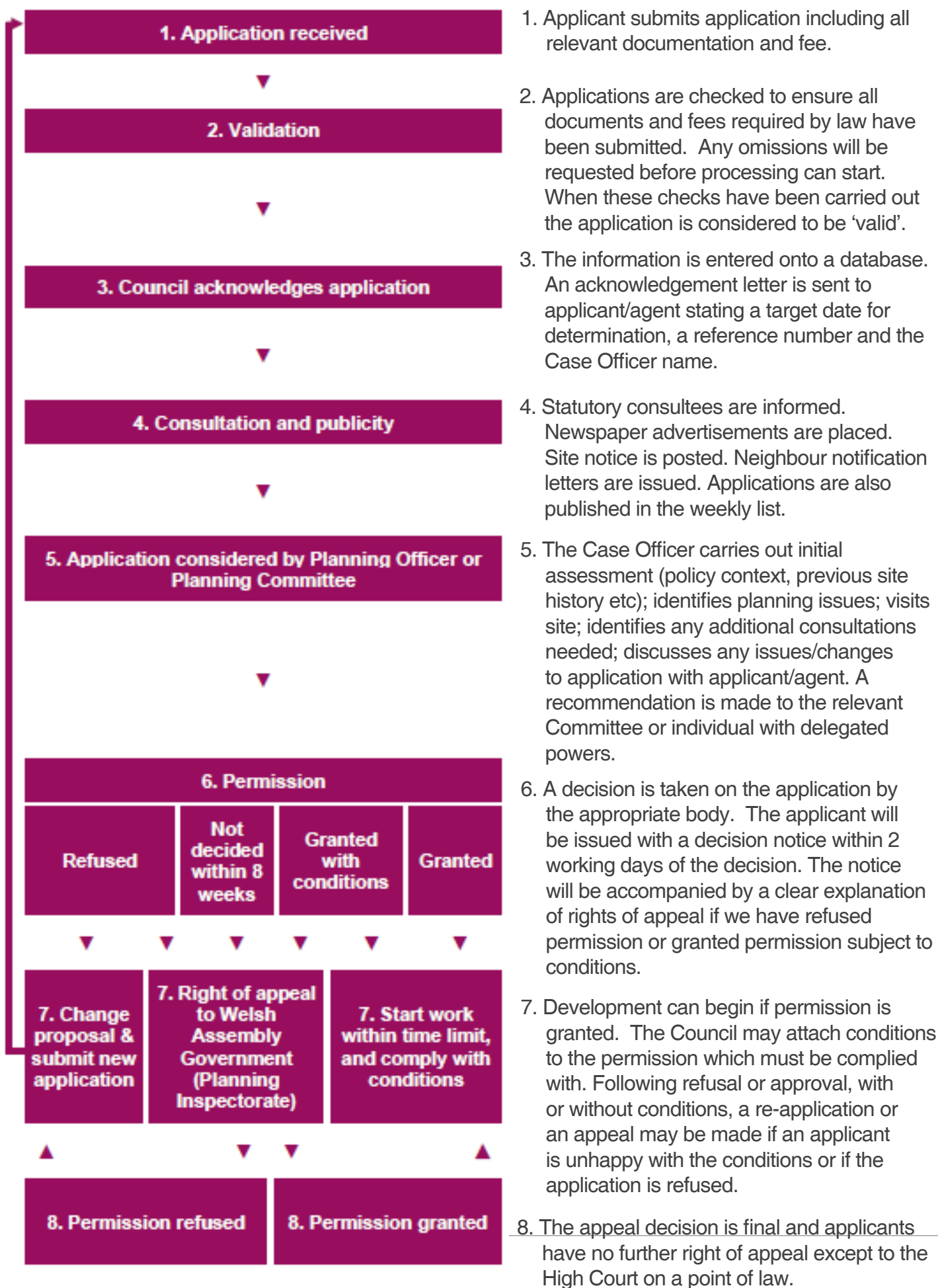
Visit us at: Entrance 3, County Hall, Mold, Flintshire, CH7 6NF

Development proposals - Tel: 01352 703234 Email: [planningdc@flintshire.gov.uk](mailto:planningdc@flintshire.gov.uk)

Enforcement - Tel: 01352 703258 Email: [planningenforcement@flintshire.gov.uk](mailto:planningenforcement@flintshire.gov.uk)

Minerals & Waste - Tel: 01352 703293 Email: [mineralsandwaste@flintshire.gov.uk](mailto:mineralsandwaste@flintshire.gov.uk)

## Appendix 1 – Overview of the planning application process



## Appendix 2 - Delegated Scheme to Head of Planning Services

(EXTRACT FROM CONSTITUTION, MAY 2011)

SUBJECT TO THE FOLLOWING RESTRICTIONS :

- (a) Where objections are received from consultees or members of the public the issuing of permission shall follow consultation with the Chairman and Vice-Chairman of the Planning & Development Control Committee and be subject to either of them requesting that the application being referred to Planning & Development Control Committee for determination. In the absence of the Chairman or Vice-Chairman another Member of the Planning and Development Control Committee who has received the appropriate planning training may deputise for either the Chairman or Vice-Chairman in their absence.
  - (b) Where a Member requests in writing during the consultation period that any application in his or her ward should be determined by the Planning & Development Control Committee.
  - (c) Where an adjoining Ward Members whose Ward is likely to be significantly affected by the development in question requests in writing during the consultation period that the application be determined by the Planning & Development Control Committee.
  - (d) Where the application constitutes a departure from the Development Plan.
1. The Chief Planning Services Officer shall have power to act and determine applications in accordance with the Council's Planning Policies in the following categories:
- a) alterations and/or extensions to residential property, the construction of and alterations and/or extensions to domestic garages and structures;
  - b) alterations and/or extensions to non-residential buildings or structures where the additional net floor space or ground area does not exceed 2000 sq.m. or 50% of the existing whichever is the greater, where the resultant building or structure would not exceed 15 metres in height above ground level and alterations to and the provision of new entrances and means of escape;
  - c) new non-residential developments which do not create more than 2000 sq.m. net floor space or exceed 15 metres in height above ground level and/or where the site does not exceed 2 ha.;
- (Note:** the limits in (a) and (b) above be increased to 5000 sq.m. and 5 ha. respectively on established industrial estates/business parks) or land allocated for such purposes in the UDP.
- (d) construction and/or alteration of vehicular and pedestrian accesses to highways;
  - (e) erection of satellite dishes, radio antennae and other telecommunications equipment;
  - (f) development on allotments;
  - (g) provision of means of enclosure;
  - (h) alterations to and/or provision of new shop and office fronts and the provision of roller shutters and canopies;
  - (i) changes of use to buildings and land where the floor area does not exceed 2000 sq.m. or the site area does not exceed 2 ha.
  - (j) residential development which does not exceed 0.5 ha, substitution of house types and

- variation of housing layouts;
  - (k) development by the County Council, statutory undertakers (including privatised utilities) and Government departments and agencies falling within any other category (a) to (u) hereof;
  - (l) construction above and below ground of storage tanks with a volume no greater than 10,000 litres, pipes, sewers, drains and power lines of no more than 1 Km. in length and associated pumping stations and sub-stations;
  - (m) tipping of inert, non-toxic waste on sites not exceeding 1 ha. in area;
  - (n) demolition of buildings;
  - (o) conservation area consent;
  - (p) listed building consent;
  - (q) amendments to schemes with planning permission;
  - (r) renewal of temporary permission;
  - (s) reserved matters and any application or request for approval, agreement or consent pursuant to a condition imposed on a planning permission or approval and the subsequent discharge of the condition;
  - (t) renewal of time limited permissions which have not lapsed and where circumstances have not materially altered;
  - (u) variation or removal of planning conditions.
2. The Head of Planning shall also have delegated powers to act in relation to those matters set out in Schedule One hereto.
  3. To determine the need for Environmental Assessments and the issue of screening and scoping opinions in respect of development proposals.
  4. To enter into Agreements and receive Unilateral Undertakings on behalf of the Council under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum by developers in lieu of on site play/open space provision, where the residential development concerned provides a maximum of 10 no. dwelling units.
  5. Executive Functions
    1. To respond to the Forestry Commission in relation to Notices regarding Felling Licence Applications under Section 15 of the Forestry Act 1967.
    2. To prepare development briefs.
    3. To take any urgent decision arising from the work of the Planning Division following consultation with the Chairman and Vice-Chairman.
    4. To determine grant applications under the Flintshire Historic Building Repair Grant Scheme in consultation with the appropriate Executive Member.
    5. To determine Landscape and Conservation Grant applications in consultation with the appropriate Executive Member.
    6. To determine Holywell THI Grant applications in consultation with the appropriate Executive Member.



## Delegated powers to Head of Planning - Schedule 1

Legislation	Description	Section	Power
Town and Country Planning Act 1990 (as amended).	Tree Preservation Orders and Trees in Conservation Areas.	198, 201, 300	Making, service and confirmation of provisional TPO's where no objection is received.
	Notices requiring replacement of trees.	207, 209	Revocation of TPO's Making and service and recovery of costs in Default
	Determination of requests for consent to fell, top or lop trees covered by TPO's and/or in Conservation Areas.	198	Granting or refusal
	Dispensations with regard to replanting	206, 213	Granting or refusal
	Notices requiring proper maintenance of land.	215, 219	Making, service and withdrawal and recovery of costs in default.
	Breach of Condition Notices	187A	Making, service and withdrawal.
	Planning Contravention Notices	171C	Making, service, and determination of Response to any offers and representations made at time and place meetings.
	Stop Notices	183	Making, service and withdrawal of Notice
	Enforcement and Special Enforcement Notices	172, 173A, 294	Making, service, variation and withdrawal.

	Information as to interest in land.	330	Making and service of notices.
	Repetitive Applications.	70A	To decline to determine such applications.
	Applications for Certificates of Lawfulness of existing or proposed use or development.	191, 192	Consideration and determination.
	Applications for Express Consent to Display Advertisements.	220	Consideration and determination.
	Advertisements, Placards or Posters Displayed in Contravention or Advertisement Regulations.	224,225	Removal and/or obliteration and making and service of discontinuance orders.
	Applications for Prior Approval under the Delyn Simplified Planning Zone Scheme.	84	Consideration and determination.
	Directions to restrict the exercise of permitted development rights in Conservation Areas.	60	Making and service.

	Applications for Prior Approval under Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.	60	Consideration and determination.
Planning (Listed Buildings and Conservation Areas) Act 1990.	Building Preservation Notices.	3	Making and service.
	Listed Building Enforcement Notices.	38	Making, service, variation and withdrawal.
	Listed Building Repairs Notice.	48	Making and service.
	Dangerous Structures Orders.	56	Making and service.
	Urgent works to preserve unoccupied Listed Buildings.	54, 55	Making and service of notices and recovery of expenses.
	Contribution to preservation of listed and unlisted buildings of architectural or historic interest.	57	Processing and award of grants in accordance with the Council's agreed procedures and policies.
Planning (Hazardous Substances) Act 1990.	Hazardous Substances Contravention Notices.	24, 24A	Making, service, variation and withdrawal.

Land Compensation Act 1961 (as amended).	Applications for Certificates of Appropriate Alternative Development.	17	Consideration and determination.
Environment Act 1995.	Second list of sites or changes to first list of sites.	96	Obtain relevant information for, or take any other action to publicise.
	Mineral Planning – Phase I and II.		Granting of extensions of time for submissions of applications for appeals or conditions under the Environmental Act 1995 (26th November, 1996).
	Mineral Planning – Phase I and II.	Schedule 13(9)	Authority to opine that the Council is unable to determine applications without further specific details.
	The Hedgerow Regulations 1997 (S.I. 1160).		Authority to respond to Hedgerow Renewal Notes and to agree extensions of response for building and conduct appeals (24th June 1997).